

SUPREME COURT OF THE STATE OF NEW YORK
COUNTRY OF NEW YORK

THEO CHINO and CHINO LTD,

Plaintiffs-Petitioners,

-against-

THE NEW YORK DEPARTMENT OF
FINANCIAL SERVICES and MARIA T. VULLO,
in her official capacity as the Superintendent of the
New York Department of Financial Services,

Defendants-Respondents.

Index No. 101880/2015
Hon. Carmen Victoria St. George

ORAL ARGUMENT REQUESTED

**NOTICE OF PLAINTIFFS-PETITIONERS' CROSS-MOTION FOR LIMITED
DISCOVERY AND FOR HOLDING DEFENDANTS-RESPONDENTS' CROSS-
MOTION TO DISMISS IN ABEYANCE**

Upon the Affirmation of Pierre Ciric, Esq., the upon the accompanying Memorandum of Law and Exhibits, and all the pleadings and proceedings heretofore had herein, the undersigned will move this court before the Civil Branch Clerk's Office of the New York State Supreme Court, County of New York, located in room 130 of the Courthouse located at 60 Centre Street, New York, NY, on the 31th day of August, 2017 at 9:30am, or as soon thereafter as counsel may be heard, for an order:

- (a) pursuant to CPLR § 408, compelling Paul Krugman to testify before the Court as an expert witness for the purpose of creating an evidentiary record necessary in the instant action, on the grounds that his deposition is material to comply with full disclosure;
- (b) pursuant to CPLR § 408, compelling the Defendants-Respondents to produce all internal emails, emails with third-parties, and other written documentation supporting how they reached their regulatory conclusion as to the economic nature of Bitcoin falling into the definition of a "financial product or service," between January 01, 2013 to September 30, 2015, for the purpose of creating an evidentiary record necessary in the instant action, on the grounds that this information is material to comply with full disclosure;

- (c) pursuant to CPLR § 408, compelling Benjamin Lawskey to attend a deposition for the purpose of creating an evidentiary record necessary in the instant action, on the grounds that his deposition is material to comply with full disclosure;
- (d) and holding Defendants-Respondents' cross-motion to dismiss dated June 23, 2017 in abeyance until after Plaintiff-Petitioner's motion for limited discovery under CPLR § 408 has been decided and until after the completion of the limited discovery ordered by the Court.

This motion is based on this Notice, the accompanying Affirmation, Memorandum of Law, Exhibits, and such further evidence and arguments that may be presented at the hearing.

An affirmation that a good faith effort has been made to resolve the issues raised in this motion is attached hereto as Exhibit E.

Pursuant to CPLR §§ 2214(b) and 2215, answering papers, if any, are to be served upon the undersigned by August 21, 2017.

Dated: August 02, 2017
New York, New York



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