

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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),

Case No. 18-cv-10936 (JSR)

Plaintiffs,

-against-

PLATINUM MANAGEMENT (NY) LLC et al.,

Defendants.

NOTICE OF MOTION TO DISMISS
BY DEFENDANT GREGG DONNENFELD

PLEASE TAKE NOTICE that, upon the Declaration of Gregg Donnenfeld, dated January 9, 2019, and the exhibits annexed thereto, the accompanying memorandum of law, and all prior papers and proceedings heretofore had in this action, defendant Gregg Donnenfeld (“Donnenfeld”), by and through his undersigned counsel, hereby moves this Court, before the Honorable Jed S. Rakoff, United States District Judge for the Southern District of New York, at Courtroom 14B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing, as against Donnenfeld, the Complaint of plaintiffs Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. – specifically, the First and Second Counts (breach of fiduciary duty), the Third Count (fraud) and the Thirteenth Count (violation of civil RICO) – for failure to state a claim for relief.

In accordance with the Court's Docket Entry Order dated December 19, 2018, Plaintiffs' opposition to the motion shall be filed by January 23, 2019, Donnenfeld's reply papers shall be filed by January 30, 2019, and argument on the motion will be heard on February 8, 2019 at 11:00 a.m.

Dated: New York, New York
January 9, 2019

KATSKY KORINS LLP

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