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FILED
Superior Court of California
County of Los Angeles

12/02/2024

David W. Slayton, Executive Officer / Clerk of Court

By: M. Arellanes Deputy

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES**

12 HOWARD MANN,

13 Plaintiff,

14 v.

15 SEAN MOORE, MIRANDA GOMEZ, and
16 DOES 1 through 200, inclusive,

17 Defendants.
18

Case No. 24STCV17012

**FIRST AMENDED VERIFIED COMPLAINT
FOR:**

(1) CONVERSION
(2) MONEY HAD AND RECEIVED
(3) THEFT (PENAL CODE § 496)
(4) FINANCIAL ELDER ABUSE
(WELFARE AND INSTITUTIONS
CODE § 15610.30)

19 Judge: Hon. William F. Highberger
20 Place: 312 N. Spring Street
21 Los Angeles, CA 90012, Dept. 10
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1 Plaintiff Howard Mann (“Mr. Mann” or “Plaintiff”), alleges as follows:

2 1. Sean Moore (“Moore”), Miranda Gomez (“Gomez”), and Does 1-200 (collectively,
3 “Defendants”) are scam artists who executed an online theft scheme referred to “pig butchering,”
4 where they used deceptive representations to lure Mr. Mann into buying cryptocurrency and
5 transferring it to accounts (also known as “cryptocurrency wallets”) that Defendants control. Once
6 transferred, Defendants stole these funds.

7 2. An individual claiming to be from the Department of Water and Power contacted Mr.
8 Mann, falsely stating that he had overdue payments, and that his water and power would be shut off
9 unless he made an immediate payment. The scammer convinced Mr. Mann that paying with
10 cryptocurrency would be the fastest way to settle his supposedly outstanding utility bill. Following
11 Defendants’ instructions, Mr. Mann deposited cash at a Bitcoin ATM to purchase Bitcoin. Defendants
12 then manipulated Mr. Mann into transferring that Bitcoin to one or more cryptocurrency
13 accounts/wallets controlled by Defendants, who misappropriated these funds, effectively stealing
14 them.

15 3. Mr. Mann brings this action to recover the \$10,000 he lost due to Defendants’
16 fraudulent scheme. He also seeks punitive damages to address the Defendants’ willful and malicious
17 conduct.

18 **PARTIES**

19 4. Plaintiff Howard Mann is a 78-year-old individual residing in the city of Encino,
20 California. At all relevant times described herein Mr. Mann was over the age of 75.

21 5. Defendant Sean Moore is an individual of unknown residence who, alongside the other
22 defendants, solicited and persuaded Mr. Mann to deposit funds into cryptocurrency wallets controlled
23 by Defendants and then stole those funds.

24 6. Defendant Miranda Gomez is an individual of unknown residence who, alongside the
25 other defendants, solicited and persuaded Mr. Mann to deposit funds into cryptocurrency wallets
26 controlled by Defendants and then stole those funds.

27 7. Defendants, Does 1 through 200, inclusive, are the individuals and/or entities who
28 orchestrated and perpetrated the activities complained of herein. The true names and capacities of

1 Defendants Does 1 through 200, inclusive, are unknown to Plaintiff at this time, and are therefore
2 sued under such fictitious names pursuant to California Code of Civil Procedure § 474.

3 **JURISDICTION AND VENUE**

4 8. Jurisdiction is proper under section 410.10 of the California Code of Civil Procedure
5 and Article 4 of the California Constitution.

6 9. Venue is proper under section 395 of the California Code of Civil Procedure because
7 the obligations referred to herein were incurred in the County of Los Angeles, and the injuries arose
8 in the County of Los Angeles. On information and belief, each of Does 1 through 200, inclusive, are
9 non-residents of California, although their true identities and locations are presently unknown.

10 **FACTUAL ALLEGATIONS**

11 10. On or about March 17, 2023, an individual using the phone number (909) 222-6457
12 contacted Mr. Mann, claiming to represent the Department of Water and Power. The caller alleged
13 that Mr. Mann had failed to pay his bill on time and insisted that immediate payment was necessary
14 to prevent the shutdown of water and power services at his residence. The caller had detailed
15 information about Mr. Mann, including his account number, address, name, and a plausible amount
16 due that was consistent with previous bills. Although Mr. Mann believed he was current on his
17 payments, the threat of having his water and power shut off, combined with the caller's specific
18 knowledge about his account, created a false sense of urgency and persuaded him of the caller's
19 legitimacy.

20 11. The caller persuaded Mr. Mann, who was 77-years-old at the time, that payment via
21 cryptocurrency was the fastest and most effective way to avoid service disconnection. Mr. Mann,
22 unfamiliar with this method, was directed to a Bitcoin ATM to deposit cash, purchase Bitcoin, and
23 transfer it as the required payment. The urgency conveyed by the caller, combined with Mr. Mann's
24 age and lack of familiarity with cryptocurrency, made him particularly vulnerable to this tactic.

25 12. Mr. Mann used a "Coinhub" Bitcoin ATM located at 19558 Ventura Boulevard,
26 Tarzana, California 91356. After depositing cash to obtain Bitcoin, he scanned a QR code provided
27 by Defendants, directing the funds to a cryptocurrency wallet controlled by Defendants.

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1 13. After making the initial cash deposit and completing the payment steps as directed,
2 Mr. Mann was falsely told that payment had not been received and was instructed to make additional
3 deposits. This led Mr. Mann to repeatedly deposit cash at the ATM, based on Defendants' misleading
4 claims about the purported payment issues. Ultimately, Mr. Mann made several transfers, totaling
5 \$10,070, based on the Defendants' false representations and coercion.

6 14. After realizing he had been scammed, Mr. Mann contacted Inca Digital ("Inca"), a
7 cryptocurrency investigation firm, to trace his transactions and identify where his funds had been
8 sent. Inca's investigation focused on tracking the movement of Mr. Mann's stolen funds through the
9 blockchain, identifying the wallets that received them.

10 15. Inca's investigation revealed that Defendants routed Mr. Mann's stolen funds through
11 a series of intermediary wallets before reaching the "Deposit Addresses" at central cryptocurrency
12 exchanges, Binance and KuCoin, as detailed in Paragraph 17. This use of intermediary transactions
13 is a common strategy in cryptocurrency scams, designed to conceal the origin of stolen funds and
14 evade detection.

15 16. Inca identified a network of related wallets linked to these "Deposit Addresses,"
16 indicating a coordinated effort to move and conceal Mr. Mann's funds. This coordination is
17 characteristic of cryptocurrency schemes.

18 17. Inca's tracing ultimately established that Mr. Mann's funds were deliberately routed
19 from the initial receiving addresses, through a complex series of transactions, before being transferred
20 to the below identified "Deposit Addresses" at Binance and KuCoin.

21 Binance

22 15PGbkbXoVSQXWTHXwrcJPevq8NV5Ffdho

23 1A2PWvYo8EmysLFbYL99gGHK3haqRo9fiN

24 13GJh5kyqfgtsb5GP6VqH2fvAEQLPzPp5X

25 1LF7Vo9qsx1KLvUnRJc3yqhXYkzCjic1zw

26 14rTVLjXHasdcqRH2p24kFVnkcWSvahCzU

27 166r3x91TfWh8D27Ej2QkcUT3qTyHPLJmZ

28 1MoYksuZoQwpvrGUAkXYtrwrrPK9ByG4Tj

1 1CGbRD4qfFjkQpNggKF3EJzj9wJhSatWt2

2 1LZQbKLcHzMeHPEq52hLrjEnoSJz39ahsq

3 1FQqrmfVoVQuUQEMAZsXkHeT4nkYja4gm

4 1Ntq5herKqrKa3iGUA9rQvcVwB3VAEKCNI

5 12QAqsBQUQXwniXA21gRrASbpokjdvhz15

6 19vLaAuy16Cbh7zfxaHoBvG4Nof3QwbtoR

7 1KBVi3EdFfDsXJvd6Xuyeum8oKugnaCffP

8 1J9hSv4yBgz2xWUbfhZMQHSw8yFAqFw7m

9 1PCJbKmF1aZSeeodMQNbS6dKe6FDv4JqFF

10 1HS7voGRhq73mg4dmoy4jt8We8Zthnqd6p

11 1CGbRD4qfFjkQpNggKF3EJzj9wJhSatWt2

12 1DF2tninBnokz9L4Tb61U8Pv8zc3Rggg8P

13 1EyKJN6JT xvQergHhcJUWyYzgcdhZ1Lqeo

14 KuCoin

15 3L5HM9PvUqu9YwKgNLVylggCZ84sCp8KWZ

16 18. Defendants' utility bill scam is part of a broader trend of cryptocurrency theft schemes
17 in the United States, often referred to as "pig butchering." These scams have resulted in billions of
18 dollars in losses and have prompted numerous state and federal investigations. While most pig
19 butchering scams lure in victims with promises of high returns through fake investments, Defendants
20 used false threats of utility service termination to pressure Mr. Mann into making payments he
21 believed were needed to prevent an immediate shutoff of his water and power.

22 19. Defendants' deliberately exploited Mr. Mann's age and vulnerability by creating an
23 urgent, fear-based scenario. This approach prevented Mr. Mann from verifying the legitimacy of the
24 claims or payment method, directly supporting elements of financial elder abuse and intent to defraud
25 under Welfare & Institutions Code § 15610.30.

26 20. Defendants' conduct meets the statutory definitions of both theft under Penal Code §
27 496 and financial elder abuse under Welfare & Institutions Code § 15610.30, as they acted with intent
28 to defraud and by undue influence.

1 **FIRST CAUSE OF ACTION**

2 **(For Conversion)**

3 21. Plaintiff re-alleges each paragraph of this Complaint as if fully set forth herein.

4 22. Defendants wrongfully withheld and converted to themselves the assets and property
5 of Plaintiff in a manner inconsistent with their property rights in those assets.

6 23. As a result of the foregoing, Plaintiff has been deprived of the use of his assets and
7 damaged in an amount to be established at trial.

8 24. The above-described conduct of Defendants was made with oppression, fraud, and
9 malice, and with actual and constructive knowledge that the assets were wrongfully converted by
10 Defendants for their own personal use and without the knowledge of or approval by Plaintiff.

11 25. Plaintiff accordingly requests imposition of compensatory damages, in addition to
12 exemplary and punitive damages, against Defendants, as well as appropriate equitable relief,
13 including but not limited to entry of a preliminary and permanent injunction that seizes and returns
14 to Plaintiff the cryptocurrency assets contained in the cryptocurrency wallets listed in Paragraph 17.

15 **SECOND CAUSE OF ACTION**

16 **(For Money Had and Received)**

17 26. Plaintiff re-alleges each paragraph of this Complaint as if fully set forth herein.

18 27. As described more fully above, Defendants received money and property from
19 Plaintiff intended to be used for the exclusive benefit of Plaintiff.

20 28. Defendants did not, in fact, use the money and property received from Plaintiff for his
21 benefit, but instead used that money for themselves.

22 29. As a result of the foregoing, Plaintiff has suffered damages in an amount to be
23 established at trial. He requests compensatory damages in this amount, in addition to appropriate
24 equitable relief, including but not limited to entry of a preliminary and permanent injunction that
25 seizes and returns to Plaintiff assets contained in the cryptocurrency wallets listed in Paragraph 17
26 herein.

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1 **THIRD CAUSE OF ACTION**

2 **(For Theft, Penal Code § 496)**

3 30. Plaintiff re-alleges each paragraph of this Complaint as if fully set forth herein.

4 31. On or about March 17, 2023, Defendants received from Plaintiff \$10,070 in
5 cryptocurrency assets belonging to Plaintiff. Defendants represented that these assets would be used
6 to pay an overdue utility bill, allegedly owed by Plaintiff.

7 32. Instead, Defendants stole Plaintiff's assets, converting them for their own use, and
8 refused to return the assets despite Plaintiff's repeated requests.

9 33. Defendants obtained Plaintiff's property through theft and did so with full knowledge
10 that the property was stolen, in violation of California Penal Code § 496(a).

11 34. Defendants subsequently withheld and concealed the stolen property from Plaintiff,
12 knowing it was stolen, further violating Penal Code § 496(a).

13 35. Section 496(c) of the California Penal Code provides: "Any person who has been
14 injured by a violation of section (a) or (b) may bring an action for three times the amount of actual
15 damages, if any, sustained by the plaintiff, costs of suit, and reasonable attorney's fees."

16 36. Pursuant to Penal Code § 496(c), Plaintiff requests accordingly requests compensatory
17 and statutory damages, as well as recovery of his attorney's fees and costs of suit.

18 **FOURTH CAUSE OF ACTION**

19 **(For Financial Elder Abuse, Welfare & Institutions Code, § 15610.30)**

20 37. Plaintiff re-alleges each paragraph of this Complaint as if fully set forth herein.

21 38. Plaintiff, at the time of Defendants' misconduct, was 77 years old, making him an
22 elder as defined by Welfare & Institutions Code § 15610.27.

23 39. Defendants took, obtained, and retained Plaintiff's property by misleading him into
24 believing that urgent payments were required to avoid disconnection of utility services, in violation
25 of Welfare & Institutions Code § 15610.30.

26 40. Defendants' conduct was aimed at exploiting Plaintiff's status as an elder, acting for a
27 wrongful use, with intent to defraud, or by undue influence, knowing or having reason to know that
28 their actions were likely to harm Plaintiff.

41. As a result of Defendants' actions, Plaintiff was deprived of \$10,070, causing him substantial financial harm.

42. Defendants' actions constituted financial elder abuse under the Elder Abuse and Dependent Adult Civil Protection Act, as they were a substantial factor in causing Plaintiff's harm.

43. Pursuant to Welfare & Institutions Code § 15657.5, Plaintiff seeks compensatory damages, punitive damages, reasonable attorney's fees, and costs of suit.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for an award against Defendants as follows:

1. For compensatory damages of \$10,070;
2. Treble statutory damages under Penal Code § 496(c) of \$20,140;
3. For punitive damages of \$100,000 to punish Defendants for their malicious conduct, including but not limited to financial elder abuse, and to deter similar conduct in the future;
4. For attorney's fees and costs of suit under Welfare & Institutions Code § 15657.5;
5. For pre- and post-judgment interest; and
6. For such other and further relief as this Court deems just and proper.

Dated: December 2, 2024

Shaun P. Martin

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DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial for all claims so triable.

Dated: December 2, 2024

Shaun P. Martin

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