



January 26, 2017

By ECF

The Honorable Dora L. Irizarry  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Securities and Exchange Commission v. Platinum Management (NY) LLC, et al.,  
No. 16-cv-6848 (DLI) (VMS)

Dear Chief Judge Irizarry:

We represent defendant Joseph SanFilippo in the above-captioned action. We write in connection with this Court's January 25, 2017 Order regarding the Government's motion to intervene and stay the proceedings in this action. Apparently the Court was informed by the Government that Mr. SanFilippo did not respond to the Government's inquiry as to his position on the motion. In fact, Mr. SanFilippo informed the Government by email on January 24<sup>th</sup>, 2017 that he would oppose the motion. Unfortunately, the Government informs us, Mr. SanFilippo's response was received several minutes after the Government filed its motion and therefore was not communicated to the Court. Mr. SanFilippo intends to oppose the motion consistent with the directions of the Court.

We regret the misunderstanding.

Respectfully Submitted,

Kevin J. O'Brien

cc: All Counsel of Record (via ECF)