

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD
LITIGATION

Master Docket No. 1:18-cv-06658-JSR

MELANIE L. CYGANOWSKI, AS
EQUITY RECEIVER FOR PLATINUM
PARTNERS CREDIT OPPORTUNITIES
MASTER FUND, et al.,

Plaintiff,

v.

Case No. 1:18-cv-12018-JSR

BEECHWOOD RE LTD., et al.,

Defendants.

**NOTICE OF PARTIAL MOTION TO DISMISS THE PPCO RECEIVER'S FIRST
AMENDED COMPLAINT BY DEFENDANTS SENIOR HEALTH INSURANCE
COMPANY OF PENNSYLVANIA AND FUZION ANALYTICS, INC.**

PLEASE TAKE NOTICE that upon accompanying the Memorandum of Law, Defendants Senior Health Insurance Company of Pennsylvania (“SHIP”) and Fuzion Analytics, Inc. (“Fuzion”), by and through their undersigned counsel, will move this Court, before the Honorable Jed S. Rakoff, for an Order dismissing counts one through four, six, seven, and eighteen of the First Amended Complaint filed in the above-captioned action on March 29, 2019 [ECF No. 83], pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction or, in the alternative, pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

Pursuant to this Court’s April 17, 2019 Order [ECF No. 116], Plaintiff’s opposition to the motion, if any, is due by June 12, 2019; SHIP and Fuzion’s reply in further support of the

motion, if any, is due by June 26, 2019; and oral argument on the motion shall be heard on July 1, 2019 at 10:00 a.m. in Courtroom 14B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007-1312.

Dated: New York, New York
May 14, 2019

DLA PIPER LLP (US)

By: /s/ Aidan M. McCormack
Aidan M. McCormack (AMM 3017)
R. Brian Seibert (RS 1978)

DLA Piper LLP (US)
1251 Avenue of the Americas
New York, New York 10020
(212) 335-4500

James D. Mathias (admitted *pro hac vice*)
Kathleen Birrane (admitted *pro hac vice*)
Ellen E. Dew (admitted *pro hac vice*)
DLA Piper LLP (US)
The Marbury Building
6225 Smith Avenue
Baltimore, Maryland 21209-3600
(410) 580-3000

*Attorneys for Defendants
Senior Health Insurance Company of Pennsylvania
and Fuzion Analytics, Inc.*