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May 14, 2024

VIA ECF

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

Re: SEC v. Platinum Mgmt. (NY) LLC, et al., No. 1:16-cv-06848-BMC

Dear Judge Cogan:

On behalf of Melanie L. Cyganowski, the court-appointed Receiver in the captioned matter, we respond to the May 13, 2024 letter, Dkt. No. 721 ("Letter") filed by Claimants Wilson Sonsini Goodrich & Rosati P.C. and David Levy (together, "Claimants").

The Letter is the Claimants' third post-hearing attempt to have the priority issue heard first even though in response to a March 11, 2024 letter by all of the claimants, Your Honor specifically rejected that request [Minute Order dated March 12, 2024], stating that the priority issue would not be heard until a decision was issued on the claim validity portion of the Receiver's motion [Dkt. No. 597], and perhaps not until a plan was before the Court. The Receiver sees no reason to alter that ruling now, while the claim validity portions of the Receiver's motion argued on March 13, 2024 are sub judice.

Further, given the pending motions for the approval of settlements with Joseph M. SanFilippo/Ford O'Brien Landy LLP [Dkt. No. 705] and the Black Elk Energy Offshore Operations, LLC Litigation Trust [Dkt. No. 709], the stated premise of the Letter is misplaced.

Lastly, the Receiver will not at this time respond to that portion of the Letter concerning the objection filed by Marisa and Richard Stadtmauer, [Dkt. No. 718], but will respond to that objection on or before May 24, 2024, in accordance with this Court's April 29, 2024 order. Nor will the Receiver address the Letter's references to communications clearly made pursuant to FRE 408.



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Thank you for your continued consideration of these matters.

Respectfully submitted,

/s/ Erik B. Weinick

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cc: All counsel of record, via ECF