

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X
	:
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	: No. 18 Civ. 10936 (JSR)
PARTNERS VALUE ARBITRAGE FUND L.P. (in	:
OFFICIAL LIQUIDATION),	: <u>NOTICE OF MOTION AND</u>
	: <u>MOTION TO DISMISS</u>
Plaintiffs,	: <u>COMPLAINT AS TO TWOSONS</u>
	: <u>CORPORATION</u>
v.	:
	: ORAL ARGUMENT REQUESTED
PLATINUM MANAGEMENT (NY) LLC, <i>et al.</i> ,	:
	:
Defendants.	:
	:
	:
	:
-----	X

PLEASE TAKE NOTICE that, on February 8, 2019, at 11:00 a.m., Defendant, Twosons Corporation (“Twosons”), will respectfully move (the “Motion”) this Court for entry of an order (the “Order”) pursuant to Federal Rule of Civil Procedure 12 dismissing each of the causes of action alleged against Twosons in the Complaint docketed November 21, 2018 (ECF No. 1.) Twoson’s Motion is supported by this Notice of Motion, the accompanying Memorandum of Law (the “Twosons Memo”), all exhibits thereto, and all pleadings and evidence otherwise properly before this Court, including the motions filed substantially contemporaneously herewith of the other defendants on the same or similar grounds. Twosons respectfully reserves all rights to further move to dismiss all causes of action against it on any grounds not presently known.¹

¹In accordance with the Court’s direction at the December 19, 2018 conference, Twosons is filing this Motion primarily on group pleading grounds. In the event all causes of action against Twosons are not fully dismissed, Twosons reserves its rights to file a subsequent motion to dismiss on all other available grounds including, by way of example and not limitation, lack of personal jurisdiction, improper venue, insufficient process, insufficient service of process, and failure to state a claim upon which relief can be granted. Additionally, by filing this Motion, Twosons is respectfully not consenting to the personal jurisdiction of this Court.

Respectfully Submitted:

Dated: January 9, 2019

/s/ Marc Hirschfield

Marc Hirschfield

Marc Skapof

Barry L. Cohen

Royer Cooper Cohen Braunfeld LLC

1120 Avenue of the Americas, 4th Floor

New York, NY 10036

Telephone: (212) 389-5947

Facsimile: (484) 362-2630

Email: mhirschfield@rccblaw.com

mskapof@rccblaw.com

bcohen@rccblaw.com

Attorneys for Defendant, Twosons Corporation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
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), :

No. 18 Civ. 10936 (JSR)

[PROPOSED] ORDER

Plaintiffs,

v.

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

Defendants.
----- X

Upon consideration of Defendant, Twosons Corporation’s (“Twosons”) Motion to Dismiss (ECF No. ___), Memorandum in Support thereof, all exhibits thereto, and all pleadings and evidence otherwise properly before the Court, it is hereby **ORDERED** that Twosons’ Motion is **GRANTED**, and that Plaintiffs’ claims and causes of action against Twosons in the Complaint are hereby **DISMISSED** in their entirety, with prejudice, including but not limited to Counts Six, Seven, and Twelve of the Complaint.

SO ORDERED.

Dated: This ___ day of _____, 2019.

Jed S. Rakoff
United States District Judge