

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,           :   Docket No: 1:16-cv-06848-BMC
                                              :
                                Plaintiff,       :
                                              :
                – against –                   :
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    PLATINUM MANAGEMENT (NY) LLC,            :
    PLATINUM CREDIT MANAGEMENT, L.P.,      :
    MARK NORDLICHT, DAVID LEVY, DANIEL      :
    SMALL, URI LANDESMAN, JOSEPH MANN,      :
    JOESPH SANFILIPPO, AND JEFFREY SHULSE   :
                                              :
                                Defendants.    :
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Adam C. Ford, Esq., pursuant to 28 U.S.C. §1746 declares the following subject to penalties of perjury:

- 1. I am a principal of the law firm of Ford O' Brien, LLP, attorneys of record for Joseph SanFilippo.
- 2. I have personal knowledge of the matters set forth below, and the exhibits annexed hereto are true and correct copies of the documents described.
- 3. I submit this declaration in support of Defendant's Motion to Compel the Receiver to continue advancing reasonable attorney fees and to place before the Court true and correct copies of certain documents and stenographically recorded sworn testimony.
- 4. Attached as Exhibit A hereto is a true and correct copy of the June 27, 2016 engagement letter between Joseph SanFilippo and Platinum Partners LP. This engagement letter was executed by Kevin O'Brien and e-mailed to Harvey Werblowsky with a request to execute and return and pay a \$50,000 retainer as advancement of legal fees. We are unable to

find a copy executed by Mr. Werblowsky, but Platinum agreed to the terms of our engagement letter and advanced the requested fees.

5. Attached as Exhibit B is a true and correct copy of the July 26, 2018 letter from Ford O'Brien to Receiver.

6. Attached as Exhibit C is a true and correct copy of the August 9, 2018 letter from Receiver to Ford O'Brien.

7. Attached as Exhibit D is a true and correct copy of the PPCO Agreement dated October 2015.

8. Attached as Exhibit E is a true and correct copy of Joseph SanFilippo's paystubs demonstrating that he was paid by PPCO's investment manager.

9. Attached as Exhibit F in support of my motion is a proposed order compelling the SEC Receiver to continue advancing reasonable attorney fees and defense costs.

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 9, 2018

A handwritten signature in black ink, appearing to be 'A.C. Ford', written in a cursive style.

Adam C. Ford, Esq.