

**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.	:
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No. 16-cv-6848 (BMC)

**DECLARATION OF TREY ROGERS IN FURTHER SUPPORT OF THE RECEIVER’S  
MOTION FOR ENTRY OF AN ORDER (I) (A) AUTHORIZING THE RECEIVER TO  
SELL THE RECEIVERSHIP’S RIGHTS IN AND TO LC ENERGY OPERATIONS LLC  
FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES AND OTHER  
INTERESTS; (B) APPROVING PROCEDURES FOR THE FILING OF CLAIMS  
AGAINST LC ENERGY AND/ OR ITS ASSETS AND THE RESOLUTION THEREOF  
AND (C) GRANTING CERTAIN RELATED RELIEF AND (II) APPROVING THE SALE  
OF LC ENERGY FREE AND CLEAR OF ALL LIENS, CLAIMS,  
ENCUMBRANCES, AND OTHER INTERESTS**

I, Trey Rogers, 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 my capacity as the Chief Financial Officer of Platinum Credit Management, L.P. (“*Platinum Management*”), one of the entities placed into receivership by this Court, along with Platinum Partners Credit Opportunities Master Fund LP, Platinum Partners Credit Opportunities Fund (TE) LLC, Platinum Partners Credit Opportunities Fund LLC, Platinum Partners Credit Opportunities Fund (BL) LLC, Platinum Liquid Opportunity Management (NY) LLC, Platinum Partners Liquid Opportunity Fund (USA) L.P.,

Platinum Partners Liquid Opportunity Master Fund L.P., Platinum Partners Credit Opportunities Fund International Ltd and Platinum Partners Credit Opportunities Fund International (A) Ltd (collectively with Platinum Management, the “*Receivership Entities*”).

2. I submit this declaration in further support of the December 6, 2018 motion for an order (I) (a) authorizing Melanie L. Cyganowski (the “*Receiver*”) to sell (the “*Sale*”) the Receivership’s rights in and to LC Energy Operations LLC and/ or its assets (“*LC Energy*”) free and clear of all liens, claims, encumbrances and other interests (collectively, “*Encumbrances*”); (b) authorizing the Receiver to enter into a stalking horse agreement and approving certain bid protections in connection therewith; (c) approving the form and manner of notice of the Sale; (d) approving certain procedures for the filing of claims against LC Energy and the resolution thereof and (e) approving bid procedures for the sale of LC Energy upon the selection of a stalking horse and (II) approving the sale of LC Energy free and clear of all Encumbrances (the “*Motion*”). Dkt No. 422.<sup>1</sup>

3. As Chief Financial Officer of Platinum Management, I work for the Receiver who has been vested with “all powers, authorities, rights and privileges heretofore possessed by the officers, directors, managers, managing members, and general and limited partners of the Receivership Entities under applicable state and federal law ...” See ¶ 3 of the *October 16, 2017 Second Amended Order Appointing Receiver*, Dkt. No. 276.

4. As part of my duties as Chief Financial Officer of Platinum Management, I track all expenses paid by the Receivership Entities.

5. I understand that through the Motion, the Receiver requests this Court’s authority to, among other things, reimburse PPCO from the proceeds of the Sale for (i) the DIP Loan and

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<sup>1</sup> All capitalized terms not otherwise defined herein shall have the meaning ascribed to such term in the Motion.

(ii) all post-receivership costs and expenses it paid for, or on behalf of, LC Energy. See ¶ 12 of *Proposed Order (A) Authorizing the Receiver to Sell the Receivership's Rights in And to LC Energy Operations LLC Free and Clear of all Liens, Claims, Encumbrances and other Interests; (B) Approving Procedures for the Filing of Claims Against LC Energy and/ or its Assets and the Resolution Thereof and (C) Granting Certain Related Relief*, Dkt No. 422.

6. After the Motion was filed, the Receiver requested that I review all post-receivership costs and expenses the Receivership Entities paid for, or on behalf of, LC Energy (the “*Receivership Expenses*”) so that upon a Sale, those amounts could be reimbursed to PPCO.

7. Attached as **Exhibit A** to this declaration is a break-down of the Receivership Expenses, which as of the date hereof total \$2,952,281.53. This figure supersedes and replaces the figure previously set forth at Paragraph 30 of the Declaration of the Receiver in support of the Motion and Page 12 of the Receiver’s Memorandum of Law in support of the Motion. Dkt No. 422.

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

Executed this 4th day of January 2019, at New York, New York.

/s/ Trey Rogers  
Trey Rogers

**LC Energy Holdings, LLC**  
**Post-Receivership Disbursements**  
**December 19, 2016 - December 31, 2018**

<b>Payment Date</b>	<b>Payee Name</b>	<b>Description of Payment</b>	<b>Payment Amount</b>
02/10/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 120,000.00
03/27/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 97,000.00
04/28/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 83,000.00
05/12/2017	Western Pochantas Properties	Minimum Lease Payment	\$ 50,000.00
05/24/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 84,061.03
06/22/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 83,000.00
07/28/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 80,000.00
08/10/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 80,000.00
08/30/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 80,000.00
09/28/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 80,000.00
10/16/2017	Skelly & Loy, Inc.	Professional Fees	\$ 7,996.66
10/26/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 80,000.00
10/31/2017	Green County Treasurer	Property Taxes	\$ 2,087.81
11/29/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 100,000.00
12/28/2017	Benesch, Friedlander, Coplan	Professional Fees	\$ 29,470.35
12/28/2017	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 90,000.00
01/12/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 20,000.00
01/29/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
02/26/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
02/26/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 65,000.00
03/14/2018	Lexon Insurance Company (Collateral Trust)	Collateral on Fidelity Bond - Env Remediation	\$ 250,000.00
03/26/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
04/17/2018	Green County Treasurer	Property Taxes	\$ 13,730.93
04/27/2018	Western Pochantas Properties	Minimum Lease Payment	\$ 50,000.00
04/27/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
05/31/2018	Benesch, Friedlander, Coplan	Professional Fees	\$ 14,808.75
05/31/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
06/28/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
07/30/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
08/28/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
09/27/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
10/29/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
10/31/2018	Green County Treasurer	Property Taxes	\$ 7,785.37
11/01/2018	Green County Treasurer	Property Taxes	\$ 48,506.88
11/27/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
12/26/2018	Benesch, Friedlander, Coplan	Professional Fees	\$ 15,833.75
12/26/2018	Quest Energy, Inc. (ERC Mining Account)	Mine Maintenance, Management Fees and Bonding	\$ 110,000.00
			\$ 2,952,281.53