UNITED STATES DISTRICT COURT

DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff, v. APPROXIMATELY 225,364,961 USDT, Defendant *in rem*,	Case No. 25-cv-1907-AHA **SCHEDULE A CLAIMANTS' NOTICE OF NON-OPPOSITION TO MOTION TO TRANSFER (ECF No. 29)**

Pursuant to LCvR 7, Claimants identified in Schedule A (ECF No. 14) (the "Victim Claimants") hereby notify the Court of Plaintiff United States of America's failure to oppose the Victim Claimants' Motion to Transfer this action to the United States District Court for the Northern District of California. (ECF No. 29, the "Transfer Motion").

Instead of opposing the Transfer Motion, the government has taken the position in communications between counsel that its service of special interrogatories under Supplemental Rule G(6) of the Federal Rules of Civil Procedure tolls any response. The government has not sought or obtained any order from this Court supporting this theory, however, and the plain text of Rule G undercuts the government's argument. The Court should find the Transfer Motion has not been opposed, and absent extraordinary justification, order transfer of this action as requested.

Procedural Background

On June 18, 2025, the government filed its Complaint in this action. *See* ECF No. 1. On October 3, 2025, Victim Claimants filed their verified claims and moved this court for leave to proceed in this action pseudonymously. *See* ECF Nos. 14, 15.

On November 7, 2025, following a series of meet-and-confer sessions, Victim Claimants filed the Transfer Motion pursuant to 28 U.S.C. §§ 1404, 1406, seeking to transfer this action to the United States District Court for the Northern District of California on the grounds that California is the locus of this case, based on the government's underlying investigation in California, critical witnesses and sources of proof there, and the location of a plurality of known victims, among other reasons, and that the United States had not adequately alleged facts supporting venue in this District. *See* ECF No. 29.

Pursuant to LCvR 7(b), the government was obligated to respond to the Transfer Motion within 14 days after the motion was filed, or November 21, 2025. And pursuant to LCvR 7(b), when an opposition to a motion "is not filed within the prescribed time, the Court may treat the motion as conceded."

Between October 1, 2025 and November 12, 2025, however, the United States government experienced a lapse in funding (commonly referred to as a "shutdown"). As a result of this shutdown, the Chief Judge for this Court, the Hon. James E. Boasberg issued Standing Order 25-59 on November 13, 2025, extending deadlines for the government in various civil matters (the "Shutdown Order"). Pursuant to the Shutdown Order, the government's response was due as early as *December 8, 2025*.

Specifically, the government's response to the Transfer Motion was originally due November 21, 2025. Under the Shutdown Order, deadlines that fell *within* the period of the

shutdown were extended the length of the shutdown plus 10 days – or 53 days – meaning that under this rubric the government's response would be due no later than January 14, 2026. However, the Shutdown Order included a **shorter** ten business day extension of time for deadlines which fell between November 13 and 28, 2025 – *i.e.,* the ten business days following the conclusion of the shutdown. Because the government's response to the Transfer Motion was originally due November 21, 2025, under this shorter ten-day extension, it would have been due December 8, 2025. Under either deadline, however, no response has been timely filed.

On January 16, 2026, counsel to Victim Claimants contacted the government by email, notifying government counsel that Victim Claimants intended to file this notice of non-opposition. As of the time of this filing, Victim Claimants have received no response.

The Government Has No Justification for Failing to Oppose the Transfer Motion on a Timely Basis

Pursuant to LCvR 7(b) and the Shutdown Order, the government's time to oppose the Transfer Motion has run without an opposition being filed. Absent a justifiable excuse, the Transfer Motion is treated as conceded.

On December 4, 2025, however, the government served interrogatories on the Victim Claimants pursuant to Supplemental Rule G(6) (the "Special Interrogatories"). Counsel met and conferred electronically as to the Special Interrogatories, and in these discussions, the government took the position that the Special Interrogatories tolled any response to the Transfer Motion. *See* Ex. A, (December 10, 2025 e-mail chain between counsel). Counsel to the Victim Claimants disagreed based on the plain language of Rule G; the government then proposed to seek clarification from the Court. *Id.*

The government, however, has not sought any such clarification. In any event, the

government's position is incorrect. Rule G(6) does not toll the government's response to the Transfer Motion for multiple reasons.

First, the plain language of Rule G(6)(c) is limited on its face to motions to dismiss, stating that "[t]he government need not respond to a claimant's motion *to dismiss the action under Rule G(8)(b)* until 21 days after the claimant has answered these [special] interrogatories." (emphasis added). Rule G(6) could plainly have stated that the government need not respond to *any motion* by a claimant until special interrogatories are answered – but it does not. *See, e.g., United States v. $60,141 in United States Currency*, No. 3:24-CV-480-ART-CSD, 2025 WL 1210964, at *2 (D. Nev. Apr. 25, 2025) (declining to extend Rule G(6) tolling beyond explicit terms). And where the plain language of a rule or statute is clear, the Court need look no further. *See Eagle Pharms., Inc. v. Azar*, 952 F.3d 323, 330 (D.C. Cir. 2020) ("[I]n interpreting any of the [Federal] Rules, courts must 'begin with the text,'" and only consider other sources "if necessary") (*quoting City of Clarksville v. FERC*, 888 F.3d 477, 482 (D.C. Cir. 2018))).

Second, whatever the government's position on standing—which is not articulated in papers or before the Court—the issue does not provide license for a free-floating objection to the government's obligations in a civil forfeiture action. The Victim Claimants answered the Complaint, and any challenge to their standing would be most appropriately addressed by the transferee court – which would be well positioned to do so. As noted in the Transfer Motion, the government's investigation began in Northern California, over a dozen Secret Service personnel did their tracing in the Northern District of California, and the victims—regardless of whether they are parties or not—are concentrated closer to the Northern District of California than the District of Columbia. Key witness entities, including those from OKX, Coinbase, and Kraken, have presences in northern California. And the government in its Complaint provides a detailed example

of a victim residing in California (without mention of D.C. residents). These and the other reasons for transfer, including that the Complaint fails to allege that the Defendant Property was found or brought into this district, or that any material acts giving rise to the forfeiture occurred in this district, all encourage prompt resolution of the Transfer Motion. The Victim Claimants' standing has nothing to do with these reasons to transfer venue, all unaddressed for over two months by the government. Meanwhile, the prejudice and harm to these victims, who are eager for the case to move forward, continues due to the government's filing of this case in D.C. rather than the Northern District of California.

In any event, Victim Claimants have appropriately pleaded standing at this stage, alleging that, *inter alia*, they each have an ownership interest in the defendant assets. *See United States v. Emor*, 785 F.3d 671, 676 (D.C. Cir. 2015) (holding for standing purposes, that "any colorable claim on the property suffices, if the claim of injury is 'redressable, at least in part, by a return of the property," and that the requirements for a claimant to establish standing to contest a forfeiture are "very forgiving")(cleaned up); *see also United States v. Funds in the Amount of $239,400*, 795 F.3d 639, 644 (7th Cir. 2015) (pleading Article III standing in a civil forfeiture "requires no more than alleging that the government should be ordered to turn over to the claimant money" that belongs to the owner). While the government is entitled to serve the Special Interrogatories, the government has no basis in Rule G for freezing this action and unilaterally imposing a stay while it chooses whether or not to bring any such standing challenge.

Third, both policy and judicial efficiency counsel against extending Rule G(6)(c)'s tolling provision beyond its plain terms. Addressing motions to transfer without delay deters forum-shopping and discourages the government from selectively filing forfeiture actions in a venue where it believes it can take the most aggressive position on standing, or serve the broadest special

interrogatories – knowing that its selections may be essentially unreviewable.

Conclusion

The government has not opposed the Transfer Motion, and has no valid basis for failing to do so. The Court should find the Transfer Motion conceded, and order transfer accordingly.

Dated: January 22, 2026

Respectfully submitted,

By: */s/ Dan G. Boyle*

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