

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE PLATINUM-BEECHWOOD LITIGATION,	:	No. 18 Civ. 6658 (JSR)
	:	
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	:	
MARTIN TROTT and CHRISTOPHER SMITH, as Joint	:	
Official Liquidators and Foreign Representatives of	:	
PLATINUM PARTNERS VALUE ARBITRAGE FUND	:	
L.P. (in OFFICIAL LIQUIDATION) and PLATINUM	:	No. 18 Civ. 10936 (JSR)
PARTNERS VALUE ARBITRAGE FUND L.P. (in	:	
OFFICIAL LIQUIDATION),	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
PLATINUM MANAGEMENT (NY) LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
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DECLARATION OF NATHANIEL AMENT-STONE

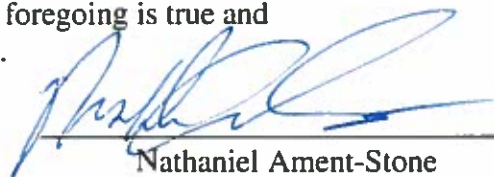
NATHANIEL AMENT-STONE, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney at Curtis, Mallet-Prevost, Colt & Mosle LLP (“Curtis”), counsel for defendant David Bodner in these consolidated actions. I submit this declaration in support of Bodner’s Motion *in Limine* to Exclude Reference to Unrelated Matters That Occurred 17 to 30 Years Ago.
2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the November 12, 2019 deposition of David Bodner in this litigation.
3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the November 26, 2019 deposition of Murray Huberfeld in this litigation.

4. Attached hereto as Exhibit C is a true and correct copy of a February 18, 2005 agreement, which was Exhibit 377, Tab 138, at Bodner's deposition.

5. Attached hereto as Exhibit D is a true and correct copy of a January 4, 2011 article in *Hedge Funds Review*.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 16, 2022.



Nathaniel Ament-Stone

EXHIBIT A

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NO. 18-CV-6658 (JSR)
CASE NO. 18-CV-10936 (JSR)

IN RE: PLATINUM-BEECHWOOD LITIGATION

MARTIN TROTT and CHRISTOPHER SMITH, as Joint
Official Liquidators and
Foreign Representatives of
PLATINUM PARTNERS VALUE ARBITRAGE FUND L.P.
(in Official Liquidation), and
PLATINUM PARTNERS VALUE ARBITRAGE FUND L.P.
(in Official Liquidation),

Plaintiffs,

vs.

PLATINUM MANAGEMENT (NY) LLC, et al.,

Defendants.

(Caption continued)
MEDIA VERSION - CONTAINS CONFIDENTIAL PORTION
Pages 411-421 have been designated Privileged and
Confidential and have been included herein

TRANSCRIPT OF VIDEOTAPED DEPOSITION OF
DAVID BODNER
TRANSCRIPT of the stenographic notes of
the proceedings in the above-entitled matter, as
taken by and before TAB PREWETT, a Registered
Professional Reporter, a Certified LiveNote
Reporter, Certified Shorthand Reporter and Notary
Public, held at the offices of US Legal Support
Company, 90 Broad Street, Suite 603, New York,
New York, on Tuesday, November 12, 2019,
commencing at 10:37 a.m.

1 David Bodner

2 A Yes.

3 Q And tell me what you know about
4 that trust.

5 A I think that was set up, if I'm not
6 mistaken, for my mother's estate.

7 Q Okay.

8 A My mother passed away in 2009.

9 Q Okay. So you would have set this
10 trust up or had it set up?

11 A I think I had it set up at that
12 time.

13 Q How about the 57th Street SPV
14 Partners LLC?

15 A I have no clue what that is.

16 Q Okay. How about the Broad Capital
17 Associates Inc.?

18 A That was the name of the company
19 that was set up for my partnership with Murray.
20 That's what we did business under.

21 Q Okay. So Broad Capital Associates,
22 Inc., was a two-person partnership with you and
23 Mr. Huberfeld?

24 A As far as I recall.

25 Q Do you remember when that was set

1 David Bodner

2 Q Why are you paying her lawyer if
3 she tried to blackmail you?

4 A Because I felt it was the right
5 thing. She's in this case because of me. What
6 she did to me was wrong, but I felt that -- you
7 know, somebody works for me -- I don't think
8 she's a girl of means.

9 Q Right. Okay. Let me just ask a
10 question. Let's look at 137 quickly.

11 (Exhibit No. 377 Tab 137, Document,
12 a Wall Street Journal article from
13 March 15, 1990, entitled "US Probes Alleged
14 Scam in Broker's Test," no Bates number,
15 Document is marked by the reporter for
16 identification.)

17 Q 137, I don't have a Bates number.
18 It's a Wall Street Journal article from 1990,
19 March 15, 1990. And it's titled:

20 "US Probes Alleged Scam in Broker's
21 Test."

22 And it says in the middle of the
23 paragraph:

24 "Last month the US attorneys in
25 Brooklyn filed a complaint that outlined the

1 David Bodner
2 alleged scheme and named seven defendants, two of
3 whom have allegedly taken the seven series exam
4 for four brokers: Murray Huberfeld, Jacob
5 Elbogen, Solomon Lonsfeld [phonetic], and David
6 Bodner. The seventh individual, Aaron Elbogen,
7 allegedly served as a middleman making
8 arrangements for Bowman [phonetic] to take the
9 test for her" brother -- "first brother Jake."

10 Do you remember this incident?

11 A Yes.

12 Q What happened to it? What
13 ultimately happened?

14 A I pleaded guilty to iden -- I think
15 so -- to identification, you know, something with
16 identification. I got a misdemeanor and, I
17 think, one-year probation.

18 Q Okay. So it was a misdemeanor?

19 A Yes.

20 Q Okay. All right. If we look at
21 138, I think we referenced this, but, again, no
22 Bates number.

23 (Exhibit No. 377 Tab 138, FDIC
24 Order, Document is marked by the reporter
25 for identification.)

1 David Bodner

2 Q But this is an FDIC order
3 apparently, I guess, or settlement, where it
4 says:

5 "Whereas this agreement pertains to
6 allegations that Bodner and Huberfeld did not
7 seek the prior approval of the FDIC pursuant to
8 section 19 of the FDIC act before an investment
9 was made that became an beneficial interest in
10 the name of Laura Huberfeld and Naomi Bodner
11 Partnership of more than 25 percent in the
12 Norcrown Trust, Livingston, New Jersey, an
13 unregistered bank holding company that owns more
14 than 99 percent of the voting shares of
15 Norcrown."

16 Do you remember this incident?

17 A Yes.

18 Q Okay. And did you pay a fine with
19 regard to this settlement?

20 A I don't think so.

21 Q Okay. So why did you use your wife
22 when -- to run -- to own this bank apparently on
23 the paperwork when, in fact, it was you?

24 MR. HERTZBERG: Form.

25 A Again, you are saying it was me.

1 David Bodner

2 It was not me. It was my wife. She opened it,
3 and it was her investment.

4 Q Right. But that's not what the
5 FDIC found. The FDIC found that --

6 A I don't know.

7 Q -- basically you owned and you just
8 used her as a front.

9 A I don't know if that's what they
10 found, but she owned it; and she got the proceeds
11 from it. It was her bank when it was sold.

12 Q Okay. So how do you know Kevin
13 Cassidy?

14 A I met him. I think I met him
15 through Mark Nordlicht.

16 Q Okay. And when did you -- you
17 understood he served time in prison?

18 A I knew he served time in prison.

19 Q Do you know why?

20 A I think it had to do with Option --
21 I think he served time before Optionable for some
22 violation of something, and then for Optionable
23 he got into trouble.

24 Q Okay. All right. And then do you
25 recall meeting with him soon after he was

1 David Bodner

2 week or two? How did it work?

3 A No, I think it was a long overlap.

4 I think Angela was the secretary, and he was my
5 bookkeeper.

6 Q He was your personal bookkeeper?

7 A He did my personal stuff, yes,
8 bills, stuff that the accountant needed.

9 Q Is that separate from the work that
10 your accountant did for you?

11 A Yes, the accountant asked him for
12 certain things.

13 Q Was he employed by Platinum?

14 A I'm not sure.

15 Q Did you -- I am talking about Motti
16 Fox here.

17 A Yes.

18 Q Did you pay him personally?

19 A He might have been paid from Broad
20 Capital.

21 Q What is Broad Capital?

22 A Broad Capital was a partnership
23 that I had with Murray.

24 Q Why would he be paid out of Broad
25 Capital?

EXHIBIT B

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SOUTHERN DISTRICT OF NEW YORK
CASE NO. 18-CV-6658 (JSR)
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(in Official Liquidation),

Plaintiffs,

vs.

PLATINUM MANAGEMENT (NY) LLC, et al.,

Defendants.

VOLUME II

TRANSCRIPT OF VIDEOTAPED DEPOSITION OF
MURRAY HUBERFELD

TRANSCRIPT of the stenographic notes of
the proceedings in the above-entitled matter, as
taken by and before TAB PREWETT, a Registered
Professional Reporter, a Certified LiveNote
Reporter, Certified Shorthand Reporter and Notary
Public, held at the offices of US Legal Support
Company, 90 Broad Street, Suite 603, New York,
New York, on Tuesday, November 26, 2019,
commencing at 10:05 a.m.

1 Murray Huberfeld

2 3.7 million. Is that ball -- in a ballpark,
3 correct?

4 A I'm not sure.

5 Q And this says that the SEC alleged
6 that to be a violation of the securities laws.

7 That is correct; isn't it?

8 MR. DANIELS: Objection.

9 Q The SEC alleged that?

10 MR. DANIELS: Objection.

11 You may answer.

12 A Yes. We had our own opinion, and
13 they had their opinion.

14 Q The next paragraph -- well,
15 actually, let me skip down a paragraph --
16 actually, let me go to the next paragraph. It
17 says:

18 "Broad Capital also was cited for
19 failing to disclose as required by law that it
20 held over 5 percent of IncomNet's outstanding
21 securities."

22 Was, indeed, Broad Capital cited
23 for that?

24 A I don't recall.

25 Q Broad Capital was yours and

1 Murray Huberfeld

2 Mr. Bodner's business?

3 A Yes, it was.

4 Q The next sentence says that:

5 "Broad, Huberfeld, and Bodner

6 settled the case without admitting or denying the

7 SEC's allegations and were ordered to disgorge

8 their profits plus interest."

9 I'll just stop there.

10 Is that a true statement?

11 MR. DANIELS: Objection to the

12 form.

13 You may answer.

14 A I believe so.

15 Q And then it says that:

16 "Those profits plus interest

17 totaled over \$4.6 million."

18 Is that in the ballpark correct?

19 A Something like that.

20 Q The next sentence says:

21 "Civil penalties also were imposed.

22 Broad was ordered to pay 50,000, Huberfeld and

23 Bodner 15,000 each."

24 Correct?

25 A I don't remember that, but it's

1 Murray Huberfeld

2 possible.

3 Q Is anything in that sentence
4 incorrect about the civil penalties that were
5 imposed upon you?

6 A I'm not sure.

7 Q The next sentence in the next
8 paragraph says:

9 "As a result the pair were
10 automatically statutorily disqualified from
11 working for a broker licensed by the NASD."

12 Do you see that?

13 A I do see it.

14 Q Is that a true statement?

15 A I don't know.

16 Q Were you disqualified from working
17 for a broker licensed by the NASD?

18 A I don't know.

19 Q When was the last time you worked
20 for a broker licensed by the NASD?

21 A I have not.

22 Q I'm sorry.

23 A I don't think I did.

24 Q You don't think you ever did?

25 A I think I worked as a broker back

EXHIBIT C

UNITED STATES OF AMERICA
BEFORE THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
FEDERAL DEPOSIT INSURANCE CORPORATION
WASHINGTON, D.C.

<hr/>	
Written Agreement re THE NORCROWN TRUST,)
LIVINGSTON, NEW JERSEY, an)
unregistered bank holding company that controls)
NORCROWN BANK)
LIVINGSTON, NEW JERSEY)
(An insured State Nonmember Bank))
)
by and among)
)
DAVID BODNER, and MURRAY HUBERFELD,)
)
and)
)
THE FEDERAL RESERVE BANK OF)
NEW YORK,)
)
FEDERAL DEPOSIT INSURANCE CORPORATION)
WASHINGTON, D.C.)
<hr/>)

FRB Dkt. Nos. 05-010-WA/RB-12
05-010-WA/RB-13
FDIC Dkt. No. 04-271WA

WHEREAS, in recognition of their common goal to maintain the safety and soundness of bank holding companies and insured depository institutions, the Federal Reserve Bank of New York (the "Reserve Bank") and the Federal Deposit Insurance Corporation ("FDIC") have mutually agreed to enter into this Written Agreement ("Agreement") with David Bodner ("Bodner") and Murray Huberfeld ("Huberfeld");

WHEREAS, this Agreement pertains to allegations that Bodner and Huberfeld did not seek the prior approval of the FDIC pursuant to Section 19 of the Federal Deposit Insurance Act (the "FDI Act")(12 U.S.C. § 1829) before an investment was made that became a beneficial

interest in the name of the Laura Huberfeld and Naomi Bodner Partnership of more than 25 percent in the NorCrown Trust, Livingston, New Jersey (“NorCrown”), an unregistered bank holding company that owns more than 99 percent of the voting shares of NorCrown Bank, Livingston, New Jersey, an insured State nonmember bank;

WHEREAS, the FDIC has issued a Statement of Policy Pursuant to Section 19 of the Federal Deposit Insurance Act, 63 Fed. Reg. 66177 (December 1, 1998), which Statement may be revised from time to time or withdrawn;

WHEREAS, this Agreement is being executed in accordance with the Rules Regarding Delegation of Authority of the Board of Governors of the Federal Reserve System (the “Board of Governors”), specifically 12 C.F.R. § 265.11(a) (15), and the Reserve Bank has received the prior approval of the Director of the Division of Banking Supervision and Regulation and the General Counsel of the Board of Governors to enter into this Agreement with Bodner and Huberfeld; and

WHEREAS, the FDIC is authorized to enter into this Agreement pursuant to Section 9 of the FDI Act, 12 U.S.C. § 1819(a) (Seventh).

NOW, THEREFORE, Bodner and Huberfeld each respectively agree with the Reserve Bank and the FDIC as follows:

1. Bodner and Huberfeld agree that, except with the prior written consent of the FDIC in accordance with Section 19 of the FDI Act, each shall not (a) become, or continue as, an institution-affiliated party (as defined in Sections 3(u) and 8(b)(3) of the FDI Act (12 U.S.C. §§ 1813(u) and 1818(b)(3)), with respect to any insured depository institution (as defined in Section 3(c)(2) of the FDI Act, (12 U.S.C. § 1813(c)(2)) or any depository institution holding company (as defined in Section 3(w)(1) of the FDI Act (12 U.S.C. § 1813(w)(1)); (b) own or control, directly or indirectly, any insured depository institution or any depository institution

holding company ; or (c) otherwise participate, directly or indirectly, in the conduct of any insured depository institution or depository institution holding company.

2. All communications regarding this Agreement shall be addressed to:

- (a) David Bodner
152 West 57th Street (54th floor)
New York, NY 10019

with a copy to:

Eliot Lauer
Curtis Mallet-Prevost, Colt & Mosle, LLP
101 Park Ave.
New York, New York 10178

- (b) Murray Huberfeld
152 West 57th Street (54th floor)
New York, NY 10019

with a copy to:

Eliot Lauer
Curtis Mallet-Prevost, Colt & Mosle, LLP
101 Park Ave.
New York, New York 10178

- (c) William Rutledge
Executive Vice President
Federal Reserve Bank of New York
33 Liberty Street
New York, New York 10045

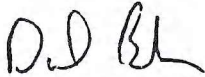
- (d) Christopher J. Spoth
Regional Director
Federal Deposit Insurance Corporation
20 Exchange Place
New York, New York 10005

3. This Agreement, and each and every provision hereof, is binding individually upon Bodner and Huberfeld, respectively, and shall remain fully effective and enforceable until

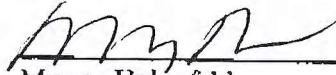
expressly stayed, modified, terminated or suspended in writing by the Reserve Bank and the FDIC.

4. This Agreement is a "written agreement" for the purposes of section 8 of the FDI Act (12 U.S.C. § 1818).

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the 18th day of February, 2005.



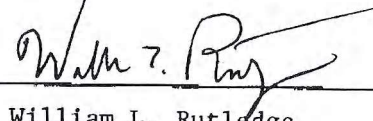
David Bodner



Murray Huberfeld

FEDERAL RESERVE BANK OF
NEW YORK

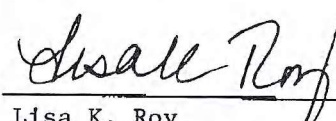
By



William L. Rutledge
Executive Vice President
Bank Supervision

FEDERAL DEPOSIT INSURANCE
CORPORATION

By



Lisa K. Roy
Associate Director
Division of Supervision and Consumer
Protection

EXHIBIT D

HEDGE FUNDS

REVIEW

04 Jan 2011

Platinum Partners to run Centurion ABL strategy

Author: [Kris Devasabai](#)

Platinum Partners, the multi-strategy hedge fund run by Mark Nordlicht and Uri Landesman, is expanding into asset based lending with the addition of Centurion Credit Group Master Fund.

The fund was previously managed by Centurion Credit Group, the New York-based investment company founded in late 2005 by Murray Huberfeld.

Centurion originates loans to a range of businesses that cannot access capital elsewhere. It is also involved in a number of related strategies, including litigation financing. The fund has returned over 15% annually since inception with only one down month and has \$240 million in assets.

Platinum Partners assumed responsibility for the management of the Centurion fund on January 1, 2011. Nordlicht, Platinum's founder and chief investment officer (CIO), has overall responsibility for investment decisions and becomes the managing member of the general partner of the Centurion fund.

Huberfeld will continue to work with Platinum, focusing on raising capital for its family of funds and structuring products for investors. Huberfeld worked with Nordlicht prior to establishing Centurion in 2005. Platinum Partners currently runs the Platinum Partners Value Arbitrage (PPVA) Fund, a multi-strategy vehicle investing in long/short equity, energy arbitrage and convertible ABL among other strategies. It also manages the Platinum Partners Liquid Opportunity (PPLO) Fund which invests in the most liquid sub-strategies of PPVA.

Nordlicht will continue to serve as CIO of PPVA and PPLO. Landesman, Platinum's president, becomes the sole managing member of the general partner of these funds, overseeing risk management and operations. Platinum Partners manages around \$515 million in PPVA and has \$30 million in PPLO. The addition of the Centurion Credit Group Master Fund to its platform brings Platinum's total assets under management to around \$780 million.

The decision to offer the Centurion Credit Group Master Fund as part of Platinum's family of funds reflects investor interest in ABL as a standalone strategy, according to Landesman. "We have a number of high net worth and family investors in PPVA that have told us they are interested in asset-based lending as a strategy and the Centurion fund in particular. They are also in the market to make one-off loans or a series of loans to companies in need of capital which the team at Centurion is able to structure," said Landesman. Platinum Partners has experience running direct lending strategies. One of the sub-strategies within PPVA is asset-based convertible debt, whereby Platinum provides capital for emerging healthcare and technology companies with potentially lucrative intellectual property rights. While similar, the Centurion Credit Group Master Fund will provide loans primarily to hard collateral business.