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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF LOS ANGELES  
13

14 YOUNES YOUNES, on behalf of  
15 himself and all others similarly  
situated,

16 Plaintiff,

17 v.

18 ELVIRA TAYLOR and DOES 1 through  
19 200, inclusive,

20 Defendants.  
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Case No.: 24STCV12520

Hon. Elihu Berle

**PLAINTIFF'S *EX PARTE***  
**APPLICATION FOR TEMPORARY**  
**RESTRAINING ORDER AND OSC RE:**  
**PRELIMINARY INJUNCTION;**

**MEMORANDUM OF POINTS AND**  
**AUTHORITIES IN SUPPORT**

**DECLARATIONS OF YOUNES**  
**YOUNES, CHARLES ZACH, AND**  
**SHAUN MARTIN [Filed Concurrently**  
**Herewith]**

**[PROPOSED] ORDER and ORDER TO**  
**SHOW CAUSE [Filed Concurrently**  
**Herewith]**

Date: June 12, 2024

Time: 8:30 a.m.

Place: 312 N. Spring Street, Los  
Angeles, CA 90012, Dept. 6

1 TO THE COURT AND ALL PARTIES AND ATTORNEYS OF RECORD:

2 TAKE NOTICE that Plaintiff Younes Younes, on behalf of himself and all  
3 others similarly situated, hereby applies *ex parte* for a Temporary Restraining  
4 Order (“TRO”) as follows:

5 (1) Restraining Defendant ELVIRA TAYLOR, Binance Holdings Ltd., and OK  
6 Group, and/or any of their agents, servants, employees, attorneys, affiliates,  
7 partners, successors, assigns, subsidiaries, or any other persons through which they  
8 act, or who act in active concert or participation with any of them, who receive  
9 actual notice of this Order through personal service or otherwise, whether acting  
10 directly or through any trust, corporation, subsidiary, division or other device, or  
11 any of them (collectively, the “Enjoined Parties”), from withdrawing, transferring,  
12 selling, encumbering, or otherwise altering any of the cryptocurrency or assets held  
13 in the following wallets, whether such property is located inside or outside of the  
14 United States of America:

- 15 - TXPiHTvpCzFTEvh5SkbwUuSuty2AfigdcY
- 16 - TKcqHtVbF11ZhsqxYaBpYQ9tdEQ9RTXWhF
- 17 - TN6yVddHhmfTHJgdzSnPJJ5M4pxQKqKuVe
- 18 - TVBfaX2DF6kBxeveJMEgDjXwpY9zQpES57
- 19 - TTTkoMc9VuVKTGFQJPxF5pS2f1XV5u5QHJ
- 20 - TAwSdzJgxYhsTkrLkkPiFZsZnkcjmhupfW
- 21 - TGyLX41KcZDZpSVH9KjwCbuqNnxDAoTnAB
- 22 - TLwgBmjYbkLA5NVFEqrVYVNbnTYmxPKoW2
- 23 - TYWjiCsJJJ4wAem1unRFybcvQq9ekL8Btv
- 24 - TQZoEGjrCSG6BxNDUreTm7Uec6BBx8vSvn
- 25 - TBVT9cx9gdaS1AcUfMASJ56Z9SdUy4E3P7
- 26 - TYuEjjSM89QJKKKUX3UyY6TxT6QvhzAc37
- 27 - TQnKVsgfboAuwepfSwgNxX2pnMgQLVku4h
- 28 - TU9kSr7ZwLvBknXmfu6WM5c3hcbG4sRV8m

1 - TXYG7jR37cLtNVgSzqjPZwJk9zb7XMqk6e

2 (2) Binance Holdings Ltd and OK Group, and/or any of their agents, servants,  
3 employees, attorneys, partners, affiliates, successors, assigns, subsidiaries, or any  
4 other persons through which they act, or who act in active concert or participation  
5 with any of them, who receive actual notice of this Order by personal service or  
6 otherwise, are hereby directed, within twenty-four (24) hours of receiving actual  
7 notice of this Order to provide notice of the same to any of their customers  
8 associated with any of the wallet addresses identified in Paragraph (1), including  
9 Defendant ELVIA TAYLOR, and provide counsel for Plaintiff a copy of such notice.

10 This application for provisional relief, as set forth in the [PROPOSED]  
11 Temporary Restraining Order filed herewith, is made upon the grounds that the  
12 conduct sought to be restrained and enjoined, if allowed to occur, will cause  
13 immediate and irreparable injury to the moving parties.

14 Plaintiffs also request that the Court issue an Order to Show Cause ("OSC")  
15 pursuant to California Rule of court 3.1150, affording Defendants the opportunity to  
16 appear and show cause why a Preliminary Injunction should not issue restraining  
17 and enjoining the Enjoined Parties in the same manner for the remainder of the  
18 litigation.

19 This Application is based upon California Code of Civil Procedure §§ 525 *et*  
20 *seq.* and California Rules of Court 3.110 and 3.100 *et seq.*, upon the attached  
21 Memorandum of Points and Authorities, and supporting declarations filed herewith,  
22 including the Declarations of Younes Younes, Charles Zach, and Shaun Martin,  
23 upon the Verified Complaint filed in this action, and upon such further evidence  
24 and argument as may be presented prior to or at the time of the hearing on the  
25 motion.

26 There has not been a previous application for such relief.  
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Dated: June 11, 2024

*Shaun Martin /MR*

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1 persons of unknown origin. Finally, both the public interest and balancing-of-harm  
2 factors tilt heavily toward intervening to stop an ongoing scheme and freezing  
3 assets pending a full and final disposition of the merits of this case. Simply put,  
4 absent immediate injunctive relief, Plaintiff and his similarly situated class  
5 members will be without a remedy or recourse for millions of dollars of  
6 cryptocurrency stolen through Defendants' "pig butchering" scheme.

## 7 **II. STATEMENT OF FACTS**

### 8 **A. "Pig Butchering" Briefly Explained**

9 "Pig butchering" is typically a scheme in which scammers promise victims  
10 returns and then fabricate evidence of positive performance on fake websites made  
11 to look like functioning cryptocurrency trading venues, jobsites, or investment  
12 companies. The "butcherers" do so to entice victims to "invest" more money. When  
13 the victims have been sufficiently "fattened" with false profits, scammers steal the  
14 victims' cryptocurrency, and cover their tracks by moving the stolen property  
15 through a maze of subsequent transactions. "Pig butchering" victims in the United  
16 States have lost billions of dollars and "pig butchering" schemes have been the  
17 subject of state and federal government investigation and prosecution.<sup>1</sup>

### 18 **B. Younes is "Pig Butchered" by Defendants.**

19 Plaintiff, Younes Younes ("Younes") is an individual who resides in Palmdale,  
20 California (Younes Declaration Dated June \_\_, 2024 ("Younes Decl."), ¶ 2). On  
21 January 5, 2024, Younes was contacted through WhatsApp by a person claiming to  
22 be a job recruiter and asking whether he would be interested in obtaining part-time  
23 work online. The following day, Mr. Younes was sent instructions through  
24 WhatsApp by Defendant Elvira Taylor ("Taylor"). (*Id.* ¶ 3). Taylor claimed she was  
25 located in Miami, that Mr. Younes would receive income through a standardized  
26

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27 <sup>1</sup> See FinCEN Alert of Prevalent Virtual Currency Investment Scam Commonly Known as "Pig Butchering," U.S.  
28 Treasury Financial Crimes Enforcement Network Sep. 8, 2023,  
[https://www.fincen.gov/sites/default/files/shared/FinCEN\\_Alert\\_Pig\\_Butchering\\_FINAL\\_508c.pdf](https://www.fincen.gov/sites/default/files/shared/FinCEN_Alert_Pig_Butchering_FINAL_508c.pdf).

1 online work platform, and that payments for his work would be sent in  
2 cryptocurrency. *Id.*

3 Mr. Younes subsequently began performing work on the online platform and  
4 earned substantial alleged amounts due to him. But Taylor informed Mr. Younes he  
5 would be required to maintain a certain level of deposits on the online platform and  
6 to make specified “recharge” and “reputation” payments, via cryptocurrency, on the  
7 platform before he would be permitted to withdraw the full amount of the payments  
8 owed to him. (*Id.* ¶ 4). Based on these representations and instructions, Mr. Younes  
9 purchased and then transferred over \$400,000 in cryptocurrency to the online  
10 platform, not knowing that this platform was actually in Defendants’ control. *Id.*

11 This was all a scam. The online platform was fake, there was no actual work  
12 available or payments to be made, and the entire scheme was deliberately designed  
13 to entice victims like Mr. Younes to deposit money into accounts, as he did, which  
14 was then stolen by Defendants. (*Id.* ¶ 5). Mr. Younes has lost nearly his entire life  
15 savings as a result of this scam. *Id.*

16 **C. Inca Capital Confirms the Scheme and Traces the Stolen Assets.**

17 After realizing the “work platform” to which he had been enticed was a  
18 scam, and his money had been stolen, Mr. Younes contacted Inca Capital (“Inca”)  
19 and Charles Zach (“Zach”) to begin an investigation of Defendants’ use of their  
20 Work Platform as the common center of a scheme to steal money and  
21 cryptocurrency from unsuspecting victims. *Id.* Zach and Inca have been  
22 investigating “pig butchering” schemes for over two years. (Zach Declaration dated  
23 June \_2024 (“Zach Decl.”), ¶ 3).

24 Inca’s investigation involved two phases, each of which is precise, reliable  
25 and replicable, as set forth below. First, in Phase One, Inca “forward traced” funds  
26 from Plaintiff’s deposit of cryptocurrency with Defendants to other wallets.  
27 Subsequently, in Phase Two, Inca “reverse traced” the flow of funds into the above  
28

1 addresses and determined that additional addresses matched Plaintiff's flow of  
2 funds as part of a common scheme involving other members of the class. (*Id.* ¶ 6).

3 Inca's Phase One "forward tracing" was based on a three-step analysis: (1)  
4 identifying the addresses that initially received Plaintiff's cryptocurrency; (2)  
5 tracking the transfer of funds from those addresses to two "swap router and bridge"  
6 addresses and then through a series of transactions on the TRON blockchain, and  
7 (3) tracking those funds through a series of wallet addresses to the "Deposit  
8 Addresses" set forth in Paragraph 22 of the Complaint in this matter and below. (A  
9 "blockchain" is a system used to record cryptocurrency transactions.) (*Id.* ¶ 7).

10 Here, the process worked as follows:

11 *First*, Inca analyzed screenshots provided by the victim and identified the  
12 two addresses to which Plaintiff initially sent cryptocurrency. Both of these  
13 addresses below are on the blockchain for Ethereum, a common cryptocurrency.

14 These addresses are:

15 0x49f8B7feEE8C0B85ff61F2d7c38Af809614515Df

16 0x64E5f1a2480a3967EDD30b0b400Daf18422cE552

17 (*Id.* ¶ 8).

18 *Second*, Inca analyzed transfers from these two addresses and found that  
19 funds were routed to two "swap router and bridge" addresses. A "swap router and  
20 bridge" address is a kind of aggregator used to convert funds to a different  
21 cryptocurrency and then send them from one blockchain to another. In this case,  
22 the "swap router and bridge" addresses were called "SWFT.PRO" and "OKX DEX  
23 Aggregation" and were used to convert funds to a different cryptocurrency (known  
24 as "USDT"), which was transferred to the TRON blockchain. These two addresses  
25 are:

26 0x92e929d8B2c8430BcAF4cD87654789578BB2b786 (SWFT.PRO)

27 0xFc99f58A8974A4bc36e60E2d490Bb8D72899ee9f (OKX DEX Aggregation)  
28

(*Id.* ¶ 9).

*Third*, Inca analyzed the subsequent transfer of funds on the TRON blockchain and determined they were routed through a series of wallet addresses, commingled, and then deposited at the “Deposit Addresses” set forth herein. The Deposit Addresses are categorized by cryptocurrency exchange (OKX and Binance):

OKX

- TXPiHTvpCzFTEvh5SkbwUuSuty2AfigdcY
- TKcqHtVbF11ZhsqxYaBpYQ9tdEQ9RTXWhF

Binance

- TN6yVddHhmfTHJgdzSnPJJ5M4pxQKqKuVe
- TVBfaX2DF6kBxeveJMEgDjXwpY9zQpES57
- TTTkoMc9VuVKTFQJPxF5pS2f1XV5u5QHJ
- TAwSDzJgxYhsTkrLkkPiFZsZnkcjmhupfW
- TGyLX41KcZDZpSVH9KjwCbuqNnxDAoTnAB
- TLwgBmjYbkLA5NVFEqrVYVNbnTYmxPKoW2
- TYWjiCsJJJ4wAem1unRFybcvQq9ekL8Btv
- TQZoEGjrCSG6BxNDUreTm7Uec6BBx8vSvn
- TBVT9cx9gdaS1AcUfMASJ56Z9SdUy4E3P7
- TYuEjjSM89QJKKKUX3UyY6TxT6QvhzAc37
- TQnKVsgfboAuwepfSwgNxX2pnMgQLVku4h
- TU9kSr7ZwLvBknXmfu6WM5c3hcbG4sRV8m
- TXYG7jR37cLtNVgSzqjPZwJk9zb7XMqk6e

(*Id.* ¶ 10).

In Phase Two, Inca “reverse traced” from the second order addresses, or addresses which received funds from the addresses Plaintiff sent funds to, in order to determine which addresses were part of the common pattern of transactions involved in Phase One. Inca concluded based on this analysis that the Class

Members include approximately 400 victims, who lost approximately \$3.7 million combined. (*Id.* ¶ 11).

D. Younes Files His Verified Complaint in This Action.

On May 20, 2024, Mr. Younes filed his Verified Complaint in this action on behalf of himself and other similarly situated victims of Defendants’ “pig butchering” scheme. In it, Mr. Younes asserts claims on behalf of himself and other putative Class Members for conversion (Count I) and money had and received (Count II).

III. LEGAL STANDARD

California Code of Civil Procedure § 527 permits the issuance of preliminary injunctions and temporary restraining orders. Section 527(b) expressly provides:

A temporary restraining order, or preliminary injunction, or both, may be granted in a class action, in which one or more parties sues or defends for the benefit of numerous parties upon the same grounds as in other actions, whether or not the class has been certified.

*California Code of Civil Procedure* § 527(b).

When ruling on a request for a temporary restraining order and/or a preliminary injunction, courts must evaluate two factors: “(1) the likelihood that the plaintiff will prevail on the merits at trial and (2) the interim harm that the plaintiff would be likely to sustain if the injunction were denied as compared to the harm the defendant would likely to suffer if the preliminary injunction were issued.” *Smith v Adventist Health System/West* (2010) 182 Cal.App.4th 729, 749. These two factors are interrelated; the greater plaintiff’s showing on one, the less must be shown on the other to support the issuance of preliminary relief. *Butt v. State of California* (1992) 4 Cal.4th 668, 678.

In deciding whether to issue provisional relief, a court must exercise its discretion “in favor of the party most likely to be injured . . . . If denial of an

injunction would result in great harm to the plaintiff, and the defendants would suffer little harm if it were granted, then it is an abuse of discretion to fail to grant the preliminary injunction.” *Robbins v. Superior Court (County of Sacramento)* (1985) 38 Cal.3d 199, 205.

Temporary restraining orders are properly issued to preserve the status quo pending a hearing on the request for a preliminary injunction, and TROs terminate automatically once the request for a preliminary injunction is heard (which is no later than 22 days after the TRO is issued). *Lenard v. Edmonds* (1957) 151 Cal.App.2d 764, 769; *California Code of Civil Procedure* § 527(d). The issuance of a TRO requires the submission of evidence by the moving party, but a verified complaint – like the one here – may be sufficient by itself for issuance of such provisional relief. *Bank of America National Trust & Savings Ass’n v. Williams* (1948) 89 Cal.App.2d 21, 29; *California Code of Civil Procedure* § 527(a) (authorizing temporary provisional relief “at any time before judgment upon a verified complaint, or upon affidavits”).

#### IV. ARGUMENT

##### A. This Court Should Grant a Temporary Restraining Order Without Notice and Order Defendants to Show Cause Why a Preliminary Injunction Should Not Issue.

###### 1. *Temporary injunctive relief without notice is appropriate.*

The verified complaint in this action, together with the submitted declarations, set forth at length the reasons why notice should not be required prior to the issuance of a temporary restraining order. *See California Code of Civil Procedure* § 527(c) (authorizing issuance TROs without notice to defendants). Specifically, if the Plaintiff is required to wait until after the Defendants receive notice of this action, it is highly likely Defendants will simply transfer the cryptocurrency at issue beyond the reach of discovery or recovery. (Zach Decl., ¶ 11). Indeed, it is highly likely notice would *precipitate* this action. *Id.* Doing so would be

1 antithetical to the very purpose of provisional injunctive relief – preserving the  
2 status quo pending a determination on the merits of Plaintiff’s claims. *Lenard v.*  
3 *Edmonds* (1957) 151 Cal.App.2d 764, 769.

4 Moreover, courts have routinely granted temporary restraining orders  
5 without notice in cryptocurrency schemes, given that cryptocurrency “poses a  
6 heightened risk of asset dissipation.” *Jacobo v. Doe*, 2022 U.S. Dist. LEXIS 101504,  
7 \*9 (E.D. Cal. June 7, 2022); accord *Heissenberg v. Doe*, 2021 U.S. Dist. LEXIS  
8 257218, at \*8 (S.D. Fla. Apr. 22, 2021); accord *Bullock v. Doe*, 2023 U.S. Dist. LEXIS  
9 234778, (N.D. Iowa Nov. 3, 2023). As the Court reasoned in *Jacobo*, another pig  
10 butchering case, “[i]f defendant were provided notice of this action, ‘it would be a  
11 simple matter for [him] to transfer [the cryptocurrency] to unidentified recipients  
12 outside the traditional banking system, including contacts in foreign countries, and  
13 effectively put it beyond the reach of this [c]ourt.’” *Id.*, at \*9. (Citation omitted). This  
14 is in part because cryptocurrency’s “independence from traditional custodians  
15 makes it difficult for law enforcement to trace or freeze cryptocurrencies in the  
16 event of fraud or theft[.]” *Id.* It is for these reasons that courts have routinely  
17 “granted ex parte relief in situations like this one, noting the risks that  
18 cryptocurrencies may rapidly become lost and untraceable.” *Gaponyuk v. Alferov*,  
19 2023 U.S. Dist. LEXIS 125262, at \*4 (E.D. Cal. July 20, 2023), citing *Jacobo*, *supra*.

20 For these reasons, granting a temporary restraining order without notice is not  
21 only proper, but necessary to preserve the status quo of Plaintiff and the other Class  
22 Members’ stolen assets.

23 2. *Plaintiff and the other class members are likely to prevail on*  
24 *their claims.*

25 Plaintiff is likely to prevail on the merits of his claims. To demonstrate a  
26 likelihood of success, a party must only demonstrate it is “reasonably probable that  
27 the moving party will prevail on the merits.” *San Francisco Newspaper Printing Co.*  
28 *v. Superior Court (Miller)* (1985) 170 Cal.App.3d 438, 442.

1 To establish conversion, Plaintiff need only establish (1) they owned the  
2 property or money at issue; (2) defendants substantially interfered with those assets  
3 by knowingly or intentionally taking possession of them or preventing Plaintiff from  
4 having access to them; (3) without consent of Plaintiff; (4) resulting in harm to  
5 Plaintiff; (5) substantially caused by defendant. *Judicial Council of California Civil*  
6 *Jury Instructions* No. 2100 (2024). Similarly, to establish a claim for money had and  
7 received, Plaintiff need only demonstrate defendant received money that was  
8 intended to be used for the benefit of Plaintiff; that these funds were not used for  
9 Plaintiff's benefit; and that defendant has not given the money to Plaintiff. *Judicial*  
10 *Council of California Civil Jury Instructions* No. 370 (2024)

11 Here, Mr. Younes' Declaration and the well-pled allegations of his Verified  
12 Complaint make ample showing of these elements. Defendants converted his money  
13 and cryptocurrency "investments" through a series of unauthorized and unlawful  
14 transfers. Defendants falsely told Mr. Younes he could earn money through a "job  
15 platform" that was, in reality, fake, and lured him to deposit approximately  
16 \$400,000 into that fake platform, ostensibly in order to "release" the job proceeds  
17 due to him. Rather than hold the cryptocurrency for Mr. Younes' benefit in his  
18 account, Defendants proceeded to transfer these assets through the blockchain to  
19 the wallet addresses identified in Paragraph 22 of the Verified Complaint and in the  
20 Declaration of Charles Zach submitted herewith. (Zach Decl., ¶ 10).

21 In doing so, Defendants converted and stole Mr. Younes' property. Further,  
22 the cryptocurrency transferred to Defendants by Mr. Younes and the other  
23 members of the class entails specific, identifiable property. By its very nature,  
24 cryptocurrency has a unique and specific identification within the blockchain;  
25 indeed, it is this attribute from which cryptocurrency derives its value in being  
26 specific and identifiable. It is for these reasons courts have held in conversion cases  
27 that "[t]he cryptocurrency assets at issue are specific, identifiable property and can  
28 be traced in JOHN DOE's assets in the Destination Addresses or elsewhere."



1 *Astrove v. Doe*, 2022 U.S. Dist. LEXIS 129286, at \*6-7 (S.D. Fla. Apr. 22, 2022)  
2 (granting *ex parte* temporary restraining order in a cryptocurrency scheme, finding  
3 the “[p]laintiff has shown a strong likelihood of success on the merits of his claims,”  
4 including a claim for conversion); *accord Blum v. Defendant*, 2023 U.S. Dist. LEXIS  
5 235592, at \*4-5 (N.D. Fla. Dec. 13, 2023) (granting an *ex parte* temporary  
6 restraining order holding, “Blum’s cryptocurrency assets are specific, identifiable  
7 property that can be traced to Defendants’ Destination Addresses.”).

8 For each of these reasons, and the well-pled allegations set forth in the  
9 Verified Complaint in this action, there is a strong likelihood that Mr. Younes and  
10 the other similarly situated Class Members will prevail on the merits herein.

11 3. *Plaintiff and similarly situated class members will suffer*  
12 *irreparable injury if a temporary restraining order and*  
13 *injunction are not issued.*

14 Courts have repeatedly held cryptocurrency theft schemes threaten imminent  
15 and irreparable loss absent injunctive relief. “[C]ourts have found that the risk of  
16 irreparable harm to be likely in matters concerning fraudulent transfers of  
17 cryptocurrency due to the risk of anonymous and speedy asset dissipation.” *Jacobo*,  
18 *supra* at \*15-16, *citing Heissenberg v. Doe*, 2021 U.S. Dist. LEXIS 257218, at \*2  
19 (S.D. Fla. Apr. 23, 2021). This is in part because “it would be a simple matter for  
20 [defendant] to transfer. . . cryptocurrency to unidentified recipients outside the  
21 traditional banking system” and effectively place the assets at issue in this matter  
22 beyond the reach of the court[.]” *Id.* Courts have similarly held that a money  
23 judgment is an inadequate legal remedy based both on the anonymity of the  
24 defendants at the heart of the scheme, as well as the difficulty in having to trace  
25 transfer of cryptocurrency. As the Court reasoned in *Bullock v Doe*, “defendants will  
26 likely convert the crypto to a place where plaintiff can no longer find it or find  
27 defendants themselves.” *Bullock v. Doe*, 2023 U.S. Dist. LEXIS 234778, at \*16 (N.D.  
28

1 Iowa Nov. 3, 2023). Thus, “plaintiff in fact likely does not have an adequate legal  
2 remedy, because a money damages judgment would be essentially meaningless.” *Id.*

3 The same is true here. Defendants’ identities are either unknown or fake. As  
4 in *Bullock*, a money judgment against them is meaningless. Absent an injunction,  
5 Defendants can be expected to continue to transfer Mr. Younes’ and the other Class  
6 Members’ cryptocurrency beyond the reach of discovery and this Court. It is for this  
7 reason that courts have held in similar schemes that, “[p]laintiff has good reason to  
8 believe the Defendant will hide or transfer his ill-gotten gains beyond the  
9 jurisdiction of this Court unless those assets are restrained.” *Heissenberg, supra*, at  
10 \*8. This case is no different. Simply put, absent an injunction, Plaintiff and the  
11 other Class Members will be left with no adequate legal remedy.

12 **B. No Substantial Harm to Others Will Occur.**

13 The TRO sought by Younes is a temporary one, subject to an extension only  
14 after a hearing on a preliminary injunction within 22 days. *California Code of Civil*  
15 *Procedure* § 527(d). Even in the unlikely event Defendants could claim a legal right  
16 to the stolen cryptocurrency, the freeze of such assets is but a temporary  
17 inconvenience. Counterbalanced against this inconvenience is the harm to Plaintiff  
18 and the other Class Members if an injunction does not issue: namely, that Plaintiff  
19 and the other Class Members cryptocurrency will be forever gone, leaving them  
20 with *no* remedy for their loss. As the Court in *Jacobo* held, balancing of these  
21 harms favors Plaintiff: “A delay in defendant’s ability to transfer the assets only  
22 minimally prejudices defendant, whereas withholding injunctive relief would  
23 severely prejudice plaintiff by providing defendant time to transfer the allegedly  
24 purloined assets into other accounts beyond the reach of this court.” *Jacobo, supra*,  
25 at \*17. Consequently, the balancing of the harm to Plaintiff and the “pig  
26 butchering” Defendants strongly favors provisional relief.

1 C. An Injunction Serves the Public Interest.

2 Finally, the provisional relief sought by Mr. Younes serves the public  
3 interest. As the *Jacobo* court held, “the public interest is properly served by  
4 promoting the objectives of . . . FinCEN and providing assurance to the public that  
5 courts will take action to promote protection of assets and recovery of stolen assets  
6 when they can be readily located and traced to specific locations.” *Jacobo, supra*, at  
7 \*18, *quoting Heissenberg, supra*, at \*2 (Internal quotations omitted). Likewise,  
8 “entering a TRO favors the public interest because . . . [f]reezing [] cryptocurrency  
9 accounts reassures the public that even with transactions conducted in the  
10 cryptocurrency space, there is an adequate remedy at law to prevent fraud or theft.”  
11 *Blum, supra*, at \*5, *quoting Hikmatullaev v. Marco Alessandro Villa*, 2023 U.S.  
12 Dist. LEXIS 111619, at \*8 (S.D. Fla. June 28, 2023).

13 The same is true here. Freezing the wallet addresses to which Plaintiff  
14 and other Class Members’ cryptocurrency has been traced serves the public interest  
15 by ensuring the possibility of an actual recovery, pending a hearing on the merits of  
16 the claims in this case. On the other hand, no public interest would be served by  
17 continuing to permit Defendants to transfer and dissipate stolen assets in  
18 furtherance of their illegal and fraudulent scheme.

19 D. No Bond Should Be Required.

20 Posting of a bond is ordinarily not required for issuance of a TRO, which only  
21 lasts until the preliminary injunction hearing (at most) 22 days later. *Venice Canals*  
22 *Resident HOA v. Superior Court* (1977) 72 Cal.App.3d 675, 681; *see California Code*  
23 *of Civil Procedure* § 527. Further, even at the preliminary injunction stage, no bond  
24 –or only a minimal (\$500) cash deposit with the Clerk – should be required,  
25 particularly since Mr. Younes has already lost his entire life savings as a result of  
26 Defendants’ theft. *California Code of Civil Procedure* § 529 (requiring undertaking);  
27 995.710 (permitting cash deposit in lieu of a bond); 995.240 (permitting a court, in  
28 its discretion, to waive the requirement of a bond or undertaking).

1 As courts have observed in other cryptocurrency theft cases, “courts may set  
2 the bond at zero if there is no evidence the party will suffer damages from the  
3 injunction.” *Gaponyuk v. Alferov*, 2023 U.S. Dist. LEXIS 125262, at \*8 (E.D. Cal.  
4 July 20, 2023); *accord*, *Jacobo*, *supra*, at \*18. Such cases where a zero bond is  
5 appropriate include cryptocurrency schemes where, “there is no evidence before the  
6 court demonstrating that defendant will suffer any damages as a result of the  
7 requested temporary restraining order.” *Jacobo*, *supra*, at \*18.

8 Here, the provisional relief sought simply seeks a freeze of stolen  
9 cryptocurrency in the traced wallet addresses. Defendants have no right to this  
10 stolen property and, consequently, will sustain no damages if they are restrained  
11 from further transfer of these assets. As in *Jacobo*, Plaintiff requests that no bond  
12 be required to enjoin the transfer of assets stolen from him.

13 **E. Notice and a Hearing Date Should Be Set.**

14 The TRO and OSC must be served within five (5) days after the TRO is  
15 issued. *California Code of Civil Procedure* § 527(d)(1). The Proposed Order requires  
16 Plaintiff to serve a copy of the Order and OSC, as well as the Verified Complaint, to  
17 be served within this period upon the owners of each of the identified wallets  
18 through a special purpose token or similar device delivered or airdropped into each  
19 of these wallets, and each of these service tokens will contain a hyperlink to a  
20 website maintained by Plaintiff’s counsel that will include both this Order and all  
21 papers upon which it is based. This method is reasonably calculated to provide  
22 actual notice to the Enjoined Parties. *Zach Decl.*, ¶ 11; *see also California Code of*  
23 *Civil Procedure* § 413.30 (permitting court to authorize service through any method  
24 reasonably calculated to result in actual notice).

25 **V. CONCLUSION**

26 For all of the foregoing reasons, Plaintiff Younes Younes requests this Court  
27 grant his Motion and enter the proposed Temporary Restraining Order and Order  
28 to

1 Show Cause Why a Preliminary Injunction Should Not Issue in the form file  
2 concurrently herewith.

3 Dated: June 11, 2024

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