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' SECOND NOTICE OF NON-OPPOSITION TO MOTION TO TRANSFER (ECF No. 29)

Pursuant to LCvR 7, Claimants 1-118, as identified in Schedule A (ECF No. 14) (the "Victim Claimants"), hereby provide further notice to the Court of Plaintiff United States of America's continued 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 asserted to Victim Claimants' counsel that the government had no obligation to respond, based on its service of special interrogatories under Supplemental Rule G (6) – despite the relevant provisions of Rule G explicitly referring to motions to dismiss, rather than a motion to transfer. When counsel to Victim Claimants objected, the government stated its intention to bring the issue to the Court – which the government never did. Instead, the government allowed the relevant deadlines to run without a

response, and offered no objection or response when the Victim Claimants requested that this Court treat the Transfer Motion as conceded on this basis more than two weeks ago, and the government has not communicated with Victim Claimants counsel on the motion since December.

The government has had ample opportunity to oppose the Transfer Motion, or at the very least explain to the Court why it has elected not to do so. Because it has done neither, the Court should treat the Transfer Motion as conceded and order transfer accordingly.

Background.

On November 7, 2025, the 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. *See* ECF No. 29.

The government was obligated to respond to the Transfer Motion within 14 days after the motion was filed, or November 21, 2025, pursuant to LCvR 7(b). When accounting for court-ordered extensions of time arising from the then-ongoing government shutdown, the government's deadline to respond was extended to December 8, 2025. *See* ECF No. 40, at 3. Still, no opposition was filed.

On January 22, 2026, the Victim Claimants filed a Notice of Non-Opposition alerting the Court to the government's failure to respond to the Transfer Motion, and requesting that the Court treat the motion as conceded. In that Notice, the Victim Claimants explained to the Court that the government had taken the position in communications between counsel that its service of special interrogatories tolled its response date for the Transfer Motion – but despite the Victim Claimants' objection, the government had elected not to bring this issue to the Court.

As of the time of the filing, the government still has not responded to the Transfer Motion, nor has it responded to the Victim Claimants' Notice of Non-Opposition.

Argument

The government's deadline to respond to the Transfer motion expired *almost two months ago*. 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."

The government has not only failed to oppose the Transfer Motion, but has also elected not to respond to the Victim Claimants' Notice of Non-Opposition in order to defend its position. Having offered no defense to the Court, and having been given ample opportunity to do so, the Court should accept the government's silence for the concession that it is. As detailed in the Victim Claimants' Notice of Non-Opposition, the government's proffered reasons for failing to respond lack merit, but even if there was a debatable issue, the government has chosen not to defend that position before the Court.

As referenced in the original motion, as well as the Notice of Non-Opposition, this unnecessary delay continues to prejudice the Victim-Claimants. Many lost their life savings and continue to suffer acute financial harm while their recovery is stalled. This delay also increases the risk that evidence becomes unavailable or unreliable and that witnesses' memories fade, undermining the fair and efficient administration of justice. This prejudice impacts not only the Victim-Claimants who moved, but even victims who have not appeared in this case.

Conclusion

The government has not opposed the Transfer Motion, and despite being given nearly two additional weeks to defend its position, it has elected not to do so. The Court should find the Transfer Motion conceded, and accordingly, order this action transferred to the United States District Court for the Northern District of California.

Dated: February 5, 2026

Respectfully submitted,

By: */s/ Dan G. Boyle*

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