

At IAS Part 46 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, 71 Thomas Street, New York, New York 10013 on this 18th day of December 2023

PRESENT: HON. RICHARD G. LATIN, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

RACHEL POUYAFAR, on behalf of herself)
and all others similarly situated,)
)
Plaintiff,)
)
-against-)
)
YUNHAI QUAN and JOHN DOE NOS. 1-25,)
)
Defendants.)
)

Index No. 654820/2023
Hon. Richard G. Latin, J.S.C.

~~PROPOSED~~ ORDER
TO SHOW CAUSE AND
TEMPORARY RESTRAINING
ORDER MS #2

Upon reading the filing by Class Plaintiff Rachel Pouyafar (“Class Plaintiff”), on behalf of herself and all others similarly situated (the “Proposed Class Members”), of the Amended ~~Affirmation~~ ^{Affidavit} Complaint, the ~~Affirmation~~ of Charles Zach, dated December 8, 2023, the Affirmation of Rishi Bhandari, dated December 8, 2023, and the memorandum of law in support of this request for emergency relief by order to show cause for a preliminary injunction and a temporary restraining order pending the hearing on the preliminary injunction, pursuant to Civil Practice Law and Rules (“CPLR”) 6301, 6312 and 6313 and hearing wherein Class Plaintiff on behalf of the Proposed Class Members asserts that they will suffer immediate and irreparable injury in the event that Defendants Yunhai Quan and John Doe Nos. 1-25 (collectively, “Defendants”) are able to sell, transfer, convey or otherwise dissipate cryptocurrency allegedly stolen from the Proposed Class Members by Defendants;

LET Defendants show cause before this Court, at a virtual appearance via Microsoft Teams, on December 22, 2023, at 10:00 a.m./~~p.m.~~, or as soon thereafter as counsel may be

heard, why an order should not be issued: (i) preliminarily enjoining during the pendency of this action the Defendants from disposing of, processing, routing, facilitating, selling, transferring, encumbering, removing, paying over, conveying or otherwise interfering with Defendants' property, debts, accounts, receivables, rights of payment, or tangible or intangible assets of any kind, whether such property is located inside or outside of the United States, including, but not limited to, the cryptocurrency held at the "hot wallet" addresses listed in Exhibit A of this Order to Show Cause (the "Binance Hot Wallets"); and it is further


plaintiff shall file an undertaking pursuant to CPLR 6313 in the sum of \$5,000.00
ORDERED that, ~~in the exercise of the Court's discretion pursuant to CPLR § 6313(c),~~

~~Plaintiff is not required to give an undertaking pending the hearing on this order to show cause;~~
and it is further

ORDERED that Mandel Bhandari LLP, Class Plaintiffs' attorneys, shall cause to be served a copy of this Order to Show Cause, together with a copy of the papers upon which it is based, on or before December 19, 2023, upon the person or persons controlling the Binance Hot Wallets via special-purpose Ethereum-based tokens (the "Service Tokens"), delivered or airdropped into the Binance Hot Wallets. The Service Tokens will contain a hyperlink (the "Service Hyperlinks") to a website Mandel Bhandari LLP will cause to be created, wherein Mandel Bhandari LLP shall cause to be published this Order to Show Cause and all papers upon which it is based. The Service Hyperlinks will include a mechanism to track when a person clicks on the Service Hyperlink. Such service shall constitute good and sufficient service for purposes of jurisdiction under New York law on the person or persons controlling the Binance Hot Wallets; and it is further

ORDERED that Mandel Bhandari LLP, Class Plaintiffs' attorneys, shall serve a copy of this Order to Show Cause, together with a copy of the papers upon which it is based, on or before

December 19 __, 2023, via overnight mail upon (i) BAM Trading Services, Inc. d/b/a Binance.US, 252 NW 29th Street, 9th Floor, Suite 905, Miami, FL 33127 and (ii) BAM Trading Services, Inc. d/b/a Binance.US, 1 Letterman Drive, Building C, Suite 3-800, San Francisco, CA 94129; and it is further


J.S.C. ORDERED that pending ~~argument~~^{hearing} on the motion for a preliminary injunction, a Temporary Restraining Order, pursuant to CPLR 6313, shall be entered freezing the Binance Hot Wallets listed in Exhibit A of this Order to Show Cause; and it is further

ORDERED, that opposing papers, if any, to this motion shall be served via mail to Mandel Bhandari LLP, 80 Pine Street, 33rd Floor, New York, NY 10005, and via email to rb@mandelbhandari.com, so as to be received on or before __, 2023, and reply papers, if any shall be filed and served in the manner set forth above so as to be received on or before __, 2023.

~~Dated: New York, New York~~

_____, 2023

ORDERED


Hon. Richard G. Latin,
J.S.C.

Please email arothfel@nycourts.gov to receive the link to the virtual appearance

Appendix A

1. 0xcc21d63f7f1201c201c574af1d4d8be4a7a85c45
2. 0x0847a80fcf205bc9850825210cbcb0f1da0cc083
3. 0x0e740ce9a4707d38dc7c2ebaccc35df2b42c43e8
4. 0x47a885fc9d952b46eb961c9f9346fdb5a3ccce31
5. 0xa861175e2a696d5afe06e84336ccb94568087b73
6. 0x0f6a3a689426c592370de20d6b1ec093ea17d219
7. 0x94307efb4be20e2cfd257842cf1b7224768aeed9
8. 0xd11573c7065ad6fb967b596d3c020ab93f7f0685
9. 0x5213ebc0746b9e441680a4e7417f48e6f6aa344d
10. 0x8774b7134c3ea3405a1ff9fcd90d7c1b50e1d85
11. 0xbd1d2f3e03ca9e82813446052be35473843a6b59
12. 0x038a2cf462dafb509696405f7a02e9fa2e498d5c
13. 0x27a93d839cdbdce1e648ec8e3feb79387c52cc2
14. 0x84d174ae1478db35beaa0b878e681b8053f71460
15. 0x753ebfaba611a0820af0c455a7d29a7d73267fee
16. 0x134583c611aaf9f126eb63fbdd9e4359b95db1dd
17. 0xead0c6d566bf874b8f27e164772ea7afd28fbd2f
18. 0x47a885fc9d952b46eb961c9f9346fdb5a3ccce31
19. 0x99895845183ce5283ca87563e883a4ecd546a477
20. 0x504434da8c50bfcae5dfcfdb3c7daf5112ba6d5c
21. 0x247f0db29097501184e19c285c2a3e0eae1d874f
22. 0x8b8a28566f56893d3d3a7599fe4c7809687d8cd0
23. 0x7DBa1df8fC3953d20637178D50797B1b57B3191C
24. 0x22c00e46deaa2bf271c2578b45e66ad6f9df1b80
25. 0x61876383236191b546ca706a55eb9832f26b82b1