

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD LITIGATION

Civil Action No.
1:18-cv-00658

MELANIE L. CYGANOWSKI, AS RECEIVER,
BY AND FOR PLATINUM PARTNERS CREDIT
OPPORTUNITIES MASTER FUND LP,
PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND (TE) LLC, PLATINUM
PARTNERS CREDIT OPPORTUNITIES FUND
LLC, PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND INTERNATIONAL
LTD., PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND INTERNATIONAL (A)
LTD., and PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND (BL) LLC,

Civil Action No.
1:18-cv-12018

Plaintiffs,

v.

BEECHWOOD RE LTD., *et al.*,

Defendants.

**NOTICE OF PB INVESTMENT HOLDINGS, LTD.'S
MOTION TO DIMISS THE FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that Defendant PB Investment Holdings, Ltd., as successor-in-interest to Beechwood Bermuda Investment Holdings, Ltd. ("PBIHL"), respectfully moves the Court before the Hon. Jed S. Rakoff, United States District Judge, Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order under Fed. R. Civ. P. 8, 9(b), 12(b)(2) and 12(b)(6) dismissing the First Amended Complaint [ECF 83] in the action captioned *Cyganowski v. Beechwood Re Ltd., et al.*, 18-cv-12018, in its entirety as to PBIHL.

PLEASE TAKE FURTHER NOTICE that PBIHL relies on the accompanying Memorandum of Law and Declaration of Henry Komansky.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's April 18, 2019 Order, plaintiffs' response, if any, is due on June 12, 2019, and PBIHL's reply, if any, is due on June 26, 2019.

Dated: May 15, 2019

LAW OFFICES OF CHARLES A. GRUEN

By: 

CHARLES A. GRUEN

Attorneys for Defendants
7703 Fifth Ave, Suite 300
Brooklyn, New York 11209
and
381 Broadway, Suite 300
Westwood, New Jersey 07675
(201) 342-121

Aaron Z. Tobin
Condon Tobin Sladek Thornton, PLLC
8080 Park Lane, Suite 700
Dallas, Texas 75231
(214)265-3851 Telephone
(214)691-6311 Fax
(Pro Hac Vice to be filed)

CERTIFICATE OF SERVICE

It is hereby certified that on this 15th day of May 2019, a copy of the foregoing was served through the Court's electronic filing system as to all parties who have entered an appearance in this proceeding.


CHARLES A. GRUEN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD LITIGATION

Civil Action No.
1:18-cv-00658

MELANIE L. CYGANOWSKI, AS RECEIVER,
BY AND FOR PLATINUM PARTNERS CREDIT
OPPORTUNITIES MASTER FUND LP,
PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND (TE) LLC, PLATINUM
PARTNERS CREDIT OPPORTUNITIES FUND
LLC, PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND INTERNATIONAL
LTD., PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND INTERNATIONAL (A)
LTD., and PLATINUM PARTNERS CREDIT
OPPORTUNITIES FUND (BL) LLC,

Civil Action No.
1:18-cv-12018

Plaintiffs,

v.

BEECHWOOD RE LTD., *et al.*,

Defendants.

**DECLARATION OF HENRY KOMANSKY IN SUPPORT OF
PB INVESTMENT HOLDINGS LTD.'S MOTION TO DISMISS**

I, Henry Komansky, declare as follows in accordance with 28 U.S.C. § 1746:

1. My name is Henry Komansky. I am Legal Counsel for PB Investment Holdings, Ltd. ("PBIHL") and I have been licensed as a Barrister & Attorney in Bermuda since 2006. PBIHL is the successor in interest to Beechwood Bermuda Investment Holdings, Ltd. I submit this declaration, of my own personal knowledge and review of the books and records of PBIHL, in support of PBIHL's motion to dismiss the Receiver's First Amended Complaint for lack of personal jurisdiction.

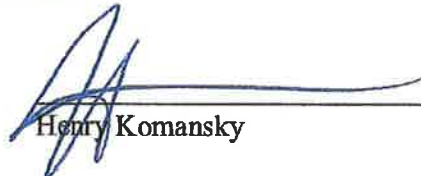
2. PBIHL was formed in June 2017. PBIHL is, and has always been, a limited company organized under Bermuda law, with its principal place of business in Bermuda. PBIHL is a wealth management company currently in run-off, which marketed itself to investors primarily in Asia and Latin America. PBIHL's investment products were not offered or available in the United States or to United States citizens. It does not have, and never has had, a reinsurance license.

3. PBIHL has never been registered as a foreign corporation under New York law. It has no agent for service of process in New York. It does not own property in the State of New York. It has no officers, directors or employees residing in New York. It maintains no office or books and records in New York. It does not maintain a post office box, telephone listing or mailing address in New York. It does not do business in New York.

4. PBIHL's predecessor in interest, Beechwood Bermuda Investment Holdings, Ltd. was formed in 2013. It was, and had always been, a limited company organized under Bermuda law, with its principal place of business in Bermuda. It was also a wealth management company whose investment products were not offered or available in the United States or to United States citizens. To the best of my knowledge, it did not have, and never had, a reinsurance license.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 15, 2019 in Hamilton, Bermuda.


Henry Komansky