

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Cyganowski, et. al., :  
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 Plaintiff, :  
 :  
 -v- :  
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 Beechwood Re Ltd., et al., : No. 18-cv-12018  
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 :  
 Defendants. :  
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**CORRECTED RULE 26(f) REPORT**

By virtue of an apparent miscommunication brought to Plaintiff’s attention today, Plaintiff filed the Rule 26(f) Report, dated January 16, 2019, without the authorization of counsel to Senior Health Insurance Company of Pennsylvania and Fuzion Analytics, Inc. and hereby withdraws and corrects the earlier filing as follows.

Plaintiff in this action is Melanie L. Cyganowski, as equity receiver for 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 International Ltd., Platinum Partners Credit Opportunities Fund International (A) Ltd., and Platinum Partners Credit Opportunities Fund (BI) LLC.

Defendants are Beechwood Re Ltd., Beechwood Re Investments, LLC, B Asset Manager LP, B Asset Manager II LP, Beechwood Re Holdings, Inc., Beechwood Bermuda International, Ltd., Beechwood Bermuda Ltd., BAM Administrative Services LLC, BRE BCLIC 2013 LTC Primary, BRE BCLIC 2013 LTC Sub, BRE WNIC 2013 LTC Primary, BRE WNIC 2013 LTC Sub, Moshe M. Feuer A/K/A Mark Feuer, Feuer Family Trust, Taylor-Lau Family Trust, Scott A. Taylor (collectively, the “Beechwood Defendants”), Senior Health Insurance Company of Pennsylvania, Fuzion Analytics, Inc. (collectively, the “SHIP Defendants”), Bankers Conseco

Life Insurance Company, Washington National Insurance Company, CNO Financial Group, Inc., and 40/86 Advisors, Inc. (collectively, the “CNO Defendants”).

On January 8, 2019, counsel to Plaintiff circulated by electronic mail to various counsel who represent Defendants in other related proceedings and with whom Plaintiff’s counsel have been communicating about this action and related matters (but who have not yet appeared as counsel to the Defendants in this action) a draft Civil Case Management Plan, in the form provided by this Court on January 3, 2019, setting forth Plaintiff’s proposed deadlines. In the same e-mail, Plaintiff’s counsel solicited Defendant’s views as to the proposed deadlines. Having received no response from any of Defendants, Plaintiff’s counsel followed up by e-mail on January 14, 2019. The only Defendants who responded to Plaintiff’s proposed schedule are the SHIP Defendants, whose counsel met and conferred with Plaintiff’s counsel on January 15 and 16, 2019.

This Report reflects Plaintiff’s position. The Report proposes a schedule for this action on a stand-alone basis. Plaintiff’s counsel has begun to meet and confer with plaintiff’s counsel in the related actions, *Senior Health Insurance Company of Pennsylvania v. Beechwood Re Ltd. et al*, 1:18-cv-06658-JSR, and *Trott et al v. Platinum Management (NY) LLC et al*, 1:18-cv-10936-JSR (collectively with this action, the “Related Actions”), regarding the possible coordination and/or consolidation for pre-trial purposes of the Related Actions, and Plaintiff will continue to meet and confer with the parties to the Related Actions prior to the conference with the Court on January 23, 2019. This Report does not purport to alter any of the existing deadlines in the Related Actions.

**I. Nature of the Action.**

Plaintiffs allege that Defendants engaged in or substantially aided and abetted a fraudulent scheme for the personal enrichment of the Platinum and Beechwood insiders (as defined in the Complaint). The Complaint involves twenty-two Defendants (broadly falling into three categories, the Beechwood Defendants, the SHIP Defendants and the CNO Defendants) and fourteen counts alleging common law fraud, aiding and abetting common law fraud, violations of Section 10(b) of the Exchange Act, violations of Section 20 of the Exchange Act, violations of Racketeer Influenced and Corrupt Organizations Act, fraudulent conveyances in violation of N.Y. Debtor and Creditor laws, and invalidation of liens under N.Y. Debtor and Creditor laws.

**II. Trial and Trial-Ready Date.** The case is to be tried by a jury.

Plaintiff proposes that the trial-ready date should be September 20, 2019. Plaintiff respectfully submits that the trial-ready date initially set by the Court of June 24, 2019 would not allow the parties to this action sufficient time to conduct discovery into their respective claims and defenses. As such, Plaintiff proposes that the Court extend the trial-ready date that the Court initially set by three months, to September 20, 2019.

**III. Joinder of Additional Parties.**

Plaintiff proposes that joinder of additional parties to this action, if any, be complete by March 29, 2019.

**IV. Amended Pleadings.**

Plaintiff proposes that amended pleadings in this action be permitted without leave of court up to March 29, 2019.

**V. Discovery.**

Plaintiff proposes the following discovery and scheduling deadlines:

1. First Request for Production of Documents – February 13, 2019.
2. Interrogatories – February 13, 2019.
3. Experts
  - a) Party-Proponent Disclosures – June 13, 2019; and
  - b) Party-Opponent Disclosures – July 12, 2019.
4. Depositions – August 2, 2019.
5. Requests to Admit – July 19, 2019.
6. Close of Discovery – August 23, 2019.
7. Post-Discovery Summary Judgment Motions:
  - a) Moving Papers – August 9, 2019;
  - b) Opposition – August 30, 2019; and
  - c) Reply – September 13, 2019.

**VI. Other Matters.**

**A. Electronic Discovery.**

Plaintiff anticipates that discovery in this case will involve the production of hard copy documents and electronically stored information (“ESI”). Plaintiff will meet and confer in good faith throughout the course of discovery in an effort to avoid the need for any formal motions related to the discovery of ESI.

**B. Privilege.**

Plaintiff proposes that the parties shall produce privilege logs within a reasonable time after production, subject to any applicable objection. The parties will confer in good faith on ways to

minimize the burden of privilege logs. Plaintiff also proposes that privileged documents created after the commencement of this litigation are not required to be included in privilege logs. Additionally, Plaintiff believes that an order under Federal Rule of Evidence 502(d) is appropriate in this action, and will meet and confer with the parties regarding the language and form of an order in an effort to submit a proposed order for the Court's approval following the Rule 16 conference.

Dated: New York, New York  
January 22, 2019

OTTERBOURG P.C.

By: /s/Adam C. Silverstein .  
Adam C. Silverstein (AS 4876)  
William M. Moran (WM 1390)  
Andrew S. Halpern (AH 7905)

230 Park Avenue  
New York, New York 10169  
(212) 661-9100

*Attorneys for Plaintiff*