

Avraham C. Moskowitz (AM 8913)
MOSKOWITZ & BOOK, LLP
345 7th Avenue, 21st Floor
New York, New York 10001
Tel: (212) 221-7999
Fax: (212) 39808835
amoskowitz@mb-llp.com

Attorneys for Defendant Platinum F.I. Group, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARTIN TROTT and CHRISTOPHER SMITH,
as Joint Official Liquidators and Foreign
Representatives of PLATINUM PARTNERS
VALUE ARBITRAGE FUND L.P. (in OFFICIAL
LIQUIDATION) and PLATINUM PARTNERS
VALUE ARBITRAGE FUND L.P. (in OFFICIAL
LIQUIDATION), *et al.*,

Plaintiff(s),

-v-

Platinum Management (NY) LLC, *et al.*,

Defendant(s).

18-cv-10936 (JSR)

NOTICE OF MOTION TO DISMISS BY DEFENDANT PLATINUM FI GROUP, LLC

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, defendant Platinum FI Group, LLC (“PFIG”), by and through its undersigned attorneys, hereby moves this Court in the above-captioned action before the Honorable Jed S. Rakoff, United States District Judge for the Southern District of New York at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York 10007, for an order dismissing the Amended Complaint of plaintiffs Martin Trott and Christopher Smith, as the Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) and Platinum Partners Value Arbitrage Fund L.P. (in Official

Liquidation) pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted (the “Motion”). PFIG also seeks permission to join in the motions filed by co-defendant David Bodner and any other defendant, to the extent such motions are equally applicable to it. In accordance with Rule 2(d) of the Individual Rules of Practice before this Court, PFIG respectfully sets forth the following:

1. Plaintiffs’ opposition to the Motion shall be filed on or before February 11, 2019;
2. Reply memoranda of Platinum FI Group (and any defendant that joins the Motion) shall be filed on or before February 15, 2019.
3. Argument on this motion will be heard on February 25, 2019 at 3:00 p.m.

Dated: New York, New York
February 4, 2019

MOSKOWITZ & BOOK, LLP

By: /s/Avraham C. Moskowitz
Avraham C. Moskowitz (AM 8913)
345 7th Avenue, 21st Floor
New York, NY 10001
(212) 221-7999
amoskowitz@mb-llp.com

Attorneys for Defendant
Platinum F.I. Group, LLC

TO: Clerk of Court
All Counsel of Record