# 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 AND MOTION TO ADMIT COUNSEL *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, Justin Waggoner, in support of this motion and the Certificate 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 allowing the admission of Justin Waggoner, 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* to 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. There are no pending disciplinary proceedings against Mr. Waggoner in any state or federal court.

Dated: January 23, 2017

### Respectfully submitted,

By: /s/ Craig Smyser

SMYSER KAPLAN & VESELKA, L.L.P. Craig Smyser (pro hac vice)
Texas Bar No. 18777575
Attorney-in-Charge csmyser@skv.com
Tyler G. Doyle
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

# 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.

STATE OF TEXAS

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COUNTY OF HARRIS

Justin Waggoner, being duly sworn, hereby deposes and says as follows:

- 1. I am a partner with the law firm of Smyser Kaplan & Veselka, L.L.P. ("SKV").
- 2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
- 3. As shown by the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of Texas.
  - 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. Wherefore your affiant respectfully submits that he be permitted to appear and advocate *pro hac vice* in this one case for Non-Party Richard Schmidt, Trustee of the Black Elk Litigation Trust.

Dated: January 23, 2017

AFFIDAVIT OF JUSTIN WAGGONER IN SUPPORT OF MOTION TO ADMIT COUNSEL *PRO HAC VICE* 

Justin Waggener

SMYSER KAPLAN & VESELKA, L.L.P.

700 Louisiana, Suite 2300

Houston, Texas 77002

jwaggoner@skv.com

713-221-2343

713-221-2320 (fax)

SUBSCRIBED AND SWORN to me on this the 23 day of January, 2017, to certify which witness my hand and official seal.

THERESA S. DOYLE
My Notary ID # 126486159
Expires April 16, 2020

Notary Public in and for

The State of Texas

## 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

#### Justin McKenzie Waggoner

was duly admitted and licensed as an attorney and counselor at law by the Supreme Court of Texas on the 7th day of November, 1997.

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

### Justin McKenzie Waggoner

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

by Blanca Co. Valley

No. 011217LL

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 <i>pro hac vice</i> in the above-captioned matter is	
granted. The admitted attorney, Justin Waggoner, 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 Order becomes effective upon the Court's receipt of the required \$150.00 fee and	
confirms your appearance as counsel in this case. A notation of your admission pro hac vice in	
the above-captioned case will be made on the re-	oll of attorneys.
Dated: January, 2017.	

United States District Judge