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Coral Springs, FL 33065
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September 4, 2014

VIA CM/ECF ONLY

The Honorable Amos L. Mazzant
United States Magistrate Judge
United States District Court - Eastern District of Texas
U.S. Courthouse Annex Chase Bank Building
200 N. Travis Street
Sherman, TX 75090

Re: SEC v. Trendon T. Shavers and Bitcoin Savings and Trust
U.S. District Court - Eastern District of Texas - Case No: 4:13-cv-00416-ALM

Liquid Bits, LLC, et al. v. Trendon T. Shavers and Bitcoin Savings and Trust
U.S. District Court - Southern District of Florida -- Case No. 1:14-cv-22869-LENARD

Dear Judge Mazzant:

We are counsel to the plaintiffs in the above-referenced proceeding currently pending in the U.S. District Court for the Southern District of Florida (the "Florida Lawsuit"). We make this filing for the very limited purpose of effectuating service of process upon Trendon T. Shavers and Bitcoin Savings and Trust ("Defendants"), the defendants both in the Florida Lawsuit and in the matter pending before Your Honor (the "Texas Lawsuit"), in accordance with an endorsed Order entered by The Honorable Joan A. Lenard in the Florida Lawsuit.¹

Having been unable to serve process upon Defendants through customary means in the Florida Lawsuit, we moved the Florida court for permission to serve Defendants through their attorney-of-record in the Texas Lawsuit, Franklin Jason Seibert, Esq., as the two lawsuits are very closely related to one another.² After our Motion for Service by Alternative Method was filed (on the afternoon of Friday, August 29, 2014), but before the Florida court granted the motion (on Tuesday, September 2, 2014³) in the Florida Lawsuit, Mr. Seibert filed a Motion to Withdraw as Defendants' counsel in the Texas Lawsuit, which we understand is still pending. We respectfully request that, in ruling on Mr. Seibert's pending motion, Your Honor require that Mr. Shavers accept service of the Complaint and Summonses in the Florida Lawsuit on behalf of both Defendants. Doing so enacts no prejudice upon Defendants and furthers the purpose of the Order entered by Judge Lenard in Florida.

If you have any questions concerning our request or need additional information to consider the relief we have requested, please do not hesitate to have your office contact me to discuss.

Respectfully Yours,

A handwritten signature in dark ink, appearing to read 'David C. Silver', is written over a light-colored background.

David C. Silver

Enclosures

¹ Both the Texas and Florida Lawsuits are based on the same nexus of facts.

² Attached hereto is a copy of the Motion for Service by Alternative Method.

³ Attached hereto is a copy of the endorsed Order granting the Motion.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Civil Action No. 1:14-cv-22869-LENARD/GOODMAN

LIQUID BITS, CORP., a Florida corporation;
REMY JACOBSON, an individual;
JEAN-MARC JACOBSON, an individual; and
GREG BACHRACH, an individual,

Plaintiffs,

v.

TRENDON T. SHAVERS, an individual; and
BITCOIN SAVINGS AND TRUST, a Texas-based entity;

Defendants.

_____ /

PLAINTIFFS’ MOTION FOR SERVICE BY ALTERNATIVE METHOD

Plaintiffs, LIQUID BITS, CORP., a Florida corporation; REMY JACOBSON, an individual; JEAN-MARC JACOBSON, an individual; and GREG BACHRACH, an individual (hereinafter “Plaintiffs”), by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 4(e) and Local Civil Rule 7.1, request permission from the Court allowing Plaintiffs to serve process upon Defendants, TRENDON T. SHAVERS, an individual (“SHAVERS”); and BITCOIN SAVINGS AND TRUST, a Texas-based entity (“BITCOIN-S&T”) (collectively “Defendants”); by alternative method, *to wit*: service upon Franklin Jason Seibert, Esq., who has previously accepted service of pre-suit legal documents on Defendants’ behalf in connection with this dispute and still represents Defendants in a parallel lawsuit. As grounds therefor, Plaintiffs state the following:

1. The instant action was filed on August 4, 2014. [Docket Entry No. (“DE”) 1]. This action seeks to recover damages for, *inter alia*, misappropriation/theft of personal property, violation of Florida’s Deceptive and Unfair Trade Practices Act, and fraud.

2. On August 5, 2014, Civil Action Summonses were issued to Defendant SHAVERS and Defendant BITCOIN-S&T, with service contemplated upon both defendants at SHAVERS' last known address: 2305 South Custer Road, McKinney, TX 75070. [DE 4, 5].

3. According to multiple public records culled by undersigned counsel (*e.g.*, motor vehicle registrations, real property tax records, etc.), the above-referenced address in McKinney, TX is Defendant SHAVERS' last known address.

4. Additionally, Defendant SHAVERS has represented to another federal court in filings in a closely related lawsuit [*SEC v. Trendon T. Shavers and Bitcoin Savings and Trust*, U.S. District Court - E.D. Tex. - Case No. 4:13-00416-CIV-ALM] as recently as last month that he resides in McKinney, TX. *See*, Case No. 4:13-00416-CIV-ALM at DE 73 at Paragraph 8 (filed July 24, 2014)].

5. On August 8, 2014, a process server retained by Plaintiffs to serve Defendants with a copy of the Complaint and Summonses in this action attempted to serve SHAVERS, both in his individual capacity and as the sole representative of BITCOIN-S&T, at the McKinney, TX address but was unable to find him there. *See*, **Composite Exhibit "A"** hereto. According to the process server, he posted a notice on SHAVERS' front door requesting that SHAVERS contact him (a photo of the posting is attached hereto as **Exhibit "B"**), but no contact was ever made. *Id.*

6. Plaintiffs' retained process server has made multiple attempts to serve Defendants at SHAVERS' usual place of abode as well as at multiple other addresses but has been unsuccessful in that regard. *See*, **Composite Exhibit "A"**.

7. In the above-referenced SEC lawsuit, Defendants are ably represented by Franklin Jason Seibert, Esq., F.J. Seibert, LLC, 960 Liberty Street SE - Suite 150, Salem, OR 97302; Telephone: (503) 480-0212, Facsimile: (503) 480-0506, E-mail: jason@seibert-law.com.

8. Mr. Seibert is aware of this lawsuit and has previously accepted service of a Civil Theft demand letter on Defendants' behalf (*see*, **Exhibit "C"** hereto). As stated in the Civil Theft letter, it

is understood that Mr. Seibert has not been retained to represent Defendants in the instant matter and was merely accepting the Civil Theft letter as a courtesy to facilitate its implementation.

9. In a further effort to provide Defendants notice of the instant lawsuit, undersigned counsel sent a copy of the Complaint and Summonses to Mr. Shavers' last known e-mail addresses, which have been used as service addresses for Defendants in the SEC lawsuit. *See*, **Exhibit "D"**. Undersigned counsel received no response from Defendants.

10. Because Defendant SHAVERS cannot be found at his last known address or at any other address -- either physical or electronic -- at which numerous public records suggest he should be found, Plaintiffs respectfully request they be permitted to serve Defendants' copy of the Complaint and Summonses through Mr. Seibert -- a method authorized by Tex.R.Civ.P. 106(b).¹

11. There would be no prejudice to Defendants allowing for alternative service to the attorney who is currently representing Defendants in another, closely related legal matter.

12. The proposed method of service is the most likely and most reasonably certain means by which to provide notice to Defendants of the charges brought against them in this action.

WHEREFORE, Plaintiffs, LIQUID BITS, CORP.; REMY JACOBSON; JEAN-MARC JACOBSON; and GREG BACHRACH; respectfully request permission from the Court allowing Plaintiffs to serve process upon Defendants, TRENDON T. SHAVERS and BITCOIN SAVINGS AND TRUST, by alternative method, *to wit*: service upon Franklin Jason Seibert, Esq.

¹ Tex.R.Civ.P. 106(b) provides the following:

- (b) Upon motion supported by affidavit stating the location of the defendant's usual place of business or usual place of abode or other place where the defendant can probably be found and stating specifically the facts showing that service has been attempted under either (a)(1) or (a)(2) at the location named in such affidavit but has not been successful, the court may authorize service**
 - (1) by leaving a true copy of the citation, with a copy of the petition attached, with anyone over sixteen years of age at the location specified in such affidavit, or**
 - (2) in any other manner that the affidavit or other evidence before the court shows will be reasonably effective to give the defendant notice of the suit.**

Respectfully submitted,

SILVER LAW GROUP

Counsel for Plaintiffs

11780 W. Sample Road

Coral Springs, Florida 33065

Telephone: (954) 755-4799

Facsimile: (954) 755-4684

By:  _____

DAVID C. SILVER
Florida Bar No. 572764
E-mail: DSilver@silverlaw.com
SCOTT L. SILVER
Florida Bar No. 095631
E-mail: SSilver@silverlaw.com
JASON S. MILLER
Florida Bar No. 072206
E-mail: JMiller@silverlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing will be served on this 29th day of August 2014 in accordance with the Federal Rules of Civil Procedure and/or the District's Local Rules and procedures to: **TRENDON T. SHAVERS**, 2305 South Custer Road - Apt. 1507, McKinney, TX 75070, E-mail: tredon@buscog.com; **BITCOIN SAVINGS AND TRUST**, c/o Trendon T. Shavers, 2305 South Custer Road - Apt. 1507, McKinney, TX 75070, E-mail: tredon@buscog.com; and via electronic mail only to: **Jason Seibert, Esq.**, F.J. Seibert, LLC, 960 Liberty Street SE - Suite 150, Salem, OR 97302; E-mail: jason@seibert-law.com.



DAVID C. SILVER

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 14-CV-22869-LENARD/GOODMA

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* TRENDON T. SHAVERS
was received by me on *(date)* 08/07/2014.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

I returned the summons unexecuted because Unable to locate defendant.; or

Other *(specify):* _____

My fees are \$ 0.00 for travel and \$ 62.50 for services, for a total of \$ 62.50.

I declare under penalty of perjury that this information is true.

Date: 08/20/2014



Server's signature

KYLE BOWERS

Printed name and title

ALL TEXAS PROCESS SERVERS
PO BOX 261951
PLANO, TX 75026-1951

Server's address

Additional information regarding attempted service, etc:
See attached regarding attempts of service

CIVIL ACTION NO. 14-CV-22869-LENARD/GOODMAN

DOCUMENTATION REGARDING ATTEMPTED SERVICE

The following are my attempts to deliver said documents to the Defendant.

| <u>Date</u> | <u>Time</u> | <u>Location</u> | <u>Results</u> |
|-------------|-------------|---|--|
| 08/08/2014 | 10:20AM | 2305 S. Custer Rd. Apt. 1507 McKinney, TX 75070 | Arrived at referenced location. Knocked on door but no response. Left business card with note requesting call back to arrange delivery. |
| 08/11/2014 | 4:48 PM | 2305 S. Custer Rd. Apt. 1507 McKinney, TX 75070 | Arrived at referenced location. Knocked on door but no response. Left business card with note requesting call back to arrange delivery. |
| 08/13/2014 | 6:25 PM | 2305 S. Custer Rd. Apt. 1507 McKinney, TX 75070 | Arrived at referenced location. Knocked on door but no response. Spoke with neighbor who stated defendant moved out of residence on 08/09/2014. |
| 08/15/2014 | 8:24 AM | 1617 Hackett Creek Dr. McKinney, TX 75070 | After completing further research online, was able to locate another possible location for defendant. Arrived at new location. Knocked on door but no response. Left business card with note requesting call back to arrange for delivery. |
| 08/15/2014 | 9:05 PM | 608 Broad Leaf Ln. McKinney, TX 75070 | After completing further research online, was able to locate another possible location for defendant. Arrived at new location. Knocked on door but no response. Left business card with note requesting call back to arrange for delivery. |
| 08/15/2014 | 3:30 PM | 1617 Hackett Creek Dr. McKinney, TX 75070 | Arrived at referenced location. Knocked on door but no response. Prior business card left previously was still on door. |
| 08/15/2014 | 4:10 PM | 608 Broad Leaf Ln. McKinney, TX 75070 | Arrived at referenced location. Knocked on door but no response. Prior business card left previously was still on door. |
| 08/16/2014 | 8:24 AM | 1617 Hackett Creek Dr. McKinney, TX 75070 | Arrived at referenced location. Knocked on door but no response. Left business card with note requesting call back to arrange for delivery. |
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AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 14-CV-22869-LENARD/GOODMA

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* BITCOIN SAVINGS AND TRUST
was received by me on *(date)* 08/07/2014.

I personally served the summons on the individual at *(place)* _____
on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____ ; or

I returned the summons unexecuted because Unable to locate defendant. ; or

Other *(specify):*

My fees are \$ 0.00 for travel and \$ 62.50 for services, for a total of \$ 62.50.

I declare under penalty of perjury that this information is true.

Date: 08/20/2014



Server's signature

KYLE BOWERS

Printed name and title

ALL TEXAS PROCESS SERVERS
PO BOX 261951
PLANO, TX 75026-1951

Server's address

Additional information regarding attempted service, etc:

See attached regarding attempts of service

CIVIL ACTION NO. 14-CV-22869-LENARD/GOODMAN

DOCUMENTATION REGARDING ATTEMPTED SERVICE

The following are my attempts to deliver said documents to the Defendant.

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| 08/16/2014 | 9:15 AM | 608 Broad Leaf Ln. McKinney, TX 75070 | Arrived at referenced location. Knocked on door but no response. Left business card with note requesting call back to arrange for delivery. |

1507

Handwritten note on a clipboard attached to the door frame.

EXHIBIT "B"



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Tel: (954) 755-4799
Fax: (954) 755-4684

June 24, 2014

VIA ELECTRONIC MAIL ONLY

Franklin Jason Seibert, Esq.
F.J. Seibert, LLC
Counsel for Trendon T. Shavers and Bitcoin Savings and Trust
960 Liberty Street SE - Suite 150
Salem, OR 97302
E-mail: jason@seibert-law.com

Re: Liquid Bits, LLC, et al. v. Trendon T. Shavers and Bitcoin Savings and Trust

Dear Mr. Seibert:

On behalf of my clients (Liquid Bits, LLC; Remy Jacobson; Jean-Marc Jacobson; and Greg Bachrach), this letter is a follow-up to our Friday, June 20, 2014 conversation wherein you confirmed that your clients, Trendon T. Shavers and Bitcoin Savings and Trust (collectively, "Defendants"), have authorized you to accept on their behalf service of my clients' June 11, 2014 Civil Theft Demand Letter (*See* Exhibit "A" hereto). It is our mutual understanding that you are representing Defendants on other legal matters and have not been engaged specifically for this matter; however, your clients have granted you the authority to receive and accept service of the Civil Theft Demand Letter on their behalf.

The amount we know is subject to the Florida Civil Theft statute is \$3,754,644. Treble damages therefore equal \$11,263,932. For now, we are making this demand only upon Defendants; but at such time as we determine what was done with my clients' property, additional demands may be made. Please return the improperly received property or its equivalent value **on or before Monday, July 21, 2014** -- which calculates to thirty (30) days following the agreed date of service of the Civil Theft Demand Letter (June 20, 2014) -- and my clients will thereupon release Defendants from any further civil liability with regard to the above-identified property.

It is imperative that your clients understand the position in which they have placed themselves. I am at your service to facilitate the payment of the monies due and/or receive the return of the property at issue

Very Truly Yours,

David C. Silver, Esq.

Enclosure

I, F. Jason Seibert, Esq. (Oregon State Bar – 095009), have been authorized by Trendon T. Shavers and Bitcoin Savings and Trust to accept, and by my signature below do hereby accept, service of the June 11, 2014 Civil Theft Demand Letter as of June 20, 2014.

F. Jason Seibert, Esq.

6/25/2014

Date



www.silverlaw.com

11780 W. Sample Road
Coral Springs, FL 33065
Tel: (954) 755-4799
Fax: (954) 755-4684

August 27, 2014

VIA ELECTRONIC MAIL ONLY

Trendon T. Shavers
2305 South Custer Road - Apt. 1507
McKinney, TX 75070
E-mail: trendon@buscog.com

VIA ELECTRONIC MAIL ONLY

Bitcoin Savings and Trust
c/o Trendon T. Shavers
2305 South Custer Road - Apt. 1507
McKinney, TX 75070
E-mail: trendon@buscog.com

Re: Liquid Bits, LLC, et al. v. Trendon T. Shavers and Bitcoin Savings and Trust
U.S. District Court - Southern District of Florida -- Case No. 1:14-cv-22869-LENARD

Dear Mr. Shavers:

On behalf of my clients (Liquid Bits, LLC; Remy Jacobson; Jean-Marc Jacobson; and Greg Bachrach), and in accordance with Rule 4 of the Federal Rules of Civil Procedure, this letter is a request that you, on behalf yourself and Bitcoin Savings and Trust, accept service of process of the Summonses and Complaint filed in this matter, copies of which are enclosed herewith for your files and your review. To facilitate your acceptance of service, we have prepared for your signature the standard waiver documents also enclosed herewith.

Please return to us by close of business on **Thursday, August 28, 2014** the signed waivers. E-mailing the signed waivers back to us would be fine. If you refuse to accept service, we will apply to the Court for an appropriate measure of relief, including requiring you to bear the cost of service.

I look forward to your anticipated cooperation and remain available to discuss with you any aspect of the case you wish to discuss.

Very Truly Yours,

David C. Silver, Esq.

Enclosures

Complaint for Damages
Summons in a Civil Action - Trendon T. Shavers
Summons in a Civil Action - Bitcoin Savings and Trust
Waiver of Service of Summons - Trendon T. Shavers
Waiver of Service of Summons - Bitcoin Savings and Trust

cc: mc@pirateat40.com; TShavers@buscog.com
F. Jason Seibert, Esq. [Via Electronic Mail: jason@seibert-law.com]

EXHIBIT "D"

From: cmecfautosender@flsd.uscourts.gov
Sent: Tuesday, September 02, 2014 11:31 AM
To: flsd_cmecf_notice@flsd.uscourts.gov
Subject: Activity in Case 1:14-cv-22869-JAL Liquid Bits, Corp. et al v. Shavers et al Order on Motion for Miscellaneous Relief

This is an automatic e-mail message generated by the CM/ECF system.

Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court
Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 9/2/2014 11:30 AM EDT and filed on 9/2/2014

Case Name: Liquid Bits, Corp. et al v.
Shavers et al

Case Number: 1:14-cv-22869-JAL <https://ecf.flsd.uscourts.gov/cgi-bin/DktRpt.pl?446358>

Filer:

Document Number: 7

Copy the URL address from the line below into the location bar of your Web browser to view the document:

7(No document attached)

Docket Text:

ORDER GRANTING Plaintiff's [6]

Motion for Service by Alternative Method. This entry constitutes the ENDORSED

ORDER in its entirety. Signed by Judge Joan A. Lenard on 9/2/2014.

(jn)

1:14-cv-22869-JAL Notice has been electronically mailed to:

David Chad Silver
dsilver@silverlaw.com, RFeinberg@silverlaw.com

Jason Stuart Miller
JMiller@silverlaw.com, RFeinberg@silverlaw.com

Scott Lance Silver
ssilver@silverlaw.com, rfeinberg@silverlaw.com

1:14-cv-22869-JAL Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.: