



**IN THE HIGH COURT OF JUSTICE**

**Claim No. LM-2022-000125**

**BUSINESS AND PROPERTY COURT OF ENGLAND AND WALES**

**LONDON CIRCUIT COMMERCIAL COURT (QBD)**

LM-2022-000125

**BEFORE: MR NIGEL COOPER QC SITTING AS A HIGH COURT JUDGE**

Between:

**GARY JONES**

Applicant/Claimant

-and-

**(1) PERSONS UNKNOWN**

(being the individuals or companies who obtained access to the First Applicant's BTC accounts between about 22.1.2019 and 10.1.2020 and carried out the transactions [on or about the same dates] as a result of which the crypto currencies held in those accounts were transferred to other accounts ("Transferred Assets"))

**(2) PERSONS UNKNOWN**

(Being the individuals or companies who own or control the accounts into which the Transferred Assets were transferred other than purchasers for full value)

**(3) PERSONS UNKNOWN**

(Being the individuals or companies who are innocent receivers who have no reasonable grounds for thinking that what has appeared in their account belongs to the Applicant/Claimant)

**(4) HUOBI GLOBAL LIMITED (a company registered in the Seychelles)**  
Respondents/Defendant

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**PROPRIETARY FREEZING INJUNCTION**

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**PENAL NOTICE**

**IF YOU (1) PERSONS UNKNOWN, (2) PERSONS UNKNOWN AND (3) HUOBI GLOBAL LIMITED DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

**1 THIS ORDER**

- 1.1 This is a Proprietary Freezing Injunction made against The First and Second and Fourth Respondents, Persons Unknown and Huobi Global Limited ('the Respondent') on 5 September 2022 by Mr Nigel Cooper QC sitting as a Judge of the High Court on the

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application of Gary Jones ('the Applicant'). The Judge read the Affidavits listed in Schedule A at the end of this Order.

- 1.2 The Applicant's stolen assets are 89.61616088 BTC ("Bitcoin") which the Applicant purchased between 18 January 2019 and 31 January 2020 and which have been transferred into the following Huobi exchange Wallet Deposit address:

1L15W6b9vkxV81xW5HDtmMBycrdiethEL ("t**HEL**")

- 1.3 The Exchange Wallet Deposit Address 1L15W6b9vkxV81xW5HDtmMBycrdiethEL ("t**HEL**"), under the control of the Fourth Defendant, has been used to store fraudulently obtained Bitcoin including those belonging to the Claimant. Accordingly, the Fourth Defendant is hereby required to deliver up/restore to the Claimant 89.61616088 Bitcoin, being that which was transferred out of the Claimant's control by the First and/or Second Defendant, within 14 days of this Order [by 4pm on 20 September 2022] to a wallet address nominated by the Claimant ("**the nominated Wallet**") which shall be notified to the Court and the Respondent but such information is not be released to or kept on the Court File and is to be kept confidential by the Respondent, such that a non-party may not have access to the information about the nominated Wallet, without making a specific application to the Court.

- 1.4 For the purposes of this Order, "Persons Unknown" refers to the First and Second Respondents, namely:

- (1) those who were involved in the fraud;
- (2) those who have received Bitcoin without having paid a full price; and

- 1.5 For the avoidance of doubt, this Order does not affect innocent receivers who had no reasonable grounds for thinking that what has appeared in their account belongs to the Applicant but only those persons who knew or ought reasonably to have known that such assets did not belong to them.

- 1.6 This Proprietary Freezing Order will terminate upon the safe receipt into the Applicant's nominated Wallet of the sums of 89.61616088 BTC and 8.63532665 BTC for costs (a total of 98.2514874 BTC) or further order.

- 1.7 If there is more than one Respondent—

- 1.7.1 unless otherwise stated, references in this order to 'the Respondent' mean both or all of them; and
- 1.7.2 this order is effective against any Respondent on whom it is served or who is given notice of it.

## 2 PROPRIETARY FREEZING INJUNCTION

2.1 Until paragraph 1.6, above, is satisfied or further order of the Court, the Respondent must not –

2.1.1 dispose of, deal with or diminish the value of any monies to the credit of or traceable asset (namely, 89.61616088 BTC) credited to or which originated from either of the following accounts:

(a) The BTC address identified as having been used by the First Respondent:

Huobi exchange Wallet Deposit Address:  
1L15W6b9vkxV81xW5HDtmMBycrdiettHEL

from England and Wales which it has received which are in England and Wales up to the value of £1,750,000; or

2.1.2 in any way dispose of, deal with or diminish the value of any of such assets whether they are in or outside England and Wales up to the same value.

2.1.3 For the avoidance of doubt, the Applicant is seeking the freezing of the above account, up to the value of £1,750,000, which have arisen as a result of the theft of 89.61616088 BTC by Persons Unknown (the First Respondent), in respect of the following transactions, which were made by the Applicant to a bogus exchange: “Extick Pro”:

<i>Transaction ID number</i>	<i>Date and time of deposit to Extick Pro</i>	<i>Amount in USD transferred to Extick Pro</i>
5942	18/01/2019 10:04	500
6060	22/01/2019 13:11	1225.35
6062	22/01/2019 13:13	6911.35
6348	31/01/2019 17:27	6448
7123	21/02/2019 16:40	27074.17
7347	26/02/2019 17:34	19483.86
7383	27/02/2019 16:46	18265.16

8484	29/03/2019 10:00	9614.29
8589	1/04/2019 11:24	9610.59
9097	11/04/2019 09:48	12742.05
9378	29/04/2019 17:41	16773.27
9513	13/05/2019 11:01	16997.30
9532	15/05/2019 13:19	20436.14
9576	24/05/2019 12:44	60494.31
9658	26/06/2019 12:21	62789.20
9707	24/07/2019 14:46	98008.63
9750	25/09/2019 14:20	72178.16
9760	24/10/2019 16:19	82072.10
	<b>Total</b>	<b>USD 552,824.51</b>

3

(a)

3.2 In total, the Applicant paid the sum of £480,206 for 89.61616088 BTC. The sum of 89.61616088 BTC is currently valued at approximately £1,536,000 which has been stolen from the Applicant.

3.3 This prohibition includes in particular the following BTC wallet accounts connected to the Applicant's assets contained in or associated with, inter alia:

3.3.1 The BTC address identified as having being used by the First Respondent scammers:

1L15W6b9vkxV81xW5HDtmMBycrdiethEL ("tHEL"), which held 462 BTC with a value in excess of \$9.116 million, on 5 September 2022.

3.3.2 the BTC or other cryptocurrency which is traceable from the above address, tHEL, and contained in any other wallet operated or managed by the Respondent, on behalf of the First and/or Second Respondents; and

- 3.3.3 any cryptocurrency standing to the credit of any account operated by the First and Second Respondents at the Fourth Respondent's exchange in this action, to the value of 89.61616088 BTC.

#### **4 COSTS**

- 4.1 The First and Second Defendants are required to pay the costs of this application and the costs of the claim, which are summarily assessed at £148,000 and the Fourth Defendant is required to transfer the sum of 8.63532665 BTC from the tHEL wallet to the nominated Wallet, by 4pm on 20 September 2022

#### **5 VARIATION OR DISCHARGE OF THIS ORDER**

- 5.1 Anyone served with or notified of this order may apply to the court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicant's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's solicitors in advance.

#### **6 INTERPRETATION OF THIS ORDER**

- 6.1 A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- 6.2 A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

#### **7 PARTIES OTHER THAN THE APPLICANT AND RESPONDENT**

##### **7.1 Effect of this order**

It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

##### **7.2 Persons outside England and Wales**

- 7.2.1 The terms of this order do not affect or concern anyone outside the jurisdiction of this court.
- 7.2.2 The terms of this order will affect the following persons in a country or state outside the jurisdiction of this court –
- (a) the Respondent or his officer or agent appointed by power of attorney;

- (b) any person who —
  - (i) is subject to the jurisdiction of this court;
  - (ii) has been given written notice of this order at his residence or place of business within the jurisdiction of this court; and
  - (iii) is able to prevent acts or omissions outside the jurisdiction of this court which constitute or assist in a breach of the terms of this order; and
- (c) any other person, only to the extent that this order is declared enforceable by or is enforced by a court in that country or state.

### **7.3 Assets located outside England and Wales**

Nothing in this order shall, in respect of assets located outside England and Wales, prevent any third party from complying with—

- 7.3.1 what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract between itself and the Respondent; and
- 7.3.2 any orders of the courts of that country or state, provided that reasonable notice of any application for such an order is given to the Applicant's solicitors.

## **COMMUNICATIONS WITH THE COURT**

All communications to the court about this order should be sent to—

Room E07 Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number. The telephone number is 020 7947 6010.

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

## **SCHEDULE A—AFFIDAVITS**

The Applicant relied on the following affidavit —

Gary Jones; 1<sup>st</sup> Affidavit dated 30 May 2022; filed on behalf of the Applicant.

### **NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES**

The Applicant's legal representatives are—

Harrison Clark Rickerbys, Ellenborough House Wellington Street Cheltenham, Gloucestershire, GL50 1YD, United Kingdom.

Ref: [SM/04/JON 1377-0002]



Contact: [SMurray@hcrlaw.com](mailto:SMurray@hcrlaw.com)

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