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Attorneys for Third-Party Defendant David Ottensoser

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE PLATINUM-BEECHWOOD LITIGATION, : Master Docket No. 18-CV-6658 (JSR)
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MELANIE L. CYGANOWSKI, as Equity : Index No. 18-CV-12018 (JSR)
Receiver for PLATINUM PARTNERS :
CREDIT OPPORTUNITIES MASTER :
FUND LP, PLATINUM PARTNERS : **NOTICE OF MOTION OF DAVID**
CREDIT OPPORTUNITIES FUND (TE) : **OTTENSOSER’S PARTIAL**
LLC, PLATINUM PARTNERS CREDIT : **MOTION TO DISMISS THE**
OPPORTUNITIES FLIND LLC, : **THIRD-PARTY COMPLAINT OF**
PLATINUM PARTNERS CREDIT : **SENIOR HEALTH INSURANCE**
OPPORTUNITIES FUND : **COMPANY OF PENNSYLVANIA**
:
INTERNATIONAL LTD., PLATINUM :
PARTNERS CREDIT OPPORTUNITIES :
FLIND INTERNATIONAL (A) LTD., and :
PLATINUM PARTNERS CREDIT :
OPPORTUNITIES FUND (BL) LLC, :
:
Plaintiffs, :
v. :
:
BEECHWOOD RE LTD., *et al.*, :
:
Defendants. :
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SENIOR HEALTH INSURANCE COMPANY OF : Index No. 18-CV-12018 (JSR)
PENNSYLVANIA, :
:
Crossclaimant, :

v.

BEECHWOOD RE LTD., B ASSET MANAGER LP, B ASSET MANAGER II LP, BEECHWOOD RE HOLDINGS, INC., BEECHWOOD BERMUDA LTD., BEECHWOOD BERMUDA INTERNATIONAL LTD., BEECHWOOD BERMUDA INVESTMENT HOLDINGS, LTD., BAM ADMINISTRATIVE SERVICES LLC, FEUER FAMILY TRUST, and TAYLOR-LAU FAMILY TRUST,

Crossclaim Defendants.

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SENIOR HEALTH INSURANCE COMPANY OF PENNSYLVANIA,

Third-Party Plaintiff,

v.

PB INVESTMENT HOLDINGS LTD., BEECHWOOD CAPITAL GROUP, LLC, B ASSET MANAGER GP LLC, B ASSET MANAGER II GP LLC, MSD ADMINISTRATIVE SERVICES LLC, PLATINUM MANAGEMENT (NY) LLC, N MANAGEMENT LLC, MARK NORDLICHT, MURRAY HUBERFELD, DAVID BODNER, ESTATE OF URI LANDESMAN, NAFTALI MANELA, JOSEPH SANFILIPPO, DANIEL SMALL, ELLIOT FEIT, DAVID STEINBERG, EZRA BEREN, DAVID OTTENSOSER, WILL SLOTA, BERNARD FUCHS a/k/a BERISH FUCHS, DANIEL SAKS, HOKYONG KIM a/k/a STEWART KIM, BEECHWOOD TRUST NO. 1, BEECHWOOD TRUST NO. 2, BEECHWOOD TRUST NO. 3, BEECHWOOD TRUST NO. 4, BEECHWOOD TRUST NO. 5, BEECHWOOD TRUST NO. 6, BEECHWOOD TRUST NO. 7, BEECHWOOD TRUST NO. 8, BEECHWOOD TRUST NO. 9, BEECHWOOD TRUST NO. 10, BEECHWOOD TRUST NO. 11, BEECHWOOD

: Index No. 18-CV-12018 (JSR)

TRUST NO. 12, BEECHWOOD TRUST NO. 13, :
 BEECHWOOD TRUST NO. 14, BEECHWOOD :
 TRUST NO. 15, BEECHWOOD TRUST NO. 16, :
 BEECHWOOD TRUST NO. 17, BEECHWOOD :
 TRUST NO. 18, BEECHWOOD TRUST NO. 19, :
 BEECHWOOD TRUST NO. 20 a/k/a THE :
 DAVID I LEVY BEECHWOOD TRUST, :
 BEECHWOOD ASSET MANAGEMENT :
 TRUST I, BEECHWOOD ASSET :
 MANAGEMENT TRUST II, BEECHWOOD RE :
 INVESTMENTS, LLC SERIES A, :
 BEECHWOOD RE INVESTMENTS, LLC :
 SERIES B, BEECHWOOD RE INVESTMENTS, :
 LLC SERIES C, BEECHWOOD RE :
 INVESTMENTS, LLC SERIES D, :
 BEECHWOOD RE INVESTMENTS, LLC :
 SERIES E, BEECHWOOD RE INVESTMENTS, :
 LLC SERIES F, BEECHWOOD RE :
 INVESTMENTS, LLC SERIES G, :
 BEECHWOOD RE INVESTMENTS, LLC :
 SERIES H, BEECHWOOD RE INVESTMENTS, :
 LLC SERIES I, ROAD HOLDINGS, LLC, :
 LAWRENCE PARTNERS, LLC, MONSEY :
 EQUITIES, LLC, WHITESTAR LLC, :
 WHITESTAR LLC II, WHITESTAR LLC III, :
 PLATINUM CREDIT HOLDINGS, LLC, :
 MARK NORDLICHT GRANTOR TRUST, :
 DAHLIA KALTER, MICHAEL JOSEPH :
 NORDLICHT, KEVIN CASSIDY, :
 BEECHWOOD GLOBAL DISTRIBUTION :
 TRUST, FEUER FAMILY 2016 ACQ TRUST, :
 and TAYLOR-LAU FAMILY 2016 ACQ :
 TRUST, :
 :
 Third-Party Defendants :
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PLEASE TAKE NOTICE, upon the accompanying Memorandum of Law in Support of David Ottensoser’s Partial Motion to Dismiss the Third-Party Complaint of Senior Health Insurance Company of Pennsylvania (the “Motion”), and upon all 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 Count Seven of the Third-Party Complaint (ECF No. 195 in Index No. 18-CV-12018 (JSR) and ECF No. 390 in Master Docket No. 18-CV-6658) with prejudice for failure to state a claim upon which relief can be granted.

In accordance with L.R. 6.1(b), Rule 2(d) of the Individual Rules of Practice before this Court, Ottensoser respectfully sets forth the following:

1. Third-Party Plaintiffs' opposition to the Motion shall be filed on or before June 28, 2019;
2. Reply memoranda shall be filed on or before July 12, 2019; and
3. Argument on this Motion will be heard on July 26, 2019 at 10:00 am.

Dated: June 14, 2019

/s/ Eric M. Creizman
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