## 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), *et ano.*,

Plaintiffs.

- against -

PLATINUM MANAGEMENT (NY) LLC, et al.,

Defendants.

18 Civ. 10936 (JSR)

**Oral Argument Requested** 

## NOTICE OF DEFENDANT DAVID STEINBERG'S MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that, in accordance with Federal Rule of Civil Procedure 12(b)(6), Defendant David Steinberg hereby respectfully moves this Court, before the Honorable Jed S. Rakoff, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, seeking an Order dismissing the Complaint of Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrate Fund, L.P. (in Official Liquidation) ("JOLs") and Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) ("PPVA" and, collectively with the JOLs, the "Plaintiffs") in its entirety as to Defendant David Steinberg.

PLEASE TAKE FURTHER NOTICE that, Plaintiffs' response, if any, is due January 23, 2019; and Defendant's reply, if any, is due January 30, 2019; and this Court has set oral argument for February 8, 2019, at 11:00 a.m.

PLEASE TAKE FURTHER NOTICE that, in support of his motion, Defendant David Steinberg will rely upon his accompanying Memorandum of Law, dated January 9, 2019, and upon the Memorandum of Law filed by defendant David Bodner, dated January 9, 2019.

Dated: January 9, 2019 New York, NY

Respectfully submitted,

LANKLER SIFFERT & WOHL LLP

By: /s/ David E. Hodges

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