

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

IN RE PLATINUM BEECHWOOD
LITIGATION

Master Docket No.
1:18-cv-06658-JSR

MARTIN TROTT *et al.*,

plaintiffs

against

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

defendants.

No. 1:18-cv-10936-JSR

SENIOR HEALTH INSURANCE
COMPANY OF PENNSYLVANIA,

plaintiff,

against

BEECHWOOD RE LTD., *et al.*,

defendants.

No. 1:18-cv-06658-JSR

**EZRA BEREN'S ANSWER TO
SECOND AMENDED COMPLAINT**

PROVENZANO GRANNE & BADER LLP
1330 Avenue of the Americas, Suite 23A
New York, NY 10019

Counsel for Defendant Ezra Beren

Defendant Ezra Beren generally denies any liability to the plaintiffs in connection with any of the claims asserted in the second amended complaint (the “SAC”) and, for his answer to the specific allegations of the SAC, states as follows:

DESCRIPTION OF THE CASE

1. Mr. Beren denies knowledge or information sufficient to form a belief about the truth of this allegation.
2. Admitted.
3. Mr. Beren admits the identities of the defendants, denies the remaining allegations as to himself, and denies knowledge or information sufficient to form a belief about their truth as to the other defendants.
4. This allegation asserts a conclusion of law to which no response is required. To the extent any answer is required, it is denied.
5. This allegation asserts a conclusion of law to which no response is required. To the extent any answer is required, it is denied.
6. This allegation asserts a conclusion of law to which no response is required. To the extent any answer is required, it is denied.
7. Mr. Beren admits that Platinum Management was the general partner of PPVA; denies that he owned, operated, or managed Platinum Management or any other entity; and denies knowledge or information sufficient to form a belief about the truth of the allegations as to the other defendants.
8. Mr. Beren denies knowledge or information sufficient to form a belief about the truth of this allegation.

9. Mr. Beren denies the allegations as to himself and denies knowledge or information sufficient to form a belief as to the truth of these allegations as to the other defendants.
10. Mr. Beren denies the allegations as to himself and denies knowledge or information sufficient to form a belief as to the truth of these allegations as to the other defendants.
11. Mr. Beren denies the allegations as to himself and denies knowledge or information sufficient to form a belief as to the truth of these allegations as to the other defendants.
12. Mr. Beren denies that he was an “investment manager” but admits that he was employed by PPVA and that PPVA paid him a salary. He further admits that in 2014 he entered into an investment management agreement with BAM, and that as of January 1, 2016, he was a full-time employee of BAM. Mr. Beren denies the remaining allegations as to himself and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations as to the other defendants.
13. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
14. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
15. Admitted.
16. Mr. Beren admits that PPVA was placed into provisional liquidation under the supervision of the Grand Court of the Cayman Islands on August 23, 2016. He

denies the remaining allegation as to himself, and denies knowledge or information sufficient to form a belief as to the truth of the remaining allegation as to the other defendants.

17. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
18. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
19. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation as to the other defendants.
20. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation as to the other defendants.
21. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
22. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
23. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
24. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

25. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation as to the other defendants.
26. Mr. Beren knowledge or information sufficient to form a belief as to the truth of this allegation.
27. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation as to the other defendants.
28. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
29. Mr. Beren denies that he was awarded partnership distributions, fees, or other compensation based on PPVA's results and denies sufficient knowledge or information to form a belief as to the truth of that allegation as to the other defendants. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations.
30. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence. Mr. Beren denies the allegations in the second sentence as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence as to the other defendants.
31. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation as to the other defendants.

32. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
33. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
34. Mr. Beren admits that Platinum Management was PPVA's general manager. He denies that he was a "principal/manager/advisor/owner" of Platinum Management. The allegation concerning the Platinum Defendants' obligations to PPVA is a conclusion of law to which no response is required. To the extent that an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to its truth as to the other defendants. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations.
35. This allegation asserts a conclusion of law to which no response is required. To the extent that an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to its truth with respect to the other defendants.
36. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to its truth with respect to the other defendants.

PARTIES RELEVANT TO THE JOL'S CLAIMS

37. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

38. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
39. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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64. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
65. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
66. Mr. Beren denies the allegation in the second sentence as to himself and denies knowledge or information sufficient to form a belief as to the truth of that allegation with respect to the other defendants. He denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations.
67. Mr. Beren admits that Murray Huberfeld lives in Lawrence, New York.
68. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
69. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
70. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

71. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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104. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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107. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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109. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
110. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
111. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
112. Admitted.
113. Mr. Beren denies that he served as Vice President of Platinum Management from March 2007 until December 2015. He admits that he was hired by BAM in January 2016 and worked as a credit analyst.
114. Denied.

115. Mr. Beren admits that he was a portfolio manager for PPVA and that he participated in a single meeting of the valuation committee. Mr. Beren denies the remaining allegations.
116. Denied.
117. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
118. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
119. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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147. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
148. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
149. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
150. Mr. Beren denies this allegation as to himself and denies knowledge or information sufficient to form a belief as to its truth with respect to the other defendants.
151. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
152. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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191. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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202. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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213. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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219. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
220. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
221. This allegation asserts a conclusion of law to which no response is required. To the extent any answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
222. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

JURISDICTION AND VENUE

223. This allegation asserts a conclusion of law to which no response is required.

224. This allegation asserts a conclusion of law to which no response is required.

225. This allegation asserts a conclusion of law to which no response is required.

FACTUAL BACKGROUND

A. The PPVA Investment Structure

226. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

227. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

228. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation. Further, the document speaks for itself.

229. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

230. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

231. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

232. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

233. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

234. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

235. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

236. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

B. Platinum Management as General Partner

237. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

238. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

239. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

240. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

241. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

242. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

243. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation. Further, the document speaks for itself.

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249. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation. Further, the document speaks for itself.
250. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

C. Platinum Defendants' Valuation and Risk Assessment Process and Representations Concerning Investments and NAV

251. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
252. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
253. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
254. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
255. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

256. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
257. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
258. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
259. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
260. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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264. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation. Further, the document speaks for itself.

265. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
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267. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation. Further, the document speaks for itself.
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271. The allegation asserts a conclusion of law to which no response is required. To the extent that an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to its truth with respect to the other defendants.

D. The Collapse and Liquidation of PPVA

272. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
273. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
274. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
275. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
276. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
277. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
278. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
279. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
280. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
281. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
282. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

283. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
284. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
285. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
286. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
287. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
288. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
289. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
290. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
291. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
292. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
293. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

294. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
295. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
296. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
297. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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301. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
302. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
303. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
304. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

305. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

E. Concentration in Illiquid Investments

306. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

307. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

308. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

309. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

310. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

311. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

312. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

F. Misrepresentation of PPVA's NAV in the Wake of the Black Elk Explosion

313. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

314. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
315. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
316. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
317. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
318. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
319. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
320. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
321. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
322. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

G. Misrepresentation of Value for Golden Gate Oil

323. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
324. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
325. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
326. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
327. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
328. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
329. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
330. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
331. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

332. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
333. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
334. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
335. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
336. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
337. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
338. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
339. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
340. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
341. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

342. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

343. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

H. Creation of Beechwood

344. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

345. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

346. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

347. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

348. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

349. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

350. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

351. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

352. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

353. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

354. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

355. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

356. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

357. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

358. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

359. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

360. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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362. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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365. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
366. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
367. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
368. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
369. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
370. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

371. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

372. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

I. Structure and Ownership of Beechwood

373. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

374. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

375. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

376. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

377. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

378. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

379. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

380. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
381. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
382. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
383. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
384. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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386. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
387. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
388. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
389. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
390. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

391. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
392. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
393. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
394. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
395. Admitted.
396. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
397. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
398. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
399. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

J. Beechwood and the First Scheme

400. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

401. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

402. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

403. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

404. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

405. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

406. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

407. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

408. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

409. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

410. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

411. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

412. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

1. Golden Gate Oil

413. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

414. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

415. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

416. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

417. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

418. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

419. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

420. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

421. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

422. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

423. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

2. PEDEVCO

424. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

425. The allegation asserts a conclusion of law to which no response is required. To the extent that an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to its truth with respect to the other defendants.

426. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

427. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

428. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

429. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

430. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

431. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

432. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

433. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

434. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

435. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

3. Implant Sciences

436. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

437. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

438. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

439. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

K. Black Elk Scheme

440. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

441. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

442. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

443. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

444. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
445. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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452. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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459. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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463. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
464. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

465. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
466. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
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472. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
473. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
474. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

475. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
476. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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481. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
482. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
483. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

484. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
485. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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488. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
489. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
490. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
491. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
492. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
493. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

494. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
495. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
496. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
497. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
498. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
499. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
500. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
501. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
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503. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

504. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
505. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
506. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
507. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
508. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
509. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
510. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
511. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
512. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
513. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

514. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

515. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

L. Creation of Montsant and Repurchase of Black Elk Bonds

516. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

517. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

518. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

519. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

520. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

521. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

522. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

523. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

524. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

525. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

526. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

527. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

528. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

M. Northstar

529. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

530. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

531. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

532. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

533. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

534. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

535. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

536. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

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539. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
540. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
541. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
542. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
543. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
544. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
545. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

546. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

547. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

548. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

549. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

550. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

N. The Second Scheme

551. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

552. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

553. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

554. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

555. Mr. Beren makes reference to his responses set forth below.

1. Use of Montsant to Hide Beechwood Encumbrance of PPVA Assets

556. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

557. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

558. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

559. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

560. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

561. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

562. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

563. Mr. Beren denies that he participated in any calculations of PPVA's NAV and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

564. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

565. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

566. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

567. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

2. Nordlicht Side Letter

568. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

569. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

570. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

571. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
572. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
573. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
574. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
575. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
576. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
577. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
578. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
579. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
580. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
581. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

582. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

583. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

3. March 2016 “Restructuring” of PPVA/PPCO/Beechwood Transactions

584. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

585. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

586. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

587. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

588. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

589. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

590. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

591. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

592. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
593. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
594. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
595. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
596. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
597. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
598. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
599. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
600. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
601. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
602. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

603. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

604. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

605. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

606. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

O. The Agera Transactions

607. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

608. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

609. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

610. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

1. Agera Energy

611. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

612. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
613. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
614. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
615. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
616. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
617. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
618. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
619. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
620. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
621. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
622. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

623. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

624. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

625. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

626. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

2. The Agera Energy Valuation

627. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

628. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

629. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

3. The Agera Sale Process

630. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

631. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

632. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

633. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
634. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
635. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
636. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
637. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
638. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
639. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
640. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
641. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
642. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

4. The Agera Sale

643. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

644. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

645. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

646. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

647. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

648. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

649. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

650. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

651. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

652. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

653. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

654. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

655. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

656. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

657. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

658. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

659. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

5. The Redemption of the Class C Portion of the Note Purchase Price

660. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

661. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

662. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

663. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

664. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

665. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

666. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

667. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

668. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

669. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

670. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

671. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

672. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

P. The Security Lockup

673. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

674. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

675. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

676. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

1. PPNE Notes

677. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

678. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

679. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
680. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
681. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
682. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation. Further, the document speaks for itself.
683. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
684. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
685. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
686. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
687. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

2. Kismetia

688. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

689. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

690. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

691. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

692. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

693. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

694. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

695. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

3. Twosons

696. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

697. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

698. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
699. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
700. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
701. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
702. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
703. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
704. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
705. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
706. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
707. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
708. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

709. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
710. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
711. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
712. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
713. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
714. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
715. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
716. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
717. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

718. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

719. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

720. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

721. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

722. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

723. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

724. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

725. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

4. Seth Gerszberg and West Loop/Epocs

726. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

727. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
728. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
729. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
730. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
731. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
732. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
733. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
734. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
735. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
736. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

737. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

738. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

739. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

740. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

741. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

742. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

743. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

744. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.

745. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
746. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
747. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
748. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
749. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
750. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
751. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
752. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
753. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

754. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
755. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
756. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
757. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
758. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
759. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
760. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of this allegation with respect to the other defendants.
761. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
762. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

CLAIMS FOR RELIEF

**First Count: Breach of Fiduciary Duty
(Duty of Care and Good Faith) Against the Platinum Defendants**

763. Mr. Beren incorporates his responses to paragraphs 1 – 762 as if fully set forth herein.
764. The allegation asserts a conclusion of law to which no response is required.
765. The allegation asserts a conclusion of law to which no response is required.
766. The allegation asserts a conclusion of law to which no response is required.
767. The allegation asserts a conclusion of law to which no response is required.
768. The allegation asserts a conclusion of law to which no response is required.
769. The allegation asserts a conclusion of law to which no response is required.
770. The allegation asserts a conclusion of law to which no response is required.
771. The allegation asserts a conclusion of law to which no response is required.
772. The allegation asserts a conclusion of law to which no response is required.
773. The allegation asserts a conclusion of law to which no response is required.

**Second Count: Breach of Fiduciary Duty
(Duty of Loyalty/Self-Dealing) Against the Platinum Defendants**

774. Mr. Beren incorporates his responses to paragraphs 1 – 773 as if fully set forth herein.
775. The allegation asserts a conclusion of law to which no response is required.
776. The allegation asserts a conclusion of law to which no response is required.
777. The allegation asserts a conclusion of law to which no response is required.
778. The allegation asserts a conclusion of law to which no response is required.
779. The allegation asserts a conclusion of law to which no response is required.
780. The allegation asserts a conclusion of law to which no response is required.

781. The allegation asserts a conclusion of law to which no response is required.

**Third Count: Aiding and Abetting Breach of
Fiduciary Duties against the Individual Platinum Defendants**

782. Mr. Beren incorporates his responses to paragraphs 1 – 781 as if fully set forth herein.

783. The allegation asserts a conclusion of law to which no response is required.

784. The allegation asserts a conclusion of law to which no response is required.

785. The allegation asserts a conclusion of law to which no response is required. To the extent that a response is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

786. The allegation asserts a conclusion of law to which no response is required. To the extent that a response is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

787. The allegation asserts a conclusion of law to which no response is required. To the extent that a response is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants

788. The allegation asserts a conclusion of law to which no response is required. To the extent that a response is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

789. The allegation asserts a conclusion of law to which no response is required. To the extent that a response is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

790. The allegation asserts a conclusion of law to which no response is required.

791. The allegation asserts a conclusion of law to which no response is required. To the extent that a response is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

Fourth Count: Fraud against the Platinum Defendants

792. Mr. Beren incorporates his responses to paragraphs 1 – 791 as if fully set forth herein.

793. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

794. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

795. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

796. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

797. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

798. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

799. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

800. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

801. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

802. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

803. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

804. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

805. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

806. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

807. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

808. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

809. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

810. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

811. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

812. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

813. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

Fifth Count: Constructive Fraud against the Platinum Defendants

814. Mr. Beren incorporates his responses to paragraphs 1 – 813 as if fully set forth herein.

815. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

816. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

817. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

818. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

819. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

820. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

821. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

822. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

823. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

824. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

825. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

826. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

827. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

828. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

829. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

830. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

831. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

832. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

833. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

834. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

835. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

836. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

837. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

Sixth Count: Aiding and Abetting Fraud against the Individual Platinum Defendants

838. Mr. Beren incorporates his responses to paragraphs 1 – 837 as if fully set forth herein.

839. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

840. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

841. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

842. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

843. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and

denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

844. The allegation asserts a conclusion of law to which no response is required.

845. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

**Seventh Count: Aiding and Abetting Breach of
Fiduciary Duties against the Beechwood Defendants**

846. Mr. Beren incorporates his responses to paragraphs 1 – 845 as if fully set forth herein.

847. The allegation asserts a conclusion of law to which no response is required.

848. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

849. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

850. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

851. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

852. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

853. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

854. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

855. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

856. The allegation asserts a conclusion of law to which no response is required.

857. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

**Eighth Count: Aiding and Abetting Fraud
against the Beechwood Defendants**

858. Mr. Beren incorporates his responses to paragraphs 1 – 858 as if fully set forth herein.

859. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and

denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

860. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

861. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

862. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

863. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

864. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

865. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

866. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

867. The allegation asserts a conclusion of law to which no response is required.

868. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and

denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

**Ninth Count: Aiding and Abetting Breach of Fiduciary Duties
against the BEOF Funds and the Preferred Investors of the BEOF Funds**

869. Mr. Beren incorporates his responses to paragraphs 1 – 868 as if fully set forth herein.

870. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

871. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

872. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

873. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

874. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

875. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

876. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
877. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
878. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
879. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
880. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
881. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
882. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

883. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

884. The allegation asserts a conclusion of law to which no response is required.

885. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

**Tenth Count: Aiding and Abetting Fraud against
the BEOF Funds and the Preferred Investors of the BEOF Funds**

886. Mr. Beren incorporates his responses to paragraphs 1 – 885 as if fully set forth herein.

887. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

888. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

889. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

890. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

891. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
892. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
893. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
894. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
895. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
896. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
897. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
898. The allegation asserts a conclusion of law to which no response is required.
899. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

**Eleventh Count: Aiding and Abetting Breach of
Fiduciary Duties against Michael Katz**

900. Mr. Beren incorporates his responses to paragraphs 1 – 899 as if fully set forth herein.
901. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
902. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
903. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
904. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
905. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
906. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

907. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
908. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
909. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
910. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

**Twelfth Count: Aiding and Abetting Breach of
Fiduciary Duties against Kevin Cassidy and Michael Nordlicht**

911. Mr. Beren incorporates his responses to paragraphs 1 – 910 as if fully set forth herein.
912. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
913. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information

sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

914. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

915. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

916. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

917. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

918. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

919. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

920. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

921. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

922. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
923. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
924. The allegation asserts a conclusion of law to which no response is required.
925. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

**Thirteenth Count: Aiding and Abetting Breach of
Fiduciary Duties against Seth Gerszberg**

926. Mr. Beren incorporates his responses to paragraphs 1 – 925 as if fully set forth herein.
927. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
928. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
929. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

930. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

931. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

932. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

933. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

934. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

935. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

936. The allegation asserts a conclusion of law to which no response is required.

937. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

**Fourteenth Count: In the Alternative, Unjust Enrichment
against the Beechwood Defendants, Kevin Cassidy and Seth Gerszberg**

938. Mr. Beren incorporates his responses to paragraphs 1 – 937 as if fully set forth herein.
939. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
940. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
941. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
942. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
943. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
944. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

945. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

946. The allegation asserts a conclusion of law to which no response is required.

947. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

Fifteenth Count: In the Alternative, Unjust Enrichment against the BEOF Funds and the Preferred Investors of the BEOF Funds

948. Mr. Beren incorporates his responses to paragraphs 1 – 947 as if fully set forth herein.

949. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

950. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

951. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

952. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

953. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
954. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
955. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
956. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
957. The allegation asserts a conclusion of law to which no response is required.
958. The allegation asserts a conclusion of law to which no response is required.
959. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

**Sixteenth Count: Civil Conspiracy against the
Platinum Defendants and the Beechwood Defendants**

960. Mr. Beren incorporates his responses to paragraphs 1 – 959 as if fully set forth herein.
961. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

962. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

963. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

964. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

965. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

966. The allegation asserts a conclusion of law to which no response is required.

967. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

**Seventeenth Count: Violation of Civil RICO against the
Platinum Defendants and the Beechwood Defendants**

968. Mr. Beren incorporates his responses to paragraphs 1 – 967 as if fully set forth herein.

969. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and

denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

970. The allegation asserts a conclusion of law to which no response is required.

971. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

972. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

973. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

974. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

975. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

976. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
977. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
978. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
979. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
980. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
981. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and

denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

982. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

983. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

984. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

985. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

Eighteenth Count: (For Relief Only) Alter Ego against the Beechwood Entities in respect of Counts One, Two, Four and Five

986. Mr. Beren incorporates his responses to paragraphs 1 – 985 as if fully set forth herein.

987. The allegation asserts a conclusion of law to which no response is required.

988. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
989. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
990. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
991. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
992. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
993. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.
994. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
995. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
996. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of this allegation.

997. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
998. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
999. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
1000. The allegation asserts a conclusion of law to which no response is required.

Nineteenth Count: (For Relief Only) Alter Ego against the BEOF Funds in respect of Counts One, Two, Four and Five

1001. Mr. Beren incorporates his responses to paragraphs 1 – 1000 as if fully set forth herein.
1002. The allegation asserts a conclusion of law to which no response is required.
1003. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
1004. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1005. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.
1006. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

1007. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1008. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1009. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1010. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1011. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1012. The allegation asserts a conclusion of law to which no response is required.

Twentieth Count: Declaratory Judgment
The Nordlicht Side Letter Is Void and Unenforceable as Contrary to Public Policy

1013. Mr. Beren incorporates his responses to paragraphs 1 – 1012 as if fully set forth herein.
1014. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1015. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1016. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1017. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

1018. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

1019. The allegation asserts a conclusion of law to which no response is required.

1020. The allegation asserts a conclusion of law to which no response is required.

**Twenty-First Count: Declaratory Judgment that the
Master Guaranty Is Void and Unenforceable as against Public Policy**

1021. Mr. Beren incorporates his responses to paragraphs 1 – 1020 as if fully set forth herein.

1022. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

1023. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

1024. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

1025. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

1026. Mr. Beren denies the allegation as to himself and denies knowledge or information sufficient to form a belief as to the truth of the allegation with respect to the other defendants.

1027. The allegation asserts a conclusion of law to which no response is required.

1028. The allegation asserts a conclusion of law to which no response is required.

Twenty-Second Count: (For Relief Only) Alter Ego against the Huberfeld Family Foundation in respect of Counts One, Two, Three, Four, Five and Six

1029. Mr. Beren incorporates his responses to paragraphs 1 – 1028 as if fully set forth herein.
1030. The allegation asserts a conclusion of law to which no response is required.
1031. The allegation asserts a conclusion of law to which no response is required. To the extent an answer is required, Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the.
1032. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1033. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1034. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1035. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1036. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1037. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1038. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.
1039. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

1040. Mr. Beren denies knowledge or information sufficient to form a belief as to the truth of the allegation.

1041. The allegation asserts a conclusion of law to which no response is required.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part for lack of standing.

Second Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part for failure to state a claim.

Third Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part for failure to allege their claims sounding in fraud, misrepresentation, and/or breach of trust with requisite particularity.

Fourth Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part by applicable statutes of limitation.

Fifth Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part by the doctrine of *in pari delicto*.

Sixth Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part by the inequitable conduct of the Plaintiffs or the Plaintiffs' agents, representatives, or consultants.

Seventh Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part by the equitable doctrines of bad faith and unclean hands.

Eighth Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part by equitable doctrines including acquiescence, waiver, estoppel, and laches.

Ninth Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part, and/or the Plaintiffs' damages must be reduced, because the Plaintiffs failed to mitigate damages.

Tenth Affirmative Defense

The Plaintiffs' claims against Mr. Beren are barred in whole or in part by the doctrine of intervening or superseding causation.

Eleventh Affirmative Defense

The Plaintiffs' claims for punitive damages against Mr. Beren are barred because an award of punitive damages is not permissible.

Twelfth Affirmative Defense

The Plaintiffs' claims are barred, in whole or in part, because they have been released, discharged, compromised, and settled, and/or by accord and satisfaction.

Mr. Beren reserves the right to assert and rely on, and does not waive, any additional defenses that become available or apparent during the course of this action.

Dated: January 16, 2019
New York, NY

/s/ S. Christopher Provenzano
S. Christopher Provenzano
PROVENZANO GRANNE & BADER LLP
Attorneys for Defendant Ezra Beren

1330 Avenue of the Americas, Suite 23A
New York, NY 10019
Telephone: (212) 653-0388
chris.provenzano@pgbfirm.com