

Ct. Ex. 2

To the Jury,

Thank you for your five notes from yesterday.

In your first note, you ask "What is the definition of 'significant control'?" - a reference to the term used in the second paragraph of Instruction 10. In the context of this case, "significant control" means the power to determine whether a particular investment by Platinum should or should not be made, the power to determine what potential investors in Platinum should or should not be told, and/or the power to determine how a particular Platinum investment that has been made should or should not be reported to Platinum investors. It does not mean exclusive control over investment, solicitation and/or reporting decisions, which may be shared with or delegated to others; but it means more than just commenting on a Platinum investment decision, the manner of soliciting Platinum investors, or the reporting to Platinum investors of Platinum investments. In other words, it means practical power over investment decisions, solicitation of investors, and/or reporting to investors, but not exclusive power.

In your second note, you ask "What is the definition of 'specific role or duty'?" - again a reference to terms used in the second paragraph of Instruction 10. In this case, the

relevant role and duty is the practical power over determining Platinum investments, determining what should or should not be said in the solicitation of investors, and/or the substance of what should or should not be reported to Platinum investors about Platinum investments. Again, however, it need not be exclusive power and the defendant need not be an officer or director of Platinum if he can exercise such a power as a practical matter.

With respect to your third and fifth notes asking for certain testimony, we have now left on each of your chairs a copy of the relevant testimony you asked for. Finally, we are delighted that you stayed yesterday until 5 p.m., as requested in your fourth note.

Please let us know if we can be of help in any other way.

Judge Rakoff