

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)

**TWENTY-SECOND JOINT INTERIM APPLICATION OF THE RECEIVER
AND OTTERBOURG P.C. FOR ALLOWANCE OF COMPENSATION
AND REIMBURSEMENT OF EXPENSES INCURRED DURING THE PERIOD
OCTOBER 1, 2022 THROUGH AND INCLUDING DECEMBER 31, 2022**

Melanie L. Cyganowski, the 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. (collectively, the “Receivership Entities,” the “Platinum Entities” or “Platinum”), and Otterbourg P.C., as counsel to the Receiver (“Otterbourg” and, together with the Receiver, “Applicants”), hereby submit this Twenty-Second Joint Interim Application (the “Twenty-Second Interim Application”) for

Allowance of Compensation and Reimbursement of Expenses Incurred During the Period from October 1, 2022 through and including December 31, 2022 (the “Application Period”). There are two components to this Application: (i) the Receiver’s services and (ii) the services of her counsel (Otterbourg). The Receiver requests interim approval of fees in the amount of \$10,348.00 and reimbursement of expenses in the amount of \$38.33 for the Application Period. Otterbourg requests interim approval of fees in the amount of \$60,533.10 and reimbursement of expenses in the amount of \$1,242.11 for the Application Period, for a combined total of fees for Applicants in the amount of \$70,881.10,¹ and expenses in the amount of \$1,280.44 for the Application Period.

This Twenty-Second Interim Application contains the following sections:

Section I provides a preliminary statement of the Receiver’s activities during the Application Period.

Section II summarizes the background of the receivership and also contains case status information required by Section C.2 of the Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and Exchange Commission (the “SEC Billing Guidelines”). Section II also describes the procedures used by Otterbourg in compiling its billing records and provides other information as requested by the SEC Billing Guidelines, including a description

¹ As agreed to by the Receiver, this total amount reflects several accommodations voluntarily made by Applicants: (1) a public service accommodation of a twenty percent (20%) reduction in the Receiver’s recorded time charges; (2) a ten percent (10%) reduction in Otterbourg’s recorded time charges for all project code categories except for any related to certain litigation matters (the previously resolved Beechwood Action and a previously resolved arbitration proceeding), for which Applicants have agreed to a twenty-five percent (25%) reduction in Otterbourg’s time charges (none were incurred during this Application Period), subject to Applicants requesting partial repayment of such reduction later in the case; and (3) a reduction in the Receiver’s aggregate fees (prior to application of the public service accommodation) to discount for the customary annual increases in her billable rate since her appointment. Therefore, during the Application Period, the Receiver’s recorded time charges before application of these accommodations were \$21,060.00 and Otterbourg’s recorded time charges were \$67,259.00, for a combined gross legal fees total (before the application of any accommodations) of \$88,319.00.

of each exhibit to this Twenty-Second Interim Application and the reduction in fees agreed to in connection with the appointment of the Receiver.

Section III contains a narrative description of the work Applicants performed on behalf of the Receivership estate during the Application Period, under each project category, in accordance with Section D of the SEC Billing Guidelines. All such categories correspond with the SEC's Billing Guidelines.

Section IV contains a summary of all expenses for which Applicants seek reimbursement and the procedures and policies adopted by Applicants to ensure compliance with Section E of the SEC Billing Guidelines.

Section V briefly summarizes the standards to be applied by the Court in determining fee awards in SEC receivership cases.

I. PRELIMINARY STATEMENT

During the Application Period, the Receiver and her team² (i) focused on mediation efforts in the adversary proceeding commenced by the Receiver in the personal bankruptcy case of Mark Nordlicht ("Nordlicht") objecting to Nordlicht's discharge; (ii) continued to attend to administrative matters in the receivership case while awaiting the issuance of certain Court decisions that may impact the completion of any proposed plan of distribution; and (iii) continued to monitor the few remaining assets of the estate that have not been liquidated and that may have potential value.

As previously reported, certain of the settlements that the Receiver reached during the course of the Receivership are confidential. To preserve the confidentiality of these settlements, the Receiver advised that she would not and will not be disclosing details of *any* settlements,

² To assist her with her duties, the Receiver retained, with the approval of the Court (on July 21, 2017), Otterbourg P.C. ("Otterbourg") as her legal counsel [Dkt. No. 231] and Teneo Company as her financial advisor [Dkt. No. 232] ("Teneo" (f/k/a Goldin Associates) and, together with Otterbourg, the "Receivership Team").

including the identity of the settling parties, the amounts agreed to be paid by such parties, whether such amounts are to be paid in structured payouts and over what period of time, and/or the source of any litigation-related funds received in any quarter, unless such details are matters of public record by virtue of a motion for Court approval of such settlement or otherwise.

A. Analysis and Disposition of Receivership Assets

During the Application Period, the Receivership received \$25,428. This is in addition to the approximately \$87.4 million received by the Receivership since the date of the Receiver's appointment. Certain parties have asserted secured claims to all or part of the proceeds of such liquidated investments, most of which have been resolved pursuant to the settlement in the litigation with Beechwood and the agreement with Heartland Bank.

There are currently five remaining assets that the Receiver continues to monitor,³ including assets in which the Receiver retained a residual interest and assets that are jointly held with PPVA that have potential value, but do not require outlays of capital to maintain. While there are additional assets that remain as property of the estate (*See* The Receiver's Twenty-Second Status Report to the Court, Exhibit B, Dkt. No. 658), the Receiver has determined that these other remaining assets do not have any value, are not being actively monitored, and will most likely be subject to a request to abandon in a proposed plan of distribution. Although the Receiver did not dedicate significant time to any particular remaining asset during the Application Period, the Receiver periodically is called upon to address certain post-closing matters with respect to certain assets that were previously sold.

³ The assets that the Receiver continues to monitor are: (i) China Horizon/Yellow River; (ii) Acceleration Bay litigation (Receivership has a residual interest); (iii) Agera litigation; (iv) Decision Diagnostics equity; and (v) Pro Player revenue sharing agreement.

B. Administrative Matters

During the Application Period, the Receiver and the Receivership Team continued to speak with various interested parties and groups, including the Joint Liquidators for PPVA,⁴ the SEC and Platinum investors and creditors. The Receiver updates the Receiver's website with key documents, answers to frequently asked questions and status reports to investors. The Receivership Team also filed a quarterly report and fee applications in this Court during the Application Period.

II. CASE BACKGROUND AND STATUS

A. Case Background

SEC Complaint

On December 19, 2016, the United States Securities and Exchange Commission (the "SEC") filed its Complaint (the "SEC Complaint") against individual defendants Nordlicht, David Levy ("Levy"), Daniel Small ("Small"), Uri Landesman,⁵ Joseph Mann, Joseph SanFilippo ("SanFilippo"), Jeffrey Shulse, and both Platinum Management (NY) LLC and Platinum Credit Management, L.P. (collectively, the "Defendants").

The SEC Complaint alleged, *inter alia*, that the Defendants conducted a fraudulent scheme to inflate asset values and illicitly moved investor money to cover losses and liquidity problems. This was an allegedly multi-pronged fraud perpetrated by Platinum Management (NY) LLC and Platinum Credit Management, L.P., the managers of PPVA and Platinum Credit Opportunities Master Fund L.P. (together with its feeder funds, "PPCO"), respectively, involving multiple individuals led by Nordlicht, the founder of the Platinum Entities and the Co-Chief

⁴ PPVA is the subject of insolvency proceedings pending in the Cayman Islands and a Chapter 15 bankruptcy proceeding in the U.S. Bankruptcy Court for the Southern District of New York.

⁵ Uri Landesman passed away in September 2018.

Investment Officer of PPVA and PPCO. The SEC further alleged that Nordlicht and the managers of the Platinum Entities overstated the value of an oil company (Black Elk Offshore Operations LLC) that was among the funds' largest assets, and that they concealed a growing liquidity crisis by transferring money between the funds, making redemptions to favored investors and using misrepresentations to attract new investors to the struggling funds.

In a parallel action, the U.S. Attorney's Office for the Eastern District of New York brought criminal charges against Nordlicht and the individual Defendants. Following the criminal trial of Nordlicht, Levy and SanFilippo, the jury returned a verdict convicting Nordlicht and Levy of defrauding bondholders in portfolio company Black Elk Offshore Operations LLC, but acquitting each of them on the remaining charges. SanFilippo was acquitted on all counts with which he was charged. The Court thereafter overturned the jury verdict with respect to Levy and ordered a new trial with respect to Nordlicht. The Department of Justice appealed those decisions and on November 5, 2021, the Court of Appeals for the Second Circuit vacated the Court's order and remanded to the Court for further proceedings consistent with its decision. Following the decision, Nordlicht and Levy requested that the Second Circuit reconsider its decision and/or hear the appeal anew *en banc*, which requests were denied on December 29, 2021. Thereafter, on March 29, 2022, Nordlicht and Levy filed a petition for a writ of certiorari with the United States Supreme Court. On October 3, 2022, the United States Supreme Court declined to hear the appeal. On October 14, 2022, Nordlicht filed a motion with the Court seeking a new trial. Levy joined in Nordlicht's request. The sentencing for Nordlicht and Levy is currently adjourned and a hearing on loss calculation is scheduled for April 18, 2023.

Daniel Small's jury trial in the Eastern District of New York began in July 2022 and following a two-week trial, Small was convicted by a jury on charges of securities fraud and

securities fraud conspiracy for his role in connection with Black Elk. Small filed a motion seeking to have his conviction overturned by the Court. Small's sentencing is currently scheduled for March 10, 2023. The Receiver continues to monitor the criminal proceedings of each of the Defendants.

Appointment of Receiver and Receivership Order

To prevent further diversion of funds and dissipation of the assets of the Platinum Entities, the SEC sought, *inter alia*, the appointment of a receiver to take control of the Platinum Entities and their assets.

On December 19, 2016, the District Court entered an Order Appointing Receiver, [Dkt. Nos. 6 and 16], which appointed Bart Schwartz as receiver (the "Prior Receiver"). At the time of his appointment, the Prior Receiver was serving as a monitor for the Platinum Entities.

On June 23, 2017, after six months, the Prior Receiver resigned and, upon the recommendation of the SEC, by Order dated July 6, 2017, Melanie L. Cyganowski was appointed as Receiver, effective immediately (*i.e.*, July 6, 2017), and ordered to assume all authority previously held by the Prior Receiver under the current Receivership Order. [Dkt. No. 216]. On October 16, 2017, the Court entered the Second Amended Order Appointing Receiver (the "Receivership Order"). [Dkt. No. 276]. The Court amended the Receivership Order on December 29, 2017 to add the following Cayman Islands entities to the receivership: Platinum Partners Liquid Opportunity Master Fund L.P., Platinum Partners Credit Opportunities Fund International, Ltd. and Platinum Partners Credit Opportunities Fund International (A), Ltd. [Dkt. No. 297].

Under the terms of the Receivership Order, the Receiver is, among other things, required to preserve the *status quo*, ascertain the extent of commingling of funds, ascertain the true financial condition of the Platinum Entities, prevent further dissipation of property and assets of

those entities, prevent the encumbrance or disposal of property or assets of the Platinum Entities, preserve the books, records, and documents of the Platinum Entities, be available to respond to investors' inquiries, protect investors' assets, conduct an orderly wind down, including a responsible disposition of assets and an orderly and fair distribution of those assets, and determine whether one or more of the Receivership Entities should undertake bankruptcy filings.

B. Case Status⁶

In accordance with Section C.2. of the SEC Billing Guidelines, Applicants state as follows:

(a) As of December 31, 2022, the Receivership Entities had approximately \$17.3 million in funds. Certain parties have claimed an interest in certain sold assets and have asserted claims to a portion of the sale proceeds of such assets (as opposed to a general claim against the Receivership Entities). Other parties have presented documentation which purportedly grant them security interests in all or certain of Platinum's assets. These secured claims were challenged and have been substantially resolved pursuant to settlements in the Beechwood litigation and an agreement with Heartland Bank.

It is estimated that, as of December 31, 2022, accrued and unpaid administrative expenses amount to approximately \$4.75 million. This amount includes the fees and expenses that have been incurred by the Receiver, Otterbourg and Teneo during this Application Period and that are being requested herein, holdbacks for prior applications of the Receiver, Otterbourg and Teneo and holdbacks to the Prior Receiver's counsel (Cooley) with respect to its interim fee application. In addition to these unpaid administrative expenses, the Receiver paid remaining in-house Platinum staff and other operating expenses during the Application Period.

⁶ The Receiver and Otterbourg base the information in this section primarily on the Receivership's Standardized Fund Accounting Reports covering the period October 1, 2022 through December 31, 2022.

(b) Cash disbursements during the Application Period totaled \$549,011. This amount consisted of (i) \$421,752 in payments to the Receiver and her professionals for fees incurred during the second and third quarters of 2022 and approved by the Court during the Application Period; and (ii) \$127,258 in business asset expenses (primarily consisting of payroll and related expenses paid to Platinum employees, office rent, and payments to Epiq).

Cash receipts during the Application Period totaled \$25,428, consisting of interest and installment payments by the Schafer and Weiner law firm in connection with a previously approved settlement agreement

Pursuant to the previously-approved bar date procedures motion [Dkt. No. 453], the bar date to file a proof of claim asserting a claim arising before the Receivership was March 29, 2019 and the bar date for governmental units to file a proof of claim was April 12, 2019. In excess of 300 claims were filed. Parties holding investor claims and claims for unpaid redemptions were not required to file proofs of claim. Requests for payment of administrative claims, if any, incurred on or prior to June 30, 2022 were required to be filed by October 21, 2022. None were filed. A description of the claims reconciliation process is described in Section IV.C below.

The Receiver cannot at this time state what distributions will ultimately be to creditors and investors, as it will in large part be dependent upon the outcome of the claims resolution process.

As of December 31, 2022, the primary assets of the estate (“Receivership Property”) consisted of the following:

- (i) Cash and cash equivalents of approximately \$17.3 million;
- (ii) Remaining stock and royalty interests, litigation financing and other miscellaneous investments; and

(iii) Potential litigation claims.

(c) The Receiver and the Receivership Team have analyzed pre-Receivership activities, including transfers made by PPCO and PPLO to other entities and individuals, and the professional services provided by, among others, valuation agents, fund administrators, auditors and legal advisors, to determine if any additional causes of action exist that, on a cost-benefit basis, warrant the commencement of litigation. Where mutual releases were warranted, the Receiver has sought and obtained such releases. Whether and the extent to which the Receiver may commence additional affirmative actions against, among others, insiders of Platinum, if any, will likely be addressed as part of the proposed plan of distribution and likely reservation of rights.

III. FEES AND EXPENSES REQUESTED

In connection with the Application Period, the Receiver requests interim approval of her fees in the amount of \$10,348.00 and reimbursement of expenses in the amount of \$38.33. Otterbourg requests interim approval of fees in the amount of \$60,533.10 and reimbursement of expenses in the amount of \$1,242.11. Thus, the combined total of fees for Applicants of \$70,881.10 plus expenses of \$1,280.44, is \$72,161.54.

The Receiver has assembled a team of Otterbourg professionals to prosecute the litigations commenced by the Receiver, to address different investments and to assist with the administration and wind down of the case. The Otterbourg professionals communicate with each other and the other retained professionals regularly to keep others informed of each's activities and avoid duplication of efforts.

The fees requested are determined on the basis of the hours worked by Otterbourg attorneys and paraprofessionals, as well as the Receiver, and the hourly rates in effect at the time the services were rendered, as modified by a public service accommodation, described below.

The fees requested also take into account all relevant circumstances and factors as set forth in the New York Lawyer's Rules of Professional Responsibility, as applied to Otterbourg as attorneys, including the nature of the services performed, the amount of time spent, the experience and ability of the lawyers and legal assistants working on this engagement, the novelty and complexity of the specific issues involved, the time limitations imposed by the circumstances, and the responsibilities undertaken by Applicants.

Pursuant to the public service accommodation applicable to this matter, a 20% accommodation has been applied across the board to the Receiver's recorded time. Furthermore, fees for legal services performed by Otterbourg professionals have been reduced by 10% from the aggregate recorded time charges for all project codes, except for those relating to the previously resolved Beechwood litigation and an arbitration proceeding, for which Applicants have applied a 25% discount to the aggregate recorded time charges, subject to the right of Applicants to request a partial repayment of the discount later in the case. (No fees were billed to these project codes during the Application Period.) In addition, the Receiver has agreed to provide a further discount in an amount that represents the increase in her fees since her appointment. (In accordance, with Otterbourg's regular practice, its hourly rates are reviewed and potentially increased on October 1st of each year.)

Pursuant to the public service and rate increase accommodations described above, the recorded time charges for the Receiver have been reduced from \$21,060.00 to \$10,348.00, a reduction in the amount of \$10,712.00. In addition, the recorded time charges for the Otterbourg professionals have been reduced from \$67,259.00 to \$60,533.10, a reduction in the amount of \$6,725.90. Therefore, the total reduction for fees incurred during the Application Period by the Receiver and Otterbourg professionals is \$17,437.90. This does not include other voluntary

reductions in the work recorded with respect to certain matters, which are taken in connection with Applicant's customary review of its recorded time detail and the Receiver's agreement not to bill for any professionals billing less than fifteen (15) hours for the Application Period.

All non-working travel time is billed at half of the amount of the actual non-working travel time of the professional. There was no travel time during the Application Period.

As required by the SEC Billing Guidelines, the Receiver and Otterbourg submitted Applicants' time detail to the SEC for its review.

This Twenty-Second Interim Application includes certain exhibits:

(a) The SFAR for the period of October 1, 2022 through December 31, 2022 is attached as **Exhibit A** hereto.

(b) A Fee Schedule showing the total fees billed and hours worked during the Application Period by the Receiver and each Otterbourg professional, along with the billing rates of each such professional, is attached as **Exhibit B** hereto.

(c) In accordance with Section D.3.c of the SEC Billing Guidelines, a summary reflecting the total fees billed and the hours worked by the Receiver and each professional organized by project category, including a chart showing the amounts being requested after application of the accommodations discussed above, is attached as **Exhibit C** hereto.

(d) In accordance with the Section D.5 of the SEC Billing Guidelines, the time records of the Receiver and the Otterbourg professionals for the Application Period, arranged in chronological order within each activity category, are attached as **Exhibits D** and **E**, respectively, hereto.

(e) In accordance with Section E.1.a. of the SEC Billing Guidelines, a summary of all expenses for which Applicants seek reimbursement organized by expense category, are attached as **Exhibit F** hereto.

(f) In accordance with Section E.1.a. of the SEC Billing Guidelines, the expense record of the Receiver and Otterbourg for the Application Period are attached as **Exhibits G and H**, respectively, hereto.

(g) Also submitted herewith as **Exhibit I** is the Certification required by Section A.1 of the SEC Billing Guidelines.

This is the Receiver and Otterbourg's Twenty-Second request for fees and expenses in this case. Otterbourg received no retainer in this case and the Receivership Order limits the Receiver and Otterbourg to obtaining compensation solely from the Receivership estate.

The Receivership Order permits the Receiver and her advisors to be paid on a quarterly basis. In accordance with the SEC Billing Guidelines, and as noted above, the Receiver and Otterbourg submitted its time records for the Twenty-Second Interim Application to SEC counsel prior to filing the Application with the Court, and SEC counsel has reviewed such time records and fee and expenses being requested pursuant to this Application

The Receiver and Otterbourg professionals recorded all services performed in time increments of one tenth (0.1) of an hour. All services by Otterbourg paralegals and other paraprofessionals were professional in nature and, if not performed by the indicated paraprofessionals, would have been performed by attorneys.

Three attorneys billed time during the Application Period (in addition to the Receiver).⁷ Because of the diversity of issues confronting the Receiver, this case necessitated the involvement of attorneys with background and experience in the litigation and bankruptcy disciplines relevant to this receivership during the Application Period.

The particular Otterbourg professionals who billed time during the Application Period and their specific roles were as follows:

(a) Erik B. Weinick (Partner) (4.6 Hours to P01; 17.0 Hours to P04; .7 Hours to P05) – Mr. Weinick is a senior litigator and is also a member of Otterbourg’s bankruptcy department. He has served as the Receiver’s “hub and spoke,” coordinating the work of the Receiver’s professionals and Platinum’s Chief Financial Officer on almost every matter confronting the Receivership from asset dispositions, to litigation matters, and administrative matters, including responding to investor inquiries, preparing or reviewing documents filed in this case, and communicating with counsel for the joint liquidators of PPVA on matters of mutual interest, including the resolution of issues between the estates. During the Application Period, Mr. Weinick spearheaded matters relating to the Nordlicht Bankruptcy Case, assisted with the preparation of status reports and monitored the status of remaining assets.

(b) Jennifer S. Feeney (Partner) (1.4 Hours to P01; 23.0 Hours to P04) – Ms. Feeney is a senior member of Otterbourg’s bankruptcy department. During the Application Period, Ms. Feeney attended to case administration matters, including preparing the Receiver’s quarterly report and updating other reports regarding the status of open matters. Additionally, Ms. Feeney, along with Erik Weinick, worked to keep the Receiver apprised of all activities being undertaken by the Receivership Team.

⁷ The Receiver has requested that Otterbourg voluntarily not bill the time of any professional that billed less than fifteen (15) hours to the case during the Application Period. Accordingly, other attorneys and paraprofessionals may have worked on the matter, but payment for their time is not being requested and is not reflected in the time detail.

(c) Michael A. Pantzer (Associate) (36.7 Hours to P04; 2.4 Hours to P05) – Mr. Pantzer is an associate in the bankruptcy department. During the Application Period, Mr. Pantzer assisted with matters related to the Nordlicht Bankruptcy Case and open issues relevant to investor claims.

IV. SERVICES RENDERED BY RECEIVER AND OTTERBOURG DURING APPLICATION PERIOD

In accordance with Section D.3 of the SEC Billing Guidelines, Applicants segregated their time during the Application Period into three (3) project categories.⁸ Narrative summaries of these activity categories follow:

A. Asset Analysis and Recovery (P01) - Total Fees: \$7,572.00

The review of the assets in the Receivership's asset portfolio is complete. There are only a few remaining assets that the Receiver continues to monitor, including shared assets with PPVA that may have potential value to the Receivership Estate. The Receivership Team is also periodically called upon to address certain follow-up issues regarding previously sold or resolved assets. During the Application Period, counsel for the Receiver did not expend a significant amount of time monitoring the remaining assets, but continues to keep apprised of their status, market for the sale of stock holdings and other options for monetization, including the previously described China Horizon/Yellow River asset that is jointly held with PPVA through a company called PGS. The Joint Liquidators of PPVA and the Receiver continue to monitor this asset and explore options for monetizing the asset, if possible. This asset may ultimately add value to the Receivership Estate, although it is still speculative and any amount that may be realized and the timing of such monetization is still in flux and indeterminate.

⁸ As noted above, **Exhibit C** hereto shows each professional working on a particular project category and the total hours he or she billed in that category prior to the agreed-upon reduction to the aggregate recorded time charges. The fees for each activity category are stated herein *without* showing the agreed upon reductions.

In addition, during the Application Period, the Receiver received from the Federal Treasury checks payable to PPCO and certain non-Receivership entities representing restitution funds (“Restitution Funds”) that the United States Department of Justice collected in connection with a criminal proceeding in which various Platinum entities had invested and, thereby were victims entitled to restitution. Specifically, Jonathan Rosenberg previously plead guilty in connection with a complex scheme to defraud investors and lenders by selling fraudulent investment portfolios of debts purportedly owed by hospital patients. As part of the guilty plea, Mr. Rosenberg was required to pay restitution for the losses of the investors. Centurion Credit Resources, a PPCO entity was one such investor, and as a result, received a check in the amount of \$957,001.22. The check was made payable to the wrong entity and has since been reissued in the correct name. Accordingly, the receipt of the funds will be reflected in the receipts for the first quarter of this year. Certain other proceeds were received on account of non-PPCO related entities. The Receiver received such checks and coordinated with the joint liquidators of PPVA to turnover to them those checks.

B. Case Administration (P04) - Total Fees: \$77,825.50

This category includes tasks that may not be directly related to a specific investment or transaction, but impact the overall administration of the Receivership Estate, including preparation of the plan of distribution, communications with investors, preparing status reports, negotiating with the joint liquidators of PPVA a resolution of purported claims by and against each estate, and monitoring and filing appropriate papers in the Nordlicht Bankruptcy Case. The tasks recorded under this category include the following:

1. Nordlicht Bankruptcy Case. Nordlicht filed a Chapter 7 bankruptcy petition on June 29, 2020 in the United States Bankruptcy Court for the Southern District of New York (the

“Bankruptcy Court”). The case was assigned Case No. 20-22782 (the “Nordlicht Bankruptcy Case”) and is currently pending before Judge David S. Jones. The Receiver has been monitoring and exercising rights as a creditor in the Nordlicht Bankruptcy Case. The Receiver previously filed a proof of claim on behalf of PPCO in the Nordlicht Bankruptcy Case, asserting a claim in the amount of not less than \$219 million (the “Receiver’s Proof of Claim”). It is uncertain, even if allowed in whole or in part, what recovery, if any, may be available from the Nordlicht Bankruptcy Case, which currently has extensive claims filed against it and has limited disclosed assets with which to satisfy those claims. Nordlicht previously filed a proof of claim against the Receivership Estate. That claim is now the property of Nordlicht’s bankruptcy estate and is under the control of the Chapter 7 Trustee to pursue. Pursuit of the Receiver’s objection to the Nordlicht proof of claim has been stayed during the Nordlicht Bankruptcy. The Receiver, however, continues to speak with the Chapter 7 Trustee with respect to, among other things, resolution of the claims held by each against the other’s estate with the goal of reaching a consensual agreement regarding treatment of Nordlicht’s claim against the Receivership Entities.

Additionally, following Nordlicht’s refusal to continue to toll the Receiver’s time to do so, to protect and preserve estate assets and causes of action that can be asserted by creditors against Nordlicht, the Receiver filed a complaint objecting to the discharge of Nordlicht (the “Discharge Complaint”).⁹ The Discharge Complaint alleges, among other things, that Nordlicht knowingly and fraudulently made a false oath in the Nordlicht Bankruptcy Case by failing to list significant assets and financial transactions in his bankruptcy schedules, and concealed his property with the intent to hinder, delay, or defraud his creditors. Nordlicht has asserted a

⁹ The First Amended Complaint was filed on November 5, 2021.

counterclaim essentially seeking dismissal of the Receiver's Proof of Claim filed against Nordlicht's estate.

If the Receiver is successful in the Discharge Complaint, Nordlicht will be denied a discharge in his personal bankruptcy case. Were this to happen, the Receiver and other creditors of Nordlicht will be able to continue to assert claims against Nordlicht, and his assets, post-bankruptcy, and will not be limited to a recovery from the assets of his bankruptcy estate. Further, as to claims asserted against the Receivership Estate for which Nordlicht and a Receivership Entity have alleged co-liability, a creditor's ability to continue to recover against Nordlicht, if successful, may reduce the claims such creditor has asserted against the Receivership.

The parties previously agreed to put the litigation on hold while they explored resolution of their respective claims through mediation. The Hon. Allan L. Gropper (Ret.) was appointed as mediator. The initial mediation session occurred on November 4, 2022. Applicants spent time during the Application Period preparing for the mediation, including preparing mediation statements, and attending the mediation. No resolution was reached and the mediator filed a status report with the Bankruptcy Court on January 17, 2023 stating that the mediation was actively pursued by the parties, but that it concluded without an agreement. A status conference was held on January 31, 2023. The Receiver will be amending the Proof of Claim and Discharge Complaint prior to the March 7, 2023 deadline to do so.

2. Plan of Distribution. While the Receiver awaits the resolution of the disputed indemnification claims (for which the establishment of reserves may be required if not resolved prior to the approval of a plan of distribution) her team has considered issues relevant to a potential plan of distribution. However, Applicants did not expend a significant amount of time

to the plan of distribution during the Application Period. Because the outcome of the claim issues may materially impact the plan, the Receivership Team has held off on filing a proposed plan of distribution. Ultimately, through a motion seeking approval of a plan of distribution, the Receiver will seek the Court's approval of, among other things, (i) the distribution methodology to apply in calculating the distribution to be made on account of each claim and equity interest and (ii) the treatment of claims and equity interests under the plan of distribution. Investors and creditors will have the opportunity to object to the plan of distribution and any of its provisions, including the distribution methodology and treatment of claims and equity interests. The Receiver cannot at this time state what distributions will ultimately be to creditors and investors.

3. **Website and Investor Communications.** The Receiver retained Epiq to create and maintain the Receiver's website (www.PlatinumReceivership.com) and provide other services to the estate, including official communications with stakeholders. This website provides investors and other interested parties with, among other things, periodic status reports, access to court documents and answers to frequently asked questions. The Receiver revises the website as necessary to update the "Frequently Asked Questions" section and to add "key documents." The website allows interested parties to sign up to receive daily notices whenever there are new filings on the Receivership docket. The Receiver and the Receivership Team have attempted to respond to investor inquiries and continue to regularly respond and react to inquiries and requests for information.

4. **SEC Meetings.** The Receiver periodically speaks and corresponds with SEC personnel to keep them apprised of ongoing matters as to which SEC input is appropriate and to keep the SEC apprised of the status of the case.

5. **Criminal Trial.** Applicants continue to monitor the criminal proceedings of the Defendants. The description of the status of the criminal trials and the appeal is discussed in Section II.A above.

6. **Receivership Estate Oversight and General Case Administration.** The Receiver and the Receivership Team also devoted time during the Application Period to the general oversight of the Platinum Entities and the estate. Conferences with the Receiver and members of the Receivership Team occurred as needed to facilitate the exchange of relevant information, including the status of certain assets being monitored, the claims process, the Nordlicht Bankruptcy and other administrative matters. The Receiver maintained direct oversight over all legal and financial-related work being done by her Receivership Team. Otterbourg attorneys assisted the Receiver, along with assistance from Platinum's CFO and Teneo, in analyzing cash management and other administrative issues of the Receivership estate.

C. Claims Review (P05) – Total Fees: \$2,921.50

During the Application Period, Applicants addressed inquiries regarding claims and investor issues as they arose, but there was not a significant amount of time dedicated to claims issues during the Application Period. The below, however, provides a status of the claims review and analysis that was undertaken by the Receiver.

1. **Administrative Claim Bar Date.** Although the Receiver has been paying administrative expenses in the ordinary course of business, to eliminate the risk of having to address potentially unknown administrative claims of unknown amount prior to proposing a plan of distribution, the Receiver sought to establish an administrative bar date. On July 19, 2022, the Receiver filed a motion seeking the entry of an order [dkt. no. 643] (the "Admin Bar Date Motion") (i) establishing a deadline for filing administrative claims, if any, arising on or after

December 19, 2016 through and including June 30, 2022, (ii) approving (a) a proof of administrative claim form, (b) the form and manner of notice of the administrative claim bar date, and (c) procedures for filing proofs of administrative claim. The Admin Bar Date Motion was approved by the Court on August 18, 2022. [Dkt. No. 653] The deadline to file an administrative claim in accordance with the Bar Date Order was October 21, 2022. No administrative claims were filed.

2. Review of Claims and Interests. Pursuant to the Order approving the procedures to reconcile claims and verify interests, entered on December 1, 2020 (the “Claims Procedures and Verification Order”) [Dkt. No. 554], on March 9, 2021, the Receiver filed a Notice of Receiver’s Claims Analysis Report (the “Claims Report”), which set forth her determinations with respect to each of the filed claims. [Dkt. No. 564] Certain claims were allowed as filed or pursuant to previously reached settlements, others disallowed in total, and others partially allowed.

Thirteen claimants, asserting multiple claims, objected to the Receiver’s determinations in the Claims Report. Certain of the objections were consensually resolved or the claims withdrawn. With respect to certain claim objections for which no resolution was reached, in accordance with the procedures set forth in the Claims Procedures and Verification Order, on November 12, 2021, the Receiver filed an Omnibus Motion to Confirm Receiver’s Determinations [Dkt. Nos. 597] (the “Claims Motion”). Responses to the Claims Motion and subsequent briefing occurred during early 2021. The Claims Motion is currently under consideration by the Court.

The Claims Report solely relates to general unsecured claims and secured claims. In accordance with the Claims Procedures and Verification Order, investors in PPCO, including

unpaid redeemers, received a letter that contains information regarding that investor's equity interest in one or more Receivership Entities (the "PPCO Investor Statement"). The PPCO Investor Statement sets forth the amounts invested in one or more Receivership Entities and the amounts previously received as distributions on account of the investor's equity interest, all as reflected in the books and records of the Receivership Entities. Investors had an opportunity to review the information provided and to refute the information, but solely on the basis that the books and records of the Receivership Entities are inaccurate, which was required to be supported by documentation from the investor.

3. **SHIP Escrow Motion**. In connection with the completion of the Receiver's claim review and final determination of all claims, on March 18, 2022, the Receiver filed her Motion for an Order (I) Permanently Enjoining any Prosecution of Claim No. 145 and (II) Confirming the Receiver's Authority to Consent to the Release of the Indemnity Escrow Amount (the "SHIP Escrow Motion"). The SHIP Escrow Motion has its roots in the Court's earlier approval of the Receiver's July 1, 2020 settlement with Senior Health Insurance Company of Pennsylvania in Rehabilitation ("SHIP") and Fuzion Analytics, Inc. ("Fuzion"), Dkt. No. 536-2 (the "Settlement"). The Settlement required that within two (2) business days of the Effective Date (as defined by the Settlement), the Receiver make a wire transfer of \$4,530,155.68 (the "Indemnity Escrow Amount") to the "Indemnity Escrow Agent" (as defined by the Settlement), with the Indemnity Escrow Amount to serve as indemnification by SHIP of the Receiver to the extent that certain parties listed on the Debt Registry¹⁰ with respect to putative ownership by (i) PBLA ULICO 2017; (ii) BBIL ULICO 2014; and (iii) OMNIA Ltd. (the "Putative Lenders") of

¹⁰ The "***Debt Registry***" refers to a document that is attached to the Settlement as Exhibit A. See Dkt. No. 536-1 at 20 of 33.

some portion of the debt (the “Unresolved Portion”), or their agent, BAM Administrative Services, LLC (“BAM”), acting on their behalf, sought payment on the Unresolved Portion.

The Indemnity Escrow Amount is governed by a separate escrow agreement dated July 31, 2020 (the “Escrow”) by and among Melanie L. Cyganowski, in her capacity as the Receiver, Patrick H. Cantilo, in his capacity as Special Deputy Rehabilitator for SHIP, and by Wilmington Trust, National Association, as Escrow Agent. In a separate letter agreement between the Receiver and SHIP that governed distributions by the Escrow Agent (the “Indemnity Escrow Procedures Letter”), the Receiver and SHIP were required to jointly direct the Escrow Agent to release the Indemnity Escrow Amount upon the entry of final, non-appealable order that a claim (the “BAM Claim”) asserted by BAM in the Receivership is invalid as to the Unresolved Portion. To satisfy the condition precedent to the release of the Indemnity Escrow Amount, pursuant to the SHIP Escrow Motion, the Receiver requested that the Court: (i) confirm the effect of the Receiver’s Disallowance by permanently enjoining any further prosecution of the BAM Claim; and (ii) under certain circumstances, confirm the Receiver’s authority to release the \$4,530,155.68 Indemnity Escrow Amount to SHIP. The SHIP Escrow Motion is currently *sub judice*.

V. EXPLANATION OF EXPENSES AND RELATED POLICIES

Applicants seek reimbursement of its out-of-pocket costs in the amount of \$1,280.44. **Exhibit F** sets forth the various categories of expenses for which Applicants seek reimbursement. Applicants will retain the documentation supporting these expenses for a period of seven years in accordance with the SEC Billing Guidelines and will provide the SEC with copies upon request.

Applicants observed the following policies in connection with its expenses during the Application Period:

(a) In accordance with Section E.2.b. of the SEC Billing Guidelines, Applicants seek reimbursement for photocopying and laser printing expenses performed in-house (listed as Photocopies and Laser Copies in **Exhibit F**) at a rate of \$.15 per page. Otterbourg made 1,147 internal photocopies during the Application Period at the rate of 0.15 cents per page, totaling \$172.05 for all in-house copies.

(b) In accordance with Section E.2.g., Applicant would normally seek reimbursement of outgoing facsimile charges at a rate of \$1.00 per page for outgoing transmissions. However, Otterbourg did not make any outgoing facsimile transmissions during the Application Period. Similarly, Otterbourg has not received any incoming facsimile transmissions, nor would it seek to charge anything for them.

(c) With respect to all expenses, Applicants seek reimbursement only for the actual cost of its filing and court reporting fees, postage and overnight delivery fees and long distance telephone charges. Applicants have not included in any request for expense reimbursement the amortization of the cost of any investment, equipment or capital outlay (except to the extent that any such amortization is included within the permitted allowable amounts set forth in the SEC Billing Guidelines). Whenever possible, Applicants have used email to transmit documents via portable document format, thereby reducing facsimile, overnight courier and copying costs otherwise chargeable to the Receivership Estate.

(d) In accordance with Section E.2.h of the SEC Billing Guidelines, Applicants have charged for computerized research only to the extent of the actual discounted invoiced cost of its vendor, Westlaw.

(e) In accordance with Section E.2.j. of the SEC Billing Guidelines, Applicants have neither sought reimbursement for local travel expenses for late night travel home or travel to court (including mileage, taxis, etc.) nor for meals.

(f) In accordance with Section E.2.K of the SEC Applicants have not sought reimbursement for secretarial, word processing, proofreading or document preparation expenses (other than by professionals or paraprofessionals), data processing and other staff services (exclusive of paraprofessional services) or clerical overtime.

(g) The Receiver has created a website to provide updates to investors and other interested parties and to answer frequently asked questions. This service is only charged to the extent of the invoiced cost from the vendor Epiq, which is billed directly to the Receivership Estate.

(h) In some instances, cost incurred during a particular application period will not be reflected in Applicants' records until a subsequent application period. Applicants will seek reimbursement for such "trailing" expenses in subsequent fee application periods.

VI. FACTORS TO BE CONSIDERED BY THE COURT IN AWARDING FEES

The case law on equity receiverships sets forth the standards for approving receiver compensation and the fees and expenses for the receiver's counsel. This Court has discretion to determine compensation to be awarded to a court-appointed equity receiver and his or her counsel and "may consider all of the factors involved in a particular receivership in determining an appropriate fee." *Gaskill v. Gordon*, 27 F.3d 248, 253 (7th Cir. 1994). Many authorities (even if dated) provide "convenient guidelines", but in the final analysis, "the unique fact situation of each case renders direct reliance on precedent impossible." *Securities & Exchange Comm'n v. W.L. Moody & Co.*, 374 F. Supp. 465, 480 (S.D. Tex. 1974), *aff'd sub nom*, 519 F.2d 1087 (5th Cir. 1975).

In allowing counsel fees in Securities Act receiverships, “[t]he court will consider . . . the complexity of problems faced, the benefit to the receivership estate, the quality of work performed, and the time records presented.” *Securities & Exchange Comm’n v. Fifth Ave. Coach Lines, Inc.*, 364 F. Supp. 1220, 1222 (S.D.N.Y. 1973); *see also United States v. Code Prods. Corp.*, 362 F.2d 669, 673 (3d Cir. 1966) (court should consider the time, labor and skill required (but not necessarily expended), the fair value of such time, labor and skill, the degree of activity, the dispatch with which the work is conducted and the result obtained). “[R]esults are always relevant.” *Securities & Exchange Comm’n v. Elliott*, 953 F.2d 1560, 1577 (11th Cir. 1992) (quoting *Moody*, 374 F Supp. at 480). However, a good result may take a form other than a bare increase in monetary value. *Id.* (“Even though a receiver may not have increased, or prevented a decrease in, the value of the collateral, if a receiver reasonably and diligently discharges his duties, he is entitled to compensation.”).

Another “basic consideration is the nature and complexity of the legal problems confronted and the skill necessary to resolve them.” *Moody*, 374 F. Supp. at 485. Moreover, “[t]ime spent cannot be ignored.” *Id.* at 483. Another “significant factor . . . is the amount of money involved.” *Id.* at 486; *see also Gasser v. Infanti Int’l, Inc.*, 358 F. Supp. 2d 176, 182 (E.D.N.Y. 2005) (receiver’s legal fees “must be reasonable in light of the services rendered by counsel and the amount of property held in the receivership”).

Under these standards, Applicants have adequately demonstrated that the amount of fees requested is appropriate and warranted. Applicants acted quickly to take control of and monetize the assets of the Platinum Entities and have taken action to finalize the resolution of claims and proceed to file a plan of distribution.

VII. HOLDBACKS

Earlier in the Receivership, in an effort to preserve assets while the Receiver was actively litigating certain matters, including the removal of the purported blanket liens on the Receivership's assets, Applicants agreed to hold back twenty percent (20%) of the allowed fees requested with respect to all project codes other than with respect to the fees approved for Otterbourg with respect to certain litigation matters, for which Applicants agreed to hold back five percent (5%) in view of the additional fee accommodation being taken with respect to those project codes¹¹ (collectively, the "Holdback Amount"). Accordingly, the total Holdback Amount for this Twenty-Second Interim Fee Application if the requested fees are approved is \$14,176.22 (\$2,069.60 for the Receiver and \$12,106.62 for Otterbourg). All payments will be made from the Receivership assets.

WHEREFORE, PREMISES CONSIDERED, the Receiver and Otterbourg respectfully request that the Court:

- (a) grant interim approval of the Receiver's compensation in the amount of \$10,348.00 (the "Allowed Receiver Fees");
- (b) grant interim approval of Otterbourg's compensation in the amount of \$60,533.10 (the "Allowed Otterbourg Fees" and, together with the Allowed Receiver Fees, the "Allowed Fees");
- (c) grant interim approval of the Receiver's request for reimbursement of its out-of-pocket expenses in the amount of \$38.33;
- (d) grant interim approval of Otterbourg's request for reimbursement of its out-of-pocket expenses in the amount of \$1,242.11;

¹¹ No time was spent during this Application Period with respect to those project codes in which Applicants agreed to an additional accommodation.

(e) authorize the Receiver to immediately pay to Applicants from the Receivership assets (i) the Allowed Fees, less the Holdback Amount, plus (ii) 100% of the allowed out-of-pocket expenses of Applicants; and

(f) grant such other relief as the Court deems appropriate.

Dated: March 7, 2023

Otterbourg P.C.

By: Erik B. Weinick

Erik B. Weinick

Jennifer S. Feeney

230 Park Avenue

New York, New York 10169

Tel.: (212) 661-9100

Fax: (212) 682-6104

eweinick@otterbourg.com

On Behalf of Melanie L. Cyganowski, as Receiver,
and Otterbourg P.C., as Counsel to the Receiver

EXHIBIT A

SFAR

| PLATINUM PARTNERS CREDIT OPPORTUNITIES MASTER FUND LP AND AFFILIATED ENTITIES | | | | |
|--|--|--------------------------------------|---------------------|----------------------|
| STANDARDIZED FUND ACCOUNTING REPORT | | | | |
| Reporting Period from 10/01/2022 to 12/31/2022 | | | | |
| FUND ACCOUNTING (See Instructions) | | | | |
| | | Period from 10/01/2022 to 12/31/2022 | | |
| | | PPCO | PPLO | Total |
| Line 1 | Beginning Balance (As of 10/01/2022) | \$ 14,341,575 | \$ 3,484,524 | \$ 17,826,099 |
| <i>Increases in Fund Balance:</i> | | | | |
| Line 2 | Business Income | - | - | - |
| Line 3 | Cash and Securities | - | - | - |
| Line 4 | Interest/Dividend Income | 7,928 | - | 7,928 |
| Lines 5, 6, 7 | Asset Liquidations and Third-Party Litigations Income | 17,500 | - | 17,500 |
| Line 8 | Miscellaneous - Other | - | - | - |
| | Total Funds Available (Lines 1-8) | \$ 14,367,003 | \$ 3,484,524 | \$ 17,851,527 |
| <i>Decreases in Fund Balance:</i> | | | | |
| Line 9 | Disbursements to Investors/Claimants | - | - | - |
| Line 10 | Disbursements for Receivership Operations | - | - | - |
| Line 10a | Disbursements to Receiver or Other Professionals | (421,752) | - | (421,752) |
| Line 10b | Business Asset Expenses | (127,258) | - | (127,258) |
| Line 10c | Personal Asset Expenses | - | - | - |
| Line 10d | Investment Expenses | - | - | - |
| Line 10e | Third-Party Litigation Expenses | - | - | - |
| | 1. Attorney Fees | - | - | - |
| | 2. Litigation Expenses | - | - | - |
| | Total Third-Party Litigation Expenses | - | - | - |
| Line 10f | Tax Administrator Fees and Bonds | | | |
| Line 10g | Federal and State Tax Payments | | | |
| | Total Disbursements for Receivership Operations | \$ (549,011) | \$ - | \$ (549,011) |
| Line 11 | Disbursements for Distribution Expenses Paid by the Fund | - | - | - |
| Line 12 | Disbursements to Court/Other | - | - | - |
| | Total Funds Disbursed | \$ (549,011) | \$ - | \$ (549,011) |
| Line 13 | Ending Balance (As of 12/31/2022) | \$ 13,817,992 | \$ 3,484,524 | \$ 17,302,516 |

EXHIBIT B

Fee Schedule by Professional

**SUMMARY OF HOURS BILLED BY PROFESSIONALS AND PARAPROFESSIONALS
FOR THE STATEMENT PERIOD OF
OCTOBER 1, 2022 THROUGH AND INCLUDING DECEMBER 31, 2022**

| Professional | Year Admitted | Rate Per Hour | No. of Hrs. | Total Compensation¹ |
|--|----------------------|------------------------|--------------------|---------------------------------------|
| Melanie L. Cyganowski ("MLC") Partner | 1982 | \$1620.00 ² | 13.0 | \$21,060.00 |
| Jennifer S. Feeney ("JSF") Partner | 1998 | \$1015.00 | 24.4 | \$24,766.00 |
| Erik B. Weinick ("EBW") Partner | 2002 | \$985.00 | 22.3 | \$21,965.50 |
| Michael A. Pantzer ("MAP") Associate | 2017 | \$525.00 | 39.1 | \$20,527.50 |
| | TOTAL | | 98.8 | \$88,319.00 |

¹ These amounts reflect the recorded fees prior to application of the agreed upon fee accommodations.

² The Receiver's hourly billable rate at the time of retention in July 2017 was \$995. As previously agreed with the SEC, the Receiver's aggregate fees have been reduced to discount for any increase in her billable rate since being retained.

EXHIBIT C

Fees by Project Code

**SUMMARY OF COMPENSATION BY PROJECT CODE FOR RECEIVER (WITH DISCOUNTS)
OCTOBER 1, 2022 THROUGH AND INCLUDING DECEMBER 31, 2022**

| Project Code | Project Category | Total Hours | Total Fees Recorded | Billable Rate Accommodation¹ | Public Service Accommodation² | Total Accommodation | Total Fees Requested |
|---------------------|---------------------------|--------------------|----------------------------|--|---|----------------------------|-----------------------------|
| P01 | Asset Analysis & Recovery | 1.0 | \$1,620.00 | \$625.00 | \$199.00 | \$824.00 | \$796.00 |
| P04 | Case Administration | 11.4 | \$18,468.00 | \$7,125.00 | \$2,268.60 | \$9,393.60 | \$9,074.40 |
| P05 | Claims Administration | 0.6 | \$972.00 | \$375.00 | \$119.40 | \$494.40 | \$477.60 |
| | TOTALS: | 13.0 | \$21,060.00 | \$8,125.00 | \$2,587.00 | \$10,712.00 | \$10,348.00 |

**SUMMARY OF COMPENSATION BY PROJECT CODE FOR OTTERBOURG (WITH DISCOUNTS)
OCTOBER 1, 2022 THROUGH AND INCLUDING DECEMBER 31, 2022**

| Project Code | Project Category | Total Hours | Total Fees Recorded | Public Service Accommodation³ | Total Fees Requested |
|---------------------|------------------------------------|--------------------|----------------------------|---|-----------------------------|
| P01 | Asset Analysis & Recovery | 6.0 | \$5,952.00 | \$595.20 | \$5,356.80 |
| P04 | Case Administration | 76.7 | \$59,357.50 | \$5,935.75 | \$53,421.75 |
| P05 | Claims Administration & Objections | 3.1 | \$1,949.50 | \$194.95 | \$1,754.55 |
| | TOTALS: | 85.8 | \$67,259.00 | \$6,725.90 | \$60,533.10 |

¹ The billable rate accommodation is a reduction in the Receiver's aggregate fees (prior to application of the public service accommodation) to discount for the customary annual increases in her billable rate since October 1, 2017.

² The public service accommodation is 20% for all project codes.

³ The public service accommodation is a ten percent (10%) reduction in Otterbourg's recorded time charges.

P01 - ASSET ANALYSIS AND RECOVERY
SUMMARY OF HOURS BILLED BY PROFESSIONALS AND PARAPROFESSIONALS
FOR PROJECT CODE P01

| Professional | Year Admitted | Rate Per Hour | No. of Hrs. | Total Compensation ¹ |
|--|---------------|------------------------|-------------|---------------------------------|
| Melanie L. Cyganowski ("MLC") Partner | 1982 | \$1620.00 ² | 1.0 | \$1,620.00 |
| Jennifer S. Feeney ("JSF") Partner | 1998 | \$1015.00 | 1.4 | \$1,421.00 |
| Erik B. Weinick ("EBW") Partner | 2002 | \$985.00 | 4.6 | \$4,531.00 |
| | TOTAL | | 7.0 | \$7,572.00 |

¹ These amounts reflect the recorded fees prior to application of the agreed upon fee accommodations.

² The Receiver's hourly billable rate at the time of retention in July 2017 was \$995. As previously agreed with the SEC, the Receiver's aggregate fees have been reduced to discount for any increase in her billable rate since being retained.

**P04 – CASE ADMINISTRATION
SUMMARY OF HOURS BILLED BY PROFESSIONALS AND PARAPROFESSIONALS
FOR PROJECT CODE P04**

| Professional | Year Admitted | Rate Per Hour | No. of Hrs. | Total Compensation ¹ |
|--|---------------|------------------------|-------------|---------------------------------|
| Melanie L. Cyganowski ("MLC") Partner | 1982 | \$1620.00 ² | 11.4 | \$18,468.00 |
| Jennifer S. Feeney ("JSF") Partner | 1998 | \$1015.00 | 23.0 | \$23,345.00 |
| Erik B. Weinick ("EBW") Partner | 2002 | \$985.00 | 17.0 | \$16,745.00 |
| Michael A. Pantzer ("MAP") Associate | 2017 | \$525.00 | 36.7 | \$19,267.50 |
| | TOTAL | | 88.1 | \$77,825.50 |

¹ These amounts reflect the recorded fees prior to application of the agreed upon fee accommodations.

² The Receiver's hourly billable rate at the time of retention in July 2017 was \$995. As previously agreed with the SEC, the Receiver's aggregate fees have been reduced to discount for any increase in her billable rate since being retained.

**P05 – CLAIMS ADMINISTRATION & OBJECTIONS
SUMMARY OF HOURS BILLED BY PROFESSIONALS AND PARAPROFESSIONALS
FOR PROJECT CODE P05**

| Professional | Year Admitted | Rate Per Hour | No. of Hrs. | Total Compensation ¹ |
|--|---------------|------------------------|-------------|---------------------------------|
| Melanie L. Cyganowski ("MLC") Partner | 1982 | \$1620.00 ² | 0.6 | \$972.00 |
| Erik B. Weinick ("EBW") Partner | 2002 | \$985.00 | .7 | \$689.50 |
| Michael A. Pantzer ("MAP") Associate | 2017 | \$525.00 | 2.4 | \$1,260.00 |
| | TOTAL | | 3.7 | \$2,921.50 |

¹ These amounts reflect the recorded fees prior to application of the agreed upon fee accommodations.

² The Receiver's hourly billable rate at the time of retention in July 2017 was \$995. As previously agreed with the SEC, the Receiver's aggregate fees have been reduced to discount for any increase in her billable rate since being retained.

EXHIBIT D

Receiver Time Records

OTTERBOURG P.C.
 230 PARK AVENUE
 NEW YORK, NY 10169-0075

January 10, 2023
 BILL NO. 228330

Client/Matter No.: 22126/0901
 Matter Name: SEC v. PLATINUM MANAGEMENT (NY) LLC,
 et al
 Billing Partner: RL STEHL

For Services Rendered Through December 31, 2022:

Phase: P01 Asset Analysis & Recovery

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-----------------|-----------------|--|--------------|---------------|
| 10/14/22 | MLC | Review Documents Attention to issues in Cayman concerning certain investors decision to renounce their interest in fund | .30 | 486.00 |
| 11/29/22 | MLC | Correspondence Correspondence re: receipt of restitution funds | .30 | 486.00 |
| 12/22/22 | MLC | Correspondence Correspondence re: notice in Decision Diagnostics | .40 | 648.00 |
| TOTAL PHASE P01 | | | 1.00 | \$1,620.00 |

Phase: P04 Case Administration

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--------------------|--------------|---------------|
|-------------|-----------------|--------------------|--------------|---------------|

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0901
Page 2

January 10, 2023
BILL NO. 228330

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 10/03/22 | | Review Documents | .40 | 648.00 |
| | MLC | Review of financial expenses and proposed payments for the receivership | | |
| 10/13/22 | | Correspondence | .10 | 162.00 |
| | MLC | Correspondence re: Nordlicht mediation | | |
| 10/14/22 | | Review Documents | .40 | 648.00 |
| | MLC | Review of financial analysis prepared by Teneo | | |
| 10/20/22 | | Revision of Documents | .90 | 1,458.00 |
| | MLC | Review and revision to status report | | |
| 10/26/22 | | Correspondence | .10 | 162.00 |
| | MLC | Correspondence with Cooley re: outstanding fees | | |
| 10/26/22 | | Review Documents | .20 | 324.00 |
| | MLC | Review of prior analysis re: Cooley fee application | | |
| 10/28/22 | | Conference call(s) | .40 | 648.00 |
| | MLC | Conference call team meeting with Otterbourg and Teneo | | |
| 10/31/22 | | Review Documents | .40 | 648.00 |
| | MLC | Review of financials prepared by Teneo and approval of certain disbursements | | |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0901
Page 3

January 10, 2023
BILL NO. 228330

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|---|--------------|---------------|
| 11/01/22 | MLC | Review Documents Review of Nordlicht mediation statement | .50 | 810.00 |
| 11/02/22 | MLC | Prepare for Meeting Prepare for Nordlicht mediation | .60 | 972.00 |
| 11/04/22 | MLC | Attendance at Mediation Mediation session with Judge Gropper re: Nordlicht | 3.70 | 5,994.00 |
| 11/11/22 | MLC | Correspondence Correspondence with Mediation Gropper, EBW and MAP re: Nordlicht mediation | .30 | 486.00 |
| 11/17/22 | MLC | Conference call(s) Conference call with Judge Gropper/MAP re: mediation of Nordlicht claims | .50 | 810.00 |
| 12/02/22 | MLC | Review Documents Attention to financial review and payment of certain expenses | .40 | 648.00 |
| 12/02/22 | MLC | Conference call(s) Conference call with MAP and Judge Gropper re: mediation of Nordlicht litigation | .40 | 648.00 |
| 12/13/22 | MLC | Conference call(s) Conference call with team re: potential settlement with Nordlicht | .50 | 810.00 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0901
Page 4

January 10, 2023
BILL NO. 228330

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-----------------|-----------------|---|--------------|---------------|
| 12/13/22 | MLC | Review Documents Review of summary of Bodner's testimony in PPVA case | .30 | 486.00 |
| 12/15/22 | MLC | Correspondence Correspondence with Judge Gropper re: mediation/Nordlicht | .20 | 324.00 |
| 12/16/22 | MLC | Review Documents Attention to financial issues including approval of certain expense reimbursements | .40 | 648.00 |
| 12/17/22 | MLC | Review Documents Review of litigation summary of PPVA litigation | .20 | 324.00 |
| 12/29/22 | MLC | Review Documents Review and revision to proposed mediation terms re: Nordlicht | .50 | 810.00 |
| TOTAL PHASE P04 | | | 11.40 | \$18,468.00 |

Phase: P05

Claims Administration & Objections

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|---|--------------|---------------|
| 10/13/22 | MLC | Correspondence Correspondence with team re: certain investor requests | .30 | 486.00 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0901
Page 5

January 10, 2023
BILL NO. 228330

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-----------------|-----------------|------------------------------|--------------------|---------------|
| 10/13/22 | | Correspondence | .30 | 486.00 |
| | MLC | Correspondence with investor | | |
| TOTAL PHASE P05 | | | .60 | \$972.00 |
| | | | TOTAL FOR SERVICES | \$21,060.00 |

EXHIBIT E

Otterbourg Time Records

OTTERBOURG P.C.
 230 PARK AVENUE
 NEW YORK, NY 10169-0075

January 11, 2023
 BILL NO. 228338

Client/Matter No.: 22126/0902
 Matter Name: COUNSEL TO RECEIVER IN SEC v. PLATINUM
 MANAGEMENT
 Billing Partner: RL STEHL

For Services Rendered Through December 31, 2022:

| <u>Phase: P01</u> | | <u>Asset Analysis & Recovery</u> | | |
|-------------------|-----------------|--|--------------|---------------|
| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
| 11/07/22 | EBW | Analysis of Legal Papers Acceleration Bay - analysis of docket entries and correspondence with counsel for plaintiff. | .30 | 295.50 |
| 11/11/22 | EBW | Correspondence China Horizon - attention to asset status and strategy. | .20 | 197.00 |
| 11/18/22 | EBW | Review Documents Assets - attention to receipt of restitution funds. | .90 | 886.50 |
| 11/21/22 | JSF | Examine Documents Review of Update on Status of Yellow River Asset | .20 | 203.00 |
| 11/21/22 | JSF | Examine Documents Review of Summary Update on Possible Restitution Funds | .30 | 304.50 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 11/21/22 | EBW | Analysis of Legal Papers Asset recovery - attention to recent potential recoveries. | .60 | 591.00 |
| 11/21/22 | EBW | Correspondence Acceleration Bay - correspondence with counsel for plaintiff. | .10 | 98.50 |
| 11/22/22 | EBW | Telephone Call(s) Acceleration Bay - teleconference with Plaintiff's counsel and M. Kirschner regarding status. | .30 | 295.50 |
| 11/29/22 | JSF | Examine Documents Review Update on Status of Restitution Payments | .20 | 203.00 |
| 11/29/22 | JSF | Examine Documents Review of Draft Letter to Counsel for PPVA re: Restitution Checks | .50 | 507.50 |
| 11/29/22 | EBW | Correspondence Assets - attention to receipt and transfer of restitution checks. | 1.60 | 1,576.00 |
| 11/30/22 | JSF | Examine Documents Attention to Update on Status of Restitution Checks | .20 | 203.00 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-----------------|-----------------|--|--------------|---------------|
| 11/30/22 | EBW | Correspondence Assets - correspondence with PPVA regarding transmittal of restitution checks. | .30 | 295.50 |
| 11/30/22 | EBW | Conference(s) in Office Assets - conference with T. Rogers regarding restitution checks. | .30 | 295.50 |
| TOTAL PHASE P01 | | | 6.00 | \$5,952.00 |

Phase: P04

Case Administration

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|---|--------------|---------------|
| 10/03/22 | EBW | Analysis of Legal Papers Defendants - review of pleadings and filings, including changes to sentencing schedule and denial of petition for cert. | .50 | 492.50 |
| 10/03/22 | MAP | Court Record-Docket Check Platinum - Review Supreme Court Docket & correspondence with team regarding the same re: Defendants | .50 | 262.50 |
| 10/10/22 | MAP | Correspondence Nordlicht Bankruptcy - Correspondence regarding scheduling of mediation. | .30 | 157.50 |

OTTERBOURG P.C.
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NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|---|--------------|---------------|
| 10/11/22 | JSF | Prepare Legal Papers Preparation of Status Report | 1.20 | 1,218.00 |
| 10/11/22 | EBW | Correspondence Nordlicht - attention to mediation matters. | .10 | 98.50 |
| 10/11/22 | MAP | Correspondence Nordlicht Bankruptcy - Correspondence regarding mediation of discharge action. | .20 | 105.00 |
| 10/12/22 | EBW | Analysis of Legal Papers PPVA - attention to settlement issues. | .10 | 98.50 |
| 10/12/22 | MAP | Correspondence Nordlicht Adversary -- Correspondence regarding mediation. | .20 | 105.00 |
| 10/13/22 | MAP | Correspondence Nordlicht adversary - Correspondence regarding scheduling of Nordlicht Mediation. | .40 | 210.00 |
| 10/14/22 | JSF | Examine Documents Review of Administrative Expenses and Cash Position | .40 | 406.00 |
| 10/14/22 | MAP | Correspondence Nordilcht adversary - correspondence regarding mediation. | .20 | 105.00 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 10/16/22 | JSF | Prepare Legal Papers Preparation of Status Report | 2.30 | 2,334.50 |
| 10/17/22 | EBW | Preparation of Memorandum Administrative - preparation of status report. | .20 | 197.00 |
| 10/18/22 | JSF | Prepare Legal Papers Preparation of Status Report | 3.40 | 3,451.00 |
| 10/19/22 | JSF | Telephone Call(s) Call with T. Rogers re: Administrative Matters/Schedule of Receipts and Disbursements | .20 | 203.00 |
| 10/19/22 | JSF | Prepare Legal Papers Administrative - Revisions to Status Report | 1.20 | 1,218.00 |
| 10/19/22 | JSF | Examine Documents Review of Criminal Update - Nordlicht Motion for New Trial | .30 | 304.50 |
| 10/19/22 | JSF | Examine Documents Review of Receipts and Disbursements | .30 | 304.50 |
| 10/19/22 | JSF | Examine Documents Review of Receiver Website for Any Needed Updates | .30 | 304.50 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|---|--------------|---------------|
| 10/19/22 | EBW | Preparation of Memorandum Status Report - review and revise quarterly status report. | 1.10 | 1,083.50 |
| 10/19/22 | EBW | Telephone Call(s) Administrative - teleconference with T. Rogers regarding administrative issues. | .10 | 98.50 |
| 10/19/22 | MAP | Correspondence Nordlicht adversary - correspondence regarding mediation. | .20 | 105.00 |
| 10/20/22 | JSF | Examine Documents Review and Finalize Status Report for Filing | 2.20 | 2,233.00 |
| 10/26/22 | EBW | Correspondence Nordlicht - attention to mediation. | .20 | 197.00 |
| 10/26/22 | MAP | Correspondence Nordlicht Bankruptcy Case - Correspondence with Otterbourg team regarding motion for relief from the automatic stay (.4), correspondence with counsel for Nordlicht and Mediator regarding mediation (.6), revise stipulation and order extending time to complete mediation (.8). | 1.80 | 945.00 |
| 10/27/22 | EBW | Correspondence Nordlicht - attention to mediation correspondence. | .30 | 295.50 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 10/27/22 | MAP | Correspondence Nordlicht Bankruptcy - Correspondence with Counsel for Nordlicht and Judge Jones Chambers regarding stipulation extending time to complete mediation. | .60 | 315.00 |
| 10/28/22 | JSF | Telephone Call(s) Participate in Team Meeting with Receiver - Updates | .40 | 406.00 |
| 10/28/22 | JSF | Examine Documents Review of Administrative Matters for Updates to Receiver | .80 | 812.00 |
| 10/28/22 | EBW | Telephone Call(s) Administrative - attendance at status and strategy call with Receiver and team. | .40 | 394.00 |
| 10/28/22 | MAP | Correspondence Nordlicht Bankruptcy Case - Correspondence with team regarding mediation session. | .30 | 157.50 |
| 10/31/22 | JSF | Examine Documents Attention to Open Administrative Matters | .60 | 609.00 |
| 10/31/22 | EBW | Correspondence Investors - preparation of investor update. | .70 | 689.50 |

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230 PARK AVENUE
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Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|---|--------------|---------------|
| 10/31/22 | EBW | Telephone Call(s) Black Elk - video conference with counsel for Black Elk Trustee and P. Poteat. | .20 | 197.00 |
| 11/01/22 | EBW | Preparation for Conference Nordlicht - preparation for mediation. | 1.80 | 1,773.00 |
| 11/01/22 | EBW | Preparation of Memorandum Investors - preparation of investor update. | .40 | 394.00 |
| 11/01/22 | MAP | Draft/revise Nordlicht Mediation - Research and Draft update to Receiver regarding mediation issues. | 2.90 | 1,522.50 |
| 11/02/22 | EBW | Telephone Call(s) Nordlicht - strategy session with Receiver, Otterbourg and Teneo. | .50 | 492.50 |
| 11/02/22 | EBW | Correspondence Investors - preparation of investor update. | .80 | 788.00 |
| 11/02/22 | MAP | Draft/revise Nordlicht Mediation - Revise update to Receiver regarding mediation. | 1.20 | 630.00 |
| 11/02/22 | MAP | Conference call(s) Nordlicht Mediation - Conference with Receiver regarding mediation. | .50 | 262.50 |

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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|---|--------------|---------------|
| 11/02/22 | MAP | Research Nordlicht Mediation - Research and Draft memo on Settlement of Nordlicht Mediation | 1.80 | 945.00 |
| 11/03/22 | EBW | Preparation for Conference Nordlicht - preparation for mediation. | .90 | 886.50 |
| 11/03/22 | MAP | Draft/revise Nordlicht Adversary - Research and Draft memo to M. Cyganowski in preparation for mediation on 11/4 | 3.50 | 1,837.50 |
| 11/04/22 | JSF | Examine Documents Attention to Case Closing Issues | .80 | 812.00 |
| 11/04/22 | EBW | Correspondence Nordlicht - attention to mediation. | .60 | 591.00 |
| 11/04/22 | MAP | Attendance at Mediation Nordlicht Adversary - Attend and participate in mediation session with Receiver and Nordlicht. | 4.80 | 2,520.00 |
| 11/04/22 | MAP | Preparation for Mediation Nordlicht Adversary - prepare for mediation. | .30 | 157.50 |
| 11/05/22 | JSF | Examine Documents Attention to Open Case Closing Matters/Status | 1.30 | 1,319.50 |

OTTERBOURG P.C.
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Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 11/07/22 | JSF | Examine Documents Prepare Case Updates | 1.80 | 1,827.00 |
| 11/07/22 | JSF | Examine Documents Review of Nordlicht Scheduling Order and Mediation Update | .60 | 609.00 |
| 11/07/22 | EBW | Correspondence Nordlicht - attention to mediation issues. | .30 | 295.50 |
| 11/07/22 | MAP | Correspondence Nordlicht - Correspondence regarding Nordlicht mediation. | .60 | 315.00 |
| 11/07/22 | MAP | Correspondence Correspondence regarding quarterly status report. | .20 | 105.00 |
| 11/10/22 | EBW | Analysis of Legal Papers Nordlicht - attention to post-mediation matters. | .30 | 295.50 |
| 11/10/22 | MAP | Telephone Call(s) Nordlicht Bankruptcy - Conference call with E. Weinick and A. Halpern regarding Nordlicht adversary proceeding. | .20 | 105.00 |
| 11/11/22 | EBW | Correspondence Nordlicht - attention to post-mediation matters. | .30 | 295.50 |

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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 11/11/22 | MAP | Correspondence Nordlicht Bankruptcy - Correspondence regarding mediation. | .30 | 157.50 |
| 11/16/22 | JSF | Examine Documents Review of Administrative Expenses of Receivership | .50 | 507.50 |
| 11/17/22 | EBW | Analysis of Legal Papers Nordlicht - attention to mediation and litigation issues. | 1.60 | 1,576.00 |
| 11/17/22 | EBW | Preparation of Memorandum Investors - preparation of investor update | .90 | 886.50 |
| 11/17/22 | MAP | Correspondence Nordlicht Bankruptcy - Correspondence regarding mediation of adversary proceeding. | .30 | 157.50 |
| 11/17/22 | MAP | Telephone Call(s) Nordlicht Bankruptcy - Call with Mediator regarding mediation and follow up discussion with E. Weinick. | .40 | 210.00 |
| 11/17/22 | MAP | Pacer-Docket Check Review docket of criminal proceeding and filings and correspondence regarding the same. | .50 | 262.50 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|---|--------------|---------------|
| 11/23/22 | JSF | Examine Documents Review of Open Matters and Status | .90 | 913.50 |
| 11/28/22 | JSF | Telephone Call(s) Call with Creditor re: K-1 Statement | .20 | 203.00 |
| 11/29/22 | EBW | Analysis of Legal Papers Nordlicht - attention to order and next steps. | .60 | 591.00 |
| 11/29/22 | MAP | Correspondence Nordlicht Bankruptcy - Correspondence with E. Weinick regarding order entered in Nordlicht Bankruptcy case. | .40 | 210.00 |
| 11/30/22 | EBW | Telephone Call(s) Black Elk - teleconference with P. Poteat regarding records declaration and review of draft declaration. | .40 | 394.00 |
| 11/30/22 | EBW | Analysis of Legal Papers Nordlicht - attention to adversary proceeding status and strategy. | .20 | 197.00 |
| 11/30/22 | MAP | Correspondence Nordlicht bankruptcy - Correspondence regarding mediation. | .20 | 105.00 |
| 12/01/22 | JSF | Examine Documents Attention to Status of Open Issues | 1.20 | 1,218.00 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 12/01/22 | JSF | Examine Documents Update on Reissuance of Restitution Check to PPCO | .20 | 203.00 |
| 12/01/22 | EBW | Preparation of Motion Papers Black Elk - attention to declaration for Trustee. | .20 | 197.00 |
| 12/02/22 | MAP | Telephone Call(s) Conference call with M. Cyganowski and A. Gropper regarding mediation and follow up calls with M. Cyganowski and A. Halpern | .80 | 420.00 |
| 12/02/22 | MAP | Correspondence Correspondence with M. Cyganowski, A. Gropper, and E. Weinick regarding mediation. | .60 | 315.00 |
| 12/05/22 | MAP | Review Documents Nordlicht Bankruptcy - Review status letter filed by Debtor and correspondence regarding mediation. | .60 | 315.00 |
| 12/06/22 | EBW | Conference(s) in Office Nordlicht - strategy and status conference with A. Halpern and M. Pantzer. | .30 | 295.50 |
| 12/06/22 | MAP | Correspondence Nordlicht - Correspondence regarding mediation of discharge action, review letter filed in Nordlicht Bankruptcy case. | .90 | 472.50 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 12/06/22 | MAP | Research Nordlicht Bankruptcy - Research in connection with discharge action. | .80 | 420.00 |
| 12/07/22 | JSF | Examine Documents Review of Updates in Nordlicht Bankruptcy Case | .30 | 304.50 |
| 12/07/22 | EBW | Telephone Call(s) Black Elk - video conference with Trustee and P. Poteat. | .80 | 788.00 |
| 12/07/22 | EBW | Correspondence Nordlicht - analysis of correspondence with bankruptcy court. | .30 | 295.50 |
| 12/07/22 | MAP | Research Nordlicht Bankruptcy - Review research in connection with mediation of discharge action. | .40 | 210.00 |
| 12/07/22 | MAP | Review Documents Nordlicht Bankruptcy - Review documents filed in the bankruptcy case. | .30 | 157.50 |
| 12/09/22 | JSF | Examine Documents Attention to Updates and Status of Open Matters | 1.60 | 1,624.00 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 12/09/22 | MAP | Conference call(s) Nordlicht Bankruptcy - Conference call with R. Wu regarding issues related to mediation. | .40 | 210.00 |
| 12/09/22 | MAP | Research Nordlicht Bankruptcy - Review research in connection with issues related to mediation. | .60 | 315.00 |
| 12/12/22 | EBW | Analysis of Legal Papers Beechwood - attention to trial issues. | .20 | 197.00 |
| 12/12/22 | EBW | Analysis of Legal Papers Nordlicht - attention to case strategy and status. | .60 | 591.00 |
| 12/12/22 | MAP | Research Nordlicht Bankruptcy - Review research in connection with mediation and correspondence with R. Wu regarding the same. | 2.60 | 1,365.00 |
| 12/12/22 | MAP | Correspondence Correspondence with District Court in S.D. W.Va. regarding pending miscellaneous case. | .60 | 315.00 |
| 12/13/22 | EBW | Correspondence Nordlicht - correspondence with mediator and adversary. | .30 | 295.50 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 12/13/22 | EBW | Conference(s) in Office Nordlicht - conference with Receiver regarding status and strategy. | .40 | 394.00 |
| 12/13/22 | MAP | Draft/revise Nordlicht Bankruptcy - Revise stipulation extending time to conclude mediation and correspondence with opposing counsel regarding the same. | 1.20 | 630.00 |
| 12/13/22 | MAP | Research Nordlicht Bankruptcy - Review research in connection with issues regarding mediation. | .80 | 420.00 |
| 12/13/22 | MAP | Conference call(s) Nordlicht Bankruptcy - Conference with M. Cyganowski regarding mediation of adversary proceeding. | .40 | 210.00 |
| 12/14/22 | EBW | Correspondence Nordlicht - correspondence with Court regarding status. | .20 | 197.00 |
| 12/14/22 | MAP | Correspondence Nordlicht Bankruptcy Case - Correspondence with Otterbourg team and bankruptcy court regarding mediation. | .60 | 315.00 |
| 12/15/22 | EBW | Correspondence Nordlicht - attention to mediation issues. | .10 | 98.50 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-----------------|-----------------|--|--------------|---------------|
| 12/15/22 | MAP | Correspondence Nordlicht - Correspondence regarding mediation. | .30 | 157.50 |
| 12/20/22 | MAP | Correspondence Correspondence regarding update in David Bodner trial. | .20 | 105.00 |
| 12/22/22 | MAP | Correspondence Nordlicht Bankruptcy - Correspondence regarding mediation. | .30 | 157.50 |
| 12/29/22 | MAP | Correspondence Nordlicht Bankruptcy - Correspondence regarding adversary proceeding. | 1.50 | 787.50 |
| 12/30/22 | EBW | Correspondence Administrative - attention to victim compensation. | .10 | 98.50 |
| TOTAL PHASE P04 | | | 76.70 | \$59,357.50 |

Phase: P05

Claims Administration & Objections

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-------------|-----------------|--|--------------|---------------|
| 10/03/22 | EBW | Correspondence Investors - attention to investor correspondence. | .50 | 492.50 |

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

| <u>DATE</u> | <u>ATTORNEY</u> | <u>DESCRIPTION</u> | <u>HOURS</u> | <u>AMOUNT</u> |
|-----------------|-----------------|---|--------------------|---------------|
| 10/10/22 | EBW | Correspondence Claims - attention to investor request regarding claims. | .10 | 98.50 |
| 10/14/22 | EBW | Correspondence Investors - correspondence with Receiver and CFO regarding investor request to disavow. | .10 | 98.50 |
| 11/01/22 | MAP | Draft/revise Revise settlement agreement of disputed claim re: Nordlicht | 2.00 | 1,050.00 |
| 11/17/22 | MAP | Correspondence Correspondence regarding PPLO Investor Letters. | .20 | 105.00 |
| 11/18/22 | MAP | Correspondence Correspondence with T Rogers regarding investors' equity interests. | .20 | 105.00 |
| TOTAL PHASE P05 | | | 3.10 | \$1,949.50 |
| | | | TOTAL FOR SERVICES | \$67,259.00 |

EXHIBIT F

Expense Summary

**SUMMARY OF ACTUAL AND NECESSARY DISBURSEMENTS
FOR THE STATEMENT PERIOD OF
OCTOBER 1, 2022 THROUGH AND INCLUDING DECEMBER 31, 2022**

| Expense Category | Service Provider (if applicable) | Total Expenses¹ |
|-------------------------|---|---------------------------------------|
| Air Freight | Federal Express | \$152.87 |
| Corporation Service | | \$70.00 |
| Electronic Research | Westlaw, Pacer | \$803.14 |
| Photocopies | | \$172.05 |
| Process Service | | \$82.38 |
| TOTAL: | | \$1,280.44 |

¹ The date that appears on the annexed disbursement detail associated with a particular disbursement is as to certain disbursements the date the disbursement is recorded in Otterbourg computer records and not the actual date the disbursement was incurred.

EXHIBIT G

Receiver Expense Records

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0901
Page 6

January 10, 2023
BILL NO. 228330

DISBURSEMENTS FOR YOUR ACCOUNT

| | |
|-------------|-------|
| Air Freight | 38.33 |
|-------------|-------|

| | |
|---------------------|-------------|
| TOTAL DISBURSEMENTS | <hr/> 38.33 |
|---------------------|-------------|

EXHIBIT H

Otterbourg Expense Records

OTTERBOURG P.C.
230 PARK AVENUE
NEW YORK, NY 10169-0075

Client/Matter: 22126/0902
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January 11, 2023
BILL NO. 228338

DISBURSEMENTS FOR YOUR ACCOUNT

| | |
|---------------------|----------|
| Electronic Research | 803.14 |
| Air Freight | 114.54 |
| Process Service | 82.38 |
| Corporation Service | 70.00 |
| Photocopies | 172.05 |
| | <hr/> |
| TOTAL DISBURSEMENTS | 1,242.11 |

EXHIBIT I

Certification

Melanie L. Cyganowski
Erik B. Weinick
OTTERBOURG P.C.
230 Park Avenue
New York, New York 10169
Telephone: (212) 661-9100
Facsimile: (212) 682-6104

Counsel to the Receiver

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

| | |
|-------------------------------------|---|
| -----X | |
| 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. | : |
| -----X | |

No. 16-CV-6848 (BMC)

CERTIFICATION IN SUPPORT OF TWENTY-SECOND JOINT INTERIM APPLICATION OF THE RECEIVER AND OTTERBOURG P.C. FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES INCURRED DURING THE PERIOD OCTOBER 1, 2022 THROUGH AND INCLUDING DECEMBER 31, 2022

I, Erik B. Weinick (the “Certifying Professional”), hereby certify that Melanie L. Cyganowski (the “Receiver”) and Otterbourg P.C. (“Otterbourg”) have designated me as the Certifying Professional with respect to the Certification required by Section A of the Billing

Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and Exchange Commission (the “SEC Billing Guidelines”) and further certify that:

1. I am an attorney admitted to practice law in the Eastern District of New York since June, 2002 and in the State of New York since April, 2002 and am a partner at Otterbourg.

2. I have read the Twenty-Second Joint Interim Application of the Receiver and Otterbourg P.C. for Allowance of Compensation and Reimbursement of Expenses Incurred during the Period October 1, 2022 through December 31, 2022 (the “Twenty-Second Interim Application”).

3. To best of my knowledge, information, and belief formed after reasonable inquiry, the Twenty-Second Interim Application and all fees and expenses sought therein are true and accurate and comply with the SEC Billing Guidelines, except as noted:

(a) Otterbourg has made every reasonable effort to insure that all billing professionals placed all related time entries in a single activity category (designated by task code). However, some variations may have occurred.

4. All fees contained in the Twenty-Second Interim Application are based on the rates listed in the Fee Schedule (Exhibit B to the Application), subject to the discounts described in the Twenty-Second Interim Application, and all such fees are reasonable, necessary, and commensurate with the skill and experience required for the activity performed.

5. All necessary and reasonable expenses contained in the Twenty-Second Interim Application are based on the actual cost incurred by Otterbourg. Otterbourg has not included in the amounts for which expense reimbursement is sought any amortization of the cost

of any investment, equipment, or capital outlay (except to the extent any such amortization is included within the permitted allowable amounts for photocopies and fax transmission).

6. In seeking reimbursement for an outside vendor service, which Otterbourg justifiably purchased or contracted for from a third party (such as court reporting services, electronic research, and overnight courier), Otterbourg requests reimbursement only for the actual amount billed to Otterbourg by the third party vendor and paid by Otterbourg to such vendor. Neither the Receiver nor Otterbourg is making a profit on such reimbursable service.

7. I represent that (i) the fees and expenses included therein were incurred in the best interests of the Receivership Estate; and, (ii) with the exception of the SEC Billing Guidelines, the Receiver has not entered into any agreement, written or oral, express or implied, with any person or entity concerning the amount of compensation paid or to be paid from the Receivership Estate, or any sharing thereof.

Dated: March 7, 2023

/s/ Erik B. Weinick
Erik B. Weinick
Certifying Professional

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

-v- :

No. 16-cv-6848 (BMC)

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. :
-----X

[PROPOSED] ORDER APPROVING TWENY-SECOND JOINT INTERIM APPLICATION OF THE RECEIVER AND OTTERBOURG P.C. FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES INCURRED DURING THE PERIOD OCTOBER 1, 2022 THROUGH DECEMBER 31, 2022

THIS MATTER coming before the Court on the Twenty-Second Joint Interim Application of Melanie L. Cyganowski, the duly appointed receiver herein (the “Receiver”) and Otterbourg P.C. (“Otterbourg”), counsel for the Receiver, for Allowance of Compensation and Reimbursement of Expenses Incurred During the Period October 1, 2022 through December 31, 2022 (the “Twenty-Second Interim Application”)¹ [Dkt. No. ____]; and the Court having considered the Twenty-Second Interim Application and exhibits and other documents filed in support of the Twenty-Second Interim Application; and the Court having found that the Twenty-Second Interim Application complies with applicable standards for awarding fees and expenses; and after due deliberation and for good and sufficient cause shown; it is hereby

¹ Capitalized terms utilized but not otherwise defined herein shall have the meaning ascribed to them in the Twenty First Interim Application.

ORDERED that the Twenty-Second Interim Application for the period covering October 1, 2022 through December 31, 2022 (the “Twenty-Second Application Period”) is granted; and it is further

ORDERED that the Receiver’s compensation for the Twenty-Second Application Period is allowed on an interim basis in the amount of \$10,348.00 (the “Allowed Receiver Fees”); and it is further

ORDERED that the fees requested by Otterbourg for the Twenty-Second Application Period are allowed on an interim basis in the amount of \$60,533.10 (the “Allowed Otterbourg Fees” and, together with the Allowed Receiver Fees, the “Allowed Fees”); and it is further

ORDERED that the Receiver’s request for reimbursement of her out-of-pocket expenses for the Tenth Application Period is allowed on an interim basis in the amount of \$38.33; and it is further

ORDERED that Otterbourg’s request for reimbursement of its out-of-pocket expenses for the Twenty-Second Application Period is allowed on an interim basis in the amount of \$1,242.11; and it is further

ORDERED that the Receiver is authorized to immediately pay from the Receivership assets (i) the Allowed Fees, less the Holdback Amount, plus (ii) 100% of the allowed out-of-pocket expenses of Applicants.

Dated: _____, 2023
Brooklyn, New York

THE HON. BRIAN M. COGAN
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK