

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

JuratBTC Blockchain)	
)	
Plaintiff,)	
)	Case No. 1:23-cv-779
v.)	
)	Judge Virginia M. Kendall
Anton Andreyev, et al.)	
)	
Defendants.)	
)	

**PLAINTIFF’S MOTION TO APPROVE ELECTRONIC SERVICE OF ITS REQUEST
FOR ENTRY OF DEFAULT AND FORTHCOMING MOTION FOR DEFAULT
JUDGMENT**

Plaintiff, JuratBTC Blockchain, by and through its undersigned attorneys, respectfully moves the Court to approve electronic service of its Request for Entry of Default and forthcoming Motion for Default Judgment. The Court should grant this Motion for the following reasons:

1. By way of background, this case was filed on February 8, 2023, and service was completed on February 21, 2023. The Defendants are in default because they have failed to appear and defend. On May 31, 2023, Plaintiffs filed a request for the Clerk of Court to enter default against all Defendants pursuant to Fed. R. Civ. P 55(a). Dkt. 18. On June 5, 2023, this Court ordered Plaintiff to file proof of service of the Request. Dkt. 19.

2. As the Court may recall, Plaintiff previously moved the Court for an order authorizing service of the summons and complaint via posting to an electronic notice site for users of the JuratBTC blockchain (the “Notice List”). *See* Plaintiff’s Motion for Electronic Service of Process, Dkt. 6. In that Motion, Plaintiff highlighted the impracticability of personal service due to the Defendants being international criminals from countries like Russia and North

Korea, with no readily available address information. *Id.* ¶ 4. Plaintiff also noted that the Defendants’ blockchain accounts are covered by a user agreement, which allows for service of process through posting on the Notice List. *Id.* ¶ 5. Plaintiff also provided case law for the enforceability of such agreements. *Id.* ¶ 8 (citing National Equip. Rental, Ltd. v. Szukhent, 375 U.S. 311, 316 (1964) and 4 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 1062 (3d ed.)).

3. The Court granted that Motion on February 21, 2023, Dkt. 8, and Plaintiff promptly posted the service packets thereafter.¹

4. With Defendants now in default, the same user agreement becomes relevant for serving Plaintiff’s Request for Default because it also provides for service of court filings via posting to the Notice List. *Id.* ¶ 5 (quoting the user agreement: “By using JuratBTC or owning digital assets, you consent to receive service of summons and notice of court filings via the Notice List and agree to stay apprised of updates to the Notice List.”).

5. Plaintiff has not served Defendants with the Request for Default, on the assumption that the Clerk of Court enters default under Rule 55(a) as a prerequisite to the Plaintiff moving for default judgment under Rule 55(b). Plaintiff mistakenly assumed that notice was required at judgment stage but not for the predicate entry of default by the Clerk.

Undersigned counsel apologizes to the Court for this mistake.

6. Plaintiff believes that it is proper to serve Defendants with notice of both the request for default and the motion for default judgment via posting on the Notice List given that

¹ The Motion also requested to serve Defendants by sending a blockchain-based transaction message to their accounts. Dkt. 6¶¶ 10-11. The Court granted that relief as well. Dkt. 8. However, Plaintiffs learned thereafter that sending the messages would require transferring a small amount of cryptocurrency to the Defendants’ addresses and that could violate the OFAC sanctions, even though *de minimis*. Accordingly, Plaintiff applied to OFAC for a license authorizing those transactions. As of June 9, 2023, OFAC still has not acted on the license application.

it is specified in the user agreement.² Nevertheless, in light of the Court's order to file proof of service and in an abundance of caution, Plaintiff is submitting this motion to seek the Court's express approval for service through the Notice List.

WHEREFORE, the Plaintiff requests the Court to grant this Motion and approve electronic service of the Plaintiff's Request for Default and forthcoming Motion.

Dated: June 9, 2023

Respectfully submitted,

/s/ Jonathan Loevy
One of Plaintiff's Attorneys

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² Moreover, Defendants having declined to appear in the case, Plaintiff cannot serve them via the CM/ECF system. In such circumstances, it is practical and sensical to serve notice on a defendant using the same method as for the summons in the case.