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Superior Court of California,  
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 I declare under penalty of perjury, under the laws of the State of California, that the foregoing  
23 is true and correct.

24  
25 Executed this 16<sup>th</sup> day of July, 2024, in San Diego, California.

26  
27 Shaun P. Martin  
28 Shaun Martin