

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

-v- :

No. 16-cv-6848 (DLI)(VMS)

PLATINUM MANAGEMENT (NY) LLC; :
PLATINUM CREDIT MANAGEMENT, L.P.; :
MARK NORDLICHT; :
DAVID LEVY; :
DANIEL SMALL; :
URI LANDESMAN; :
JOSEPH MANN; :
JOSEPH SANFILIPPO; and :
JEFFREY SHULSE, :

NOTICE OF MOTION

Defendants. :
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PLEASE TAKE NOTICE that, upon the accompanying Declaration of Melanie L. Cyganowski, executed August 24, 2017, and all prior proceedings had herein, Melanie L. Cyganowski, the Receiver duly appointed by the Court (the “*Receiver*”) for Platinum Credit Management, L.P., Platinum Partners Credit Opportunities Master Fund LP, Platinum Partners Credit Opportunities Fund (TE) LLC, Platinum Partners Credit Opportunities Fund LLC, Platinum Partners Credit Opportunity Fund (BL) LLC, Platinum Liquid Opportunity Management (NY) LLC, and Platinum Partners Liquid Opportunity Fund (USA) L.P. (the “*Receivership Entities*”), the Receiver, through her undersigned counsel, hereby moves this Court before the Honorable Dora L. Irizarry, United States Chief District Judge for the United States District Court for the Eastern District of New York, located at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, for an order approving a protocol to enable parties in interest, other than the parties

named in the caption, to be heard on motions or applications brought before the Court, and for such other and further relief as the Court deems appropriate (the “*Motion*”).

PLEASE TAKE FURTHER NOTICE that any opposition to the Motion must be (i) made in writing; (ii) if by a party, electronically filed with the District Court; (iii) if by a non-party, electronically mailed to the Receiver, at her e-mail address, platinumreceiver@otterbourg.com, so as to be actually received no later than **August 31, 2017**.

PLEASE TAKE FURTHER NOTICE that, in the absence of any timely filed or served written opposition, the Court may approve the [Proposed] Order Adopting Protocols for Parties in Interest to Be Heard on Receiver Motions, submitted herewith, without further hearing or notice.

Dated: August 24, 2017

OTTERBOURG P.C.

By: Adam C. Silverstein
Adam C. Silverstein
A Member of the Firm
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Attorneys for Melanie L. Cyganowski, as Receiver

2. The Court has requested that the Receiver recommend a process by which parties in interest (such as investors in any of the Receivership Entities), other than the parties named in the caption, may be heard on motions or applications brought before the Court by the Receiver, without inviting scores of intervention motions and/or procedurally-infirm notices of appearances, and without cluttering the docket with up to, potentially, scores of different court filings in opposition to motions or applications presented to the Court.

3. I have devoted considerable thought to the Court's request, have consulted with my counsel, and have solicited input from all parties to the action, and hereby move the Court to adopt the following procedures:

(i) Any application and/or motion in this action, along with its supporting papers, filed by the Receiver (each, an "**Application**"), in addition to being filed on the Court's Electronic Case Filed ("ECF") system, shall be made available on the Receiver's website (<http://www.platinumreceivership.com/>) as soon as practicable after filing;

(ii) On or before seven (7) days after the filing of an Application (or within such other time as may be designated by the Court) (the "**Response Deadline**"), any party-in-interest wishing to be heard with respect to the Application (other than parties named in the caption), shall electronically deliver to the Receiver, to the Receiver's email address (platinumreceiver@otterbourg.com), that party in interest's response to the Application (collectively, the "**Responses**"); parties in interest (other than parties named in the caption) shall not file Responses on the ECF docket in this action;

(iii) On or before two (2) days after the Response Deadline, the Receiver shall compile all of the Responses she has received, and shall file the Responses under one docket entry on the ECF docket in this action; and

(iv) The Receiver shall have no more than seven (7) days following the Response Deadline to file any reply in further support of her motion or application.

4. The foregoing protocol is not intended to expand the rights of any party in interest, to confer standing on any party in interest who does not otherwise meet the legal requirements for standing, and/or to recognize that any party in interest who delivers a Response to the Receiver that is filed on the ECF docket is a party to the action or has the rights of a party to the action.

5. Nevertheless, I respectfully submit that the foregoing protocol will permit investors in any of the Receivership Entities and/or any other parties in interest the ability to be heard on motions or applications brought before the Court by the Receiver in a manner designed to promote efficiency and reduce judicial burden.

6. Due to the nature of this motion, I respectfully request that the Court waive any requirement for the Receiver to file a memorandum of law in support of this motion.

7. Accordingly, I respectfully request that the Court enter the [Proposed] Order Adopting Protocols for Parties in Interest to Be Heard on Receiver Motions, attached hereto as Exhibit 1.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of August, 2017, at New York, NY.

Melanie L. Cyganowski
Melanie L. Cyganowski

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

-v- :

No. 16-cv-6848 (DLI)(VMS)

PLATINUM MANAGEMENT (NY) LLC; :
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JOSEPH MANN; :
JOSEPH SANFILIPPO; and :
JEFFREY SHULSE, :

Defendants. :
-----X

**[PROPOSED] ORDER ADOPTING PROTOCOLS
FOR PARTIES IN INTEREST TO BE HEARD ON RECEIVER MOTIONS**

Upon the Notice of Motion filed by the Receiver on August 24, 2017 and the Declaration of Melanie L. Cyganowski as Receiver, executed August 24, 2017, Dkt. No. 255 (collectively, the "*Motion*"),

NOW, THEREFORE after due deliberation and sufficient cause appearing therefor, and no objection to the relief requested having been raised, or all such objections having been overruled, it is hereby:

ORDERED that any requirement for the Receiver to file a memorandum of law in support of the Motion is waived; and

ORDERED that the relief sought by the Motion is granted, and that the following procedures shall apply in this action with respect to motions or applications brought before the Court:

(i) Any application and/or motion in this action, along with its supporting papers, filed by the Receiver (each, an “*Application*”), in addition to being filed on the Court’s Electronic Case Filed (“ECF”) system, shall be made available on the Receiver’s website (<http://www.platinumreceivership.com/>) as soon as practicable;

(ii) On or before seven (7) days after the filing of an Application by the Receiver (or within such other time as may be designated by the Court) (the “*Response Deadline*”), any party-in-interest wishing to be heard with respect to the Application (other than parties named in the caption), shall electronically deliver to the Receiver, to Receiver’s email address (platinumreceiver@otterbourg.com), that party in interest’s response to the Application (collectively, the “*Responses*”); parties in interest (other than parties named in the caption) shall not file Responses on the ECF docket in this action;

(iii) On or before two (2) days after the Response Deadline, the Receiver shall compile all of the Responses she has received, and shall file the Responses under one docket entry on the ECF docket in this action; and

(iv) The Receiver shall have no more than seven (7) days following the Response Deadline to file any reply in further support of her motion or application; and

ORDERED that nothing in this Order is intended to expand the rights of any party in interest, to confer standing on any party in interest who does not otherwise meet the legal requirements for standing, and/or to recognize that any party in interest who delivers a Response to the Receiver that is filed on the ECF docket is a party to the action or has the rights of a party to the action.

Dated: Brooklyn, New York
August __, 2017

SO ORDERED:

THE HON. DORA LIZETTE IRIZARRY
CHIEF UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK