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14 **UNITED STATES DISTRICT COURT**  
15 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

16 GRACIELA JACOBO, an individual;

17 Plaintiff,

18 v.

19 JOHN DOE, an individual;

20 Defendant.

Case No. \_\_\_\_\_

**COMPLAINT FOR:**

- 21 **(1) FRAUDULENT INDUCEMENT**
  - 22 **(2) NEGLIGENT MISREPRESENTATIONS**
  - 23 **(3) REPLEVIN**
  - 24 **(4) CONVERSION**
  - 25 **(5) UNJUST ENRICHMENT**
  - 26 **(6) IMPOSITION OF A CONSTRUCTIVE**
  - 27 **TRUST AND DISGORGEMENT OF FUNDS**
  - 28 **(7) VIOLATION OF CALIFORNIA PENAL**
- CODE § 496 (POSSESSION OF STOLEN PROPERTY)**

1 Plaintiff GRACIELA JACOBO, an individual (hereafter referred to as “Plaintiff”), by and  
2 through undersigned counsel, hereby sues Defendant JOHN DOE, an individual; for damages and  
3 equitable relief. As grounds therefor, Plaintiff alleges the following:

4 **PRELIMINARY STATEMENT**

5 1. This action is brought by Plaintiff, a California citizen, who lost approximately One  
6 Million Four Hundred Thousand Dollars (\$1,400,000.00) worth of cryptocurrency from a fraudulent  
7 investment scheme.

8 2. Defendant JOHN DOE played a material role in the scheme to steal Plaintiff’s assets  
9 and, upon information and belief, currently possesses all or a significant portion of Plaintiff’s stolen  
10 property.

11 3. As a result of Defendant’s fraudulent behavior, Plaintiff has suffered grave economic  
12 harm for which she seeks compensatory relief and to recover her stolen assets.  
13

14 **PARTIES, JURISDICTION AND VENUE**

15 **THE PARTIES**

16 **Plaintiff**

17 4. Plaintiff GRACIELA JACOBO is an individual domiciled in Bakersfield, California, is  
18 a citizen of the state of California, and is *sui juris*.  
19

20 **Defendant**

21 5. Defendant JOHN DOE is an individual and, upon information and belief, is *sui juris*.  
22

23 6. At all times material hereto, JOHN DOE has maintained -- and continues to maintain as  
24 of the date of this filing -- private cryptocurrency wallets and cryptocurrency exchange accounts in  
25 which JOHN DOE holds all or a portion of the cryptocurrency stolen from Plaintiff.

26 **Other Liable Persons/Entities**

27 7. In addition to Defendant JOHN DOE, there are likely other parties who may be liable  
28 to Plaintiff, but about whom Plaintiff currently lacks specific facts to permit him to name these persons

1 or entities as party defendants. By not naming such persons or entities at this time, Plaintiff is not  
2 waiving her right to amend this pleading to add such parties, should the facts warrant adding such  
3 parties.

4 **JURISDICTION AND VENUE**

5 8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332  
6 because the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of  
7 interest, costs and attorneys' fees, and is an action between citizens of different states.

8 9. This Court has personal jurisdiction over Defendant because he or she committed a tort  
9 in this jurisdiction.

10 10. Venue of this action is proper in this Court pursuant to 28 U.S.C. § 1391 because the  
11 causes of action accrued in this jurisdiction.

12 **GENERAL FACTUAL ALLEGATIONS**

13 11. On or about May 5, 2022, Plaintiff's son -- with whom she jointly maintains a  
14 MetaMask cryptocurrency wallet -- was contacted by Defendant JOHN DOE on Twitter, a social  
15 networking service. After exchanging some messages on Twitter, Plaintiff's son began engaging in  
16 conversations with Defendant on the messaging platform WhatsApp. Defendant directed their  
17 conversation to cryptocurrency investing and said he could show Plaintiff how easy it was to make  
18 money with cryptocurrency.

19 12. At all times relevant hereto, Plaintiff's son acted as an authorized agent for Plaintiff to  
20 communicate on her behalf pertaining to the matters addressed herein.

21 13. Defendant represented to Plaintiff's son that Defendant and the entity for which  
22 Defendant worked is affiliated with the Ethereum Foundation, a very well-known and widely-respected  
23 nonprofit organization dedicated to supporting Ethereum and related technologies.

1 14. Ethereum -- as the Ethereum Foundation's website explains -- is a "global, open-source  
2 platform used for programmable money and decentralized applications that allow users have control  
3 over their own data."

4 15. Through his communications with Plaintiff's son, Defendant established in Plaintiff's  
5 son and Plaintiff herself -- who conferred with her son on all such matters -- a sense of trust, reliability,  
6 and dependability.

7 16. Under Defendant's guidance and instruction, Plaintiff's MetaMask cryptocurrency  
8 wallet was linked to a website ([www.AMMDeFi.org](http://www.AMMDeFi.org)) that Defendant represented would allow Plaintiff  
9 to have her assets placed into a liquidity pool for a limited period of time. Upon the expiration of that  
10 limited period of time, Plaintiff would receive back her invested assets plus interest on her contribution  
11 to the pooled funds.

12 17. Plaintiff funded her MetaMask wallet with approximately One Million Four Hundred  
13 Thousand Dollars (\$1,400,000.00); used those funds to purchase Tether<sup>1</sup>, and then allowed those Tether  
14 to be invested in the vehicle explained and overseen by Defendant JOHN DOE.

15 18. The investment vehicle into which Defendant lured Plaintiff, however, was falsely  
16 represented and was nothing but a sham vehicle designed by Defendant to gain direct access to the  
17 funds in Plaintiff's MetaMask wallet.

18 19. Whenever Defendant showed Plaintiff an up-to-date balance of her investment position,  
19 the information provided to Plaintiff was complete fiction.  
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26 <sup>1</sup> Tether (often abbreviated with the symbol "USDT") is a cryptocurrency hosted on the Ethereum and  
27 Bitcoin blockchains. It is categorized as a "stablecoin," because it was originally designed so that each  
28 coin would always be worth One Dollar (\$1.00 USD). Thus, one USDT is worth roughly \$1.00; and  
1,400,000 USDT are worth roughly \$1,400,000.00. Tether has one of the largest market caps, and is  
one of the most widely-circulated cryptocurrencies, in the world.

20. Moreover, each time Plaintiff requested to withdraw some or all of her funds from the investment pool, Defendant proffered false excuses as to why Plaintiff would be unable to withdraw any of her funds.

21. When Plaintiff sought to withdraw a portion of her funds, Defendant represented that withdrawal would require Plaintiff to pay an exit fee of several hundred thousand dollars, which made withdrawal imprudent and excessively costly.

22. Upon information and belief, Defendant’s excuse of an “exit fee” was a fabrication designed to keep Plaintiff’s funds under Defendant’s control and designed to afford Defendant additional time to abscond with Plaintiff’s assets.

23. The only true reason why Plaintiff was unable to withdraw her funds is that Defendant was defrauding her and taking every available opportunity to extort additional funds from Plaintiff.

24. Through blockchain analytics tracing the path of Plaintiff’s cryptocurrency assets, it has become apparent that Defendant has stolen all of Plaintiff’s assets; and those assets have been transferred to cryptocurrency accounts under Defendant’s sole control or have been liquidated into fiat currency and dissipated by Defendant.

25. For example, Plaintiff’s stolen assets have been traced to, *inter alia*, the following cryptocurrency wallet addresses at cryptocurrency exchanges BINANCE, FTX, OKX (OKEx), POLONIEX, TOKENLON, and GATE.IO -- wallet addresses which are believed to be owned or controlled by Defendant or an unknown third-party to whom he has transferred those stolen assets and which have been used to launder the assets stolen from Plaintiff:

Exchange	Destination Address	Asset Type	Funds under claim (average confirmed with five tracing methodologies; stated in cryptocurrency unit)
<b>Binance</b>	43e caea7f78fe65f83646a864b2c73349793ddfe	USDT	45,730.26604
<b>Binance</b>	5cccacf95cd5df55d95e3864af4551de094784c2	USDT	222,583.588

Exchange	Destination Address	Asset Type	Funds under claim (average confirmed with five tracing methodologies; stated in cryptocurrency unit)
<b>Binance</b>	8f44af4f841ffd7db201e81f8deb66e6eea99c06	USDT	45,543.36493
<b>Binance</b>	bff9f1d0d9156feb7b3182102d4ac226b9c2c44c	USDT	95,118.95336
<b>Binance</b>	c7e185922f923c438fc29b92309153816ba17498	USDT	4,082.182561
<b>TOTAL</b>			<b>413,058.3549 USDT</b>

Exchange	Destination Address	Asset Type	Funds under claim (average confirmed with five tracing methodologies; stated in cryptocurrency unit)
<b>FTX</b>	456fc7ea0b17b51e08a861af94e13f1dceba1db9	USDT	83,856.95211
<b>TOTAL</b>			<b>83,856.95211 USDT</b>

Exchange	Destination Address	Asset Type	Funds under claim (average confirmed with five tracing methodologies; stated in cryptocurrency unit)
<b>OKX (OKEx)</b>	64452a2f3af318d86d947ba33beadfe39456ed3a	USDT	272,540.4773
<b>TOTAL</b>			<b>272,540.4773 USDT</b>

Exchange	Destination Address	Asset Type	Funds under claim (average confirmed with five tracing methodologies; stated in cryptocurrency unit)
<b>Poloniex</b>	ee861cfb2a34eb5e73ccd92fce9e4b3b6a37a2db	USDT	72,386.28453
<b>TOTAL</b>			<b>72,386.28453 USDT</b>

Exchange	Destination Address	Asset Type	Funds under claim (average confirmed with five tracing methodologies; stated in cryptocurrency unit)
TokenIon	8d90113a1e286a5ab3e496fbd1853f265e5913c6	USDT	230,153.7314
TOTAL			<b>230,153.7314 USDT</b>

Exchange	Destination Address	Asset Type	Funds under claim (average confirmed with five tracing methodologies; stated in cryptocurrency unit)
gate.io	29084a44f69510471e41a91f37ee59c088e71804	USDT	46,782.12103
TOTAL			<b>46,782.12103 USDT</b>

26. As a result of the actions described above, Plaintiff has suffered damages in an amount that will be proven at trial.

27. Plaintiff duly performed all of her duties and obligations; and any conditions precedent to Plaintiff bringing this action have occurred, have been performed, or else have been excused or waived.

28. To enforce her rights, Plaintiff has retained undersigned counsel and is obligated to pay counsel a reasonable fee for its services.

### **COUNT I – FRAUDULENT INDUCEMENT**

Plaintiff re-alleges, and adopts by reference herein, Paragraphs 1 - 28 above, and further alleges:

29. Commencing in or about May 2022, Defendant JOHN DOE made multiple representations and statements to Plaintiff, including but not limited to the following:

- (a) Plaintiff would be wise to invest funds in Defendant's cryptocurrency program, which was affiliated with the Ethereum Foundation;
- (b) Plaintiff's MetaMask cryptocurrency wallet would be linked to a website ([www.AMMDeFi.org](http://www.AMMDeFi.org)) that Defendant represented would allow Plaintiff to have her assets placed into a liquidity pool for a limited period of time. Upon the expiration

1 of that limited period of time, Plaintiff would receive back her invested assets plus  
2 interest on her contribution to the pooled funds; and

3 (c) Plaintiff could safely manage or oversee the cryptocurrency investments Plaintiff  
4 would be making.

5 30. While making the above-referenced representations to Plaintiff, Defendant JOHN DOE  
6 purposely withheld from her the following:

7 (a) Defendant gave Plaintiff a false web link that tied her MetaMask wallet to a  
8 cryptocurrency wallet under Defendant's control;

9 (b) Defendant would obstruct Plaintiff's efforts to withdraw any of her assets in  
10 the investment program by demanding from Plaintiff exorbitant and  
11 unjustified exit fees;

12 (c) Defendant would obstruct Plaintiff's efforts to recover her lost assets if  
13 anything should go wrong with Plaintiff's investments; and

14 (d) Defendant was simply operating an investment scam aimed at stealing  
15 Plaintiff's funds.

16 31. Plaintiff relied on the above-listed material misrepresentations and omissions of  
17 material fact in deciding to entrust her funds to Defendant.

18 32. At the time Defendant made those representations to Plaintiff, Defendant knew of their  
19 falsity.

20 33. Contrary to the representations made to Plaintiff, Plaintiff could not safely manage or  
21 oversee the cryptocurrency assets in which she invested.

22 34. Defendant intended to induce Plaintiff into sending her funds to Defendant's control by  
23 making these material misrepresentations and omissions, thereby causing Plaintiff to rely upon those  
24 statements and omissions of material fact.

25 35. Plaintiff reasonably and justifiably relied on Defendant's statements and omissions of  
26 material facts.

27 36. As a direct and proximate result of Plaintiff's reliance on the statements and omissions  
28 of material facts made by Defendant, Plaintiff suffered damage.

**COUNT II – NEGLIGENT MISREPRESENTATIONS**

1  
2 Plaintiff re-alleges, and adopts by reference herein, Paragraphs 1 - 28 above, and further alleges:

3 37. Commencing in or about May 2022, Defendant made multiple representations and  
4 statements to Plaintiffs, including but not limited to the following:

- 5 (a) Plaintiff would be wise to invest funds in Defendant’s cryptocurrency program,  
6 which was affiliated with the Ethereum Foundation;
- 7 (b) Plaintiff’s MetaMask cryptocurrency wallet would be linked to a website  
8 ([www.AMMDeFi.org](http://www.AMMDeFi.org)) that Defendant represented would allow Plaintiff to have her  
9 assets placed into a liquidity pool for a limited period of time. Upon the expiration  
10 of that limited period of time, Plaintiff would receive back her invested assets plus  
11 interest on her contribution to the pooled funds; and
- 12 (c) Plaintiff could safely manage or oversee the cryptocurrency investments Plaintiff  
13 would be making.

14 38. While making the above-referenced representations to Plaintiff, Defendant purposely  
15 withheld from her the following:

- 16 (a) Defendant gave Plaintiff a false web link that tied her MetaMask wallet to a  
17 cryptocurrency wallet under Defendant’s control;
- 18 (b) Defendant would obstruct Plaintiff’s efforts to withdraw any of her assets in  
19 the investment program by demanding from Plaintiff exorbitant and  
20 unjustified exit fees;
- 21 (c) Defendant would obstruct Plaintiff’s efforts to recover her lost assets if  
22 anything should go wrong with Plaintiff’s investments; and
- 23 (d) Defendant was simply operating an investment scam aimed at stealing  
24 Plaintiff’s funds.

25 39. Plaintiff relied on the above-listed material misrepresentations and omissions of  
26 material fact in deciding to entrust her funds to Defendant.

27 40. At the time Defendant made those representations to Plaintiff, Defendant knew or  
28 should have known of their falsity.

41. Contrary to the representations made to Plaintiff, Plaintiff could not safely manage or  
oversee the cryptocurrency assets in which she invested.



**COUNT IV – CONVERSION**

1  
2 Plaintiff re-alleges, and adopts by reference herein, Paragraphs 1 - 28 above, and further alleges:

3 52. At all times material hereto, Plaintiff owned and had the right to immediately possess  
4 the cryptocurrency assets Defendant represented to her that had been deposited into a liquidity pool  
5 from which Plaintiff would earn interest -- not just a mere right to payment for the value of those assets  
6 -- that was taken from her and transferred to, *inter alia*, the accounts owned or controlled by Defendant  
7 or an unknown third-party to whom he has transferred those stolen assets.  
8

9 53. When the cryptocurrency assets were deposited by Plaintiff into what she believed was  
10 a liquidity pool from which Plaintiff would earn interest but actually were deposited under false  
11 pretenses into a cryptocurrency wallet Defendant controlled, Defendant intentionally took possession  
12 of and assumed control over Plaintiff's assets.

13 54. Defendant has intentionally exercised control, and continues to exercise control, over  
14 Plaintiff's cryptocurrency assets in such a way as to exclude Plaintiff from using or possessing those  
15 assets.  
16

17 55. Defendant knew the property he received was stolen or obtained in a manner  
18 constituting theft.

19 56. As such, Defendant wrongfully converted Plaintiff's cryptocurrency assets.

20 57. Defendant -- through actual fraud, misappropriation, conversion, theft, or other  
21 questionable means -- obtained Plaintiff's cryptocurrency, which in equity and good conscience  
22 Defendant should not be permitted to hold.  
23

24 58. The cryptocurrency assets at issue are specific, identifiable property and can be traced  
25 in assets of Defendant's account(s) at BINANCE, FTX, OKX (OKEx), POLONIEX, TOKENLON,  
26 and GATE.IO and elsewhere.

27 59. As a direct and proximate result of the foregoing, Plaintiff suffered the wrongful  
28 conversion of personal property whose value exceeds Seventy-Five Thousand Dollars (\$75,000.00).

**COUNT V - UNJUST ENRICHMENT**

1 Plaintiff re-alleges, and adopts by reference herein, Paragraphs 1 - 28 above, and further alleges:

2  
3 60. Plaintiff conferred a direct benefit upon Defendant JOHN DOE (albeit unwillingly so)  
4 by providing the extremely valuable cryptocurrency that Defendant stole from Plaintiff.

5 61. Defendant has knowledge of the benefit Plaintiff conferred upon him and has retained  
6 such benefit.

7 62. The circumstances under which Plaintiff conferred, and Defendant accepted, such  
8 benefit render Defendant's retention of the benefits inequitable.

9  
10 63. Equity requires that Defendant return to Plaintiff the benefits she conferred upon  
11 Defendant.

12 **COUNT VI – IMPOSITION OF A CONSTRUCTIVE TRUST**  
13 **AND DISGORGEMENT OF FUNDS**

14 Plaintiff re-alleges, and adopts by reference herein, Paragraphs 1 - 28 above, and further alleges:

15 64. This is an action to impose a constructive trust upon the property taken from Plaintiff  
16 that is currently held by Defendant JOHN DOE in the Destination Addresses delineated above.

17 65. This action further calls for the restoration to Plaintiff of that wrongfully obtained  
18 property.

19 66. As set forth above, Defendant JOHN DOE -- through actual fraud, misappropriation,  
20 conversion, theft, or other questionable means -- obtained Plaintiff's cryptocurrency, which in equity  
21 and good conscience Defendant should not be permitted to hold.

22 67. The cryptocurrency assets at issue are specific, identifiable property and can be traced  
23 in assets of Defendant JOHN DOE's at the Destination Addresses and elsewhere.

24 68. Any and all assets being held by Defendant in the Destination Addresses must be held  
25 in trust for Plaintiff's benefit, as Defendant is not entitled to the benefit of wrongfully misappropriated,  
26 converted, and stolen funds and cryptocurrency assets that were taken from Plaintiff.  
27  
28

1           69.     The 1,413,392.96 USDT identified herein which are being held by JOHN DOE or his  
2 accomplices in the Destination Addresses must be disgorged to Plaintiff's benefit, as Defendant is not  
3 entitled to the benefit of wrongfully misappropriated, converted, and stolen funds and cryptocurrency  
4 assets that were taken from Plaintiff.

5                           **COUNT VII – VIOLATION OF CALIFORNIA PENAL CODE § 496**  
6                           **(Possession of Stolen Property)**

7           Plaintiff re-alleges, and adopts by reference herein, Paragraphs 1 - 28 above, and further alleges:

8           70.     This cause of action asserts a claim against JOHN DOE for the actual theft of Plaintiff's  
9 property as well as for receiving, aiding in concealing, and withholding from Plaintiff the stolen  
10 property.

11           71.     In pertinent part, Cal. Penal Code sec. 496(a) imposes liability upon "[e]very person  
12 who buys or receives any property that has been stolen or that has been obtained in any manner  
13 constituting theft or extortion, knowing the property to be so stolen or obtained or who conceals, sells,  
14 withholds, or aids in concealing, selling, or withholding any property from the owner, knowing the  
15 property to be so stolen or obtained" and provides that "[a] principal in the actual theft of the property  
16 may be convicted pursuant to this section."

17           72.     Furthermore, Cal. Penal Code sec. 496(c) provides: "Any person who has been injured  
18 by a violation of subdivision (a) or (b) may bring an action for three times the amount of actual damages,  
19 if any, sustained by the plaintiff, costs of suit, and reasonable attorney's fees."

20           73.     Plaintiff's cryptocurrency assets were stolen from her, or were obtained by, Defendant  
21 JOHN DOE in a manner constituting theft.

22           74.     Defendant JOHN DOE knew the property was stolen.

23           75.     JOHN DOE received and had (and, upon information and belief, still has) possession of  
24 the property stolen from Plaintiff.  
25  
26  
27  
28



**RESERVATION OF RIGHTS**

Plaintiff reserves her right to further amend this Complaint, upon further investigation and discovery, to assert any additional claims for relief against Defendant or other parties as may be warranted under the circumstances and as allowed by law.

Respectfully submitted,

By: /s/ Matt Putterman  
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Dated: June 3, 2022