

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	Plaintiff,
-v-	:	
	:	
PLATINUM MANAGEMENT (NY) LLC;	:	No. 16-cv-6848 (BMC)
PLATINUM CREDIT MANAGEMENT, L.P.;	:	
MARK NORDLICHT;	:	
DAVID LEVY;	:	
DANIEL SMALL;	:	
URI LANDESMAN;	:	
JOSEPH MANN;	:	
JOSEPH SANFILIPPO; and	:	
JEFFREY SHULSE,	:	
	:	Defendants.
-----X	:	

**REPLY DECLARATION OF MELANIE L. CYGANOWSKI,  
AS RECEIVER, IN FURTHER SUPPORT OF MOTION FOR ENTRY OF  
AN ORDER (A) APPROVING THE RETENTION OF WELLS GROUP OF  
DURANGO, INC.; AND (B) WAIVING THE REQUIREMENTS OF 28 U.S.C. §2001**

I, Melanie L. Cyganowski, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true to the best of my knowledge, information and belief:

1. I make this declaration in further support of my motion filed on August 22, 2018, for entry of an order (a) authorizing the retention and payment of Wells Group of Durango, Inc. (“*Wells*”) in accordance with the terms of the Brokerage Agreement by and between Platinum subsidiary Maximilian Investors LLC and Wells dated June 21, 2018; and (b) waiving the requirements of 28 U.S.C. § 2001, Dkt. No. 376 (the “*Motion*”).<sup>1</sup>

2. By the Motion, I seek authority to retain and compensate a local real estate broker to market and sell approximately 370 acres of land in Montezuma County, Colorado (the “*Property*”), the site of a former gold mining operation. Following comprehensive due diligence

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<sup>1</sup> All capitalized terms not defined herein shall have the meanings ascribed by the Motion.

conducted by my investment banking services provider, Conway Mackenzie Capital Advisors, LLC (“*Conway*”), Conway recommended that I sell the Property as real estate because there is little to no likelihood that profitable gold mining operations can be resumed. Conway further recommended that in order to sell the Property, I should engage Wells Group of Durango, Inc., to serve as my broker with respect to the Property, and I have accepted that recommendation as well. In addition, to the extent that the price realized for the Property (or any other real property sold by the Receiver) is less than \$3 million, and consistent with Paragraphs 30 and 31 of the Receivership Order, I request that this Court waive any requirements of 28 U.S.C. § 2001 that may be applicable to this, or any other real property sale for less than \$3 million.

3. A search of the case docket does not reveal any opposition to the Motion filed by a party to this matter, and I have not received any written opposition to the Motion from any non-party, which, pursuant to the terms of the October 11, 2017 Order Adopting Protocols for Parties In Interest To Be Heard On Receiver Motions, Dkt. No. 271, should have been served upon me by August 29, 2018.

4. Therefore, for the reasons set forth in the Motion, Memorandum of Law, and supporting Declarations, the Motion should be granted, and this Court should enter an order in substantially the form annexed as Exhibit A hereto: (a) authorizing and approving the retention of Wells on the terms set forth in the Brokerage Agreement; (b) waiving the requirements of 28 U.S.C. § 2001 for the sale of any real property for less than \$3 million; and (c) granting me such other and further relief as the Court deems appropriate.

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

Executed this 4 day of September, 2018, at New York, New York.

/s/ Melanie L. Cyganowski  
Melanie L. Cyganowski

**EXHIBIT A**

**Proposed Order**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :  
:   
Plaintiff, :   
:   
-v- :   
:   
PLATINUM MANAGEMENT (NY) LLC; :   
PLATINUM CREDIT MANAGEMENT, L.P.; :   
MARK NORDLICHT; :   
DAVID LEVY; :   
DANIEL SMALL; :   
URI LANDESMAN; :   
JOSEPH MANN; :   
JOSEPH SANFILIPPO; and :   
JEFFREY SHULSE, :   
Defendants. :   
-----X

No. 16-cv-6848 (BMC)

**[PROPOSED]  
ORDER APPROVING RECEIVER’S MOTION FOR  
ORDER (A) APPROVING THE RETENTION OF WELLS GROUP  
OF DURANGO, INC.; AND (B) WAIVING THE REQUIREMENTS OF 28 U.S.C. §2001**

THIS MATTER coming before the Court on the Motion of Melanie L. Cyganowski, the duly appointed receiver herein (the “*Receiver*”), for entry of an order (a) authorizing the retention and payment of Wells Group of Durango, Inc. (“*Wells*”) in accordance with the terms of the Brokerage Agreement by and between Platinum subsidiary Maximilian Investors LLC (“*Maximilian*”) and Wells dated June 21, 2018 (“*Brokerage Agreement*”); and (b) waiving the requirements of 28 U.S.C. § 2001 [Dkt. No. \_\_\_\_] (the “*Motion*”)<sup>2</sup> and the Court having considered the Motion and exhibits and other documents filed in support of the Motion; and the Court having found that the Motion complies with applicable standards for granting the relief requested therein and that the transaction contemplated thereby was conducted in good-faith and

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<sup>2</sup> Capitalized terms utilized but not otherwise defined herein shall have the meaning ascribed to them in the Motion.

at arms' length by the parties thereto; and after due deliberation and for good and sufficient cause shown; it is hereby

**ORDERED** that the Motion is granted; and it is further

**ORDERED** that the Brokerage Agreement and the transactions set forth in the Brokerage Agreement are approved; and it is further

**ORDERED** that the requirements of 28 U.S.C. § 2001 are waived as to any sale by the Receiver of any real property for less than \$3 million