

**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, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

Alex Doe, *et al.*,

Defendants.

/

**PLAINTIFFS' SECOND MOTION FOR EXTENSION OF TIME TO SERVE
UNSERVED DEFENDANTS AND UKRAINE DEFENDANTS**

Ryan Birmingham, Roman Leonov, Steven Hansen, Mitchell Parent, Jonathan Zarley, and others similarly situated persons (collectively “Plaintiffs”) respectfully move, pursuant to Fed. R. Civ. P. 6(b)(1)(A), the Court for an extension of time to serve the Summons and Amended Complaint on defendants Anton Bilous and Jase Victor Davis (collectively, “Currently Unserved Defendants”); and Alex Doe, Anna Shymko, Daria Eckert, Nataliya Los, and Vsevolod Tovstun (collectively, “Ukraine Defendants”). In support, Plaintiffs state:

1. On May 16, 2022, Plaintiffs filed their first extension of time to serve Defendants. *See* ECF No. 131. Specifically, Plaintiffs sought an additional 180 days to serve seven Previously Unserved Defendants and five Ukrainian Defendants. The “Previously Unserved Defendants” included (1) Anton Bilous, (2) Art Sea Group Ltd, (3) Dmytro Fokin, (4) Jase Victor Davis, (5) Marina Garda, (6) Trans-Konsalt MR Ltd, and (7) VDD-Trading Ltd; the Ukraine Defendants included Alex Doe, Anna Shymko, Daria Eckert, Nataliya Los, and Vsevolod Tovstun. The Court partially granted Plaintiffs’ request, allowing an additional 120 days to serve them. *See* ECF No. 133.

2. Since then, Plaintiffs have successfully served and moved for default judgment

against 5 of the 7 Previously Unserved Defendants, including Art Sea Group Ltd, Dmytro Fokin, Marina Garda, Trans-Konsalt MR Ltd, and VDD-Trading Ltd. *See* ECF No. 204. This leaves two “Currently Unserved Defendants”: (1) Anton Bilous and (2) Jase Victor Davis.

3. In diligent effort to serve the Currently Unserved Defendants, Plaintiffs filed a Motion for Alternate Service on July 11, 2022. *See* ECF No. 186. In it, Plaintiff sought to serve Davis by publication in a local Mississippi newspaper (*see id.*); Judge Gayles granted the same method of service for Davis in the related CFTC action. *See CFTC v. Notus*, No. 22-cv-20291. Second, Plaintiffs sought to serve Bilous by publication on Plaintiffs’ website because such relief was previously granted by Judge Goodman for “all Foreign Defendants Residing Outside of Ukraine.” *See* ECF No. 98 at 17. Plaintiffs believed that Bilous, managing a Front Company based in the United Kingdom, would fit this criteria.

4. Yet, on August 25, 2022, Magistrate Judge Goodman denied Plaintiffs’ Motion. *See* ECF No. 209. For Davis, Judge Goodman found that Plaintiffs “have met the requirements to effectuate service by publication . . .”, but could not do so pursuant to the requested means because no “complaint or petition, account, cause or other proceeding is pending” in Mississippi. *See id.* at 7. For Bilous, Judge Goodman declined to allow publication on the Plaintiffs’ website because “there is currently a lack of evidence establishing that it is reasonably likely that Bilous is checking Plaintiff’s website and will be made aware of the summons.” *See id.* at 10.

5. Plaintiffs are currently investigating options to satisfy both of Judge Goodman’s reservations in a renewed motion; however, both Davis and Bilous are elusive, international fraudsters who are actively avoiding service. Furthermore, as a result of the ongoing war in Ukraine, Plaintiffs are currently barred from serving the Ukraine Defendants via alternate means absent proof that Ukraine Defendants are either active in their alternate channels or are otherwise

unimpacted by the war. *See* ECF No. 98 at 16. Nonetheless, Plaintiffs believe that their current settlement efforts with other Defendants might lead to reliable contact information for several Unserved Defendants (including Ukrainian ones). As a result, Plaintiffs respectfully ask the Court for an extension of time to serve such Defendants.

6. Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure provides that the Court may, for good cause, extend the time to serve:

With or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires . . .

7. The Court's previous extension to serve Defendants, expires September 14, 2022. *See* ECF No. 133.

8. Plaintiffs file this Motion seeking an additional 60 days to effectuate service of the initial process and pleadings upon Unserved Defendants and Ukraine Defendants because of the continuing effects of the Ukraine war and the difficulty in locating reliable contact information.

9. This Motion and the relief sought herein are made in good faith and without any undue prejudice to Unserved Defendants and Ukraine Defendants.

WHEREFORE, Plaintiffs respectfully request the entry of an Order granting a 60 day extension of time to serve the Summons and Amended Complaint upon Unserved Defendants and Ukraine Defendants and for such other and further relief as this Court deems just and proper.

Dated: September 12, 2022.

Respectfully submitted,

/s/ Dennis A. González

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about September 12, 2022, a true and accurate copy of PLAINTIFFS' SECOND MOTION FOR EXTENSION OF TIME TO SERVE UNSERVED DEFENDANTS AND UKRAINE DEFENDANTS was served on counsel of record via the CM/ECF system. The undersigned further certifies that a copy of the foregoing documents was served upon Defendants at the addresses listed below via mail or as otherwise indicated:

Art Sea Group Ltd. Via publication on Plaintiffs' website	Auro Advantages, LLC Via publication on Plaintiffs' website
Easy Com, LLC c/o Registered Agent 159 Main Street, Unit 100, Nashua, NH 03060	Marina Garda Via publication on Plaintiffs' website
Global E-Advantages LLC c/o Registered Agent North West Registered Agent LLC 8 The Green, Suite B, Dover, DE 19901	Grovec, LLC c/o Registered Agent Delaware Business Incorporators 3422 Old Capitol Trail, Suite 700 Wilmington, DE 19808
Ivan Hrechaniuk Via direct message to his LinkedIn profile	Borys Konovalenko Via email to borys.konovalenko@gmail.com
Mayon Solutions Ltd Via email to info@mayon.solutions and sales@mayon.solutions	Mayon Solutions, LLC (1) c/o Registered Agents, Inc. 159 Main Street, Unit 100, Nashua, NH 03060; and (2) Via courtesy email to Mayon.llc@gmail.com
Notus, LLC c/o Registered Agent Colorado Registered Agent LLC 1942 Broadway Street, Suite 314C, Boulder, CO 80302	Profit Media Group LP 4 Queen Street, Suite 1, Edinburgh, GB, EH21JE
Shopostar, LLC c/o Registered Agent Colorado Registered Agent LLC 1942 Broadway Street, Suite 314C, Boulder, CO 80302	Olga Tielly 3rd Floor 207 Regent Street, London, United Kingdom W1B3HH
Trans-Konsalt MR Ltd. Via publication on Plaintiffs' website.	

Respectfully submitted,

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