

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Timothy J. Toohey (SBN 140117); Paul Blechner (SBN 159514) Greenberg Glusker, 1900 Avenue of the Stars Los Angeles, CA 90067-4590 TELEPHONE NO.: (310) 553-3610 FAX NO. (Optional): (310) 553-0687 E-MAIL ADDRESS (Optional): toohey@ggfirm.com; pblechner@ggfirm.com ATTORNEY FOR (Name): Michael Terpin	FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles DEC 31 2018 Sherri R. Carter, Executive Officer/Clerk By N. DiGiambattista, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central	
PLAINTIFF: Michael Terpin DEFENDANT: Nicholas Truglia	
APPLICATION FOR <input checked="" type="checkbox"/> RIGHT TO ATTACH ORDER <input checked="" type="checkbox"/> TEMPORARY PROTECTIVE ORDER <input checked="" type="checkbox"/> ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT <input type="checkbox"/> ORDER FOR ISSUANCE OF ADDITIONAL WRIT OF ATTACHMENT <input type="checkbox"/> After Hearing <input checked="" type="checkbox"/> Ex Parte <input type="checkbox"/> Against Property of Nonresident	CASE NUMBER: 8 18STCV0975 ^

1. Plaintiff (name): Michael Terpin

- applies after hearing ex parte for
- a right to attach order and writ of attachment.
 - an additional writ of attachment.
 - a temporary protective order.
 - an order directing the defendant to transfer to the levying officer possession of
 - (1) property in defendant's possession.
 - (2) documentary evidence in defendant's possession of title to property.
 - (3) documentary evidence in defendant's possession of debt owed to defendant.

2. Defendant (name): Nicholas Truglia

- is a natural person who
 - (1) resides in California.
 - (2) does not reside in California.
- is a corporation
 - (1) qualified to do business in California.
 - (2) not qualified to do business in California.
- is a California partnership or other unincorporated association.
- is a foreign partnership that
 - (1) has filed a designation under Corporations Code section 15800.
 - (2) has not filed a designation under Corporations Code section 15800.
- is other (specify):

3. Attachment is sought to secure recovery on a claim upon which attachment may issue under (check one):

- Code of Civil Procedure section 483.010 Welfare and Institutions Code section 15657.01.

4. Attachment is not sought for a purpose other than the recovery on a claim upon which the attachment is based.

5. Plaintiff has no information or belief that the claim is discharged or the prosecution of the action is stayed in a proceeding under title 11 of the United States Code (Bankruptcy).

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6. a. Plaintiff's claim or claims arise out of conduct by the defendant who is a natural person of a trade, business, or profession. The claim or claims are not based on the sale or lease of property, a license to use property, the furnishing of services, or the loan of money where any of the foregoing was used by the defendant primarily for personal, family, or household purposes.
- b. Plaintiff's claim or claims arise out of conduct of a natural person who or an entity that has taken, secreted, appropriated, obtained or retained, or assisted in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use, with intent to defraud, or by using undue influence.
7. The facts showing plaintiff is entitled to a judgment on the claim up on which the attachment is based are set forth with particularity in the
- a. verified complaint.
- b. attached affidavit or declaration.
- c. following facts (*specify*):

The facts are set forth in the Declarations of Plaintiff Michael Terpin, Chris David, and Timothy J. Toohey filed concurrently herewith and are set forth in the attached Memorandum of Points and Authorities, as is applicable legal authority.

8. The amount to be secured by the attachment is: \$ 23,780,200.00
- a. which includes estimated costs of: \$
- b. which includes estimated allowable attorney fees of: \$
9. Plaintiff is informed and believes that the following property sought to be attached for which a method of levy is provided is subject to attachment:
- a. Any property of a defendant who is **not** a natural person.
- b. Any property of a nonresident defendant.
- c. Property of a defendant who is a natural person that is subject to attachment under Code of Civil Procedure section 487.010 (*specify*):

Subject to an exception for the first \$1,000, all money and securities held or owned by Nicholas Truglia, including without limitation all cryptocurrency, all stock, and all "fiat" money, whether in the form of US dollars or any foreign currency, whether held directly by Truglia or in an account with any entity, exchange, wallet or otherwise, including without limitation accounts located at JP Morgan, Gemini, Coinbase, Cashapp, Toronto-Dominion Bank, TD Ameritrade, and XAPO, and any software or hardware cryptocurrency wallet or device, including Trezor, used to access any such money or securities.

- d. Property covered by a bulk sales notice with respect to a bulk transfer by defendant on the proceeds of the sale of such property (*describe*):
- e. Plaintiff's pro rata share of proceeds from an escrow in which defendant's liquor license is sold (*specify license number*):
10. Plaintiff is informed and believes that the property sought to be attached is not exempt from attachment.
11. The court issued a Right to Attach Order on (*date*):
(*Attach a copy.*)
12. Nonresident defendant has not filed a general appearance.

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13. a. Plaintiff alleges on ex parte application for order for writ of attachment is informed and believes on application for temporary protective order that plaintiff will suffer great or irreparable injury if the order is not issued before the matter can be heard on notice because
- (1) it may be inferred that there is a danger that the property sought to be attached will be
 - (a) concealed.
 - (b) substantially impaired in value.
 - (c) made unavailable to levy by other than concealment or impairment in value.
 - (2) defendant has failed to pay the debt underlying the requested attachment and is insolvent as defined in Code of Civil Procedure section 485.010(b)(2).
 - (3) a bulk sales notice was recorded and published pursuant to division 6 of the Commercial Code with respect to a bulk transfer by the defendant.
 - (4) an escrow has been opened under the provisions of Business and Professions Code section 24074 with respect to the sale by the defendant.
 - (5) other circumstances (*specify*):

b. The statements in item 13a are established by the attached affidavit or declaration the following facts (*specify*):

See concurrently filed declarations of Plaintiff Michael Terpin, Chris David, and Timothy J. Toohey.

14. Plaintiff requests the following relief by temporary protective order (*specify*):
- (1) Defendant and institutions holding funds in Defendant's name shall be restrained from transferring interest in those accounts to anyone but levying officer; (2) Defendant shall refrain from taking actions impeding attachment of assets; (3) Defendant shall be restrained from further transfer of attachable assets that have not been identified.

15. Plaintiff
- a. has filed an undertaking in the amount of: \$
 - b. has not filed an undertaking.

Date: December 30, 2018

Timothy J. Toohey
 (TYPE OR PRINT NAME OF PLAINTIFF OR PLAINTIFF'S ATTORNEY)


 (SIGNATURE OF PLAINTIFF OR PLAINTIFF'S ATTORNEY)

DECLARATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 30, 2018

Michael Terpin
 (TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

16. Number of pages attached: _____

(5) the sale by the defendant.
 other circumstances (specify):

b. The statements in item 13a are established by the attached affidavit or declaration
 the following facts (specify):

See concurrently filed declarations of Plaintiff Michael Terpin, Chris David, and Timothy J. Toohey.

14. Plaintiff requests the following relief by temporary protective order (specify):

(1) Defendant and institutions holding funds in Defendant's name shall be restrained from transferring interest in those accounts to anyone but levying officer; (2) Defendant shall refrain from taking actions impeding attachment of assets; (3) Defendant shall be restrained from further transfer of attachable assets that have not been identified.

15. Plaintiff

- a. has filed an undertaking in the amount of: \$
b. has not filed an undertaking.

Date: December 30, 2018

Timothy J. Toohey

(TYPE OR PRINT NAME OF PLAINTIFF OR PLAINTIFF'S ATTORNEY)

(SIGNATURE OF PLAINTIFF OR PLAINTIFF'S ATTORNEY)

DECLARATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 30, 2018

Michael Terpin

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

16. Number of pages attached: _____