

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOGGIE DENTAL INC, *et al.*,

Plaintiffs,

v.

AHUI, *et al.*,

Defendants.

Civil Action No. 19-cv-1627

Judge Hornak

FILED UNDER SEAL

**DECLARATION OF BRIAN SAMUEL MALKIN
IN SUPPORT OF PLAINTIFFS' *EX PARTE* MOTION FOR AN ORDER
TO EXTEND THE TEMPORARY RESTRAINING ORDER, CONTINUE THE SHOW
CAUSE HEARING, AND MODIFY THE BRIEFING SCHEDULE**

I, Brian Samuel Malkin, hereby declare as follows:

1. I am over eighteen (18) years of age. I have never been convicted of a felony or any criminal offense involving moral turpitude, and I am fully competent to testify to the matters stated herein. I have personal knowledge of every statement made in this Declaration and such statements are true and correct.

2. I am one of the attorneys working for Ference & Associates LLC ("the Ference Firm" or "Plaintiffs' Counsel"), legal counsel for Plaintiffs. I make this declaration in support of Plaintiffs' *Ex Parte* Motion for an Order to Extend the Temporary Restraining Order, Continue the Show Cause Hearing, and Modify the Briefing Schedule.

3. On December 26, 2019, this Court entered a Sealed Order ("Order") (ECF No. 17) granting 1) a temporary restraining order; 2) an order restraining assets and Merchant Storefronts

(as defined *infra*); 3) an order to show cause why a preliminary injunction should not issue; and 4) an order authorizing expedited discovery against all of the Defendants identified on **Schedule “A”** attached to the Complaint, Amazon Services LLC d/b/a Amazon.com and Amazon Payments, Inc. d/b/a Pay.amazon.com (collectively, “Amazon”).

4. The Order was emailed to Amazon’s lawyers the same day the Order was entered. On Friday, December 27, 2019, the Order was served on Amazon by process server. On Thursday, January 2, 2020, Amazon acknowledged receipt of the Order.

5. As of today (January 3, 2020), Amazon has not confirmed compliance with the Order; thus, Amazon has not yet reported that the Defendants’ assets were located and frozen and has not yet provided Plaintiffs’ counsel with contact information to accomplish alternative service upon the Defendants.

6. The Order provides that Amazon is to locate and freeze the Defendants’ Assets and to provide the Plaintiffs’ counsel with the contact information necessary to serve the Defendants.

7. In my experience, since Amazon has not yet complied with the Order, serving any of the Defendants before that compliance risks the Defendants being able to secret their funds and to alert other Defendants to do the same before the asset freeze is completed.

8. Thus, in order to prevent the Defendants from escaping the effects of the Court’s Order, it is necessary to wait for Amazon to confirm the asset freeze under before serving any of the Defendants in this case.

9. Additionally, Plaintiffs’ counsel will need to receive the Defendants’ contact information from Amazon in order to serve the Defendants in compliance with the Alternative Service Order (ECF No. 19), unless service is made through the Amazon Messaging Center.

10. In my experience, Amazon usually takes 3 - 4 weeks to comply with restraint orders.

11. I declare under the penalty of perjury laws of the United States of America that to the best of my knowledge the foregoing is true and correct.

Executed this 3rd day of January, 2020 at Pittsburgh, Pennsylvania.

/s/ Brian Samuel Malkin

Brian Samuel Malkin