

At IAS Part __ of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, 60 Centre Street, New York, New York 10007 on this __ day of June 2022

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

LCX AG,

Plaintiff,

-against-

JOHN DOE NOS. 1-25,

Defendants.

Index No. _____

**[PROPOSED] ORDER
TO SHOW CAUSE AND
TEMPORARY RESTRAINING
ORDER**

Upon reading the filing by Plaintiff LCX AG (“LCX”) of the Affidavit of Monty Metzger, dated June 1, 2022, together with the exhibits attached thereto, the Affirmation of Andrew W. Balthazor, dated June 1, 2022, together with the exhibit attached thereto, the Affirmation of Elliot A. Magruder, dated June 1, 2022, and the accompanying complaint and memorandum of law seeking an order to show cause for a preliminary injunction and a temporary restraining order pending the hearing on the preliminary injunction, pursuant to Civil Practice Law and Rules (“CPLR”) §§ 6301, 6312 and 6313; and

WHEREAS Plaintiffs has shown that it will suffer immediate and irreparable injury in the event that Defendants John Doe Nos. 1-25 (collectively, “Defendants”) are able to sell, transfer, convey or otherwise dissipate the cryptocurrency known as USD Coin (“USDC”) stolen from Plaintiff by Defendant that is valued in the approximate amount of \$1.25 million and is held in the

wallet with the address numbered 0x29875bd49350aC3f2Ca5ceEB1c1701708c795FF3 (the “Address”), and that is presently stored at garnishee Centre Consortium, LLC (“CCL”); it is hereby

ORDERED that Defendants shall show cause before this Court, in Room _____, 60 Centre Street, New York, New York 10007, on _____, 2022, at ___ a.m./p.m., or as soon thereafter as counsel may be heard, why an order should not be issued: (i) preliminarily enjoining during the pendency of this action the Defendants and garnishees subject to jurisdiction in New York, including, but not limited to, CCL, and any other person or entity upon whom the preliminary injunction is served (collectively, “Garnishees”), from disposing of, processing, routing, facilitating, selling, transferring, encumbering, removing, paying over, conveying or otherwise interfering with Defendants’ property, debts, accounts, receivables, rights of payment, or tangible or intangible assets of any kind, whether such property is located inside or outside of the United States, including, but not limited to, the USDC held at the Address; and (ii) enjoining the Address from transacting in USDC by directing CCL to invoke its Centre Consortium USDC Network Blacklisting Policy (the “Policy”); and it is further

ORDERED that, pending a hearing on the motion for a preliminary injunction, a Temporary Restraining Order, pursuant to CPLR § 6313, shall be entered: (i) prohibiting Defendants and Garnishees, from disposing of, processing, routing, facilitating, selling, transferring, encumbering, removing, paying over, conveying or otherwise interfering with Defendants’ property, debts, accounts, receivables, rights of payment, or tangible or intangible assets of any kind, whether such property is located inside or outside of the United States, including, but not limited to, the USDC held at the Address; and (ii) directing CCL to invoke the Policy to prevent the Address from transacting in USDC and it is further

ORDERED that, in the exercise of the Court's discretion pursuant to CPLR § 6313(c), Plaintiff is not required to give an undertaking pending the hearing on this order to show cause; and it is further

ORDERED that Holland & Knight LLP, Plaintiff's attorneys, shall serve a copy of this Order to Show Cause, together with a copy of the papers upon which it is based, on or before _____, 2022: upon: (a) Centre Consortium, LLC via email to (1) David Puth, Centre's Chief Executive Officer, at dputh@centre.io; (2) Linda Jeng, Centre's Chief Policy & Regulatory Officer, at ljeng@centre.io; and (3) Centre's primary point of contact address for USDC, at usdc@centre.io; and (b) Circle Internet Financial LLC via registered mail at its registered agent CT Corporation, 28 Liberty Street, New York, New York 10005.

ORDERED, that opposing papers, if any, to this motion shall be served via mail to Holland & Knight LLP, 31 West 52nd Street, New York, New York 10019, and via email to warren.gluck@hkllaw.com, and elliott.magruder@hkllaw.com, so as to be received on or before _____, 2022, and reply papers, if any shall be filed and served in the manner set forth above so as to be received on or before _____, 2022.

Dated: New York, New York
_____, 2022

SO ORDERED

J.S.C.