

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:21-cv-23472-RNS

Ryan Birmingham, Roman Leonov, Steven Hansen,  
Mitchell Parent, and Jonathan Zarley,

Plaintiffs,

v.

Alex Doe, *et al.*,

Defendants.

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**PLAINTIFFS' MOTION TO ADOPT R&R AND  
FOR ENTRY OF FINAL JUDGMENT AGAINST DEFENDANTS**

Following Magistrate Judge Goodman's report and recommendation [ECF No. 248, hereinafter "**R&R**"], granting in part and denying in part Plaintiffs' Motion for Default Judgment with respect to damages [ECF No. 244, hereinafter "**Default Judgment Motion**"], Plaintiffs Roman Leonov, Steven Hansen, Mitchell Parent, and Jonathan Zarley ("**Plaintiffs**"), pursuant to Federal Rules of Civil Procedure 55 and 58, Plaintiffs respectfully request that the Court: (1) issue an Order adopting the R&R; and (2) enter final judgment for Plaintiffs in the amounts stated therein. In support thereof, the Plaintiffs state the following:

Plaintiffs filed the instant action on September 29, 2021, and, with the Court's leave, amended their complaint on February 14, 2022. The Amended Complaint was the product of hundreds of hours of investigation, which revealed RoFx to be a fictitious entity and multi-tiered international fraud and money laundering scheme run by criminals principally based in Ukraine—who established a complex network of shell and intermediary companies in the United States and other jurisdictions. The investigation also revealed the vast majority of cash and bitcoin stolen

from RoFx victims had already been exfiltrated—to the Ukrainian RoFx Operators’ control—outside the United States.

Ten days later, on Feb. 24, 2022, Russia invaded Ukraine—the country out of which the RoFx scheme operated and the likely location of the operators holding the vast majority of stolen assets. On March 24, 2022, this Court denied Plaintiffs request to alternatively serve any Ukrainian defendant, including the RoFx Operators, unless Plaintiffs’ could show the Ukrainian defendants were either not in Ukraine or otherwise impacted by the war. [ECF No. 98]. Plaintiffs could not make this showing as to the Ukrainian defendants. Instead, Plaintiffs secured default judgments—as to liability for certain counts—against the properly served Defendants. [ECF No. 236].

On May 11, 2023, the Court denied without prejudice Plaintiffs’ motion for class certification. Class Cert. Order [ECF No. 242]. For the variety of reasons cited in Plaintiffs’ supplemental briefing invited by Judge Goodman [*see* ECF 247, hereinafter “**Supplemental Briefing**”], including a parallel CFTC action and the Defendants’ success in siphoning the stolen assets abroad, Plaintiffs declined to continue pursuing class certification. Instead, Plaintiffs elected to focus on foreign recovery efforts via separate process in the jurisdictions most likely hosting RoFx victims’ funds—the only practical asset recovery avenue remaining in light of the challenges to serve, in this action, the Ukrainian defendants. However, because the Court had already determined certain defaulted Defendants liable under several counts, Plaintiffs decided on June 9, 2023 to resolve this action by moving for default judgment as to damages on the count most amenable to the “sum certain” requirement of Rule 55(b)(1): unjust enrichment [*see generally* Default Judgment Motion].

This Court referred the Default Judgment Motion to Magistrate Judge Goodman [ECF No. 245]. Upon review and consideration of Plaintiffs' Default Judgment Motion and Supplemental Briefing, on January 5, 2024, Judge Goodman issued his R&R, which recommended that:

For the reasons stated above, the Undersigned **respectfully recommends** that the Court **GRANT in part** and **DENY in part** Plaintiffs' Motion. The Court should order the following Motion Defendants to pay the sums listed: The Court should order the following Motion Defendants to pay the sums listed: (1) ShopoStar: \$500,000.00 to Mr. Hansen, \$557,000.00 to Mr. Zarley, and \$59,000.00 to Mr. Leonov; (2) Notus: \$450,000.00 to Mr. Hansen and \$1,165,000.00 to Mr. Zarley; (3) Grovee: \$16,500.00 to Mr. Leonov; (4) Easy Com: \$75,500.00 to Mr. Leonov; and (5) Global E-Advantages: \$335,000.00 to Mr. Zarley and \$33,100.00 to Mr. Leonov.

R&R, pg. 10.

The R&R provided a 14 day deadline to object, expiring on January 19, 2024. No objections to the R&R were filed. Accordingly, pursuant to 28 U.S.C. § 636(b)(1)(A) and Rule 4 of the Magistrate Judge Rules for this Court, the Court should adopt the R&R and enter final judgment for Plaintiffs—in substantially similar form to the Proposed Orders attached hereto.

WHEREFORE, Plaintiffs respectfully request this Court enter Orders: (1) adopting the R&R [ECF No. 248] dated January 5, 2024; and (2) enter final judgment against Defendants as recommended therein, together with such other and further relief as this Court deems just and proper.

Dated: January 23, 2024.

Respectfully submitted,

/s/ Dennis A. González

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on or about January 23, 2024, a true and accurate copy of Plaintiffs' Motion to Adopt R&R and for Entry of Final Judgment Against Defendants was served on counsel of record via the CM/ECF system. A copy of the foregoing document was served upon Defendants at the addresses listed below via mail or as otherwise indicated:

<b>Art Sea Group Ltd.</b> Via publication on Plaintiffs' website	<b>Auro Advantages, LLC</b> Via publication on Plaintiffs' website
<b>Easy Com, LLC</b> Via publication on Plaintiffs' website	<b>Marina Garda</b> Via publication on Plaintiffs' website
<b>Global E-Advantages LLC</b> c/o Registered Agent North West Registered Agent LLC 8 The Green, Suite B, Dover, DE 19901	<b>Grovec, LLC</b> Via publication on Plaintiffs' website
<b>Ivan Hrechaniuk</b> Via publication on Plaintiffs' website	<b>Borys Konovalenko</b> Via email to borys.konovalenko@gmail.com
<b>Mayon Solutions Ltd</b> Via email to info@mayon.solutions and sales@mayon.solutions	<b>Mayon Solutions, LLC</b> Via email to Mayon.llc@gmail.com
<b>Notus, LLC</b> Via publication on Plaintiffs' website	<b>Profit Media Group LP</b> Via publication on Plaintiffs' website
<b>Shopostar, LLC</b> c/o Registered Agent Colorado Registered Agent LLC 1942 Broadway Street, Suite 314C, Boulder, CO 80302	<b>Olga Tielly</b> 3rd Floor 207 Regent Street, London, United Kingdom W1B3HH
<b>Trans-Konsalt MR Ltd.</b> Via publication on Plaintiffs' website	

Respectfully submitted,

*/s/ Dennis A. González*

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