

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD
LITIGATION

Master Docket No. 1:18-cv-6658 (JSR)

MELANIE L. CYGANOWSKI, AS
RECEIVER,

Case No. 1:18-cv-12018 (JSR)

Plaintiff,

v.

BEECHWOOD RE LTD., et al.,

Defendants.

SENIOR HEALTH INSURANCE
COMPANY OF PENNSYLVANIA,

Crossclaimant,

v.

BEECHWOOD RE LTD., et al.,

Crossclaim Defendants.

SENIOR HEALTH INSURANCE
COMPANY OF PENNSYLVANIA,

Third-Party Plaintiff,

v.

PB INVESTMENT HOLDINGS LTD., et al.,

Third-Party Defendants.

DECLARATION OF ROBERT C. SANTORO

1. I am an attorney at law, duly authorized and admitted to practice before this Court. I am an associate with the law firm DLA Piper LLP (US), counsel for Senior Health Insurance Company of Pennsylvania (“SHIP”) and Fuzion Analytics, Inc. (“Fuzion”) in connection with the above-captioned litigation. I have knowledge of the facts set forth in this declaration.

2. Attached as Exhibit 1 is a true and correct copy of an email sent by Mark D. Harris, at Proskauer, counsel for the Beechwood Parties to counsel for SHIP and Fuzion, dated April 4, 2019.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and this declaration was executed in New York, New York, on June 28, 2019.

Dated: June 28, 2019
New York, New York

By: /s/ Robert C. Santoro
Robert C. Santoro

Santoro, Robert

From: Harris, Mark D. <MHarris@proskauer.com>
Sent: Thursday, April 04, 2019 12:16 PM
To: Dew, Ellen
Cc: McCormack, Aidan; Seibert, Brian; Mathias, James; Birrane, Kathleen; Holinstat, Steven H.; Canter, Edward; Eilbaum, Stacey P.
Subject: RE: SHIP v. Beechwood Re, Ltd., et al. - Request for Call to Court Regarding Counterclaims

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL]

Ellen:

We disagree with your proposal to combine the briefing on the motion for partial summary judgment – the schedule for which was set two weeks ago – with briefing on your new motion to dismiss the counterclaims. The latter should be on a separate schedule, with appropriate time for responsive papers.

As I said, we are available at 2:00 or later today to call chambers. Please let me know when you would like to set up the call.

Mark

Mark D. Harris
Member of the Firm

Proskauer
Eleven Times Square
New York, NY 10036-8299
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mharris@proskauer.com

From: Dew, Ellen <ellen.dew@dlapiper.com>
Sent: Wednesday, April 3, 2019 10:07 PM
To: Harris, Mark D. <MHarris@proskauer.com>
Cc: McCormack, Aidan <aidan.mccormack@dlapiper.com>; Seibert, Brian <brian.seibert@dlapiper.com>; Mathias, James <james.mathias@dlapiper.com>; Birrane, Kathleen <kathleen.birrane@dlapiper.com>
Subject: SHIP v. Beechwood Re, Ltd., et al. - Request for Call to Court Regarding Counterclaims

Mark,

As we discussed briefly during our meet and confer call earlier today, SHIP will be filing its opposition to Beechwood's motion for partial summary judgment on the advancement claim as agreed on 4/10. In addition, as mentioned on our call today, SHIP will be filing a motion seeking to dismiss the counterclaims. We can certainly do that as a separate motion and set up briefing on that, but that seems to be duplicative and a waste of money. So what we propose instead

is that we will cross move with our opposition, you will reply and 7 days later we will reply on our cross motion so that everything can be heard, as you requested, at once on an expedited basis on May 1. Please let us know if that is agreeable and if you are available for a call with the Court at 1:30 p.m. to discuss this proposal.

Thank you.

Ellen Dew

Partner

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