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25 **UNITED STATES DISTRICT COURT**
26 **DISTRICT OF NEVADA**

27 LIBERTY MEDIA HOLDINGS, LLC, a
28 California Corporation,

Plaintiff,

vs.

FF MAGNAT LIMITED, d/b/a Oron.com;
MAXIM BOCHENKO, a/k/a Roman
Romanov; and John Does 1-500,

Defendants.

Case No.: 2:12-cv-01057-GMN-RJJ

**ORON'S SUPPLEMENTAL
EMERGENCY MOTION FOR
DISBURSEMENT OF ADDITIONAL
FUNDS**

Judge: Hon. Gloria N. Navarro

1 On June 28, 2012, Pursuant to this Court's June 26, 2012 Order, Defendant FF Magnat
2 Limited dba Oron.com ("Oron") specially appeared and moved pursuant to this Court's June 26,
3 2012 Order for a further order of this court to allow for the disbursement of additional funds so that
4 Oron could specifically pay invoices from the service provider for its servers which are essential to
5 Oron remaining in business. Oron further requested in its Emergency Motion that Oron's payment
6 processor be permitted to accept payments to Oron, provided that the payments received shall remain
7 subject to this Court's TRO. The proposed order provided in part that PayPal may disburse the
8 requested funds "directly to the third party provider LeaseWeb B.V.". Since the filing of the
9 emergency motion, Oron's counsel has been advised by PayPal that it may take up to two weeks for
10 PayPal to wire funds on behalf of Oron to the third party provider. Since time is of the essence in
11 paying these critical invoices, Oron is compelled to modify its request that PayPal be allowed to
12 disburse the specific funds requested to Stevan Lieberman, counsel for Oron who will immediately
13 wire the funds to the third party provider to pay the invoices.

14 I. FACTUAL AND PROCEDURAL BACKGROUND

15 On June 20, 2012, Liberty Media sought a preliminary injunction and restraining order
16 against Oron (ECF Nos. 2 and 3). On June 22, 2012, the Court granted Liberty Holdings Motion for
17 Temporary Restraining Order ("June 22 Order") and ordered that all U.S banks or financial
18 institutions belonging to Oron as well as all payment processors used by Oron, including PayPal,
19 Inc., CCBill, LLC, and AlertPay, freeze any and all of Oron's funds from being withdrawn until the
20 Preliminary Injunction hearing in this matter (ECF No. 13). *See* June 22 Order at 2-3.

21 Pursuant to Oron's Emergency Motion for Partial Relief, the Court issued an Order on June
22 26, 2012 ("June 26 Order"), which authorized \$100,000 U.S. dollars to be released from Oron's
23 PayPal account (ECF No. 19), and invited Oron to file a subsequent motion for additional funds, if
24 needed. *See* June 26 Order at 1. On June 28, 2012, Oron filed its emergency motion specifically
25 identifying two critical payments which must be made to its third party service provider for the
26 servers which are essential to Oron staying in business and providing its service to its customers
27 before July 1, 2012 and July 9, 2012. Oron also requested that the Court's order be modified to
28 permit PayPal to process payments for Oron.com, with any funds received to remain subject to the

1 Court's TRO.

2 Since the filing of that emergency motion, Oron has learned that it will take two weeks for
3 PayPal to wire the necessary funds to this third party provider. Therefore, Oron is supplementing its
4 emergency motion to request that PayPal transfer the funds necessary to pay these invoices to Oron's
5 counsel who will immediately wire the necessary funds from his trust account to the third party
6 provider.

7 II. ARGUMENT

8 A. The Court Should Allow the Disbursement of Additional Funds to Allow Oron 9 to Pay Its Fees to Server Hosting Providers.

10 As explained in Oron's Emergency Motion, Oron's website is hosted by a third service
11 provider, who charges a monthly fee for its hosting services. Without use of those servers, or access
12 to payment processors like PayPal, Oron will not be able to conduct its business and will effectively
13 go out of business. The TRO and related conduct of Liberty's counsel (which will be explained in
14 Oron's opposition to the motion for preliminary injunction) have already had a devastating impact on
15 the company, with its daily income going from approximately \$45,000 to \$5000. If Oron cannot pay
16 its third party service provider, all its business will come to a halt. In addition, all of Oron's
17 customers will lose access to their materials which are stored on Oron's servers.continue its business.

18 As is explained in the Emergency Motion, LeaseWeb, Oron's hosting provider has now
19 demanded two payments to continue providing server services to Oron: (1) EUR 71.736,22 by July
20 1, 2012, and (2)EUR 277.109,07 by July 9, 2012. *See* LeaseWeb Legal Notice dated July [sic] 26,
21 2012 attached hereto as Exhibit A to the Initial Declaration of Stevan Lieberman ("Lieberman1
22 Decl."). Oron had anticipated that it would make those payments from its bank account in Hong
23 Kong, as the Hong Kong asset order allows the payment of business expenses and the Court's Order
24 from yesterday clarified that the June 26 Order does not prohibit payment of the business expenses
25 from the Hong Kong account but Oron's Hong Kong bank refused to disburse funds until the Hong
26 Kong Court holds a hearing on the Hong Kong asset order on July 7th. *See* E-mail exchange
27 attached hereto as Exhibit B to Lieberman1 Declaration.

28 Thus, Oron filed its Emergency Motion requesting that PayPal be allowed to disburse the

1 necessary funds to pay these invoices on or before the requisite dates directly to LeaseWeb.

2 However, after the Emergency Motion was filed, counsel for Oron spoke further to PayPal's
3 counsel. (See Supplemental Declaration of Stevan Lieberman, dated June 29, 2012 (Lieberman2
4 Declaration)). Oron's counsel was advised by PayPal that it could take up to two weeks for PayPal
5 to authorize and wire the funds to LeaseWeb directly. However, if authorized by the Court, PayPal
6 can immediately disburse the funds to Mr. Lieberman's PayPal account from which he can
7 immediately make the payments to LeaseWeb.

8 Therefore, Oron is requesting an order that would allow PayPal to disburse the funds to
9 Oron's counsel (rather than directly to LeaseWeb as specified in the original proposed order) with a
10 direct to Mr. Lieberman to immediately pay the Lease Web invoices so that Oron can remain in
11 business.

12 **B. The Court Should Allow PayPal, Inc. To Process Payments for Oron.**

13 As addressed in the Emergency Motion, Oron also request an order that would allow PayPal
14 to process payments for Oron.

15 **III. CONCLUSION**

16 Without the relief requested in this supplement to the Emergency Motion, Oron will
17 effectively be forced out of business since it cannot make the critical payments to its hosting provider
18 for the servers which are essential to its business and to allow PayPal to process payments for Oron.
19 For the reasons set forth in the Emergency Motion and this supplement, Oron respectfully requests
20 that this Court grant this Motion.

21 Dated: June 29, 2012

WILSON ELSEER MOSKOWITZ EDELMAN & DICKER LLP

22
23
24 By: 

DAVID S. KAHN
Attorneys for Defendant
FF MAGNAT LIMITED, d/b/a Oron.com

CERTIFICATE OF SERVICE

Pursuant to NRCP 5, I hereby certify that I am an employee of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP and that on this 29th day of June, 2012, I electronically filed the foregoing **ORON'S SUPPLEMENTAL EMERGENCY MOTION FOR DISBURSEMENT OF ADDITIONAL FUNDS** with the Clerk of the Court by using the ECF system which served the following party(ies) electronically:

- **Steven A. Caloiaro**
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BY 
An Employee of
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP