

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

No. 16-cv-6848 (BMC)

-v- :

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

Defendants. :
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SUPPLEMENTAL DECLARATION OF KENNETH T. LATZ

Pursuant to 28 U.S.C. § 1746, I Kenneth T. Latz declare as follows:

1. I am a Senior Managing Director of Conway MacKenzie Capital Advisors, LLC (“CM”) located at 600 Fifth Avenue, 25th Floor, New York, New York 10020. In addition, I am the leader of the Private Fund Services practice area of Conway MacKenzie, Inc. (“Conway”), an affiliate of CM.

2. This declaration is based upon my personal knowledge and information provided to me by other CM professionals. I am in all respects competent to make this declaration.

3. Melanie L. Cyganowski is the Court-appointed receiver (the “Receiver”) in this case pursuant to the Second Amended Order Appointing Receiver entered on October 16, 2017 (the “Amended Receiver Order”) [Docket No. 276] for the Receivership Entities as defined in

the Amended Receiver Order and as further defined and expanded by this Court on December 29, 2017 [Docket No. 297].

4. The Amended Receiver Order authorized the Receiver to engage professionals to assist in fulfilling her duties. On November 11, 2017 (as modified on November 30, 2017), this Court approved CM's retention as consultant and investment banker to the Receiver *nunc pro tunc* to October 12, 2017 [Docket Nos. 280 and 287].

5. In support of its retention, on November 10, 2017, CM filed the declaration of Kenneth L. Latz (the "Original Declaration"). This declaration is filed as a supplement to the Original Declaration [Docket No. 279].

6. In the Original Declaration, CM disclosed that pursuant to an engagement letter dated February 28, 2017, an advisory affiliate of CM was engaged by counsel to JPMorgan Chase Bank, N.A. ("JPMorgan"), in its capacity as administrative agent under a senior secured credit agreement with Montco Offshore, Inc. ("Montco") in Montco's Chapter 11 proceedings. Montco is a vendor to Black Elk Energy Offshore Operations, LLC, a portfolio company of one or more of the Receivership Entities, also in a Chapter 11 proceeding.

7. CM further noted in its Original Declaration that upon information and belief, the CM professionals who worked on the Montco matter did not receive any confidential information relevant to the Receivership Case. Nevertheless, out of an abundance of caution, CM stated it would establish an ethical wall to screen such professionals from playing any role in the Receivership Case.

8. Subsequent to filing the Original Declaration, a Plan of Reorganization was confirmed in the Montco Chapter 11 proceeding. Under Montco's Plan of Reorganization; (i) Montco contributed assets to a newly formed entity, (ii) JPMorgan rolled its claim to the newly formed entity and (iii) and JPMorgan no longer has a claim in the Montco estate. As such JPMorgan no longer has any connection to Black Elk.

9. CM has recommended to the Receiver that Paul F. Jansen, a managing director of Conway, begin to work on the Receivership Case, due to, among other things, his experience and expertise in matters relating to the oil and gas industry, and the Receiver's need for such experience and expertise in connection with matters such as Arabella Exploration, Inc., Arabella Exploration, LLC and Arabella Operating LLC.

10. Mr. Jansen previously billed less than 50 hours to the Montco matter, but is no longer working on the JP Morgan/Chase/Montco matter, and as discussed above, JP Morgan no longer has any connection to Black Elk.

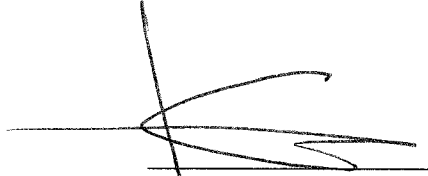
11. CM has consulted with the Receiver who has agreed that Paul F. Jansen may provide services to the Receiver in this case.

12. Paul F. Jansen has confirmed that in the Montco case he did not obtain any confidential information relevant to the Receivership Case.

13. CM and I also continue to assert to the best of our knowledge and information, that neither CM nor I have an interest materially adverse to the interests of this Receivership Case or any class of creditors or equity security holders by reason of any direct or indirect relationship to, connection with or interest in the Receivership Entities, or for any other reason.

I hereby declare under penalty of perjury under the laws of the United States of America that, to the best of my knowledge and after reasonable inquiry, the foregoing is true and correct.

Executed this ^{25th} day of April, 2018
at New York, New York



Kenneth T. Latz