

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re PLATINUM-BEECHWOOD
LITIGATION

Case No. 18 Civ. 6658 (JSR)

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),

Case No. 18 Civ. 10936 (JSR)

Plaintiffs,

v.

PLATINUM MANAGEMENT (NY) LLC,
et al.,

Defendants.

**NOTICE OF DEFENDANT DANIEL SAKS' MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, in accordance with Federal Rules of Civil Procedure 12(b)(6), 8 and 9(b), Defendant Daniel Saks ("Saks") hereby respectfully moves this Court, before the Honorable Jed S. Rakoff, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, for an Order dismissing the First Amended Complaint of Plaintiffs 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. (together, “Plaintiffs”) in its entirety as to Saks (the “Motion”).

PLEASE TAKE FURTHER NOTICE that Plaintiffs’ opposition papers to this Motion are due on or before February 11, 2019, as per the scheduling order entered by the Court on January 24, 2019 (Dkt. No. 158); Saks’ reply, if any, is due on or before February 15, 2019; and the Court shall hear oral argument on February 25, 2019 at 3:00 PM.

Dated: February 4, 2019
New York, NY

BINDER & SCHWARTZ LLP

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