



AlaFile E-Notice

50-CV-2024-900163.00

Judge: CHRISTOPHER F ABEL

To: RILEY ROBERT RENFROE JR.
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NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF MARSHALL COUNTY, ALABAMA

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

A court action was entered in the above case on 6/4/2024 1:47:37 PM

ORDER

[Filer:]

Disposition: GRANTED
Judge: CFA
Notice Date: 6/4/2024 1:47:37 PM

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

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IN THE CIRCUIT COURT OF MARSHALL COUNTY, ALABAMA

MICHAEL MASHKEVICH,

Plaintiff,

V.

Civil Action No. CV 2024-900163

OLIVIA AVA, EMMA MILLER,
and F.B. LEE, et al.,

Defendants.

ORDER FOR TEMPORARY RESTRAINING ORDER AND TO SHOW CAUSE

This matter is before the Court on Plaintiff's Emergency Motion for Temporary Restraining Order and for Order to Show Cause why a preliminary injunction should not issue.

The Court has reviewed the Motion and Brief in Support of the same, as well as the Affidavit of Michael Mashkevich, the Declaration of Charles Zach, and the Affidavit of Robert R. Riley, Jr. The Court is satisfied that pursuant to Alabama Rule of Civil Procedure 65(b), the issuance of this Order to Show Cause and Temporary Restraining Order is warranted without written or oral notice to the Defendants based on Plaintiff's setting forth specific facts of the likelihood of immediate and irreparable injury if time were afforded to allow Defendants to be heard in opposition to Plaintiff's Motion before ruling, and because notice prior to the issuance of this Order should not be required for the reasons set forth in Plaintiff's Motion and Brief in Support. Based on the foregoing, and for the reasons explained below, the Court GRANTS Plaintiff's Motion for a Temporary Restraining Order in its entirety this 4TH DAY OF JUNE, 2024.

It is hereby **ORDERED** that:

1. Plaintiff's motion for a temporary restraining order is GRANTED.
2. Defendants Olivia Ava, Emma Miller, F.B. Lee, and non-parties Binance Holdings Ltd., OKX, Gate.io, KuCoin, 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, selling, encumbering, or otherwise altering any of the cryptocurrency or assets held in the wallet addresses listed in Appendix A of this Order, whether such property is located inside or outside of the United States of America.

3. Plaintiff’s attorneys shall cause a copy of this Order, together with a copy of the papers upon which it is based, to be served upon the person or persons controlling the wallets identified in Appendix A to this Order via a special-purpose token or equivalent blockchain currency or code (the “Service Token”), delivered or airdropped into the wallets identified in Appendix A to this Order. The Service Token will contain a hyperlink (the “Service Hyperlink”) to a website Plaintiff’s counsel will cause to be created, wherein Plaintiff’s counsel shall cause to be published this Order and all papers upon which it is based. The Service Hyperlink will include a mechanism to track when a person clicks on the Service Hyperlink. Such service shall constitute actual notice of this Order and sufficient service on the person or persons controlling the corresponding wallet addresses identified in Appendix A of this Order.

4. Binance Holdings Ltd., OKX, Gate.io, KuCoin, 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, are hereby directed, within twenty-four (24) hours of receiving actual notice of this Order to provide notice of the same to any of their customers associated with the wallet addresses identified in Appendix A of this Order, including Defendants, and provide counsel for Plaintiff copy of such notice.

5. Pursuant to Ala. R. Civ. P. 65(b), the Defendants, Enjoined Parties and anyone else wishing to be heard, shall appear on **14TH DAY OF JUNE, 2024 AT 9:00 A.M. at the Marshall County Courthouse located in GUNTERSVILLE, Second Floor, Courtroom #1** for a hearing where they may show good cause for why this Court should not enter a preliminary injunction further enjoining the withdraw, transfer, sale, encumbrance, or alteration of the cryptocurrency or assets held in the wallet addressed listed in Appendix A of this Order during the pendency of this action, whether such property is located inside or outside of the

United States of America, and imposing such additional relief as the Court deems just and proper.

6. The Defendants, the Enjoined Parties, and anyone else wishing to be heard, shall file with the Court and serve on Plaintiff's counsel any response, opposition, affidavits or declarations no later than seven (7) days prior to the hearing for preliminary injunction. If such documents are filed and served, Plaintiff may file a reply brief in support of its request for preliminary injunctive relief no later than two (2) days prior to the preliminary injunction hearing.

7. Defendants and the Enjoined Parties are hereby on notice that failure to timely serve and file an opposition, or failure to appear at the hearing, may result in the imposition of a preliminary injunction against them pursuant to Rule 65 of the Alabama Rules of Civil Procedure.

8. The temporary restraining order set forth in this Order will expire **TEN DAYS (10 DAYS)** from its entry unless, for good cause shown, this Order is extended or Defendants consent that it should be extended for a longer period. However, the Court may, upon demonstration of good cause by any party-in-interest, shorten or lift this Order.

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

10. Notice was not provided to Defendants prior to issuance of this Order either because their identities have not yet been ascertained or because the Court has determined that providing such notice would cause a likelihood of immediate, irreparable injury or loss, particularly through the dissipation of the assets listed in Appendix A of this Order.

11. Pursuant to Ala. R. Civ. P. 65(c), the Court in its discretion determines that no bond is required.

ORDERED this 4th day of JUNE, 2024.

/s/ Christopher F. Abel
CHRISTOPHER F. ABEL
CIRCUIT JUDGE

APPENDIX A

Binance Holdings

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OKX

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Gate.io

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KuCoin

TDGGk3yNwo9uEmL69zmdwJwUYaCozZMQuD
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LBank

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TGUSM4zJ6XrJ5xaD9pnB5eLrKy2GqjG3pC
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