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May 30, 2017

VIA CM/ECF

The Honorable Dora L. Irizarry
Chief Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Securities and Exchange Commission v. Platinum Management (NY) LLC, et al.*,
No. 1:16-cv-06848-DLI-VMS**

Dear Chief Judge Irizarry,

We represent defendant David Levy in connection with the above-referenced matter. On May 19, 2017 the Securities and Exchange Commission (“SEC”) and the Receiver, Bart Schwartz, submitted a joint letter that, among other things, requested that this Court set a conference to resolve disagreements between the SEC and Receiver regarding the making of new capital investments into existing investment positions. Dkt. No. 142. Mr. Levy has no objection to such a conference. However, Mr. Levy is not currently able to take a position on the disagreements between the Receiver and the SEC without additional information.

The joint letter refers to “five to six investment positions involving mineral and oil operations and a stage 2 bio-pharma investment” that the Receiver is evaluating to determine whether to commit additional capital to support those assets. *Id.* at 3-4. Mr. Levy requests that the Receiver identify the investment positions referenced in the joint letter. Absent that information, Mr. Levy cannot form an opinion on the potential capital investment to support the above-referenced investment positions. Mr. Levy, through his attorneys, requested the identification of the investments at issue from the Receiver, but the Receiver declined to provide the requested information.

The joint letter also represents that the Receiver intends to submit an operating budget and a capital budget to the Court on June 15, 2017. *Id.* at 6. Mr. Levy requests the budget include an acknowledgement that Platinum is obligated to indemnify Mr. Levy as well as to advance fees and costs on his behalf, and that any plan submitted to the Court for approval contain a provision for the payment of such fees and costs.

Thank you for your consideration.



The Honorable Sterling Johnson, Jr.
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Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

s/ Michael S. Sommer
Michael S. Sommer
Morris J. Fodeman

Cc: All Counsel of Record (via CM/ECF)