



## 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



ELECTRONICALLY FILED

6/4/2024 10:01 AM

50-CV-2024-900163.00

CIRCUIT COURT OF

MARSHALL COUNTY, ALABAMA

ANGIE JOHNSON, CLERK

**STATE OF ALABAMA**

Revised 3/5/08

**Cas**

Unified Judicial System

50-MARSHALL

☐ District Court
 ☒ Circuit Court

CV21

**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 Represented.

ROBERT R. RILEY JR.

3530 INDEPENDENCE DRIVE

BIRMINGHAM, AL 35209

Attorney Bar No.: RIL012

☐ Oral Arguments Requested
**TYPE OF MOTION****Motions Requiring Fee**

- ☐ Default Judgment (\$50.00)  
Joinder in Other Party's Dispositive Motion  
(i.e. Summary Judgment, Judgment on the Pleadings,  
or other Dispositive Motion not pursuant to Rule 12(b))  
(\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative  
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary  
Judgment, Judgment on the Pleadings, or other  
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Summary Judgment pursuant to Rule 56 (\$50.00)
- ☐ Motion to Intervene (\$297.00)
- ☐ Other \_\_\_\_\_  
pursuant to Rule \_\_\_\_\_ (\$50.00)

\*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.

☐ Local Court Costs \$ 0 \_\_\_\_\_

**Motions Not Requiring Fee**

- ☐ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☐ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during Trial)
- ☐ Disburse Funds
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Pendente Lite
- ☐ Plaintiff's Motion to Dismiss
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Vacate or Modify
- ☐ Withdraw
- ☒ Other \_\_\_\_\_  
Emergency Motion for Temporary  
Restraining Order

pursuant to Rule NA (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously  
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

Signature of Attorney or Party

/s/ ROBERT R. RILEY JR.

\*\*Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



IN THE CIRCUIT COURT OF MARSHALL COUNTY

MICHAEL MASHKEVICH, on behalf of himself )  
and all others similarly situated, )

Plaintiff, )

V. )

OLIVIA AVA, EMMA MILLER, and F.B. LEE, )

Defendants. )

Civil Action No. 2024-900163

**CLASS ACTION**

**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

**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