

1 SHAUN P. MARTIN (SBN 158480)
5998 Alcala Park, Warren Hall
2 San Diego, CA 92110
T: (619) 260-2347 | F: (619) 260-7933
3 smartin@sandiego.edu

4 *Counsel for Plaintiff Howard Mann*

Electronically FILED by
Superior Court of California,
County of Los Angeles
7/16/2024 4:14 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By K. Valenzuela, Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

11 HOWARD MANN, on behalf of himself and
12 all others similarly situated,

13 Plaintiff,

14 v.

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

16 Defendants.

Case No. 24STCV17012

**DECLARATION OF SHAUN MARTIN IN
SUPPORT OF PLAINTIFF'S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND OSC RE:
PRELIMINARY INJUNCTION**

Assigned for All Purposes to:
Judge: William F. Highberger
Date: July 16, 2024
Time: 8:30 a.m.
Place: 312 N. Spring Street
Los Angeles, CA 90012, Dept. 10

1 I, Shaun Martin, declare under penalty of perjury as follows:
2

3 1. My name is Shaun Martin. I am over 18 years of age, of sound mind, and am competent
4 to make this Declaration, and am counsel for Plaintiff in this action. The evidence set forth in the
5 foregoing Declaration is based upon my personal knowledge unless expressly stated otherwise, and if
6 called and sworn as a witness, I could and would testify to each of the facts set forth herein.

7 2. Plaintiff has not previously requested any provisional relief in this action, and has
8 exercised due diligence in the investigation and prosecution of this matter, including but not limited
9 to the extensive investigation and identification of the wallets identified in the Proposed Order and in
10 the supporting documents filed in connection with the present request for provisional relief.

11 3. Counsel for Plaintiff is willing and able to prepare and deliver the notice described in
12 the Proposed Order. This manner of service is reasonably calculated to provide actual notice to the
13 owners of the affected cryptocurrency wallets, allowing them to appear at the preliminary injunction
14 hearing if they wish. Judges have approved this method in similar cases, including Judge Elihu M.
15 Berle of the Superior Court of Los Angeles County. Last month, in a case involving cryptocurrency
16 victims of a “fake job platform” scam, Judge Berle approved this proposed method of service in
17 connection with granting an *ex parte* application for a TRO and OSC, precisely the type of relief
18 requested in the present case.

19 4. Despite substantial investigation, Plaintiff cannot discover the actual identities and
20 locations of the Defendants in this matter, due to their use of fictitious names and their desire to keep
21 their identities unknown. The manner of service proposed in the Proposed Order is the best available
22 means to accomplish actual notice of this action and the requested provisional relief herein.
23
24
25
26
27
28

1 I declare under penalty of perjury, under the laws of the State of California, that the foregoing
2 is true and correct.

3
4 Executed this 16th day of July, 2024, in San Diego, California.

5
6 Shaun P. Martin
7 Shaun Martin, Esq.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28