

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
IN RE PLATINUM-BEECHWOOD LITIGATION, :
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Index No. 18-CV-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), :

Index No. 18-CV-10936 (JSR)

Plaintiffs,

v.

PLATINUM MANAGEMENT (NY) LLC, *et al.*,

Defendants.

: **NOTICE OF MOTION TO**
: **DISMISS FIRST AMENDED**
: **COMPLAINT**

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PLEASE TAKE NOTICE, upon the accompanying Memorandum of Law in Support of David Ottensoser’s Motion to Dismiss the First Amended Complaint, and upon all the papers and proceedings had herein, Defendant David Ottensoser (“Ottensoser”) will move this Court before the Honorable Jed S. Rakoff, at the United States Courthouse, for the Southern District of New York, located at 500 Pearl Street, Courtroom 14B, New York, New York 10007, for an Order, pursuant to Federal Rules of Civil Procedure 12(b)(6), dismissing the First Amended Complaint herein with prejudice for failure to state a claim upon which relief can be granted.

In accordance with Rule 2(d) of the Individual Rule of Practice before this Court, Ottensoser respectfully sets forth the following:

1. Plaintiffs' opposition to the Motion shall be filed on or before February 11, 2019;
2. Reply memoranda shall be filed on or before February 15, 2019; and
3. Argument on this motion will be heard on February 25, 2019 at 3:00 p.m.

Dated: February 4, 2019
New York, New York

By: /s/ Eric M. Creizman
Eric M. Creizman
Jeffrey R. Alexander
Pierce Bainbridge Beck Price & Hecht LLP
747 3rd Ave, Suite #2000
New York, NY 10017
(212) 484-9866
ecreizman@piercebainbridge.com
jalexander@piercebainbridge.com

Attorneys for Defendant David Ottensoser