

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

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SECURITIES AND EXCHANGE COMMISSION, :  
: Plaintiff, :  
- v - :  
PLATINUM MANAGEMENT (NY) LLC; :  
PLATINUM CREDIT MANAGEMENT, L.P.; :  
MARK NORDLICHT; :  
DAVID LEVY; :  
DANIEL SMALL; :  
URI LANDESMAN; :  
JOSEPH MANN; :  
JOSEPH SANFILIPPO; and :  
JEFFREY SHULSE, :  
Defendants. :  
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No. 16-CV-6848 (BMC)

**ORDER APPROVING RECEIVER’S  
MOTION FOR AUTHORITY TO DISCONTINUE THE  
PRESERVATION OF CERTAIN RECEIVERSHIP ESTATE  
ELECTRONIC AND HARDCOPY RECORDS AND ASSOCIATED MEDIA**

THIS MATTER coming before the Court on the motion by Melanie L. Cyganowski, as Receiver (the “*Receiver*”) for Platinum Credit Management, L.P., Platinum Partners Credit Opportunities Master Fund LP, Platinum Partners Credit Opportunities Fund (TE) LLC, Platinum Partners Credit Opportunities Fund LLC, Platinum Partners Credit Opportunities Fund (BL) LLC, Platinum Liquid Opportunity Management (NY) LLC, Platinum Partners Liquid Opportunity Fund (USA) L.P., Platinum Partners Liquid Opportunity Master Fund L.P., Platinum Partners Credit Opportunities Fund International Ltd and Platinum Partners Credit Opportunities Fund International (A) Ltd and the estate thereof (the “*Receivership Estate*”), for entry of an order authorizing, but not directing, the Receiver to discontinue the preservation of various items of computer equipment and storage media, computer software, electronically

stored information, and hard copy files (the “*Motion*”) [Dkt. No. 593];<sup>1</sup> and the Court finding that due and proper notice of the Motion having been provided; and the Court having considered the Motion and exhibits and other documents filed in support of the Motion; and the Court finding the relief requested in the Motion and the procedures described in the Receiver’s Disposition Proposal reasonable and in the best interest of the Receivership Estate; and after due deliberation and for good and sufficient cause shown;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. All objections not withdrawn or resolved by this Order are overruled in all respects.
3. Upon the entry of this Order, the Receiver shall provide notice of entry of this Order (the “*Notice Date*”) to (i) parties in interest in Mark Nordlicht’s bankruptcy case, pending in the United States Bankruptcy Court for the Southern District of New York, Case No. 20-22782, by filing such notice on the docket of that bankruptcy case and (ii) all other parties in interest and/or their respective counsel below by electronic mail (each party receiving notice hereunder, a “*Notice Party*”):

- (a) United States Department of Justice;
- (b) Securities and Exchange Commission;
- (c) Official Joint Liquidators of Platinum Partners Value Arbitrage Fund, LP and affiliated entities;
- (d) David Levy;
- (e) Daniel Small;
- (f) Uri Landesman;
- (g) Joseph Mann;
- (h) Joseph SanFilippo;
- (i) Jeffrey Shulse;
- (j) Mark Nordlicht;

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to such term in the accompanying *Memorandum of Law in Support of Receiver’s Motion for Authority to Discontinue the Preservation of Certain Receivership Estate Electronic and Hardcopy Records and Associated Media* (the “*Memorandum*”).

- (k) Bankers Consec Life Insurance Company;
- (l) Washington National Insurance Company;
- (m) Decision Diagnostics Corp.; and
- (n) BAM Administrative Services, LLC.

4. If, within thirty (30) days of the Notice Date, no Notice Party has provided the Receiver with a written request for access to the Obsolete Materials, with such request to be directed to the Receiver's counsel at [platinumreceiver@otterbourg.com](mailto:platinumreceiver@otterbourg.com), then the Receiver shall be authorized, but is not directed, to discontinue the preservation of those portions of the Obsolete Materials that are not the subject of a written request from a Notice Party. Such discontinuance may include, but is not limited to:

- (a) shredding or other commercially reasonable destruction of all Hardcopy Documents stored with Iron Mountain by a professional document shredding company(ies);
- (b) permanently wipe clean all data contained on the Legacy Backup Media stored with Tier Point by a professional electronic data destruction company(ies) who shall also furnish the Receiver with a certificate of data destruction; and
- (c) the Receiver, in the exercise of her business judgment and discretion, will cause the physical materials remaining of the Legacy Backup Media to either be (i) sold, (ii) donated, or (iii) recycled or destroyed by a professional electronic waste disposal company(ies); provided, however, that all data contained on such physical materials must first be permanently wiped clean in accordance with the procedures described above in sub-paragraph 4(b).

5. The Receiver shall continue to maintain the Preserved Materials in accordance with the Receivership Order, unless otherwise ordered by the Court.

6. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

SO ORDERED.

Digitally signed by  
Brian M. Cogan

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U.S.D.J.

Dated: Brooklyn, New York  
October 21, 2021