

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

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.

Case No. 16-CV-6848 (BMC)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, that Appellants, John Johnston and Edward Willmott of Deloitte Financial Advisory Ltd. Bermuda, in their capacities as the Joint Provisional Liquidators and authorized foreign representatives (“JPLs”) of Omnia, Ltd. (“Omnia”), by and through their undersigned counsel, hereby appeal to the United States Court of Appeals for the Second Circuit from the United States District Court for the Eastern District of New York’s *Order (I) Permanently Enjoining Any Prosecution Of Claim No. 145, (II) Confirming The Receiver’s Disallowance Of Claim No. 145, And (III) Confirming The Receiver’s Authority To Consent To The Release Of The Indemnity Escrow Amount*, dated November 1, 2023 and filed November 2, 2023 [ECF No. 685], a copy of which is attached hereto as Exhibit A.

Dated: New York, New York
December 1, 2023

STEVENS & LEE, P.C.

By: /s/ Constantine D. Pourakis

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Counsel for Appellants John Johnston and Edward Willmott, in their capacities as the Joint Provisional Liquidators and authorized foreign representatives of Omnia, Ltd.

Exhibit A – Order on Appeal

**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. :

----- X

No. 16-CV-6848 (BMC)

**ORDER (I) PERMANENTLY ENJOINING ANY PROSECUTION OF
CLAIM NO. 145, (II) CONFIRMING THE RECEIVER’S DISALLOWANCE OF CLAIM
NO. 145, AND (III) CONFIRMING THE RECEIVER’S AUTHORITY TO CONSENT TO
THE RELEASE OF THE INDEMNITY ESCROW AMOUNT**

THIS MATTER coming before the Court on the motion by Melanie L. Cyganowski, as Receiver (the “*Receiver*”) for Platinum Credit Management, L.P., Platinum Partners Credit Opportunities Master Fund LP, Platinum Partners Credit Opportunities Fund (TE) LLC, Platinum Partners Credit Opportunities Fund LLC, Platinum Partners Credit Opportunities Fund (BL) LLC, Platinum Liquid Opportunity Management (NY) LLC, Platinum Partners Liquid Opportunity Fund (USA) L.P., Platinum Partners Liquid Opportunity Master Fund L.P., Platinum Partners Credit Opportunities Fund International Ltd and Platinum Partners Credit Opportunities Fund International (A) Ltd and the estate thereof (the “*Receivership Estate*”), for entry of an order irrevocably disallowing Claim 145, filed by BAM Administrative Services LLC, as agent, permanently enjoining any person who claims an interest in Claim 145 or any

other property of the Receivership Estate from prosecuting Claim 145, with the exception of any portion of the Claim representing a portion owned by Principal Growth Strategies, LLC, and permitting, but not directing, the Receiver to release the Indemnity Escrow Amount, totaling \$4,530,155.68. The Court has found that due and proper notice of the “*Motion*” [Dkt. No. 624];¹ has been provided; and the Court has considered the Motion and exhibits and other documents filed in support of the Motion; and the Court has found the relief requested in the Motion reasonable and in the best interest of the Receivership Estate; and after due deliberation and for good and sufficient cause shown;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. All objections not withdrawn or resolved by this Order are overruled in all respects.
3. It is **ORDERED, ADJUDGED, AND DECREED THAT** Claim 145, filed by BAM Administrative Services LLC, as agent, (i) is irrevocably disallowed and any person who claims an interest in Claim 145 or any other property of the Receivership Estate is permanently enjoined from prosecuting Claim 145, with the exception of any portion of Claim No. 145 representing a portion owned by Principal Growth Strategies, LLC; and (ii) the Receiver is permitted, but not directed, to consent to the release of the Indemnity Escrow Amount.
4. All objections to the relief provided for herein that have not been withdrawn, waived or settled, and all reservations of rights included therein, are hereby overruled and denied on the merits.

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to such term in the accompanying *Memorandum of Law in Support of the Receiver’s Motion for an Order (i) Permanently Enjoining Any Prosecution of Claim No. 145, (ii) Confirming the Receiver’s Disallowance of Claim No. 145, and (iii) Confirming the Receiver’s Authority to Consent to the Release of the Indemnity Escrow Amount.*

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

SO ORDERED.

Dated: Brooklyn, New York
Nov. 1 __, 2023

Brian M. Cogan

U.S.D.J.