



December 18, 2023

**VIA ECF**

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

**Re: *Securities and Exchange Commission v. Platinum Management (NY) LLC, et al.,*  
No. 16-CV-6848 (BMC)**

Dear Judge Cogan:

We represent Joseph SanFilippo in this action. We also write on behalf of David Levy (and his counsel, Wilson, Sonsini, Goodrich & Rosati, P.C), Daniel Small, and Richard Schmidt as trustee of the Black Elk Energy Offshore Operations, LLC Litigation Trust (collectively, the “Claimants”).

All five Claimants have submitted claims for indemnification from Receivership Entities in this action (see Dkt. No. 597-3 at 2-3 (11/12/21)). In November 2021, the Platinum Receiver brought an Omnibus Motion seeking to disallow their claims for indemnification or deny their priority requests. (*Id.* at 1-2). On December 13, 2021, Claimants each opposed the Omnibus Motion (see Dkt. Nos. 609 (SanFilippo), 610 (Levy and Wilson, Sonsini), 612 (Black Elk Energy) and 613 (Small).) On December 28, 2021, the Receiver replied to Claimants’ opposition papers (Dkt. No. 617), to which Levy and Wilson, Sonsini submitted a sur-reply on January 14, 2022 (Dkt. No. 619), followed by the Receiver’s reply on January 28, 2022 (Dkt. No. 622). Since that time, no action has been taken regarding Claimants’ claims for indemnification.

We request that the Court set a timely date for oral argument on the Omnibus Motion. The Receiver has no objection to this request. We believe it makes sense to defer oral argument until after Mr. Levy’s sentencing in *Platinum*, currently scheduled for January. We therefore propose any one of the following dates in February, on which all parties (including the Receiver) currently are available: February 13, 21, 27 or 29.

We appreciate the Court’s consideration.

Respectfully submitted,