

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

LCX AG,

Plaintiff,

-against-

JOHN DOE NOS. 1-25,

Defendants,

~1.274M U.S. DOLLAR COIN,

Defendant *in rem*,

-and-

CIRCLE INTERNET FINANCIAL, LLC, and
CENTRE CONSORTIUM, LLC,

Garnishees and Relief Parties.

Index No. 154644-2022

Justice Andrea Masley
IAS Part 48

Motion Sequence No. 2

AFFIDAVIT OF
ANDREW W. BALTHAZOR

I, Andrew W. Balthazor, being duly sworn, deposes and says under penalty of perjury:

1. I am an attorney with the law firm of Holland & Knight LLP, admitted to the practice of law in Florida, Bar Number 1019544. I am over 18 years of age, of sound mind, and otherwise competent to make this Affidavit. The evidence set out in the foregoing Affidavit is based upon my personal knowledge unless I expressly state otherwise.

2. I submit this Affidavit in support of the June 7, 2022 Attorney Affirmation of Service filed by Elliot A. Magruder [NYSCEF No. 17].

3. On June 3, 2022, I visited the website at <https://www.hklaw.com/en/general-pages/lcx-ag-v-doe> (the "Service Webpage") and verified that the Order to Show Cause and all papers upon which it was based were published on the Service Webpage.

4. Internet Protocol (IP) logging services track when a hyperlink is clicked on, among other things.

5. Link shorteners provide proxy universal resource locators (URLs) to websites—forwarding users from the shortened URL to the intended destination website—and are often used to shorten links, thus the name.

6. I used an IP logging link shortener provided by IP Logger (located at <https://iplogger.org/>) to shorten the Service Webpage hyperlink to <https://2no.co/LCXAGService> (the “Service Hyperlink”).

7. On June 3, 2022, I visited the Service Hyperlink and verified that it directed me to the Service Webpage.

8. I then emailed the Service Hyperlink to Mr. Josias N. Dewey for use in the Service Token.

9. I reviewed the IP Logger tracking statistics for the Service Hyperlink. As of 3:46 PM on June 15, 2022, the Service Hyperlink had been clicked on by 256 unique non-bot visitors. Bots are programs—in this context, programs which crawl the web and click on links to gather information for their owners. I excluded bots and internal test “clicks” from the Service Hyperlink visitor count. Attached hereto as Exhibit 1 is a true and correct list of the dates and times of the Service Hyperlink visitors as of 3:46 PM on June 15, 2022. IP Logger’s terms of use prohibit me from publishing private information about specific visitors.

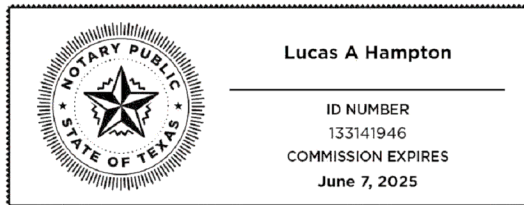
Dated: June 27, 2022
Miami, Florida

By: *Andrew William Balthazor*

Andrew W. Balthazor, Esq.

State/Commonwealth of TEXAS)☐ City ☒ County of Bell)On 06/27/2022, before me, Lucas A Hampton,
Date Notary Name

the foregoing instrument was subscribed and sworn (or affirmed) before me by:

Andrew William Balthazor*Name of Affiant(s)*☐ Personally known to me -- OR --☐ Proved to me on the basis of the oath of _____ -- OR --
Name of Credible Witness☒ Proved to me on the basis of satisfactory evidence: driver_license
Type of ID Presented

WITNESS my hand and official seal.

Notary Public Signature: Lucas A. HamptonNotary Name: Lucas A HamptonNotary Commission Number: 133141946Notary Commission Expires: 06/07/2025*Notarized online using audio-video communication***DESCRIPTION OF ATTACHED DOCUMENT**Title or Type of Document: Affidavit of deposesDocument Date: 06/27/2022Number of Pages (including notarial certificate): 4

CERTIFICATE OF CONFORMITY

The undersigned does hereby certify that he is an attorney at law duly admitted to practice in the State of New York; that he is counsel of record for Plaintiff LCX AG; that he is a person duly qualified to make this certificate of conformity pursuant to Section 2309(c) of the Civil Practice Law and Rules of the State of New York; that he is fully acquainted with the laws of the State of New York pertaining to oaths and affirmations; that the foregoing acknowledgment of Andrew W. Balthazor named in the foregoing instrument taken before Lucas Hampton, a Notary in the State of Texas, being the state in which it was taken; and that it duly conforms with such laws and is in all respects valid and effective in such state.

Dated: June 27, 2022

New York, New York

/s/ Elliot A. Magruder

CERTIFICATION PURSUANT TO 22 NYCRR § 202.70(17)

I, Elliot A. Magruder, an attorney duly admitted to practice law before the courts of the State of New York, hereby certify that this Affidavit complies with the word count limit set forth in 22 NYCRR § 202.70(17) and contains 356 words, excluding the parts exempted by the Rule.

Dated: New York, New York
June 27, 2022

/s/ Elliot A. Magruder