

**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 : X  
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 : Civil Action No.  
OPPORTUNITIES FUND (BL) LLC, : 1:18-cv-12018  
:

Plaintiffs,

v.

BEECHWOOD RE LTD., et al.,

Defendants.

----- X  
**NOTICE OF MOTION BY DEFENDANTS CNO FINANCIAL GROUP, INC. AND 40|86  
ADVISORS, INC. TO DISMISS THE FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE, that defendants CNO Financial Group, Inc. (“CNO”) and 40|86 Advisors, Inc. (“40|86 Advisors”) 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)(2), 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 CNO and 40|86 Advisors.

PLEASE TAKE FURTHER NOTICE, that in support of the motion, CNO and 40|86 Advisors rely on the accompanying Declaration of Karl W. Kindig, the accompanying Declaration of Rachel J. Spehler, and the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that plaintiffs' response, if any, is due on June 12, 2019 and CNO and 40|86 Advisors' 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: /s/Adam J. Kaiser

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*Attorneys for CNO Financial Group, Inc.  
and 40|86 Advisors, Inc.*

**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