

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2026-009414-CA-01

SECTION: CA21

JUDGE: Jason E. Dimitris

BRIAN LEIBERMAN

Plaintiff(s)

vs.

ATXS et al

Defendant(s)

**ORDER GRANTING PLAINTIFF'S EXPARTE EMERGENCY MOTION FOR
PRELIMINARY INJUNCTION WITHOUT NOTICE**

Filing # 248237474

This matter comes before the Court on Plaintiff's Ex Parte Motion for a Preliminary Injunction Without Notice (the "Motion"). The Court has carefully reviewed the Motions and the record and is otherwise fully advised of the matter.

Plaintiff moves pursuant to Florida Rule of Civil Procedure 1.610 and Florida Statute § 812.035(6) for entry of a temporary injunction without notice to Defendants prohibiting the sale, exchange, transfer, dissipation, pledge or other disposition or encumbrance of the crypto wallets described in the Motion and attached hereto as Appendix A.

For the reasons set forth herein, Plaintiff's Motions are **GRANTED**.

FACTUAL BACKGROUND

The Complaint alleges that Defendants engaged in a fraudulent scheme to steal cryptocurrency from the Plaintiff. Plaintiff alleges that Defendants using falsified information, names, and telephone numbers fraudulently induced Plaintiff into investing in a fraudulent entity.

Plaintiff contacted Inca Digital ("Inca"), a cryptocurrency investigation firm which traced Plaintiff's transactions and confirmed the theft. The Plaintiff's converted currency can be traced to

the accounts identified in Appendix A attached hereto

There is a high likelihood that Defendants, upon receiving notice of this action, will take measures to withdraw all funds from the accounts . If Defendants withdraw the funds prior to the account being frozen, this will eliminate the possibility of recovery for the Plaintiff.

Defendants will likely withdraw the funds if they become aware that Plaintiff is seeking its relief, as they have already undertaken transactions to hide and steal Plaintiff's cryptocurrency assets.

LEGAL STANDARD

To obtain a temporary injunction, a party must demonstrate that (1) he is substantially likely to succeed on the merits of his claims; (2) he will suffer irreparable injury if the injunction is not granted; (3) an adequate remedy at law is unavailable; and (4) entry of the injunction will serve the public interest. *See Florida Dep't of Health v. Florigrown, LLC*, 317 So. 3d 1101, 1110 (Fla. 2021). Where injunctive relief is sought pursuant to Fla. Stat. § 812.035(6), the same standard applies, except that no showing of special or irreparable damage is required. Instead, the plaintiff must make a showing of immediate danger of significant loss or damage and post a proper bond against damages for an injunction improvidently granted. *See Fla. Stat. § 812.035(6)*.

A temporary injunction may be granted without notice to the adverse party if “(A) it appears from the specific facts shown by affidavit or verified pleading that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant’s attorney certifies in writing any efforts that have been made to give notice and the reasons why notice should not be required.” Fla. R. Civ. P. 1.610(a). Although this section is written in the conjunctive, “it makes no common sense to require certification of efforts to give notice to a party when there are good reasons not to give notice. Verified allegations as to why notice should not be given in a particular case are sufficient.” *Bansal v. Bansal*, 748 So. 2d 335, 337 (Fla. 5th DCA 1999) (citing *Smith v. Knight*, 679 So. 2d 359 (Fla. 4th DCA. 1996)). To establish that a temporary injunction may issue without notice, the movant must “demonstrate (1) how and why the giving of notice would accelerate or precipitate the injury or (2) that the time required to notice a hearing would actually permit the threatened irreparable injury to occur.” *Smith v. Knight*, 679 So. 2d 359, 361 (Fla. 4th DCA 1996).

CONCLUSIONS OF LAW

The Sworn Motion for Injunctive Relief that has been submitted support the following conclusions of law:

1. Plaintiff has shown a substantial likelihood of success on the merits of his claims against Defendants for conversion, breach of contract, and injunctive relief. The Plaintiff was victimized by the theft of his cryptocurrency, and it appears from the record that Defendants have no right to claim either possession or ownership of the Plaintiff's stolen assets.
2. Because of the speed and potential anonymity of cryptocurrency transactions, Plaintiff is likely to suffer an immediate and irreparable injury if a temporary injunction is not issued. Moreover, considering the actions already taken to steal the Plaintiff's cryptocurrency, conceal the theft, and dissipate the stolen cryptocurrency, Plaintiff has good reason to believe that the Defendants will take further action to hide or dissipate their ill-gotten gains unless those assets are restrained.
3. For the same reasons, Plaintiff has also met the lesser requirement to show "immediate danger of significant loss or damage" under Fla. Stat. § 812.035(6).
4. Giving notice of Plaintiff's motion to the Defendants is likely to exacerbate the threat of irreparable injury by accelerating the dissipation of the stolen cryptocurrency. Considering the speed with which these transactions occur, and the pattern of deception thus far, in the time required to notice a hearing, the Defendants could easily liquidate or transfer any stolen cryptocurrency (or the proceeds thereof) that remain in any accounts that they control. *See Order Granting Ex Parte Emergency Motion for Entry of Temporary Restraining Order at 7, Heissenberg v. Doe*, No. 21-Civ-80716 (S.D. Fla. Apr. 23, 2021). Plaintiff has therefore demonstrated sufficient grounds to excuse notice in this case.
5. Plaintiff has as an inadequate remedy at law. His only remedy to recover his stolen property is through equitable relief, beginning with the imposition of injunctive relief. A legal remedy for monetary damages alone will not protect his ownership interest in these valuable assets. *See Martinangeli v. Akerman, LLP*, No. 1:18-cv-23607-UU, 2018 WL 6308705, *2 (S.D. Fla. Sept. 14, 2018).
6. To the extent the public interest is implicated by Plaintiff's Motion for a Temporary Injunction, that interest would be served by entry of the requested temporary injunction. In cases like this, the public interest "is properly served by promoting the objectives of the Financial Crimes Enforcement Network ("FinCEN") ... and providing assurance that courts will protect investors' assets from theft and will aid investors in their recovery of stolen assets when they can be readily located and traced to specific actions." *Martinangeli v. Akerman, LLP*, 2018 WL 6308705, *2 (S.D. Fla. Sept. 14, 2018).
7. The Court has the authority to issue the requested temporary injunction both pursuant to Fla. Stat. § 812.035(6), *see Escudero v. Hasbun*, 689 So. 2d 1144, 1145-46 (Fla. 3d DCA 1997), and to ensure the availability of the equitable relief Plaintiff seeks.
8. Based on the evidence presented by Plaintiff, the Court finds that a **bond in the amount of \$10,000.00** is reasonable under the circumstances and considering the foreseeable damages for a wrongful injunction. Plaintiff shall file affidavits of service with the Court as this Order is served, and Plaintiff shall advise the Court promptly upon learning of accounts or other assets and transactions that are restrained by this Order so that the Court can assess whether the undertaking should be supplemented.

Having reviewed the Complaint, Plaintiff's Verified Ex-Parte Motion for Preliminary Injunction without Notice, the Court hereby **ORDERS and ADJUDGES** that the Plaintiff's Motion is

GRANTED according to the terms set forth below.

TEMPORARY INJUNCTION

1. Defendants, each of their agents, servants, employees, attorneys, partners, successors, assigns, and all other persons or entities through which they act or who act in concert or participation with any of them, who receive actual notice of this Order by personal service or otherwise, are hereby temporarily restrained from withdrawing, transferring, moving, selling, exchanging, encumbering, assigning, conveying, liquidating, or in any other manner disposing of any assets, whatever their present form that is contained in the wallets described in Appendix A to this Order.
2. Kraken (Payward, Inc.) and other similarly situated platforms, and their agents, servants, employees, attorneys, and all other persons or entities in active concert or participation with them who receive actual notice of this Order, are hereby ordered to freeze the following accounts, sales, or addresses attached hereto as Appendix A, as well as any other account or address owned, controlled, or associated with any of the Defendants, and any other account or address (including pooled accounts or “hot wallets”) in which assets, whatever their present form, that constitute or are derived from the any of the attached wallets are held, up to the aggregate value of \$200,000.000 or the equivalent in cryptocurrency.
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 on or before June 10, 2026, upon the person or persons controlling the wallets identified in Appendix A to this Order via a special-purpose token or tracking link, delivered or airdropped to the wallets identified in Appendix A to this Order. The token and/or link 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 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 of this Order.
4. Kraken and other similarly situated platforms, 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.

BOND TO BE POSTED

Pursuant to Fla. R. Civ. P. 1.610(b), Plaintiff shall maintain a bond in the amount of \$10,000.00, to be held in trust by Plaintiff’s counsel, as payment of costs or damages to which Defendants may be entitled for a wrongful injunction or restraint, during the pendency of this Action or until further Order of this Court.

DURATION OF TEMPORARY INJUNCTION

The Temporary Injunction will remain in effect until further order of this Court. Any party against whom the Order was entered may move to dissolve or modify the Order at any time, and is entitled to a hearing on any such motion within 5 days of request.

SERVICE OF THIS ORDER AND RELATED FILINGS

Plaintiff shall serve a copy of the Complaint, the Motions and supporting Affidavits, and this Order on Defendants and any person or entity that may have possession or control of any property, property right, funds, or assets that may be subject to any provision of this Order within 120 days of the entry of this Order. Any person affected by the entry of this Order has the right to a hearing on a motion to dissolve/modify this temporary injunction, which hearing shall be held within five (5) days of request.

Appendix A

Deposit Addresses

Ethereum - 0x338139205d1b919752731eb4141f5ba2be3a2913
Tron - TVDufJWmGDCQ1mtDwoLAv5hXm5UciD25Je
Solana - 2qgyNZFQKev6o9nJwcheLA2pisCAtwCT7xG2XWRHo9U6

Transactions and Transaction Hashes

243s1Zgj9tn1H1ZuU9Br3dx9unjkdSfwjGK7E8nMAzUUzvGH5Zw1TKaavZ5ArDJhcMFKyUCp

CJNeiArezaE85MwK **Time Stamp (UTC)** 19:03:13 Jan 03, 2025 **Deposit Address**
2qgyNZFQKev6o9nJwcheLA2pisCAtwCT7xG2XWRHo9U6

Transaction Hash

62b8v7kV97WVHanF8VpjDQG3W5Xe1UPDQRP2MbMXTgWrjAcxS7h9D1dDMSPqUp

WXp4nHgqf46ohL7xQgCHXWpi4s **Time Stamp (UTC)** 20:07:10 Jan 03, 2025 **Deposit Address**
2qgyNZFQKev6o9nJwcheLA2pisCAtwCT7xG2XWRHo9U6

Transaction Hash

5SKVute3DN2hTqD3snVNHU7n9P4zJAZkJUqahxjJ1JtwgxpvyFY5Kf9SoaNQTqEjmr8z

Q4pUd3jhQnvtTJMvV4nyf **Time Stamp (UTC)** 20:52:13 Jan 26, 2025 **Deposit Address**
2qgyNZFQKev6o9nJwcheLA2pisCAtwCT7xG2XWRHo9U6

Transaction Hash

2M5qrXHH27wfYbKH9sFUBk9R5xjK1DHujfUAabUwFro5StT25kqFGfzZBu3flsJ1g9YSrgiH

QpnL6TTjLgHLVbVQ **Time Stamp (UTC)** 18:51:57 Mar 09, 2025 **Deposit Address**
2qgyNZFQKev6o9nJwcheLA2pisCAtwCT7xG2XWRHo9U6

Transaction Hash

YxryPfJ3c9redto55HMdcQFAC7UL9KMGw48LijMXfPSNKQaMfWs3XtAtgZbUMtyaJ

CqfyoN5m3p7R66tWH6hrND **Time Stamp (UTC)** 01:33:37 Mar 23, 2025 **Deposit Address**
2qgyNZFQKev6o9nJwcheLA2pisCAtwCT7xG2XWRHo9U6

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 15th day of May,
2026.

2026-009414-CA-01 05-15-2026 3:38 PM

2026-009414-CA-01 05-15-2026 3:38 PM

Hon. Jason E. Dimitris

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

- JA: 11thCA21@jud11.flcourts.org
- Jose J Teurbe-Tolon: jose@xanderlaw.com
- Jose J Teurbe-Tolon: service@xanderlaw.com