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October 29, 2021

VIA CM/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:

This firm is counsel to Melanie L. Cyganowski, the court-appointed Receiver of the Receivership Entities¹ in the receivership captioned *SEC v. Platinum Mgmt. (NY) LLC, et al.*, No. 1:16-cv-06848-BMC (the “Receivership”). Pursuant to rule III.B.1 of Your Honor’s individual practices, the Receiver respectfully requests permission to exceed the 25-page limit for memoranda of law in relation to the Receiver’s Omnibus Motion for Claims Resolution that the Receiver intends to file on November 5, 2021 (the “*Motion*”). Specifically, for the reasons detailed herein, the Receiver requests that she be permitted to file one omnibus memorandum of not more than sixty-five (65) pages as opposed to five (5) separate memoranda for each Claimant (defined below) of up to twenty-five (25) pages each, for a total of one hundred twenty (125) pages.

The Motion will be filed in accordance with this Court’s December 1, 2020 order governing the Receivership’s claims resolution process, Dkt. No. 554, (the “*Claims Order*”) to seek the Court’s summary adjudication of unresolved claims filed by David Levy; Wilson Sonsini Goodrich & Rosati (counsel for David Levy); Daniel Small; Ford O’Brien (counsel for Joseph SanFilippo; and the Black Elk Energy Offshore Operations, LLC Litigation Trust (collectively, the “*Claimants*”). Although there are issues unique to each of the Claimants, there are overlapping issues amongst their claims, most notably their claims for indemnification and/or

¹ The Receivership Entities include Platinum Credit Management, L.P., Platinum Partners Credit Opportunities Master Fund LP, Platinum Partners Credit Opportunities Fund (TE) LLC, Platinum Partners Credit Opportunities Fund LLC, Platinum Partners Credit Opportunities Fund (BL) LLC, Platinum Liquid Opportunity Management (NY) LLC, Platinum Partners Liquid Opportunity Fund (USA) L.P., Platinum Partners Liquid Opportunity Master Fund L.P., Platinum Partners Credit Opportunities Fund International Ltd and Platinum Partners Credit Opportunities Fund International (A) Ltd.



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priority for their claims, that makes addressing the claims in one omnibus memorandum more efficient. The Receiver, therefore, respectfully requests that she be permitted to file: (i) one omnibus memorandum of law in support of the Motion of not more than sixty-five (65) pages; and (ii) one omnibus reply memorandum of law in further support of the Motion of not more than twenty-five (25) pages.

Undersigned has conferred with counsel for the Claimants, and each has signified their consent to the aforementioned page limits. Counsel for all of these parties have also agreed on a briefing schedule, subject to Your Honor's approval, as follows: moving papers to be filed by November 5, 2021; opposition to be filed by December 6, 2021 and reply papers to be filed by December 20, 2021.

On a related note, the Receiver is pleased to report that almost all other claimants have either not objected to the Receiver's determinations or have entered into settlements pursuant to the procedures in the Claims Order. The Receiver intends to file any additional claims resolution motions by the end of this year, but does not expect that there would be more than four such claimants involved.

Thank you for your consideration and continued courtesies.

Very truly yours,

/s/ Erik B. Weinick
Erik B. Weinick

cc: All Counsel of Record (via CM/ECF)
Kevin O'Brien, Esq.
Seth L. Levine, Esq.
Jeff Potts, Esq.
Michael S. Sommer, Esq.