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October 3, 2019

VIA ECF AND FEDERAL EXPRESS

SO ORDERED: 10/6/19

Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

USDJ

Re: SEC v. Platinum Mgmt. (NY) LLC, et al., No. 1:16-cv-06848-BMC

Dear Judge Cogan:

This firm is counsel to Melanie L. Cyganowski, the court-appointed Receiver (“Receiver”) of the various Platinum entities in receivership in this matter.

We write with respect to the:

- (i) October 2, 2019 letter sent to Your Honor by Michael S. Sommer, counsel to David Levy, **Dkt. No. 491**, seeking leave to make “a motion for the Receiver to honor Platinum’s indemnification and payment obligations to both Mr. Levy and his counsel” (the “**Proposed Levy Motion**”); and
- (ii) Motion filed by Joseph SanFilippo on September 23, 2019, **Dkt. No. 490** (the “**SanFilippo Motion**”¹ and together with the Proposed Levy Motion, the “**Motions**”).

By docket entry dated October 2, 2019, Your Honor denied the relief sought in Mr. Levy’s letter as moot, waived a pre-motion conference, and granted Mr. Levy leave to file the Proposed Levy Motion.

The Receiver believes that there will be meaningful overlap between the Motions, and as a result, for reasons of judicial economy and conservation of estate resources, the Receiver respectfully requests that she be permitted to file one omnibus opposition to both Motions, no

¹ Based on the date of the filing of the SanFilippo Motion, the Receiver’s opposition would be due on October 7, 2019.



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later than two weeks following the filing of the Proposed Levy Motion. Messrs. Levy and SanFilippo would then be permitted to file reply briefs one week after the filing of the Receiver's opposition.

The Receiver has conferred with counsel for Messrs. Levy and SanFilippo who do not oppose this request.

If Your Honor finds this proposed briefing schedule acceptable, the Receiver respectfully requests that Your Honor "so order" this letter. Alternatively, we are available at the Court's convenience to discuss the foregoing.

Thank you for your continued attention to these matters.

Respectfully submitted,

/s/ Erik B. Weinick

Erik B. Weinick

cc: Counsel of Record via **ECF**