

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PLATINUM-BEECHWOOD LITIGATION

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),

No. 18-CV-10936 (JSR)

Plaintiffs,

v.

PLATINUM MANAGEMENT (NY) LLC, et al.,

Defendants.

STIPULATION AND PROPOSED ORDER

WHEREAS, on March 15, 2019, the Court ordered that the deadline for “defendants in this case who are also standing trial, or are set to stand trial, in a related criminal matter in the Eastern District of New York [(“E.D.N.Y. Defendants”)] . . . to answer or move to dismiss (if they have not done so already) is [] extended until two weeks following the completion of their trial.” (Dkt. 183).

WHEREAS, on March 25, 2019, the Court so-order the stipulation and proposed order of Naftali Manela (“Manela”) and Plaintiffs Martin Trott and Christopher Smith, as Joint Official Liquidators and Foreign Representatives of Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) and for Platinum Partners Value Arbitrage Fund L.P. (in Official Liquidation) (collectively, “Plaintiffs”), which stated “Manela’s . . . time to respond to the Amended Complaint should be the same as the E.D.N.Y. Defendants.” (Dkt. 281). Manela’s time

to respond was extended to two weeks after the completion of the criminal trial, already pending in the Eastern District of New York. (Dkt. 281).

WHEREAS, on April 22, 2019, the Court reiterated that “deadlines to answer or move to dismiss [an amended complaint and certain other cross-claims] do not apply to the [E.D.N.Y. D]efendants” (Dkt. 118 in No. 18-CV-12018). “The deadline for these defendants to answer or move to dismiss (if they have not done so already) is extended until two weeks following the completion of trial.” (Dkt. 118 in No. 18-CV-12018).

WHEREAS, on April 22, 2019, Defendant and Cross-Claimant Bernard Fuchs (“Fuchs”) filed his answer and cross-claims (“Cross-Claims”) in Case No. 18-CV-10936 (Dkt. 298), naming Manela as a Cross Defendant.

WHEREAS, on May 1, 2019, Fuchs refiled his Cross-Claims. (Dkt. 341).

WHEREAS, there has been no previous request for an extension of time for Manela to respond to the Cross-Claims.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the parties, that Manela’s time to respond to the Cross-Claims should be the same as the E.D.N.Y. Defendants. Accordingly, it is agreed that the deadline for Manela to answer or move to dismiss the Cross-Claims is extended until two weeks following completion of the trial pending in the Eastern District of New York against defendants Mark Nordlicht, David Levy, and Joseph SanFilippo.

IT IS FURTHER STIPULATED AND AGREED, that no provision of this Stipulation and Order shall be construed as a waiver of any party’s claims or defenses, which each party reserves.

Date: New York, New York
May 8, 2019

WALDEN MACHT & HARAN LLP

/s/ Sean T. Haran

Sean T. Haran
Adam Cohen
Jeffery L. Ding
1 Battery Park Plaza, 34th Floor
New York, NY 10004
Tel.: (212) 335-2030
sharan@wmhlaw.com
acohen@wmhlaw.com
jding@wmhlaw.com

Counsel for Defendant Naftali Manela

NOVAK JUHASE & STERN LLP

/s/ Alexander Novak

Alexander Novak
483 Chestnut Street
Cedarhurst, NY 11516
Novak@njslaw.com

Counsel for Bernard Fuchs

SO ORDERED:

HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE