UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
IN RE PLATINUM-BEECHWOOD LITIGATION,	X : :	Civil Action No. 1:18-cv-06658
MELANIE L. CYGANOWSKI, AS EQUITY RECEIVER 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,	- X : : : : : : :	Civil Action No. 1:18-cv-12018
Plaintiffs,	:	
V.	:	
BEECHWOOD RE LTD., et al.,	:	
Defendants.	: : : X	

## NOTICE OF MOTION BY DEFENDANTS WASHINGTON NATIONAL INSURANCE COMPANY AND BANKERS CONSECO LIFE INSURANCE COMPANY TO DISMISS THE FIRST AMENDED COMPLAINT

PLEASE TAKE NOTICE, that defendants Washington National Insurance Company ("WNIC") and Bankers Conseco Life Insurance Company ("BCLIC") respectfully move 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)(1) and 12(b)(6) dismissing the First Amended Complaint in the action captioned *Cyganowski v. Beechwood Re Ltd, et al.*, 18-cv-12018, in its entirety as to WNIC and BCLIC.

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PLEASE TAKE FURTHER NOTICE, that in support of the motion, WNIC and BCLIC rely on the accompanying Declaration of Adam J. Kaiser and the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that plaintiffs' response, if any, is due on June 12, 2019 and WNIC and BCLIC's reply, if any, is due on June 26, 2019. The Court will hold oral argument on July 1, 2019.

Dated: May 15, 2019

Respectfully submitted,

## ALSTON & BIRD LLP

By: <u>/s/Adam J. Kaiser</u>

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Attorneys for Bankers Conseco Life Insurance Company and Washington National Insurance Company

## **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 adversary proceeding.

/s/Adam J. Kaiser Adam J. Kaiser