

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

GEORGE ZAMBRANA, an individual,)
on behalf of himself and all others similarly)
situated)
)
Plaintiff,)
)
v.)
)
JANE DOE a/k/a “JESSICA”)
and JOHN DOES 1-25,)
)
Defendants.)

Case No.: 2025CH11647
Hon. Cecilia A. Horan

**PLAINTIFF’S EMERGENCY *EX PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff, George Zambrana (“Plaintiff”), pursuant to 735 ILCS 5/11-101 and 11-102 respectfully requests that the Court enter an *ex parte* temporary restraining order (“TRO”) freezing stolen assets held within certain cryptocurrency wallets that are the subject of this action, and in support thereof states as follows.

INTRODUCTION

The Court should grant the requested relief so that Plaintiff and the similarly situated victims of Defendants’ pernicious pig butchering scheme have a meaningful recovery. Like too many, Plaintiff fell victim to a pernicious pig butchering scheme and was scammed out of \$213,500. In total, Defendants unlawfully took more than \$23,000,000 million from Plaintiff and other victims. Forensic tracing confirms that those funds are now located in forty-three distinct cryptocurrency accounts (referred to as “wallets”) of affiliated accounts on a major exchanges. Plaintiff now brings this motion to freeze those funds, including funds located in affiliated wallets, so that they can be preserved for recovery in this litigation.

Freezing the funds quickly, and without notice to Defendants, is of paramount importance because there is a significant risk that Defendants will off-ramp these funds off the blockchain entirety—placing the funds forever out of reach. Due to the anonymous nature of cryptocurrency, there is a substantial risk that Defendants will move the assets if given advance notice of this action, rendering any eventual judgment meaningless.

FACTUAL BACKGROUND

Plaintiff and the other victims were deceived into transferring millions of dollars worth of cryptocurrency to Defendants. Due to blockchain technology and the forensic tracing performed by the experts at Inca Coalition (“Inca”), Plaintiff traced the funds to certain wallets, which he now seeks to freeze in order to preserve their value during the pendency of this litigation.

A. Emergency Relief is Necessary to Prevent Asset Dissipation

Immediate injunctive relief is warranted to prevent the dissipation of the stolen cryptocurrency. Inca traced the fraudulently obtained funds to specific wallets (“Deposit Wallets”), but due to the nature of cryptocurrency—fast-moving, anonymous, and easily hidden—

there is a significant risk the assets will be transferred or laundered before notice can be given or a hearing held. *See* Declaration of Adam Zarazinski¹, attached hereto as **Exhibit A**, ¶¶ 12, 25, 33-34. If Defendants receive notice of this action, it is highly likely that Defendants will transfer cryptocurrency at issue beyond the reach of discovery or recovery. *Id.* ¶ 33-34. If that occurs, Plaintiff's assets will be lost permanently, and any eventual judgment will be ineffectual. A TRO freezing the Deposit Wallets and the affiliated wallets is therefore essential to preserve the status quo and protect the Court's ability to administer justice. *Id.*

Freezing of affiliated wallets is important because these wallets are used to “disperse, conceal, or further launder stolen funds” (“Affiliated Wallets”). *Id.* ¶ 16. These affiliated wallets, however, are not visible on the blockchain. *Id.* Scammers “often control multiple affiliated wallets within the same exchange.” *Id.* “Accordingly, it is essential that any freeze order extend to Affiliated Wallets. This includes, but is not limited to, additional wallets linked to the Deposit Wallets through shared ownership, common control mechanisms, or overlapping access patterns, as reasonably identified by the exchange's internal compliance systems.” *Id.* ¶ 17. “Without such relief, stolen funds may be rapidly moved or concealed, undermining the effectiveness of the freeze.” *Id.*

B. Defendants Scam Plaintiff Using SGX

On or about June 30, 2024, Plaintiff received unsolicited text message from an individual identifying herself as “Jessica.” **Exhibit B**, *Declaration of G. Zambrana*, ¶ 5. The phone number from which the message originated was not saved in Plaintiff's phone, and out of courtesy in case

¹ Mr. Zarazinski is an expert in financial schemes involving cryptocurrency. He holds a J.D. from the University of Michigan Law School, a master's degree in International Relations from the University of Nottingham, and a bachelor's degree from DePaul University. He has testified before the House Financial Services Subcommittee on National Security, Illicit Finance, and International Financial Institutions on terrorist financing and previously worked as an intelligence analyst at INTERPOL. He was also a judge advocate in the United States Air Force, where he continues to serve as a Major in the USAF JAG Corps Reserve. **Ex. A**, ¶ 6.

the sender was someone known to Plaintiff, Plaintiff responded and asked the sender to identify himself or herself. *Id.* at ¶ 6. Defendant Jessica replied, indicating that she had mistakenly messaged the wrong number. *Id.* at ¶ 7. Then, Jessica initiated further communications. *Id.* at ¶ 7.

Jessica represented herself as a fashion designer residing in Los Angeles, California. *Id.* at ¶ 9. Jessica also revealed to Plaintiff that her husband had abandoned her without financial support, but that she had become financially independent through cryptocurrency investments. *Id.* at ¶ 10. Over time, Plaintiff developed a friendship with Jessica. *Id.* at ¶ 11. Jessica gradually introduced discussions about cryptocurrency investment into conversations with Plaintiff. *Id.* at ¶ 13. Plaintiff initially expressed disinterest in cryptocurrency. *Id.* at ¶ 14. However, Jessica continued talking about cryptocurrency and she enticed Plaintiff to try cryptocurrency investments with promises of easy profits and financial freedom. *Id.*

Eventually Jessica directed Plaintiff to use a trading platform called `jys.sgxs.net` (“SGX”) for cryptocurrency related trades and investments. *Id.* at ¶ 15. Under Jessica’s guidance and direction, on or around July 29, 2024, Plaintiff made an initial small trade on the SGX platform. *Id.* at ¶ 16. This initial trade showed a profitable result. *Id.* Seeing purported profitable results on the platform, Plaintiff proceeded to make larger deposits and trades on SGX. *Id.* at ¶ 17. Plaintiff transferred funds from his Chase bank account and his retirement savings accounts to Crypto.com, where he purchased Ethereum (“ETH”) and subsequently transferred it to the SGX platform to execute trades as directed by Jessica. *Id.* at ¶ 18.

The SGX platform showed a steadily increasing balance, and on or about August 7, 2024, Plaintiff successfully withdrew \$300 into his CashApp account. *Id.* at ¶ 20. By November 2024, Plaintiff’s SGX account reflected a balance exceeding \$2,000,000. *Id.* at ¶ 21. On or around November 20, 2024, Plaintiff was informed that he had to pay a fee of 2% of his SGX balance

account. *Id.* at ¶ 22. Plaintiff could not pay the fee out of his account balance on SGX. *Id.* at ¶ 23. Thereafter, Jessica instructed Plaintiff to withdraw \$100,000 from SGX. *Id.* at ¶ 24. When Plaintiff attempted to do so, he was informed that additional fees had to be paid. *Id.* at ¶ 24-25. At that point, Plaintiff became suspicious of the SGX platform. *Id.* at ¶ 26-27.

C. Overview of Cryptocurrency and Blockchain Technology

Cryptocurrencies are digital tokens of value. **Ex. A**, ¶ 7. Virtual currencies are not issued by any government or bank, but are generated and controlled through computer software. *Id.* Virtual currency is tied to a virtual address – virtual locations to which such currencies are sent and received. *Id.* at ¶ 8. Each virtual currency address is controlled using a unique private key, a cryptographic equivalent of a password. *Id.* Only the holder of an address’ private key can authorize a transfer of virtual currency from that address to another address. *Id.* Cryptocurrency is held in an online wallet, which is similar to a bank account. *Id.*

Blockchain technology is used by many virtual currencies to publicly record all of their transactions and is essentially a distributed public ledger, run by a decentralized network of computers, containing an immutable and historical record of every transaction that has ever occurred utilizing that blockchain’s specific technology. **Ex. A**, ¶ 9. Each transaction is assigned a unique identifier known as a “hash number.” *Id.* These transactions can be traced on the blockchain. *Id.*

D. Pig Butchering Briefly Explained

“Pig butchering” is a scheme in which scammers promise victims returns on crypto investments and then fabricate evidence of positive performance of those investments on fake websites made to look like functioning cryptocurrency trading venues, investment companies, and/or job opportunities. *Id.* at ¶ 11. The “butcherers” do so to entice victims to “invest” more

money. *Id.* When the victims have been sufficiently “fattened” with false profits, scammers steal the victims’ cryptocurrency, and cover their tracks by moving the stolen property through a maze of subsequent transactions. *Id.*

The ultimate goal of the scammers in pig butchering schemes is to “off-ramp” the stolen cryptocurrency—i.e., to convert it from traceable blockchain assets into fiat currency that can be freely spent or hidden outside the digital ecosystem. *Id.* at ¶ 12. This conversion process often involves layering transactions through multiple wallets, mixing services, or foreign exchanges in order to obscure the origin of the funds. *Id.* The end result is the placement of illicitly obtained crypto into the traditional financial system, and thereafter withdrawing fund from the financial system altogether, a process functionally akin to money laundering. *Id.*

E. Inca Forensically Traces the Stolen Funds

Defendants used fake platforms to misappropriate the assets, transferring the funds through a series of transactions designed to obscure their origins. **Ex. A**, at ¶¶ 13-15, 18-20, 22-24. Inca’s investigation was conducted in two precise, reliable, and replicable phases: forward and reverse tracing.

In phase one, Inca’s “forward tracing” began tracking the flow of funds by examining transfers from Plaintiff to the addresses he was given by Defendants, and then tracking subsequent transfers until arriving at the Deposit Wallets. *Id.* at ¶¶ 22, 28. This process involved three steps: (1) identifying the addresses of wallets into which Plaintiff transferred assets; (2) tracking the subsequent transfer of those assets to intermediary addresses; and (3) determining that Plaintiff’s assets were ultimately deposited into the Deposit Wallets listed in Appendix A of Mr. Zarazinski’s declaration. *Id.* at ¶ 22.

In phase two, Inca conducted a “reverse trace,” beginning with the Deposit Wallets, and

tracing backwards to identify other wallets from which funds were received, further defining the scope of the scam network. *Id.* at ¶ 24.

Through its analysis, Inca's investigation uncovered a network of cryptocurrency wallets through which Class Members' funds were funneled. *Id.* at ¶ 23, 25. Defendants' use of Pivot Addresses and the pattern of transactions indicate that the entire network was used as part of Defendants' larger illicit scheme. *Id.* at ¶ 25. Use of Pivot Addresses to aggregate funds only to transfer them to a Deposit Wallet (the staging ground for off-ramping) is highly indicative of fraudulent activity. *Id.* Indeed, many of the wallets that transferred funds into the Pivot Addresses have already been flagged for scam activity. *Id.* Estimated total class-wide losses are approximately \$23,386,908.00 based on cumulative victim deposits into the identified Pivot Wallet. *Id.*, ¶ 30. Plaintiff now brings this motion to freeze assets under Defendants' possession or control to secure a meaningful recovery for the victims.

ARGUMENT

"A TRO is an emergency remedy issued to maintain the status quo until a hearing can be held on an application for a preliminary injunction. Whereas, the purpose of a preliminary injunction is to maintain the status quo until the case is disposed of on the merits." *Passon v. TCR, Inc.*, 242 Ill. App. 3d 259, 264 (1993). A TRO should not be refused or dissolved merely because the court may not be absolutely certain the plaintiff has the right he claims. *Stocker Hinge Mfg. Co. v. Darnel Indus., Inc.*, 94 Ill. 2d 535, 541-542 (1983).

To obtain a TRO or preliminary injunction, Plaintiff must show (1) a clearly ascertained right in need of protection; (2) he will suffer irreparable harm without the injunction; (3) there is no adequate remedy at law; and (4) he is likely to be successful on the merits of its cause. *Cnty. of Du Page v. Gavrilos*, 359 Ill. App. 3d 629, 634 (2005); *Cameron v. Bartels*, 214 Ill. App. 3d 69,

73 (1991).² Importantly, a plaintiff seeking preliminary injunctive relief does not carry the same burden of proof that is required to prevail on the ultimate issue, but instead must only demonstrate a “fair question” as to each element. *Ziller v. Rossi*, 395 Ill. App. 3d 130, 139 (2009) (citation omitted).

This Court should grant immediate injunctive relief freezing the Deposit Wallets to prevent further unlawful dissipation of funds and to preserve the status quo. Circuit Courts in Illinois have not hesitated to issue similar orders when faced with nearly identical crypto-based pig butchering schemes. See **Exhibit C** (*Maimaituyumaier v. Jane Doe a/k/a “Carrie” et. al.*, No. 2025 CH 05863, ¶ 12-14, 24 (Cook County Cir. Ct., Jul. 11, 2025) (granting ex-parte motion for temporary restraining order and freezing Deposit Wallets at issue where plaintiff adequately alleged irreparable harm and an inadequate remedy at law where defendants could “off-ramp” plaintiff’s cryptocurrency assets out of the Deposit Wallets)); see also **Exhibit D** (*Douglas Bunker v. Jane Doe a/k/a Ava Garcia, et. at.*, No. 2025 MR 000276 (Will County Cir. Ct., Jun. 23, 2025) (granting plaintiff’s ex-parte temporary restraining motion and freezing Deposit Wallets and finding that plaintiff “suffered an injury in being dispossessed of his [cryptocurrency] assets and that there is likelihood of dissipation of those misappropriated assets rendering such injury irreparable”)); see also **Exhibit E** (*Gerald Thornhill v. Jane Doe a/k/a Lisa Davis et. al.*, No. 2025 LA 27) (Franklin County Cir. Ct., Sep. 5, 2025) (granting plaintiff’s ex-parte temporary restraining motion and freezing Deposit Wallets) see also **Exhibit F** (*Douglas Bunker v. Jane Doe a/k/a Ava Garcia, et. at.*, No. 2025 MR 000276 (Will County Cir.

² “TROs and preliminary injunctions require the same elements of proof.” *Cnty. of Boone v. Plote Constr., Inc.*, 2017 IL App (2d) 160184, ¶ 28.

Ct., Jul. 31, 2025) (granting plaintiff's preliminary injunction motion and freezing Deposit Wallets and Affiliated Wallets)).

Illinois courts are in good company as courts around the country have issued similar orders when faced with similar facts. See **Exhibit G** (*Shaya v. Nofs*, 24-cv-10670-MAG-EAS, EFC Doc. No. 4 (E.D. Mich. March 18, 2024) (granting order to show cause and granting motion for temporary restraining order); *Pouyafar v. John Doe Nos. 1-25*, Index No. 654820/2023, (N.Y. Sup. Ct. Sept. 29, 2023) (granting order to show cause and temporary restraining order); *Andrew Chait v Wendy Lee et. al*, Index No. 159881/2024, (N.Y. Sup. Ct. Oct. 24, 2024) (granting order to show cause and temporary restraining order); *Natalia Elmowafi v. Chris Yang*, Cause No. 202446570, (334th Jud Dist Ct, Harris County, Texas, July 24, 2024) (granting temporary restraining order.)

I. INJUNCTIVE RELIEF SHOULD ISSUE IMMEDIATELY

A. Plaintiff and the Class Possess a Clearly Ascertainable Right in their Cryptocurrency

The victims all possess a clearly ascertainable right in the ownership and possession of their cryptocurrency that was wrongfully taken from them. Illinois courts have recognized that injunctive relief is particularly appropriate in situations like this one “where the funds which are the subject of the injunction are also the subject of the dispute...” *Carriage Way Apartments v. Pojman*, 172 Ill. App. 3d 827, 838 (1988). Moreover, courts in both Illinois and other jurisdictions in similar cryptocurrency cases have found that the victim's rights in their wrongfully taken cryptocurrency is sufficient to warrant emergency, *ex parte*, injunctive relief. See **Ex. C**, ¶ 11 (holding that plaintiff raised a fair question that he has a clearly ascertainable right in the “funds he deposited” in the platform used by defendants to scam plaintiff); **Exhibit H** (*Yogaratnam v. Dubois*, No. CV 24-393, 2024 U.S. Dist. LEXIS 31033, at *8-9 (E.D. La. Feb. 23, 2024) (granting

emergency *ex-parte* motion for TRO and holding that “[i]t appears from the record that Defendants have no right to claim either possession or ownership of the stolen [cryptocurrency] assets, and Defendants’ taking of the funds is clearly inconsistent with Plaintiff’s rights of ownership”)); **Exhibit I** (*Blum v. Defendant I*, No. 3:23-cv-24734-MCR-HTC, ECF No. 6 at 5 (N.D. Fla. Dec. 13, 2023) (granting an *ex-parte* temporary restraining order holding that, “Blum’s cryptocurrency assets are specific, identifiable property that can be traced to Defendants’ Destination Addresses.”))

In this case, Plaintiff and the Class have a clearly ascertainable right to the specific cryptocurrency assets taken from them through Defendants’ scheme, giving rise to well-established common law claims for conversion and unjust enrichment. These claims directly implicate the victims’ rights to recover the specific property at issue, Defendants’ continued control over which is an ongoing injury. A TRO is therefore not only appropriate, but necessary to protect the subject matter of this litigation.

B. Irreparable Harm is Likely

An injury is irreparable where it is of such nature that the injured party cannot be adequately compensated in damages or when the damages cannot be measured by any certain pecuniary standard. *Kalbfleisch v. Columbia Community Unit School District Unit No. 4*, 396 Ill.App.3d 1105, 1116 (2009). “Irreparable injury does not necessarily mean injury that is great or beyond the possibility of repair or compensation in damages, but is the type of harm of such constant or frequent recurrence that no fair or reasonable redress can be had in a court of law.” *Bally Mfg. Corp. v. JS&A Grp., Inc.*, 88 Ill. App. 3d 87, 94 (1980).

Illinois appellate courts have upheld preliminary injunctions that preserved monetary funds in order to preserve the status quo. *See All Seasons Excavating Co. v. Bluthardt*, 229 Ill. App. 3d 22, 27–28 (1992). As was the case in *All Seasons*, there is a likelihood that Defendants will

dissipate the assets, rendering judgment meaningless. This is especially true here given that cryptocurrency is easily transferred and can be instantaneously removed from the blockchain or “off-ramped.” **Ex. A**, ¶ 12, 33-34. If these funds are off-ramped, Plaintiff’s ability to trace or recover them will likely be lost forever, rendering any legal remedy not only impractical but virtually impossible. *Id.*, see also **Exhibit J** (*Maimaituyumaier v. Jane Doe a/k/a “Carrie” et. al.*, No. 2025 CH 05863, ¶ 13-14 (Cook County Cir. Ct., Jul. 11, 2025) (granting motion for preliminary injunction and freezing Deposit Wallets at issue where plaintiff’s expert testified that he was 99.9% confident that defendants would off-ramp plaintiff’s and the class’ funds and cryptocurrency assets into fiat currency thereby causing irreparable harm)).

This is exactly the type of injury that injunctive relief is meant to avoid. Courts in other jurisdictions have repeatedly held that cryptocurrency theft schemes threaten imminent and irreparable loss justifying injunctive relief. See **Exhibit K** (*Jacobo v. Doe*, No. 1:22-cv-00672-DAD-BAK (BAM), 2022 U.S. Dist. LEXIS 101504, at *15-16 (E.D. Cal. June 7, 2022) (recognizing that “district courts have found that the risk of irreparable harm to be likely in matters concerning fraudulent transfers of cryptocurrency due to the risk of anonymous and speedy asset dissipation.”) This is in part because “it would be a simple matter for [defendant] to transfer” cryptocurrency “to unidentified recipients outside the traditional banking system . . . and effectively place the assets at issue in this matter beyond the reach of this court.” *Id.*; see also **Exhibit L** (*Gaponyuk v. Alferov*, No. 2:23-cv-01317-KJM-JDP, 2023 U.S. Dist. LEXIS 125262, at *6-7 (E.D. Cal. July 20, 2023) (finding irreparable harm due to the anonymous and speedy nature of cryptocurrency transfers); **Exhibit M** (*Hikmatullaev v. Villa*, No. 23-cv-22338-ALTMAN/Reid, 2023 U.S. Dist. LEXIS 111619, at *7 (S.D. Fla. June 28, 2023), *report and recommendation adopted*, No. 23-CV-22338, 2023 WL 4363566 (S.D. Fla. July 6, 2023) (finding irreparable harm because of the “likely danger that if Defendants’ assets are not frozen, the

cryptocurrency assets Defendants fraudulently obtained and still retain may be absconded with or otherwise dissipated before Plaintiffs can obtain the relief sought in the Complaint”).

C. Plaintiff and the Class Have no Adequate Remedy at Law

“The existence of a remedy at law does not deprive equity of its power to grant injunctive relief unless the remedy is adequate; [i]e., the remedy at law must be clear, complete, and as practical and efficient to the ends of justice and its prompt administration as the equitable remedy.” *K. F. K. Corp. v. Am. Cont'l Homes, Inc.*, 31 Ill. App. 3d 1017, 1021 (1975). Moreover, injunctive relief is proper where an action for damages would not be “as practical and efficient to the ends of justice” as an action for injunctive relief. *Bio-Med. Lab'ys, Inc. v. Trainor*, 68 Ill. 2d 540, 549 (1977). Illinois courts have held, for example, that money damages are not an adequate remedy at law where there is a risk that the assets to which plaintiff claims an interest may be dissipated. *In re Marriage of Hartney*, 355 Ill. App. 3d 1088, 1090 (2005) (reversing denial of preliminary injunction where injunction would prevent dissipation of the property in question). Similarly, there is a significant risk that the cryptocurrency in the subject wallets will be dissipated by Defendants: *i.e.*, off-ramped from the blockchain to fiat currency. Consequently, legal relief is inadequate. *Id.*; *see also K. F. K. Corp.*, 31 Ill. App. 3d at 1021. Cryptocurrency, by its very design, allows for instantaneous, anonymous transfers across global networks. Once digital assets are off-ramped, Plaintiff may never locate them again. *See Ex. J* (granting motion for preliminary injunction and finding that no adequate remedy at law exists where defendants would off-ramp plaintiff's and the class' funds and cryptocurrency assets into fiat currency); *see also Ex. F*.

Courts in other jurisdictions have held that a money judgment is not an adequate remedy in pig butchering cases. In *Bullock v. Doe*, the court found that “defendants will likely convert the crypto to a place where plaintiff can no longer find it or find defendants themselves.” No. 23-CV-

3041 CJW-KEM, 2023 WL 9503380, at *5 (N.D. Iowa Nov. 3, 2023) (attached hereto as **Exhibit N**). The court concluded that the plaintiff “likely does not have an adequate legal remedy, because a money damages judgment would be essentially meaningless,” particularly where “plaintiff has been unable to identify the people behind the alleged scheme.” *Id.* Those circumstances are present here: the funds were traced to the Deposit Wallets, but neither Plaintiff nor Inca know the identities of the perpetrators with certainty, nor can Plaintiff ensure the assets will remain accessible absent immediate injunctive relief. In sum, Plaintiff has no adequate remedy at law.

D. Plaintiff and the Class Will Likely Succeed on the Merits

To establish a likelihood of success on the merits, Plaintiff need only raise a fair question regarding the existence of a claimed right and a fair question that it will be entitled to the relief requested. *Kalbfleisch*, 396 Ill. App. 3d at 1114.

1. Plaintiff is Likely to Succeed on his Conversion Claim

To sufficiently allege conversion, therefore, a plaintiff must allege (1) the defendant's unauthorized and wrongful assumption of control, dominion or ownership over the plaintiff's personal property, (2) the plaintiff's right in the property, (3) the plaintiff's right to immediate possession of the property, absolutely and unconditionally and (4) the plaintiff's demand for possession of the property. *Roderick Dev. Inv. Co. v. Cmty. Bank of Edgewater*, 282 Ill. App. 3d 1052, 1057 (1996).

Here, Defendants wrongfully assumed control over the cryptocurrency, which is rightfully owned by the victims, who have an absolute and unconditional right to reclaim them, and sought return of the funds when attempting to withdraw them—only to be told they had to pay certain fees and that further deposits were required. This demand was effectively denied. These facts satisfy each element of conversion.

2. Plaintiff is Likely to Succeed on his Unjust Enrichment Claim

“To state a cause of action based on a theory of unjust enrichment, a plaintiff must allege that the defendant has unjustly retained a benefit to the plaintiff's detriment, and that defendant's retention of the benefit violates the fundamental principles of justice, equity, and good conscience.” *HPI Health Care Servs., Inc. v. Mt. Vernon Hosp., Inc.*, 131 Ill. 2d 145, 160 (1989). Defendants were enriched through the cryptocurrency wrongfully acquired from the victims. To allow Defendants to reap the rewards of their pig butchering scheme patently violates the fundamental principles of justice, equity and good conscience, clearly supporting a claim for unjust enrichment.

3. Plaintiff is Likely to Succeed on his Replevin Claim

To prevail, a plaintiff must recover on the strength of his or her own title or right to immediate possession. *Gen. Motors Acceptance Corp. v. Stoval*, 374 Ill. App. 3d 1064, 1072 (2007). One who has no right to possession of the property cannot maintain replevin. *Id.* Accordingly, an action of replevin seeks possession of property which has been wrongfully detained. *Id.* Plaintiff never relinquished title to his cryptocurrency; rather, he was tricked into transferring it under false pretenses. The property is identifiable, traceable, and currently held in digital wallets associated with Defendants. Defendants never had any lawful claim to the assets and have wrongfully refused to return them. Plaintiff is entitled to their immediate possession.

II. ADVANCE NOTICE IS NOT REQUIRED

Notice is not required where it “clearly appears that immediate and irreparable injury, loss or damage will result” before notice can be served and hearing held. 735 ILCS 5/11-101. To that end, Illinois courts have granted injunctive relief without notice where notice would have been futile and plaintiff would suffer irreparable injury as a result of defendant's conduct. *See*

Streamwood Home Builders, Inc. v. Brolin, 25 Ill. App. 2d 39, 47–48 (1960). The “critical inquiry” is whether, during the period it takes to give notice, the opponent will take such measures as to destroy the substance of the litigation or otherwise obstruct the court from dealing effectively with the issues.” *Quigg v. Saleem*, 2022 IL App (4th) 220720, ¶ 18.

The answer is unequivocally yes. In this case, the danger of irreparable loss is immediate and concrete. Plaintiff’s complaint and supporting declarations establish that the assets in the Deposit Wallets and Affiliated Wallets were wrongfully obtained, belong to victims, and are at substantial risk of being dissipated. Providing advance notice would allow Defendants an opportunity to move the assets into untraceable or unrecoverable accounts, rendering the claims moot before any hearing could be held. Recognizing this reality, other Illinois Circuit Courts have granted TROs without advance notice. *See Ex. C* at ¶ 24, *Ex. D*, and *Ex. E*. Courts in other jurisdictions have granted similar injunctive relief without notice. *See Exs. L and M*.

Finally, in the event that the Court issues a TRO, plaintiff will provide notice of same via Input Data Message process, whereby a message with the URL to a website containing documents is sent using the Input Data field on a transaction on the Ethereum blockchain (a “Service Transaction”). *Ex. A*, ¶ 35. Each of the Deposit Wallets will receive a Service Transaction containing the message which will contain the URL to a website containing relevant filings in this case (the “Service Website”), including the Complaint, Plaintiff’s Emergency Motion, and any Orders issued by the Court. *Id.* The Service Website will include a mechanism to track when a person visits the Service Website. *Id.* This method of notice and service is reasonably calculated to and would likely result in actual notice of those documents to the individuals or entities that control the Deposit Wallets. *Id.*

Such notice is reasonably calculated to apprise Deposit Wallet owners of this litigation.

Indeed, the Illinois Supreme Court Rules permit service by electronic means, Ill. Sup. Ct. R. 102(f)(1). *See Ex. C*, ¶ 24. Accordingly, the Court should permit Plaintiff to serve the TRO and process via this alternative method.

III. THE COURT SHOULD NOT REQUIRE A BOND

“The court in its discretion, *may* before entering a restraining order or a preliminary injunction, require the applicant to give bond in such sum, upon such condition and with such security as may be deemed proper by the court” 735 ILCS 5/11-103 (emphasis added). “When imposition of bond would be an undue hardship on plaintiff in a preliminary injunction, it is not an abuse of discretion not to order the imposition of bond.” *Gold v. Ziff Commc'ns Co.*, 196 Ill. App. 3d 425, 436 (1989). Plaintiff is a victim of a pig butchering scheme, having already lost significant sums to Defendants. Requiring a bond in this context—where Plaintiff seeks merely to preserve the status quo by restraining access to wrongfully obtained assets—would effectively penalize Plaintiff further for having his assets stolen. Moreover, Defendants have no legitimate interest in the assets at issue and there is no risk of wrongful harm to Defendants that would warrant imposition of a bond given that the funds would merely be frozen.

CONCLUSION

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that Court enter the proposed order granting the following relief:

- a) Freezing the assets held within the Deposit Wallets identified in Appendix A of Mr. Zarazinsky’s Declaration, including freezing any Affiliated Wallets;
- b) Authorizing service by Input Data Message process; and
- c) Granting all other just and appropriate relief.

Respectfully submitted,

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