

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)

Plaintiffs,

v.

PLATINUM MANAGEMENT (NY) LLC, et
al.,

Defendants.

Docket No. 18-CV-10936 (JSR)

Notice of Motion

PLEASE TAKE NOTICE that upon the accompanying memorandum of law and the Declaration of Eric M. Creizman, dated January 9, 2019, with exhibits, Defendant David Ottensoser, by his attorneys, will move this Court, before the Honorable Jed S. Rakoff, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, Courtroom 14B, on February 8, 2019, at 11:00 a.m., for an order dismissing the Complaint in its entirety as against Ottensoser—specifically the First, Second, Third, Fourth, Fifth, and Thirteenth Counts—on the grounds that Plaintiffs have failed to plead sufficient facts necessary to state a claim against him. Ottensoser also adopts the legal analysis set forth in Defendant David Bodner’s memorandum of law in support of his motion to dismiss with respect to those same counts, to the extent that analysis applies to Ottensoser.

The deadline for Plaintiffs to serve and file their answering papers is January 23, 2019, and the deadline for Defendants, including Ottensoser, to file reply papers is January 30, 2019.

Respectfully submitted,

/s/ Eric M. Creizman

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