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Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
6/18/2024 8:57 AM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By K. Valenzuela, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

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

Plaintiff,

v.

ELVIRA TAYLOR and DOES 1 through  
200, inclusive,

Defendants.

Case No.: 24STCV12520

**EX PARTE APPLICATION FOR  
RECONSIDERATION OF MINUTE  
ORDER OF JUNE 14, 2024**

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

Assigned for All Purposes to:  
Judge: The Hon. Elihu Berle

Date: June 20, 2024  
Time: 8:30 a.m.  
Place: 312 N. Spring Street,  
Los Angeles, CA 90012  
Dept. 6

1 Plaintiff hereby respectfully requests reconsideration of this Court’s minute order of June  
2 14, 2024, which denied Plaintiff’s *ex parte* application for a TRO without prejudice to filing a  
3 noticed motion seeking such relief. *See* Declaration of Shaun Martin ¶ 2 (attaching Minute Order).

4 Defendants, whose identities are unknown, stole over \$400,000 of electronic  
5 cryptocurrency from Plaintiff, and after exhaustive factual investigation, counsel for Plaintiff has  
6 identified the electronic “wallets” in which Defendants have placed these stolen proceeds. On June  
7 11, 2024, Plaintiff filed an *ex parte* application for a TRO that would temporarily seize these  
8 proceeds for 22 days, provide electronic notice to Defendants, and enable Defendants to challenge  
9 this seizure (if they wished) at a hearing on a motion for a preliminary injunction.

10 This Court ruled on this application on the papers, and entered a Minute Order stating that  
11 the application was “DENIED WITHOUT PREJUDICE, to filing a noticed motion.” Minute Order  
12 at 1.

13 Plaintiffs respectfully request reconsideration of this denial and briefly identify the  
14 following new or different facts or circumstances pursuant to *California Code of Civil Procedure*  
15 § 1008 in support of this application.

16 First, because Defendants’ identities are unknown, Plaintiffs cannot effectively file a  
17 noticed motion. There is simply no location at which to serve Defendants with it. *California Code*  
18 *of Civil Procedure* § 1005 (requiring noticed motions to be served by mail on Defendants or their  
19 counsel). Plaintiffs in other cryptocurrency seizure cases have successfully obtained a TRO that  
20 seized those assets and then, *post-seizure*, dropped an electronic “token” in those assets which –  
21 alongside the seizure itself – amply notified the Defendants of the lawsuit and their chance to  
22 oppose the seizure. This is the notice process that Plaintiffs proposed in their *ex parte* application.  
23 But there is no precedent that provides a similar electronic notice process before the assets are  
24 actually seized and the token then dropped therein. *See* Declaration of Charles Zach, ¶ 2.

25 Second, even if notice could be given, it would moot the entire relief requested, because  
26 there is no doubt whatsoever that, after receiving notice of a motion in which the identified  
27 cryptocurrency wallets were proposed to be seized, Defendants would *within minutes* withdraw  
28

1 the cryptocurrency from those wallets and remove it overseas where it could no longer be reached.  
2 See Declaration of Charles Zach, ¶ 3. This is a standard modus operandi of cryptocurrency theft,  
3 and is why the thieves hold these assets in cryptocurrency rather than hard assets or fiat currency.  
4 *Id.*

5 In every prior cryptocurrency asset seizure case, in both federal and state court, the court  
6 has approved a TRO that seized the assets without notice. See Order to Show Cause and Temporary  
7 Restraining Order, *Pouyafar v. Doe Nos. 1-25*, Index. No. 654820/2023 (Sup. Ct. N.Y. Sep. 29,  
8 2023); Order to Show Cause and Granting Motion for Temporary Restraining Order, *Shaya v. Nofs*  
9 *et al.*, Case No. 24-cv-10670 (E.D. Mich. Mar. 18, 2024); Order Granting Plaintiff's Amended *Ex*  
10 *Parte* Emergency Motion for Preliminary Injunction without Notice, *Dollma v. Walter et al.*, Case  
11 No. 11-2024-CA-000641-0001 (Collier Cty. Fl. Apr. 1, 2024); and Order for Temporary  
12 Restraining Order and to Show Cause, *Mashkevich v. Ava et al.*, No. 50-CV-2024-900163.00  
13 (Marshall Cty. Ala. Jun. 4, 2024).

14 Plaintiff understands and appreciates that this is a complex, technical area, involving  
15 nontraditional assets, and that this Court may have questions or concerns about the process.  
16 Plaintiff accordingly respectfully requests that he and his counsel be allowed to appear personally  
17 (or virtually) at the hearing on this *ex parte* application to respond to any questions this Court may  
18 have. Plaintiff is further willing upon request to make available at that hearing the technical experts  
19 upon which they rely, who may be able to further explain the inability to effectively file a noticed  
20 motion in this matter and why provisional *ex parte* relief is thus required.

21  
22 Dated: June 18, 2024

23  
24 

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