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May 30, 2017

VIA 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:** *United States 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 Daniel Small in the above-referenced matter. We write to inform the Court that we have no objection to the Plaintiff Securities and Exchange Commission's ("SEC") and the Receiver, Bart Schwartz's, May 19, 2017 letter requesting a status conference in this matter to address certain disagreements between the SEC and the Receiver (the "Letter") (Dkt. No. 142). However, Mr. Small is unable to take a position on the disagreements referenced in the Letter in the absence of additional information from the Receiver regarding certain investments referenced vaguely in the Letter.

The Letter explains, in broad terms, that there are disagreements between the SEC and the Receiver regarding how the Receivership should progress. Specifically, as Mr. Levy notes (Dkt. No. 147), the Letter identifies a particular disagreement between the SEC and the Receiver with respect to whether the Receivership should commit capital to support "five to six investment positions involving mineral and oil operations and a stage 2 bio-pharma investment, each of which has unique facts that are outside the scope of this letter." (Dkt. No. 142 at 3). In order to take a position on any potential investment of capital, Mr. Small needs additional information about the investments, as well as more information about the potential value of investing additional capital in the relevant entities.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Seth L. Levine
Seth L. Levine
David J. Lizmi

cc: All Counsel of Record (via ECF)