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January 3, 2022

**VIA CM/ECF**

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

**Re: United States Securities and Exchange Commission v. Platinum Management (NY) LLC, et al., No. 1:16-cv-06848-BMC**

Dear Judge Cogan:

We write on behalf of defendant David Levy and non-party claimant Wilson Sonsini Goodrich & Rosati, P.C. (“Wilson Sonsini”) to respectfully request leave to file a sur-reply in response to the Receiver’s reply brief in support of its Omnibus Motion to Confirm Claims Determinations, filed on December 28, 2021 (Dkt. No. 617). Motions for leave to file a sur-reply “are subject to the sound discretion of the court,” *Anghel v. N.Y. State Dep’t of Health*, 947 F. Supp. 2d 284, 293 (E.D.N.Y. 2013) (citation omitted), and are particularly appropriate where, as here, a reply brief includes new arguments or information. *See id.*

In its reply, the Receiver raises a plethora of new arguments challenging the scope and validity of the Wilson Agreement, including its enforceability under Delaware law. *See* Dkt. No. 617 at 3-6. In order to address these new arguments, we respectfully request leave to file a brief sur-reply. In light of the holidays and commitments to other matters, we request the sur-reply be filed by January 14, 2022.

**WILSON  
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Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
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*s/ Michael S. Sommer*

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cc: All Counsel of Record (via CM/ECF)