

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
CASE #:  
FILED: 10/6/19

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.

ORDER

**NOTICE OF REQUEST FOR VACATUR OF CERTIFICATE OF DEFAULT  
AND WITHDRAWAL OF MOTION FOR A DEFAULT JUDGMENT  
AGAINST DEFENDANT EZRA BEREN**

**WHEREAS**, on July 24, 2019, pursuant to Local Civil Rule 55.1, 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**") requested that the Clerk of this Court enter a Certificate of Default (the "**Certificate**") against Defendant Ezra Beren ("**Beren**") in the above-captioned actions (Doc. 569, 440);

**WHEREAS**, on July 25, 2019, the Clerk of the Court issued the Certificate noting the default of Beren (Doc. 570, 441);

**WHEREAS**, on September 30, 2019, pursuant to Federal Rule of Civil Procedure 55 and Local Civil Rule 55, Plaintiffs moved for a default judgment against Beren (the “**Motion**”) (Doc. 646, 462);

**WHEREAS**, on October 4, 2019, Beren filed a Motion to Vacate the Default and Cross-motion to Vacate Clerk’s Certificate of Default in the action captioned *Trott, et ano. v. Platinum Management (NY) LLC*, No. 1:18-cv-10936-JSR (S.D.N.Y.), together with supporting declarations of Ezra Beren, Jonathan Beren, Denise Beren, Tammy Beren, and S. Christopher Provenzano (Doc. 468-474); and

**WHEREAS**, based upon Beren’s agreement to accept service of the Second Amended Complaint in these action (Doc. 226, 285) as of October 7, 2019, Plaintiffs have agreed to request that the Certificate be vacated and to withdraw the Motion.

**UPON THE FOREGOING PREMISES**, Plaintiffs hereby respectfully request that the Clerk of the Court vacate the Certificate of Default and Plaintiffs hereby withdraw the Motion for a Default Judgment, both without prejudice.

Dated: New York, New York  
October 7, 2019

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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)*

SO ORDERED

John S. P. J.  
JSPJ  
10-16-19