

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:
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),	:
	:
Plaintiffs,	:
	:
v.	:
	:
PLATINUM MANAGEMENT (NY) LLC, <i>et al.</i> ,	:
	:
Defendants.	:
	:
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**MEMORANDUM OF LAW OF DEFENDANTS ROCKWELL FULTON CAPITAL L.P. AND DITMAS PARK CAPITAL L.P. IN SUPPORT OF THEIR MOTION TO DISMISS THE COMPLAINT FOR FAILURE TO STATE A CLAIM**

Defendants Rockwell Fulton Capital L.P. and Ditmas Park Capital L.P. (“Defendants”) joins the Motion of Defendant David Bodner and the Motion of Morris Fuchs, Estate of Jules Nordlicht, Barbara Nordlicht, FCBA Trust, Aaron Parnes, Sarah Parnes, Shmuel Fuchs Foundation, and Solomon Werdiger (“Fuchs Defendants”) to dismiss the Complaint pursuant to Fed. R. Civ. P. Rules 9(b) and 12(b)(6) as for claims asserted against them for failure to state a claim upon which relief may be granted and with sufficient particularity.

For the reasons set forth above, in Sections I and III of the Memorandum of Law filed by Defendant David Bodner, and in Sections 1.A, 1.B and 1.C of the Memorandum of Law filed by the Fuchs Defendants, the Complaint fails to state a claim against the Defendants for which relief can be granted and must be dismissed as to the Defendants.

Dated: January 9, 2019  
Brooklyn, NY

/s/ Tovia Jakubowitz  
Tovia Jakubowitz, Esq. (TJ1016)  
*Attorney for Defendants Ditmas Park  
Capital, L.P. and Rockwell Fulton Capital,  
L.P.*  
3019 Avenue J  
Brooklyn, New York 11210  
Phone: (347) 230-6622  
Fax: (718) 764-4294  
tovia@jclawllp.com