

AlaFile E-Notice

50-CV-2024-900163.00

Judge: CHRISTOPHER F ABEL

To: ROBERT R. RILEY JR. rob@rileyjacksonlaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MARSHALL COUNTY, ALABAMA

MICHAEL MASHKEVICH V. OLIVIA AVA ET AL 50-CV-2024-900163.00

The following matter was FILED on 6/4/2024 10:01:36 AM

C001 MASHKEVICH MICHAEL

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER [Filer: RILEY ROBERT RENFROE JR.]

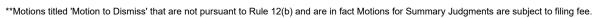
Notice Date: 6/4/2024 10:01:36 AM

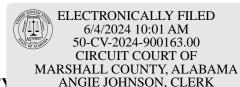
ANGIE JOHNSON CIRCUIT COURT CLERK MARSHALL COUNTY, ALABAMA 424 BLOUNT AVE. SUITE 201 GUNTERSVILLE, AL, 35976

256-571-7785 angie.johnson@alacourt.gov

| | | OCCIVILITY | | | E E | ELECTRONICALLY FILED | |
|--|----------------|------------------------|--|--------------|---------------------------|---|--|
| STATE OF ALABAMA Unified Judicial System | Revised 3/5/08 | | | Cas | AT OF ALAMA | 6/4/2024 10:01 AM 50-CV-2024-900163.00 CIRCUIT COURT OF | |
| 50-MARSHALL | District Court | ✓ Circu | iit Court | CV2 | | RSHALL COUNTY, ALABAN ANGIE JOHNSON, CLERK | |
| | | | CIVIL MOTION COVER SHEET | | | | |
| MICHAEL MASHKEVICH V. OLIVIA AVA ET AL | | | Name of Filing Party:C001 - MASHKEVICH MICHAEL | | | | |
| Name, Address, and Telephone No. of Attorney or Party. If Not Repre | | | nted. | | | | |
| ROBERT R. RILEY JR. | | | | | | | |
| 3530 INDEPENDENCE DRIVE | | | | | | | |
| BIRMINGHAM, AL 35209 | | | | | | | |
| Attorney Bar No.: RIL012 | | | | | | | |
| Matters Demoising For | TYPE | OF MOTI | ON | B# - 41 | - N-4 D- | matata a Fara | |
| Motions Requiring Fee | | | | Motion | S NOT RE | quiring Fee | |
| Default Judgment (\$50.00) | ·· | | Add Party | | | | |
| Joinder in Other Party's Dispositive M —(i.e.Summary Judgment, Judgment or | | | ☐ Amend | | | | |
| orother Dispositive Motion not pursuant to Rule 12(b)) (\$50.00) | | | ☐ Change of Venue/Transfer | | | | |
| | | | Compel | | | | |
| ☐ Judgment on the Pleadings (\$50.00) | | | Consolidatio | on | | | |
| Motion to Dismiss, or in the Alternative SummaryJudgment(\$50.00) | | | ☐ Continue ☐ Deposition | | | | |
| Renewed Dispositive Motion(Summar | ·v | | Designate a | Mediator | | | |
| Judgment, Judgment on the Pleadings | s, or other | | Judgment a | | of Law (c | during Trial) | |
| DispositiveMotion not pursuant to Rul | , ,, , | | Disburse Fu | | ` | 3 , | |
| Summary Judgment pursuant to Rule | 56(\$50.00) | | Extension of | f Time | | | |
| ☐Motion to Intervene (\$297.00) | | | In Limine | | | | |
| Other | (0.50.0) | , _ | Joinder | | | | |
| pursuant to Rule | (\$50.00 | ⁾⁾ \Box | More Definit | te Stateme | nt | | |
| *Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees. | | | ☐ Motion to Dismiss pursuant to Rule 12(b)☐ New Trial | | | | |
| | | | | | | | |
| | | | Local Court Costs \$ 0 | | | Pendente Li | |
| | | | Plaintiff's Mo | | smiss | | |
| | | | Preliminary | - | | | |
| | | | Protective O | Order | | | |
| | | | Quash | 0, 1, | | | |
| | | | ☐ Release from Stay of Execution ☐ Sanctions | | | | |
| | | | Sever | | | | |
| | | | | ctice in Ala | hama | | |
| | | | ☐ Special Practice in Alabama ☐ Stay | | | | |
| | | | Strike | | | | |
| | | | Supplement to Pending Motion | | | | |
| | | | ☐ Vacate or Modify | | | | |
| | | | ☐ Withdraw | | | | |
| | | | Other Emergency Motion for Temporary Restraining Order | | | | |
| | | l pı | ırsuant to Rul | | | (Subject to Filing Fee) | |
| Check here if you have filed or are filing contemoraneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees) Date: 6/4/2024 10:00:42 AM | | | | | re of Attori BERT R. R | ney or Party IILEY JR. | |

^{*}This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.





IN THE CIRCUIT COURT OF MARSHALL COUNTY

| MICHAEL MASHKEVICH, on behalf of himself | |
|--|--------------------------------|
| and all others similarly situated, |) |
| |) Civil Action No. 2024-900163 |
| Plaintiff, |) |
| |) <u>CLASS ACTION</u> |
| V. | |
| |) |
| OLIVIA AVA, EMMA MILLER, and F.B. LEE, |) |
| D 0 1 | |
| Defendants. |) |
| |) |

PLAINTIFF'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE

Plaintiff Michael Mashkevich ("Mashkevich"), individually and on behalf of all others similarly situated, by and through his undersigned counsel, moves for entry of a temporary restraining order and order to show cause why a preliminary injunction should not issue pursuant to Ala. R. Civ. P. 65 to preserve the *status quo* and enjoin the withdrawal, transfer, disposition, sale, or encumbering of cryptocurrency stored in specific wallets and procured by Defendants through a "pig butchering" scheme as set forth in Plaintiff's Complaint and the attached Brief in Support. In support of this motion, Mashkevich relies on the facts and law discussed in the attached Brief in Support and exhibits thereto.

In accordance with Ala. R. Civ. P. 65(b) and the attached Affidavit of Robert R. Riley, Jr., Mashkevich moves for a temporary restraining order without notice to Defendants. Notice is highly likely to precipitate the Defendants involved in the scheme to transfer or sell the cryptocurrency held in the specific wallets identified to date, thereby thwarting the purpose for which injunctive relief is sought.

WHEREFORE, Mashkevich requests this Court grant its motion and enter the Temporary

Restraining Order and Order to Show Cause why a Preliminary Injunction Should Not Issue

attached as Exhibit D (the "Proposed Order"), providing:

A. That Defendants Olivia Ava, Emma Miller, F.B. Lee and non-parties Binance Holdings

Ltd., OKX, Gate.io, KuCoin, and LBank, and any of their agents, servants, employees,

attorneys, partners, successors, assigns, subsidiaries, or any other persons through

which they act, or who act in active concert or participation with any of them, who

receive actual notice of this Order by personal service or otherwise, whether acting

directly or through any trust, corporation, subsidiary, division or other device, or any

of them, (collectively, the "Enjoined Parties") are hereby temporarily restrained from

withdrawing, transferring, disposing, selling, encumbering or altering any of the

cryptocurrency or assets contained in the wallets listed in Appendix A of the Proposed

Order;

B. That service of the Court's Order be effectuated through the use of a Service Token

caused by Plaintiff's counsel to be airdropped into the cryptocurrency wallet addresses

identified in Appendix A of the Proposed Order;

C. That the Court issue an Order to Show Cause why a preliminary injunction should not

be issued, and set a hearing at a date and time to be determined by the Court within 14

days of its Order; and

D. Grant any additional relief this Court deems just, fair, or appropriate.

Respectfully submitted,

/s/ Robert R. Riley, Jr.

Robert R. Riley, Jr. (ASB-8310-Y75R)

Keith Jackson (ASB-7519-J66B)

James E. Murrill (ASB-4329-A57M)

Attorneys for Plaintiff

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OF COUNSEL:

RILEY & JACKSON, P.C. 3530 Independence Drive Birmingham, AL 35209 Telephone: (205) 879-5000 rob@rileyjacksonlaw.com kj@rileyjacksonlaw.com jay@rileyjacksonlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2024, a copy of the foregoing was electronically filed with the Clerk of the Court using the AlaFile system. Counsel acknowledges that, given the nature of the Petition for which this Brief is provided as support, notice will not be provided to the named Defendants and implicated non-parties until after the entry of a Temporary Restraining Order.

/s/ Robert R. Riley, Jr.
OF COUNSEL