

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

In re:

PLATINUM-BEECHWOOD LITIGATION.

Civil Action No. 18-cv-6658 (JSR)

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),

Civil Action No. 18-cv-10936 (JSR)

Plaintiffs,

- against -

PLATINUM MANAGEMENT (NY) LLC, *et al.*,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, pursuant to Federal Rule of Civil Procedure 55 and Local Civil Rule 55, and upon the memorandum of law, the supporting declaration and exhibits attached thereto, and such further materials as may be submitted in support thereof, Plaintiffs 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), by and through their counsel, will move this Court as soon as counsel can be heard, before the Honorable Jed S. Rakoff, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, Courtroom 14B, 500 Pearl St., New York, NY 10007, for a default judgment against Defendant Ezra Beren for failure to plead or otherwise defend or otherwise respond to Plaintiffs' Second Amended Complaint filed in the above-captioned actions.

Dated: New York, New York
September 30, 2019

HOLLAND & KNIGHT LLP

By: s/ Warren E. Gluck
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Christopher Smith, as Joint Official Liquidators and
Foreign Representatives of Platinum Partners
Value Arbitrage Fund L.P. (in Official Liquidation),
and for Platinum Partners Value Arbitrage Fund
L.P. (in Official Liquidation)*

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Defendants.

[PROPOSED] JUDGMENT

A summons and Second Amended Complaint (“SAC”) filed in the above-captioned actions (the “Actions”) having been properly served on Defendant Ezra Beren (“Beren”), and Beren failing to plead or otherwise defend the Actions, and said default having been duly noted in a Certificate of Default issued by the Clerk of this Court on July 25, 2019 (the “Certificate”), and Beren having not moved to set aside the entry of default set forth in the Certificate, and upon the annexed Declaration of Warren E. Gluck, dated September 30, 2019, and memorandum of law in support of a motion for default judgment (the “Motion”) against Beren pursuant to Fed. R. Civ. P. 55(b)(2) and L.C.R. 55.2(b), and the Motion having been properly served on Beren pursuant to L.C.R. 55.2(c);

NOW, on motion of Plaintiffs 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) (together, "Plaintiffs"), it is hereby

ORDERED AND ADJUDGED that Plaintiffs' motion is GRANTED; and it is further

ORDERED AND ADJUDGED that Plaintiffs recover from Beren an amount to be determined at trial; and it is further

ORDERED AND ADJUDGED that post-judgment interest shall run on the above amount at a rate to be determined at trial from the date of judgment until the judgment is satisfied; and it is further

ORDERED AND ADJUDGED that this Court reserves jurisdiction over the parties hereto in any action to enforce this judgment.

Dated: _____, 2019

Hon. Jed S. Rakoff, U.S.D.J