



230 Park Avenue
New York, NY 10169
otterbourg.com
212 661 9100

Erik B. Weinick
Of Counsel
eweinick@otterbourg.com
212 905 3672

October 11, 2018

VIA ECF

Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: SEC v. Platinum Mgmt. (NY) LLC, et al., No. 1:16-cv-06848-BMC

Dear Judge Cogan:

This firm represents Melanie L. Cyganowski, as Receiver (the “**Receiver**”).

We write with respect to Docket Nos. 391 to 394 and 396 (collectively, the “**Advancement Motions**”). By the Advancement Motions, Defendants SanFilippo and Levy seek to compel the Receiver to advance their legal fees and costs incurred in connection with this civil matter and the related criminal matter. The Receiver opposes these motions.

The Receiver’s formal opposition to Mr. SanFilippo’s motion is due on October 16, but because Mr. Levy has not yet filed his motion, the due date for the Receiver’s opposition is undetermined. Additionally, the Receiver expects that other defendants may file similar motions, the result of which will be additional oppositions due on additional and different dates. These motions are all likely to have overlapping factual and legal arguments, making it more efficient for the Receiver to file, and the Court to review, one omnibus response. Therefore, rather than responding to each motion individually as the respective oppositions come due, the Receiver respectfully requests that Your Honor:

(a) set a deadline by which any defendants wishing to make a motion for advancement file such motion; and

(b) allow the Receiver seven days thereafter to file an omnibus opposition to all the motions.



October 11, 2018
Honorable Brian M. Cogan
Page 2

In the interim, the Receiver reserves all of her rights and remedies.

We thank the Court for its continued attention to this matter.

Respectfully submitted,

/s/ Erik B. Weinick

Erik B. Weinick

cc: All Counsel of Record (*via ECF*)