

MORVILLO ABRAMOWITZ GRAND IASON & ANELLO P.C.

ELKAN ABRAMOWITZ  
RICHARD F. ALBERT  
ROBERT J. ANELLO\*  
LAWRENCE S. BADER  
BENJAMIN S. FISCHER  
CATHERINE M. FOTI  
PAUL R. GRAND  
LAWRENCE IASON  
BRIAN A. JACOBS  
JUDITH L. MOGUL  
JODI MISHNER PEIKIN  
ROBERT M. RADICK\*  
JONATHAN S. SACK\*\*  
EDWARD M. SPIRO  
JEREMY H. TEMKIN  
RICHARD D. WEINBERG

565 FIFTH AVENUE  
NEW YORK, NEW YORK 10017  
(212) 856-9600  
FAX: (212) 856-9494

www.maglaw.com

WRITER'S CONTACT INFORMATION

bfischer@maglaw.com  
(212) 880-9585

November 6, 2018

COUNSEL  
JASMINE JUTEAU  
CURTIS B. LEITNER  
DANIEL F. WACHTELL

ROBERT G. MORVILLO  
1938-2011  
MICHAEL C. SILBERBERG  
1940-2002  
JOHN J. TIGUE, JR.  
1939-2009

\*ALSO ADMITTED IN WASHINGTON, D.C.  
\*\*ALSO ADMITTED IN CONNECTICUT

**VIA ECF**

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

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

Dear Judge Cogan:

We represent Defendant Joe Mann in the above-referenced action and in the related criminal action, *United States v. Nordlicht, et al.*, No. 16 Cr. 640 (BMC) (the "Criminal Action"). On behalf of Mr. Mann, we write to join in and adopt by reference the arguments contained in Defendant David Levy's Reply Memorandum of Law in Further Support of his Motion to Compel Advancement of Legal Fees (Dkt. No. 412) and Defendant Joseph SanFilippo's Reply Memorandum of Law in Further Support of his Motion to Compel the SEC Receiver to Continue Advancing Reasonable Attorney's Fees and Defense Costs (Dkt. No. 414). We write separately to address one additional issue concerning Mr. Mann.

As we made clear in our moving letter, Mr. Mann is entitled to advancement pursuant to:

- The Third Amended and Restated Agreement of Limited Partnership of the Platinum Partners Credit Opportunities Master Fund LP (the "PPCO Master Fund"), which requires advancement for any employee or person who serves at the request of the portfolio manager or general partner of the PPCO Master Fund. *See* Ex. 2 of Declaration of Eli Richlin at § 5.4(b) (Dkt. No. 404-2).

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- The Platinum Partners Credit Opportunities Fund LLC (the “PPCO Feeder Fund”) Fourth Amended and Restated Limited Liability Company Agreement, which provides advancement for employees, agents, or other representatives of the portfolio manager or managing member of the PPCO Feeder Fund. *See* Ex. 3 of Declaration of Eli Richlin at § 5.4.2 (Dkt. No. 404-3).

The Receiver argues that Mr. Mann has not submitted evidence establishing that he performed work for entities for which the Receiver is obligated to provide advancement. *See* Receiver’s Opp. to Motions for Advancement of Legal Fees at 24 (Dkt. No. 410). Even though we believe that Mr. Mann’s performance of work for the PPCO Master Fund and PPCO Feeder Fund is indisputable, for the sake of eliminating any ambiguity, Mr. Mann has signed a declaration, dated November 6, 2018 (the “Mann Declaration”), annexed hereto, making clear that he performed work for those entities. The Mann Declaration makes clear that Mr. Mann performed work for (a) Platinum Credit Management LP (the portfolio manager of the PPCO Master Fund and the PPCO Feeder Fund); and (b) Platinum Credit Holdings LLC (the general partner of the PPCO Master Fund and managing member of the PPCO Feeder Fund). This work triggers the advancement provisions in the two abovementioned agreements. Accordingly, Mr. Mann is entitled to advancement.

Respectfully submitted,

/s/

Benjamin S. Fischer

cc: All Counsel of Record by ECF

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

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.

Case No. 1:16-cv-06848-BMC

**DECLARATION OF JOE MANN**

I, Joe Mann, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I respectfully submit this declaration in support of my Motion to Compel Advancement of Legal Fees (Dkt. No. 406) and Reply Motion to Compel Advancement of Legal Fees (Dkt. No. 416).

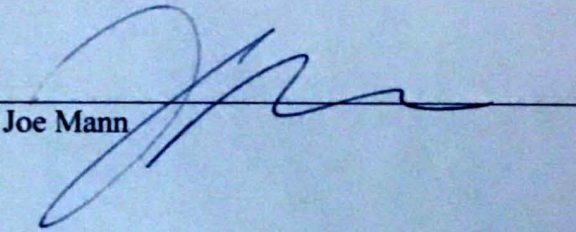
2. From the time I started working at Platinum Partners, in approximately June 2013, until I stopped working at Platinum Partners in December 2016, a significant portion of my work was devoted to administrative and investor relations tasks related to Platinum Partners Credit Opportunities Master Fund LP (the "PPCO Master Fund" and, together with its feeder funds, "PPCO"). Specifically, I performed this work for Platinum Credit Management LP, which was the portfolio manager for the PPCO Master Fund and PPCO Fund LLC (the "PPCO Feeder Fund"), and for Platinum Credit Holdings LLC, which was the general partner of the PPCO Master Fund and managing member of the PPCO Feeder Fund.

3. During my time at Platinum Partners, the work I performed for the PPCO Master Fund was at the request and/or direction of officers, members, managers, and other employees of Platinum Credit Management LP and Platinum Credit Holdings LLC.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: November 6, 2018

Joe Mann

A handwritten signature in black ink, appearing to read "Joe Mann", is written over a horizontal line. The signature is stylized and cursive.