

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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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 Civ. 10936 (JSR)
	:
Plaintiffs,	:
	:
v.	:
	:
PLATINUM MANAGEMENT (NY) LLC, et al.,	:
	:
Defendants.	:
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**STATEMENT OF DEFENDANTS MICHAEL NORDLICHT
AND KEVIN CASSIDY REGARDING INITIAL CONFERENCE**

Defendants Michael Nordlicht and Kevin Cassidy, by and through their undersigned counsel ("Mintz"), pursuant to Rule 3(b) of the Individual Rules of Practice before this Court, respectfully submit the following statement in advance of the initial conference scheduled for December 19, 2018:

1. Michael Nordlicht and Kevin Cassidy have not yet been served with process in accordance with Rule 4(c) of the Federal Rules of Civil Procedure and have not been invited to waive service in accordance with Rule 4(d). Shortly after learning of the filing of this action, Mintz contacted plaintiffs' counsel to discuss the matter. During a telephone call on November 27, 2018, plaintiffs' counsel was advised that Mintz represented Michael Nordlicht and Kevin Cassidy and that Mintz would accept service on their behalf. Michael Nordlicht and Kevin Cassidy also are prepared to waive service pursuant to Rule 4(d).

2. Michael Nordlicht and Kevin Cassidy intend to file motions to dismiss pursuant to Rule 12(b)(6). There are no well-pleaded facts in the 765-paragraph Complaint to support the wholly conclusory claims against either Michael Nordlicht (Ninth Count) or Kevin Cassidy (Ninth and Eleventh Counts).

3. During a telephone call on December 14, 2018, Mintz advised plaintiffs' counsel that our clients would agree to a single deadline for all defendants to answer or otherwise move against the complaint and would agree upon a single, coordinated briefing schedule for motions to dismiss.

4. Michael Nordlicht and Kevin Cassidy do not object to plaintiffs' requests in paragraphs 14 and 15 of their Statement in Regard to Status Conference [ECF 21] that motion practice be synchronized and that plaintiffs be permitted to respond to such motions in omnibus briefing, provided, however, that plaintiffs serve all defendants promptly and that discovery be stayed while motions to dismiss are pending before the Court.

5. Michael Nordlicht and Kevin Cassidy are prepared to meet and confer with all counsel in the case regarding a case management plan.

Dated: December 18, 2018
New York, New York

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
and POPEO PC

By: /s/ Therese M. Doherty

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