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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff.

VS.

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.

CIVIL ACTION NO. 16-cv-6848-DLI-VMS

NOTICE OF MOTION FOR LEAVE TO APPEAR PRO HAC VICE AND REQUEST FOR RETROACTIVE ADMISSION TO APPEAR PRO HAC VICE

TO: Neal Jacobson, Esq.

United States Securities and Exchange Commission

New York Regional Office

Brookfield Place

200 Vesey Street, Ste. 400

New York, New York 10281

(212) 336-0180

Email: jacobsonn@sec.gov

PLEASE TAKE NOTICE that, upon the annexed affidavit of movant, Craig Smyser, in support of this motion and the Certificates of Good Standing annexed thereto, we move this Court pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an Order retroactively allowing the admission of Craig Smyser, a partner of the firm of Smyser Kaplan & Veselka, L.L.P., and a member in good standing of the Bar of the State of Texas, as attorney *pro hac vice* as of January 19, 2017, the date payment of the required fee was made to the court and to continue argue or try this case in whole or in part as counsel for Non-Party Richard Schmidt, Trustee of the Black Elk Litigation Trust, in the above-captioned matter. Alternatively, we move the Court for an Order allowing

the admission of Mr. Smyser as attorney *pro hac vice* as of the date of this Order or such other date as the Court may deem appropriate. There are no pending disciplinary proceedings against Mr. Smyser in any state or federal court.

Dated: March 8, 2017

Respectfully submitted,

By: /s/ Tyler G. Doyle

SMYSER KAPLAN & VESELKA, L.L.P. Tyler G. Doyle (TD3160) New York Bar No. 4372637 tydoyle@skv.com 700 Louisiana, Suite 2300 Houston, Texas 77002 713-221-2300 713-221-2320 (fax)

ATTORNEYS FOR NON-PARTY RICHARD SCHMIDT

STATE BAR OF TEXAS



Office of the Chief Disciplinary Counsel

March 06, 2017

Re: Mr. Craig Smyser, State Bar Number 18777575

To Whom It May Concern:

This is to certify that Mr. Craig Smyser was licensed to practice law in Texas on November 24, 1980, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension from the practice of law.

This certification expires 30 days from the date, unless sooner revoked or rendered invalid by operation of rule or law.

Sincerely,

Linda A. Acevedo Chief Disciplinary Counsel

LA/web

The Supreme Court of Texas

AUSTIN
CLERK'S OFFICE

I, BLAKE HAWTHORNE, Clerk of the Supreme Court of Texas, certify that the records of this office show that

Craig Smyser

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 24th day of November, 1980.

I further certify that the records of this office show that, as of this date

Craig Smyser

is presently enrolled with the State Bar of Texas as an active member in good standing.

IN TESTIMONY WHEREOF witness my signature

TOF THE STATE OF T

and the seal of the Supreme Court of Texas at the City of Austin, this, the 6th day of March, 2017.

BLAKE HAWTHORNE, Clerk

Clerk, Supreme Court of Texas

No. 6542C.1

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE § COMMISSION, 8 Plaintiff, 8 VS. S CIVIL ACTION NO. 16-cv-6848 AFFIDAVIT OF CRAIG SMYSER 8 PLATINUM MANAGEMENT (NY) LLC; IN SUPPORT OF MOTION FOR LEAVE PLATINUM CREDIT MANAGEMENT, § TO APPEAR PRO HAC VICE AND L.P.; MARK NORDLICHT; DAVID LEVY; REQUEST FOR RETROACTIVE DANIEL SMALL; URI LANDESMAN; ADMISSION TO APPEAR PRO HAC JOSEPH MANN; JOSEPH SANFILIPPO; S **VICE** and JEFFREY SHULSE, § Defendants.

Craig Smyser, being duly sworn, hereby deposes and says as follows:

- 1. I am a partner with the law firm of Smyser Kaplan & Veselka, LLP. ("SKV").
- 2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
- 3. I previously filed a Motion to Leave to Appear Pro Hac Vice [28] which the Court denied on March 3, 2017. Although I had paid the pro hac vice fee in support of my motion, the Court noted that I had failed to file a Certificate of Good Standing in the State Bar of Texas as required. On January 13, 2017, I mailed a Certificate of Good Standing in the State Bar of Texas to the Court (Exhibit 1) but inadvertently failed to comply with the Court's Local Rule No. 1 which states that all documents must be filed electronically. I apologize to the Court for this failure. Attached to this Application is a current Certificate of Good Standing in the State Bar of Texas for Craig Smyser. Because I sent the Certificate of Good Standing on January 13, 2017 and paid the required fee on January 19, 2017, I ask the Court order my admission *pro hac vice* effective January 19, 2017or whatever date the Court deems appropriate.
 - 4. I have not been convicted of a felony.
 - 5. I have not been censured, suspended, disbarred or denied admission or

readmission by any court.

- 6. Another attorney at SKV, Tyler Doyle (TD3160), is a member in good standing of the Bar of the State of New York and of the United States District Court for the Eastern District of New York.
- Wherefore your affiant respectfully submits that he be permitted to appear and 7. advocate pro hac vice in this one case for Non-Party Richard Schmidt, Trustee of the Black Elk Litigation Trust.

Dated: March 7, 2017

day of March, 2017, to certify SUBSCRIBED AND SWORN to me on this the which witness my hand and official seal.

> FRANCOISE BERNIER Notary Public, State of Texas Comm. Expires 12-17-2018

Notary ID 125820735

Notary Public in and for The State of Texas

SMYSER KAPLAN & VESELKA, L.L.P.

BANK OF AMERICA CENTER
700 LOUISIANA SUITE 2300 HOUSTON, TEXAS 77002
TELEPHONE 713.221.2300 FACSIMILE 713.221.2320

Direct Dial Number: (713) 221-2330

Author's E-mail Address: csmyser@skv.com

January 13, 2017

Clerk
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: SEC v. Platinum Management (NY) LLC et al; Civil Case No. 16-cv-6848 (DLI)(VMS)

To the Honorable Court,

On January 10, 2017 by Order Dkt. 19, I was granted pro hac vice privileges and given an ECH logon and password for an emergency filing. That order indicated that I should ensure the \$150 admission fee and Letter of Good Standing be submitted to the Clerks Office. Pursuant to that order, I enclose my Letter of Good Standing and my firm's check in the amount of \$150. I also enclose courtesy copies of the Notice of Motion and Notice of Appearance that have been efiled in this matter.

Please let me know if you require anything further. I appreciate your assistance in this matter.

Respectfully,

Craig Smyser,

Counsel for Richard Schmidt, Black Elk Litigation Trustee

Encl.

The Supreme Court of Texas

AUSTIN

CLERK'S OFFICE

I, BLAKE HAWTHORNE, Clerk of the Supreme Court of Texas, certify that the records of this office show that

Craig Smyser

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 24th day of November, 1980.

I further certify that the records of this office show that, as of this date

Craig Smyser

is presently enrolled with the State Bar of Texas as an active member in good standing.

and the seal of the Supreme Court of
Texas at the City of Austin, this, the
12th day of January, 2017.
BLAKE HAWTHORNE, Clerk

Blanca E. Valdez, Deputy Clerk

No. 011217GG

\$ \$ \$ \$ \$ \$

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

VS.

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.

CIVIL ACTION NO. 16-cv-6848-DLI-VMS

ADMISSION TO PRACTICE PRO HAC VICE

The motion for admission to practice *pro hac vice* in the above-captioned matter as of January 19, 2017 is granted. The admitted attorney, Craig Smyser, is permitted to argue or try this particular case in whole or in part as counsel or advocate for Non-Party Richard Schmidt ("Trustee"), in his capacity as Trustee of the Black Elk Litigation Trust, in the above-captioned matter.

This retroactive Order is effective as of January 19, 2017 when the Court received the required \$150.00 fee and confirms Mr. Smyser's appearance as counsel in this case. A notation of Mr. Smyser's admission *pro hac vice* in the above-captioned case will be made on the roll of attorneys.

Dated: March _____, 2017.

United States District Judge