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David W. Slayton,
Executive Officer/Clerk of Court,
By M. Arellanes, Deputy Clerk

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES**

13
14 YOUNES YOUNES, on behalf of
15 himself and all others similarly
16 situated,

17 Plaintiff,

18 v.

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

21 Defendants.

Case No. 24STCV12520

Assigned for All Purposes to
Hon. Elihu Berle

**PLAINTIFF'S *EX PARTE*
APPLICATION TO ADVANCE
HEARING ON OSC RE:
PRELIMINARY INJUNCTION;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

**DECLARATION OF ALBINA
GIUTTARI [FILED
CONCURRENTLY HERewith]**

Hearing Date: July 30, 2024
Hearing 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 others
3 similarly situated, hereby applies *ex parte* to advance the hearing date on the pending
4 Order to Show Cause re: Preliminary Injunction, currently scheduled for November 4,
5 2024, to August 5, 2024, or whatever other alternative date may be set by the Court.

6 This Application is based upon California Code of Civil Procedure §§ 525 et seq.
7 and California Rules of Court 3.110 and 3.100 et seq., upon the attached Memorandum
8 of Points and Authorities, upon the Verified Complaint filed in this action, upon the
9 Declaration of Albina Giuttari, and upon such further evidence and argument as may be
10 presented prior to or at the time of the hearing on the motion.

11 No defendant has yet appeared in this action to whom notice of this *ex parte* can
12 be directly provided, but notice was provided through the posting of a letter on the case-
13 related website established pursuant to this Court's Order of June 27, 2024. Declaration
14 of Albina Giuttari, dated July 29, 2024, ¶ 2.

15 Dated: July 29, 2024

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23 Counsel for Plaintiff Younes Younes
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Plaintiff hereby requests the hearing date on the pending Order to Show Cause
3 re: Preliminary Injunction, currently scheduled for November 4, 2024—the reset date
4 set by this Court due to the cyberattack of July 22, 2024—be advanced to August 5,
5 2024.

6 Plaintiff lost his life savings (over \$400,000) to a “pig butchering” scheme in
7 which the Defendants stole his cryptocurrency. On June 27, 2024, this Court entered a
8 Temporary Restraining Order freezing the cryptocurrency wallets held by Defendants
9 in which these stolen funds are located and set an OSC re: entry of a preliminary
10 injunction for July 18, 2024 – a date subsequently continued by this Court to July 22,
11 2024.

12 The scheduled hearing on July 22, 2024 did not occur due to the cyberattack on
13 this Court, which cancelled all hearings scheduled for that date. On July 25, 2024, on
14 its own motion, this Court rescheduled the hearing on the OSC re: preliminary
15 injunction for November 4, 2024 at 10:00 a.m. Plaintiff believes that this was an
16 automatic rescheduling of all hearing in this Department that had previously been set
17 for July 22, 2024.

18 It is critical, however, that the hearing on the OSC and entry of the preliminary
19 injunction in this matter be heard immediately, rather than in three months. The
20 temporary restraining order freezing the cryptocurrency wallets containing the stolen
21 funds is currently in effect but can typically only last for approximately three weeks.
22 *California Code of Civil Procedure* § 527. After that, the TRO will expire, and
23 Defendants will be able to drain the cryptocurrency wallets of the money they stole from
24 Plaintiff. Once that occurs, that money will be gone forever, and Plaintiff will be left
25 without any recourse.

26 It is thus vital the OSC re: preliminary injunction be held within (approximately)
27 the next week, rather than in November. Presumably, this was the Court’s original
28

1 intent, which is why it promptly scheduled the OSC to occur in mid-July, weeks after
2 entry of the TRO.

3 Defendants have filed no opposition to the request for a preliminary injunction
4 nor any response to the OSC. Moreover, the OSC and request for preliminary injunction
5 only seek entry of the same Order that this Court has already entered as a TRO. It should
6 thus be a relatively easy matter to resolve the unopposed OSC at a hearing scheduled in
7 the near future.

8 Plaintiff accordingly respectfully requests this Court enter an order setting the
9 existing OSC re: preliminary injunction for hearing on August 5, 2024, or any other
10 immediate time and date most convenient for this Court.

11 Plaintiff has provided notice of the present *ex parte* application via posting to the
12 case-related website authorized by this Court's order of June 27. Guittari Decl., ¶ 2. Any
13 order on this application can similarly be posted on the case-related website.

14 Dated: July 29, 2024

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16  MR

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