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December 8, 2021

VIA ECF

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

> **Re:** ***United States Securities and Exchange Commission et al v. Platinum Management (NY) LLC et al.*, 1:16-cv-06848-BMC**

Dear Judge Cogan:

We represent Defendant Daniel Small in the above-captioned matter.

We write in connection with the Receiver's Omnibus Motion to confirm her claim determinations, which was filed on November 23, 2021 (ECF. Nos. 597, 602). Pursuant to the agreement of all the parties to this contested motion and as reflected in the Receiver's Notice of Motion, the claimants' oppositions to the omnibus motion are due on December 13, 2021 (*see* ECF No. 597). Accordingly, we respectfully join Defendant David Levy's request, made with the consent of the Receiver's counsel, that ECF No. 606, granting the omnibus motion, be withdrawn (*see* ECF No. 607).

In addition, pursuant to Rule III.B.1 of Your Honor's individual practices, we respectfully request permission for an extension of the twenty-five (25) page limit for Mr. Small's memorandum of law in opposition to the Receiver's omnibus motion. This Court previously granted the Receiver's request to file an oversize omnibus memorandum of law in support of the aforementioned motion not to exceed sixty-five (65) pages (*see* ECF No. 594 and Oct. 9, 2021 Order), to which Mr. Small consented. Given the length and variety of the Receiver's arguments, Mr. Small requests permission for a limit of no more than forty-five (45) pages for his opposition brief. We have conferred with counsel for the Receiver, who has consented to this request.

Respectfully submitted,

/s/ Seth L. Levine
Seth L. Levine

cc: Counsel for Plaintiffs (via ECF)