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15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 LIBERTY MEDIA HOLDINGS, LLC, a
18 California Corporation,

19 Plaintiff,

20 vs.

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

24 Defendants.

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

**ORON'S EMERGENCY MOTION FOR
DISBURSEMENT OF ADDITIONAL
FUNDS AND TO STAY EXECUTION
OF JUDGMENT**

Judge: Hon. Gloria N. Navarro

1 The Court has entered judgment in plaintiff's favor in the amount of \$550,000. At the same
2 time, the Court ordered that the assets of Defendant FF Magnat Limited, d/b/a Oron.com ("Oron")
3 remain "frozen, in order to satisfy any fee award which may be sought by Plaintiff." Plaintiff has
4 requested \$199,821.50 in attorneys' fees and costs.

5 Oron respectfully requests that the Court "unfreeze" all of Oron's assets over and above the
6 amount necessary to satisfy plaintiff's judgment and pay all attorneys' fees and costs that the
7 plaintiff has requested and may be awarded.¹ Thus, Oron requests an order specifying that all of its
8 assets are unfrozen except for \$749,821.50, which will remain frozen in Oron's PayPal account in
9 the United States. A proposed form of order is attached hereto. There is no reason for any
10 additional assets to be frozen.

11 Oron desires to file a post-judgment motion or motions in this Court, and if necessary an
12 appeal in the Ninth Circuit. Oron requests that the Court stay execution on its judgment until after
13 Oron's post-judgment motions can be decided and after Oron has the opportunity to ask the Ninth
14 Circuit to stay execution on the judgment. Plaintiff's judgment will be adequately protected by the
15 \$550,000 which will remain frozen in Oron's PayPal account.

16 If the Court is unwilling to unfreeze all of Oron's assets over and above the amount of the
17 judgment and requested attorneys' fees, Oron requests in the alternative that the Court allow the
18 disbursement of additional funds now frozen by this Court for (1) payment of attorneys' fees to
19 allow the filing of post-judgment motions in this Court and/or an appeal of this Court's judgment to
20 the Ninth Circuit, and (2) posting a bond for purposes of appealing the Court's judgment.

21 Finally, Oron requests that the Court order that plaintiff cease its efforts to enforce the
22 Court's judgment until the fourteen-day automatic stay on enforcement in FRCP 62(a) expires.

23 I. BACKGROUND

24 On June 20, 2012, Plaintiff Liberty Media Holdings LLC ("Liberty Media") sought a
25 temporary restraining order against Oron and moved for a preliminary injunction, both asking that

26 _____
27 ¹ Oron intends to oppose plaintiff's request for attorneys' fees and is hopeful that the amount
ultimately awarded will be lower than what has been requested.

1 the Court freeze all of Oron's assets (ECF Nos. 2 and 3). On June 22, 2012, the Court granted
2 Liberty Holdings Motion for Temporary Restraining Order ("June 22 Order") and ordered that all
3 U.S banks and financial institutions holding funds belonging to Oron, as well as all payment
4 processors used by Oron, including PayPal, Inc., CCBill, LLC, and AlertPay, freeze any and all of
5 Oron's funds from being withdrawn until the Preliminary Injunction hearing in this matter (ECF
6 No. 13). *See* June 22 Order at 2-3. As a result of the Court's order, Oron's bank in Hong Kong has
7 also frozen Oron's funds and as of August 1, 2012, Oron's business has been shut down as a result
8 of the Court's TRO. (*See* Oron's Opposition to Motion for Preliminary Injunction at 9:9-21) (ECF
9 No. 71)).

10 Pursuant to Oron's Emergency Motion for Partial Relief, the Court issued an Order on June
11 26, 2012 ("June 26 Order"), which authorized \$100,000 to be released from Oron's PayPal account
12 for the payment of attorneys' fees (ECF No. 19). Attorneys' fees have exceeded that amount.
13 Thereafter, the Court denied Oron's request for the release of additional funds. (ECF No. 27).

14 On July 6, 2012, Liberty Media filed a motion to enforce an alleged settlement agreement
15 with Oron (ECF No. 33). Oron opposed that motion (ECF No. 44). Oron also filed its opposition to
16 Liberty Media's motion for preliminary injunction (ECF No. 71) and filed a motion to dismiss for
17 lack of personal jurisdiction (ECF No. 73). Neither the preliminary injunction motion nor the
18 jurisdiction motion were heard or decided.

19 On August 7, 2012, the Court granted Liberty Media's Motion to Enforce Settlement
20 Agreement. (ECF No. 85). The Court ordered the clerk to enter judgment against Oron in the
21 amount of \$550,000, and that "execution of that amount shall be issued forthwith." (*Id.* at 7:22-8:2).
22 The Court did not order that any provisions of the alleged settlement agreement other than the
23 monetary provision be enforced. The Court vacated the hearing of the motion for preliminary
24 injunction relating to the freezing of funds but nevertheless ordered that Oron's "account[s] shall
25 remain frozen, in order to satisfy any fee award, which may be sought by Plaintiff, but which must
26 be brought within thirty (30) days of this Order." (*Id.* at 8:3-5; 14-15).

27 Judgment was entered in favor of plaintiff Liberty Media on August 7, 2012, in the amount

1 of \$550,000. (ECF No. 86). On August 7, 2012, Liberty Media filed an Affidavit and Request for
2 Issuance of Writ of Execution in the amount of \$550,000. (ECF No. 87). On August 8, 2012, the
3 Court issued a Writ of Execution in the amount of \$550,000 against Oron in favor of Liberty Media.
4 (ECF No. 88). Upon information and belief, Liberty Mutual is currently attempting to collect that
5 judgment from Oron's PayPal account. Such execution is premature. Under Federal Rule 62(a),
6 enforcement and execution of a district court judgment is automatically stayed for fourteen days
7 after its entry. (Fed. R. Civ. P., Rule 62(a)). Plaintiff Liberty Media is attempting to execute on the
8 Judgment prior to the expiration of the automatic fourteen day stay.

9 On August 10, 2012, plaintiff Liberty Media filed an Emergency Renewed Motion for
10 Attorney's Fees and Costs. (ECF No. 89). Plaintiff seeks \$199,821.50 in attorney's fees and costs,
11 which includes not only attorneys' fees incurred in this action, but also includes of the attorneys'
12 fees for counsel in Hong Kong who litigated a case in Hong Kong that Liberty Media filed against
13 Oron. (*Id.* at 10:25).

14 **II. THIS COURT SHOULD RELEASE FUNDS AND**
15 **STAY EXECUTION OF JUDGMENT**

16 As previously stated, Oron desires to file a post judgment motion or motions in this Court.²
17 If Oron does not obtain relief thereby, Oron desires to appeal this Court's orders and judgment to the
18 Ninth Circuit. However, at the present time and as a result of this Court's orders, Oron does not
19 have access to funds to pay attorneys' fees to pursue post-judgment motions or an appeal, or to post
20 a bond to stay execution of the judgment pending appeal.

21 Accordingly, Oron requests one of the following two alternatives:³

22 _____
23 ² Among the grounds for such motion or motions are (1) that the Court's judgment, while intended
24 to enforce the terms of an alleged settlement, is limited to only one term of the alleged settlement,
25 (2) that the Court does not have personal jurisdiction over Oron (the Court having based jurisdiction
26 on the negotiation of the alleged settlement agreement where the alleged agreement itself contains a
27 provision that it shall not be a basis for jurisdiction), (3) that the long-term "freezing" of defendants'
28 assets based upon an ex parte application, without any preliminary injunction having been heard or
amended.

³ Oron makes these requests without conceding that the freezing of its funds has been proper, and
without intending to submit to this Court's jurisdiction.

