

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

PLATINUM-BEECHWOOD LITIGATION

Civil Action No. 18-cv-6658 (JSR)

MARTIN TROTT and CHRISTOPHER SMITH, as
Joint Official Liquidators and Foreign Representatives
of PLATINUM PARTNERS VALUE ARBITRAGE
FUND L.P. (in Official Liquidation) and PLATINUM
PARTNERS VALUE ARBITRAGE FUND L.P. (in
Official Liquidation),

Plaintiffs,

- against -

PLATINUM MANAGEMENT (NY) LLC, *et al.*,

Defendants.

Civil Action No. 18-cv-10936 (JSR)

STIPULATION AND ORDER OF VOLUNTARY DISMISSAL

IT IS HEREBY STIPULATED AND AGREED pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) by and between the undersigned counsel for Plaintiffs Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation), and Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (together “**Plaintiffs**”), and for defendants: (i) Private Bankers Life Annuity LTC 2, as successor in interest to BBIL ULICO 2014 Trust; (ii) Washington National LTC 2, as successor in interest to BRE WNIC 2013 LTC Primary and Bre WNIC 2013 LTC Sub; and (iii) Bankers Conseco Life Ins. Co. – LTC 2, as successor in interest to BRE BCLIC Primary and Bre BCLIC Sub (collectively, the “**Accounts**”) that the above-captioned action (the “**Action**”)

be and hereby is dismissed without prejudice only as to the Accounts, with each party to bear his or its own costs and fees associated with the Action;

IT IS HEREBY FURTHER STIPULATED AND AGREED that this Stipulation and Order of Dismissal in no way constitutes a dismissal or waiver of claims Plaintiffs may have pending now or in the future against the Accounts, including but not limited to claims asserted by the Plaintiffs in the case of *Principal Growth Strategies, LLC v. AGH Parent LLC*, C.A. No. 2019-0431 JTL currently pending in the Court of Chancery of the State of Delaware, and the Plaintiffs and the Accounts stipulate and agree that the purpose of this dismissal is limited to dismissal of the Accounts as parties to the above-captioned case; and

IT IS HEREBY FURTHER STIPULATED AND AGREED that this Stipulation and Order of Dismissal may be executed in counterparts, which, when taken together, shall constitute the entire Stipulation and Order of Dismissal, and that signatures by facsimile and electronic mail should be considered by the Court the same as original signatures.

Dated: April 4, 2022

HOLLAND & KNIGHT LLP



By: _____

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*Platinum Partners Value Arbitrage Fund L.P. (in
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Attorneys for the Accounts

SO ORDERED:

Hon. Jed S. Rakoff, U.S.D.J.