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March 11, 2024

VIA 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:

We are the attorneys for the Receiver, Melanie L. Cyganowski and are in receipt of Mr. Levine's letter dated March 11, 2024 letter, Dkt. No. 700, (the "**Letter**") regarding the hearing in the referenced matter scheduled for Wednesday, March 13, 2024 at 10:30 a.m. concerning the claims of Messrs. Levy, Small, and San Filippo (including counsel) and of the Black Elk Trustee.

As we advised Mr. Levine, given the overlap of issues, we do not object to the Claimants' request to restructure the sequencing of their argument. However, we are unable to consent to the Letter in its entirety. Although we agree that the priority issue is an important issue to be decided, we do not agree that it is "*the* threshold" issue before the Court (emphasis supplied) or that a ruling on that issue, to the exclusion of the others, will be beneficial. Moreover, the description of the priority issue in the Letter is one-sided and not a neutral explanation.

Thank you for your consideration and continued courtesies.

Respectfully submitted,

/s/ Erik B. Weinick

Erik B. Weinick

cc: Counsel of Record via ECF