UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD LITIGATION

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

Plaintiffs,

- against -

PLATINUM MANAGEMENT (NY) LLC, et al.,

Defendants.

18 Civ. 6658 (JSR)

18 Civ. 10936 (JSR)

Oral Argument Requested

NOTICE OF DEFENDANT DAVID STEINBERG'S MOTION <u>TO DISMISS THE COMPLAINT</u>

PLEASE TAKE NOTICE that, in accordance with Federal Rule of Civil Procedure 12(b)(6), Defendant David Steinberg 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, seeking an Order dismissing the Complaint of Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrate Fund, L.P. (in Official Liquidation) ("JOLs") and Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) ("PPVA" and, collectively with the JOLs, the "Plaintiffs") in its entirety as to Defendant David Steinberg.

Case 1:18-cv-10936-JSR Document 196 Filed 02/04/19 Page 2 of 2

PLEASE TAKE FURTHER NOTICE that, Plaintiffs' response, if any, is due February 11, 2019; and Defendant's reply, if any, is due February 15, 2019; and this Court has set oral argument for February 25, 2019, at 3:00 p.m.

PLEASE TAKE FURTHER NOTICE that, in support of his motion, Defendant David Steinberg will rely upon his accompanying Memorandum of Law, dated February 4, 2019; upon the Declaration of David Hodges and accompanying exhibits, dated February 4, 2019; and upon the Memorandum of Law filed by defendant David Bodner, dated February 4, 2019.

Dated: February 4, 2019 New York, NY

> Respectfully submitted, LANKLER SIFFERT & WOHL LLP

By:

/s/ David E. Hodges

David E. Hodges (dhodges@lswlaw.com) Matthew G. Coogan (mcoogan@lswlaw.com)

500 Fifth Avenue New York, NY 10110 (212) 921-8399

Attorneys for Defendant David Steinberg