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County of Los Angeles
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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

**SUPPLEMENTAL 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 17, 2024
Time: 9:30 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, am competent to
4 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. In my original declaration in this matter, I stated that the manner of service set forth in
8 the Proposed Order was reasonably calculated to provide actual notice to the owners of the affected
9 cryptocurrency wallets, allowing them to appear at the preliminary injunction hearing if they wish,
10 and that last month, in a case involving cryptocurrency victims of a “fake job platform” scam, Judge
11 Berle approved this proposed method of service in connection with granting an *ex parte* application
12 for a TRO and OSC, precisely the type of relief requested in the present case. Attached as Exhibit A
13 to this Supplemental Declaration is a copy of that Order by Judge Berle.

14 3. As described in the original declarations filed in this matter, Binance and KuCoin are
15 the cryptocurrency exchanges that currently hold the wallets containing the funds of the victims in this
16 action. Plaintiff and his counsel do not presently believe that these exchanges actively directed the
17 Defendants’ conduct or the scam described in the Verified Complaint in this matter; instead, we
18 believe that they are the exchange holders of the cryptocurrency wallets in which the funds from these
19 transactions were transferred and are currently held. As a result, we do not presently believe that
20 Binance and KuCoin are themselves liable for the victims’ losses or should themselves be made
21 defendants in this action. Moreover, because Binance and KuCoin are overseas entities, we are
22 concerned that were they made formal defendants in this action, service of process might need to be
23 accomplished through the Hague Convention, which would unnecessarily frustrate – at, at a minimum,
24 delay – the recovery of the funds for the victims in this matter, as well as potentially provide the
25 existing Defendants (the ones centrally liable for these losses) notice of this action and time to move
26 their cryptocurrency assets beyond the reach of Plaintiff and this Court.

27 4. Moreover, based on my prior experience with Binance and KuCoin, I do not believe
28 that it is necessary to add either them as defendants to this action given their established practice of

1 voluntary compliance with any court-ordered freeze of cryptocurrency wallets in their possession or
2 control. As counsel for various plaintiffs, alongside co-counsel, I have participated in several other
3 litigations involving other cryptocurrency thefts, including matters in this Court, New York, Michigan,
4 Florida and Alabama. In each of these actions, Plaintiffs obtained a court-ordered freeze of various
5 cryptocurrency wallets controlled by, *inter alia*, Binance and KuCoin. In each of these actions, despite
6 not being named as defendants, Binance and KuCoin voluntarily complied with the Court Order that
7 required them to freeze the cryptocurrency wallets at issue. My present understanding from these
8 interactions is that Binance and KuCoin, as cryptocurrency exchanges, are happy and willing to assist
9 in the return of stolen funds to victims, and simply require the issuance of a court order before they
10 elect to freeze those cryptocurrency wallets. I have every reason to believe that Binance and KuCoin
11 will continue their voluntary, cooperative compliance in the present matter, in the same way in which
12 I and my co-counsel have cooperatively and effectively worked with these exchanges in the past.

13 5. In my experience working with Binance in particular, I have discovered that it
14 sometimes takes Binance a little time – sometimes several days – to freeze each of the cryptocurrency
15 wallets identified by the Court pursuant to the Order. Plaintiff accordingly respectfully requests that
16 the timing of the notice provisions and the scheduling of the requested hearing on the OSC and
17 preliminary injunction be structured to give Binance and KuCoin sufficient time to freeze the affected
18 cryptocurrency wallets before notice is given to Defendants; otherwise, as noted in the original moving
19 papers, Defendants will surely immediately move those assets out of the affected wallets and beyond
20 the reach of Plaintiff and this Court.

21
22
23 Executed this 16th day of July, 2024, in San Diego, California.

24
25
26 Shaun P. Martin
27 Shaun Martin
28

EXHIBIT A

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9 Attorneys for Plaintiff
10 YOUNES YOUNES

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**
13

14 YOUNES YOUNES, on behalf of himself and
15 all others similarly situated,

16 Plaintiff,

17 v.

18 ELVIRA TAYLOR and DOES 1 through 200,
19 inclusive,

20 Defendants.
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FILED
Superior Court of California
County of Los Angeles

06/27/2024

David W. Slayton, Executive Officer / Clerk of Court

By: M. Fregoso Deputy

Case No.: 24STCV12520

Hon. Elihu Berle

**[PROPOSED] ORDER GRANTING EX
PARTE APPLICATION FOR
RECONSIDERATION AND GRANTING
ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER**

Judge: The Hon. Elihu Berle
Place: 312 N. Spring Street,
Los Angeles, CA 90012
Dept. 6

1 This matter came for hearing on an *ex parte* application in Department 6 at 8:30 a.m. on
2 June 26, 2024.

3 This Court finds as follows:

4 1. Plaintiff has filed a Verified Complaint on behalf of himself and all others
5 similarly situated alleging that Defendants stole cryptocurrency through a “pig butchering”
6 scheme in which the victims were persuaded to deposit these cryptocurrency assets in a fake
7 “work platform” hosted by Defendants.

8 2. Plaintiff and his counsel retained Inca Digital (“Inca”), an experienced digital
9 investigation team, to track and trace the cryptocurrency funds stolen from Plaintiff and those
10 similarly situated. As explained more fully in Plaintiff’s *ex parte* application, Inca traced these
11 funds to the fifteen (15) identified cryptocurrency wallets contained in Appendix A to this Order.

12 3. Plaintiff’s Verified Complaint adequately alleges that Defendants have utilized
13 false identities in order to steal the cryptocurrency assets at issue herein, and that their true
14 identities and locations are presently unknown and unknowable to Plaintiff and his counsel.
15 Plaintiff is informed and believes that many of these individuals are located outside the United
16 States, as is common in cryptocurrency theft cases.

17 4. Entry of a temporary restraining order without prior notice to Defendants is
18 appropriate given the nature of the cryptocurrency theft at issue, the alleged use of fictitious
19 identities by the Defendants, and the fact that the cryptocurrency assets at issue may be instantly
20 transferred to locations beyond the reach of this Court were Defendants notified in advance of
21 the potential seizure of this cryptocurrency. *See Jacobo v. Doe*, 2002 U.S. Dist. LEXIS 101504,
22 *9 (E.D. Cal. June 7, 2022) (finding that “[i]f defendant were provided notice of this action, ‘it
23 would be a simple matter for [him] to transfer [the cryptocurrency] to unidentified recipients
24 outside the traditional banking system, including contacts in foreign countries, and effectively
25 put it beyond the reach of this Court”).

26 5. Plaintiff proposes a method of service of this order to show cause (“OSC”), the
27 summons and complaint, and all other papers and Orders of this Court in this matter that is best
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1 available manner under the circumstances of this case and reasonably calculated to lead to actual
2 notice to the Defendants. Traditional methods of service are unavailable given Defendants' use
3 of fictitious identities and unknown locations. The seizure of Defendants' cryptocurrency wallets
4 and the delivery of special purpose token or similar device into those wallets pursuant to this
5 Order will effectively notify Defendants of the pendency of this action and the manner in which
6 they may object to the temporary restraining order ("TRO") and/or requested preliminary
7 injunction if they wish. Plaintiff's counsel has advised this Court that similar TROs and notice
8 procedures have been issued in similar cryptocurrency theft cases in which they have been
9 involved in courts in New York, Florida, Alabama, and Michigan and that, in these matters,
10 defendants have on occasion responded to these seizures by contacting plaintiffs' counsel and/or
11 the Court, thereby demonstrating that notice was in fact effectively received by Defendants, but
12 that none of these Defendants elected to appear at the scheduled preliminary injunction hearing
13 due to the illegality of their alleged cryptocurrency theft and corresponding need to state their
14 true identities were they to appear in court. *See also Blum v. Defendant*, 2023 U.S. Dist. LEXIS
15 235592, at *4-5 (N.D. Fla. Dec. 13, 2023 (granting similar *ex parte* TRO and holding that
16 plaintiff's "cryptocurrency assets are specific, identifiable property that can be traced to
17 Defendants' Destination Addresses"). Sufficient service will also be effected because the Order
18 directs that the exchanges in which these cryptocurrency wallets are held (Binance Holdings and
19 OK Group) provide separate notice of this Order to the customers of each of the cryptocurrency
20 wallets identified in Appendix A.

21 6. Based upon the contents of the Verified Complaint in this matter and the sworn
22 declarations submitted in connection with Plaintiff's *ex parte* applications, the public interest
23 would be served by the requested issuance of a TRO and OSC, and Plaintiff would suffer
24 irreparable harm absent their issuance. *See Jacobo, supra* at *15-16 ("[C]ourts have found that
25 the risk of irreparable harm to be likely in matters concerning fraudulent transfers of
26 cryptocurrency due to the risk of anonymous and speedy asset dissipation.").

1 Based upon the Verified Complaint in this action, the *ex parte* applications of Plaintiff
2 and supporting declarations, and upon sufficient cause being shown, this Court grants Plaintiff
3 Younes Younes' *Ex Parte* Application of for Reconsideration of Minute Order of June 14, 2024
4 and Orders as follows:

5 **ORDER TO SHOW CAUSE**

6
7 **IT IS HEREBY ORDERED** that Defendant ELVIRA TAYLOR, Binance Holdings
8 Ltd., and OK Group, and/or any of their agents, servants, employees, attorneys, affiliates,
9 partners, successors, assigns, subsidiaries, or any other persons through which they act, or who
10 act in active concert or participation with any of them (collectively, the "Enjoined Parties"),
11 appear before this Court on July 18, 2024 at 10:00 a.m. in Department 6, 312 N Spring St, Los
12 Angeles, CA 90012, to show cause why a preliminary injunction should not be ordered
13 restraining the Enjoined Parties as set forth in the Temporary Restraining Order.

14
15 **IT IS FURTHER ORDERED** that:

16 Plaintiff shall serve a copy of this Order to Show Cause for Preliminary Injunction and
17 Temporary Restraining Order, and all supporting documents filed in connection therewith, as
18 well as the Verified Complaint, summons, and all other Orders of the Court in this matter, within
19 five days of the issuance of the Temporary Restraining Order on the Enjoined Parties, including
20 the owners of each of the wallets identified in Appendix A of this Order through a special
21 purpose token or similar device delivered into each the wallets identified in Appendix A of this
22 Order. Each of these service tokens shall contain a hyperlink to a website maintained by
23 Plaintiff's counsel that will include this Order and all papers upon which it is based, the Verified
24 Complaint and summons, and a hyperlink that includes a mechanism to track when a person
25 clicks on the hyperlink. This process shall constitute actual notice of this Order and sufficient
26 service of process on Defendants and the person or persons controlling the corresponding wallet
27 addresses identified in Appendix A of this Order.

1 Plaintiff shall file proof of such service with the Court no later than July 11, 2024. Any
2 papers opposing the OSC or preliminary injunction shall be filed with the Court and served upon
3 Plaintiff by the Enjoined Parties no later than July 11, 2024. Reply papers by Plaintiff, if any,
4 shall be filed with the Court and served on the Enjoined Parties no later than July 15, 2024.

5 The Enjoined Parties are hereby on notice that failure to timely serve and file an opposition,
6 or failure to appear at the hearing, may result in the imposition of a preliminary injunction against
7 them pursuant to Section 527 of the California Code of Civil Procedure.

8
9 **TEMPORARY RESTRAINING ORDER**

10 **IT IS HEREBY ORDERED** that, pending the hearing on Plaintiff's application for a
11 preliminary injunction:

12 Defendant ELVIRA TAYLOR, and non-parties Binance Holdings Ltd., and OK Group,
13 and/or any of their agents, servants, employees, attorneys, affiliates, partners, successors,
14 assigns, subsidiaries, or any other persons through which they act, or who act in active concert or
15 participation with any of them, and any individual or entity who receives actual notice of this
16 Order through personal service or otherwise, whether acting directly or through any trust,
17 corporation, subsidiary, division or other device, or any of them [(collectively, the "Enjoined
18 Parties")], are hereby temporarily restrained from withdrawing, transferring, selling,
19 encumbering, or otherwise altering any of the cryptocurrency or assets held in the wallets
20 identified in Appendix A of this Order, whether such property is located inside or outside of the
21 United States of America:

22 Plaintiff's attorneys shall cause a copy of this Temporary Restraining Order, together
23 with a copy of the papers upon which it is based, as well as the Verified Complaint and the
24 summons in this action, to be served upon the person or persons controlling the wallets identified
25 in Appendix A of this Order via a special purpose token or similar device delivered into each of
26 the wallets identified in Appendix A of this Order, and each of these service tokens will contain a
27 hyperlink to a website maintained by Plaintiff's counsel that will include both this Order and all
28

1 papers upon which it is based. The hyperlink will include a mechanism to track when a person
2 clicks on the hyperlink. This process shall constitute actual notice of this Order and sufficient
3 service of process on Defendants and the person or persons controlling the corresponding wallet
4 addresses identified in Appendix A of this Order.

5 Binance Holdings Ltd and OK Group, and/or any of their agents, servants, employees,
6 attorneys, partners, affiliates, successors, assigns, subsidiaries, or any other persons through
7 which they act, or who act in active concert or participation with any of them, who receive actual
8 notice of this Order by personal service or otherwise, are hereby directed, within twenty-four
9 (24) hours of receiving actual notice of this Order to provide notice of the same to any of their
10 customers associated with any of the wallet addresses identified in Appendix A of this Order,
11 including Defendant ELVIRA TAYLOR, and provide counsel for Plaintiff a copy of such notice.

12
13 **IT IS FURTHER ORDERED** that:

14 This Temporary Restraining Order shall expire on July 18, 2024 at 11:00 p.m. Pacific
15 Daylight Time unless extended by the Court.

16 The Enjoined Parties are further notified of their right to apply to this Court for
17 modification or dissolution of this Temporary Restraining Order, if appropriate and supported by
18 a showing of good cause, on notice or such shorter notice as this Court may allow.

19 Pursuant to California Code of Civil Procedure § 527, this Court in its discretion
20 determines that no bond is required.

21
22 **IT IS SO ORDERED.**

23
24 DATED: 6-27-24



By: **Elihu M. Berle**
Judge of the Superior Court
Elihu M. Berle / Judge

APPENDIX A

OKX

- TXPiHTvpCzFTEvh5SkbwUuSuty2AfigdcY
- TKcqHtVbF11ZhsqxYaBpYQ9tdEQ9RTXWhF

Binance

- TN6yVddHhmfTHJgdzSnPJJ5M4pxQKqKuVe
- TVBfaX2DF6kBxevEJMegDjXwpY9zQpES57
- TTTkoMc9VuVKTGFQJPxF5pS2f1XV5u5QHJ
- TAwsDzJgxYhsTkrLkkPiFZsZnkcjmhupfW
- TGyLX41KcZDZpSVH9KjwCbuqNnxDAoTnAB
- TLwgBmjYbkLA5NVFEqrVYVNbnTYmxPKoW2
- TYWjiCsJJ4wAem1unRFybcvQq9ekL8Btv
- TQZoEGjrCSG6BxNDUreTm7Uec6BBx8vSvn
- TBVT9cx9gdaS1AcUfMASJ56Z9SdUy4E3P7
- TYuEjjSM89QJKKKUX3UyY6TxT6QvhzAc37
- TQnKVsgfboAuwepfSwgNxX2pnMgQLVkU4h
- TU9kSr7ZwLvBknXmfu6WM5c3hcbG4sRV8m
- TXYG7jR37cLtNVgSzqjPZwJk9zb7XMqk6e