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**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

RUSSELL ROPE,
Petitioner,

vs.

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES, &
THE HONORABLE STEPHEN I. GOORVITCH,**

Respondents,
COINBASE, INC.,
Real Party in Interest.

Case No. S291823
Related Appeals Court Case No. B347393
Related Superior Court Case No. 25STCV16692

**REPLY TO ANSWER & OPPOSITION TO REQUEST TO LIFT STAY;
NOTICE OF INTENT TO SUBPOENA & AMEND COMPLAINT**
(Cal. Rules of Court, Rule 8.500 & Court's Inherent Authority)

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TABLE OF AUTHORITIES CITED

U.S. Constitution:

U.S. Const., Amend. I (Free Exercise Clause)

U.S. Const., Amend. XIV (Due Process & Equal Protection)

California Constitution:

Cal. Const., art. I, § 1 (Right to Privacy, Safety, and Liberty)

Cal. Const., art. I, § 4 (Freedom of Religion)

California Statutes:

Cal. Civ. Code § 51 (Unruh Civil Rights Act)

Cal. Civ. Code § 56.10 et seq. (Confidentiality of Medical Info)

Cal. Civ. Code § 1668 (Void contracts shielding fraud)

Cal. Civ. Code § 1670.5 (Unconscionable contracts)

Cal. Civ. Code § 1798.100 et seq. (California Consumer Privacy Act)

Cal. Code Civ. Proc. § 1085 (Mandamus)

Cal. Code Civ. Proc. § 1102 (Prohibition)

Cal. Code Civ. Proc. § 128.5 (Sanctions)

Cal. Code Civ. Proc. § 511.010 et seq. (Claim and Delivery)

Cal. Evid. Code § 452(d) (Judicial Notice)

Federal Statutes:

18 U.S.C. § 1961 et seq. (Racketeer Influenced and Corrupt Organizations Act)

Case Law:

Armendariz v. Foundation Health Psychcare (2000) 24 Cal.4th 83

Douglas v. Talk America, Inc. (9th Cir. 2007) 495 F.3d 1062

Holt v. Hobbs (2015) 574 U.S. 352

Mathews v. Eldridge (1976) 424 U.S. 319

Ng v. Superior Court (1992) 4 Cal.4th 29

Platt Pacific, Inc. v. Andelson (1993) 6 Cal.4th 307

Robbins v. Superior Court (1985) 38 Cal.3d 199

Specht v. Netscape (2d Cir. 2002) 306 F.3d 17

Tunkl v. Regents of Univ. of California (1963) 60 Cal.2d 92 Other:

Cal. Rules of Court, Rule 8.500

Cal. Rules of Court, Rule 8.520(c)

Cal. Rules of Court, Rule 3.1203

Coinbase Privacy & NFT Policies (accessed July 20, 2025)

Coinbase User Agreement (January 2019)

I. SUMMARY

TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES:

Petitioner submits this reply to Defendant Coinbase, Inc.’s opposition filed on July 18, 2025.

Defendant’s retroactive biometric requirements unlawfully impede access to Petitioner’s digital assets—approximately 4,000 non-fungible tokens (NFTs) valued at \$2.4 billion, including NFT marketplace accounts and collections—without due process or remedy, violating Cal. Const., art. I, § 1, and U.S. Const., amend. XIV. Defendant misrepresents the procedural history, including non-compliance with the Superior Court’s June 27, 2025, meet-and-confer directive (Minute Order, 06/27/2025), and fails to prove that manual transfer of assets, passkey recovery, or alternative support for restoring administrative access to NFT marketplace accounts (e.g., OpenSea, Rarible) is impossible, despite custodial capabilities (Supplemental Declaration, July 6, 2025).

Defendant’s declarations avoid denying the feasibility of non-biometric recovery or administrative access restoration, claiming only “ceased efforts” or “user initiation” requirements (Defendant’s Answer, p. 13). This refusal, while asserting Petitioner’s objection to biometrics justifies deprivation, shows bad faith. Petitioner’s objections, based on religious and medical beliefs protected under Cal. Const., art. I, § 4, and Cal. Civ. Code § 51, are not subject to unilaterally imposed terms lacking mutual assent (Cal. Civ. Code § 1670.5). This case warrants Supreme Court review to set precedent on biometric coercion and digital property rights under Cal. Rules of Court, Rule 8.500(b)(1). The Superior Court’s dissolution of the June 27, 2025, preservation order on July 7, 2025, and the Court of Appeal’s summary denial on July 3, 2025, necessitate intervention to prevent irreparable harm.

II. PUBLIC INTEREST & PRECEDENTIAL NECESSITY

This case requires judicial precedent on the enforceability of retroactive biometric policies, violating Cal. Const., art. I, § 1, and Cal. Civ. Code § 1670.5. Defendant's refusal to provide non-biometric recovery or administrative access to Petitioner's digital assets, including NFT marketplace accounts, despite technical feasibility (Supplemental Declaration, July 6, 2025), raises novel issues of digital property rights and due process under U.S. Const., amend. XIV. The widespread use of biometrics in digital platforms (e.g., Coinbase's integration with OpenSea, Rarible, accessed July 20, 2025) and user objections to Defendant's policies (Reddit, January 2025) highlight the public interest. No California precedent addresses retroactive biometric mandates and constitutional protections, necessitating review under Cal. Rules of Court, Rule 8.500(b)(1). The Court of Appeal's summary denial on July 3, 2025, failed to analyze these issues, contrary to *Ng v. Superior Court* (1992) 4 Cal.4th 29, requiring this Court's intervention to prevent irreparable harm and set critical precedent.

III. INVALID ARGUMENTS & IMPROPER REASONING

Petitioner pursued this action due to lower court errors and Defendant's unsupported arguments. The Superior Court's failure to compel transfer of Petitioner's digital assets, passkey recovery, or alternative support for restoring NFT marketplace access, despite feasibility (Supplemental Declaration, July 6, 2025), and its dissolution of the June 27, 2025, preservation order on July 7, 2025, were abuses of discretion (*Robbins v. Superior Court* (1985) 38 Cal.3d 199, 205). The Court of Appeal's summary denial on July 3, 2025, lacked analysis, violating *Ng v. Superior Court* (1992) 4 Cal.4th 29. These errors ignored Petitioner's evidence (Supplemental Declaration, July 6, 2025) and caused delays, denying due process. Under *Mathews v. Eldridge* (1976) 424 U.S. 319, 335, courts must assess erroneous deprivation risks, which the lower courts failed to do, violating U.S. Const., amend. XIV.

Mandamus relief is warranted under Cal. Code Civ. Proc. § 1085.

A. Defendant's Arguments Invalidated

1) Petition is Procedurally Proper

a) Facts: The July 9, 2025, petition in S291823 is materially updated from the July 3, 2025, Court of Appeal denial (Ex. A(1)) and Judge Chalfant's order, reflecting new facts, escalating harm, and supplemental records. Hagan does not bar refiling with changed circumstances (Cal. Rules of Court, Rule 8.500(g)(2); Verified Petition, §§ I–III-A).

b) False: Supreme Court lacks jurisdiction due to similarity with prior petition; cites Hagan v. Superior Court.

2) Honest Basis for Review & Emergency Relief

a) Facts: Irreparable harm includes permanent loss of control over time-sensitive digital assets, including NFT marketplace accounts (Verified Petition § I; Ex Parte App., 07/02/2025). The Court of Appeal's summary denial failed to analyze this (Ng v. Superior Court, 4 Cal.4th 29).

b) False: Petitioner fails to show legal error or irreparable harm; assets are inaccessible.

3) Defendant Took Zero Steps to Accommodate

a) Facts: Defendant's "verify identity" invitation requires retroactive biometric scans, not present at account creation. No alternative recovery or administrative access restoration was offered (Verified Complaint ¶18; Minute Order, 06/30/2025).

b) Misleading: Defendant preserved contents and invited ID verification.

4) Biometric Requirement is Unlawful & Undisclosed

- a) Facts: Terms imposed post-account creation lack mutual assent (Cal. Civ. Code § 1670.5; Specht v. Netscape (2d Cir. 2002) 306 F.3d 17). Compelled biometrics violate Cal. Const., art. I, §§ 1, 7, and accommodation rights.
- b) False: Petitioner agreed to terms including biometrics; Defendant lacks key custody.

5) Petition is Based on Facts, Not Conspiracy Theories

- a) Facts: Defendant's claim that Petitioner's allegations are "conspiracy theories" (Defendant's Answer, p. 10) is a baseless credibility attack. This petition seeks urgent transfer of digital assets, passkey recovery, or alternative support for restoring NFT marketplace access to prevent harm from Defendant's July 18, 2025, Web3 Wallet decommissioning deadline (Supplemental Declaration, July 6, 2025). Defendant's bad-faith conduct, including refusal of non-biometric recovery despite feasibility and unauthorized Coinbase One account reopening in May 2025 (Verified Complaint ¶18, ¶52), violates due process (Mathews v. Eldridge (1976) 424 U.S. 319, 335) and Cal. Civ. Code § 1668. Defendant's shifting deadlines (e.g., June 30 to July 18, 2025) and misrepresentations (Verified Complaint ¶50–86) show bad faith.

A separate RICO claim, filed in 2017 against technology corporations and Does 1-20 under 18 U.S.C. § 1961 et seq. (Verified Complaint ¶15), is planned for refiling to address fraud since 2017. This petition focuses on claim-and-delivery relief under Cal. Code Civ. Proc. § 511.010 et seq. to compel transfer of assets, passkey recovery, or administrative access to Petitioner's cold wallet (address: 0xe56f69BE1F7b5F3f807F0f3a5f89AD79d2bdacff) (Robbins v. Superior Court (1985) 38 Cal.3d 199,

205). Petitioner's minimalist filings reflect urgency (Verified Petition § I).

b) False: Filings contain conspiracy theories undermining credibility.

6) Public & Precedential Issues Warrant Review

a) Facts: The petition raises novel issues: Web3 property rights, forced biometrics, and post-use terms.

Other users object to Defendant's policies (Reddit, January 2025). Review is warranted under Cal.

Rules of Court, Rule 8.500(b)(1) (Verified Petition § III-A).

b) False: Dispute is fact-specific.

7) Defendant's Burden is Self-Inflicted

a) Facts: Petitioner's principled objections to biometrics are protected (Verified Petition § I; Verified Complaint ¶52). Defendant's refusal to offer non-biometric recovery or administrative access, despite feasibility, is obstructive (Verified Complaint ¶18). The court's June 27, 2025, order compelled transfer, which Defendant ignored (Minute Order, 06/27/2025).

b) False: Petitioner's actions cause harm.

8) Threat of Irreparable Harm

a) Facts: Time-sensitive asset loss, including NFT marketplace access, meets irreparable harm standards (Robbins v. Superior Court, 38 Cal.3d 199, 205). Defendant's July 18, 2025, deadline increases urgency (Verified Petition § IV).

b) False: Assets are inaccessible, not deleted.

9) Stay Must Be Maintained

- a) Facts: This Court's July 17, 2025, stay recognized urgency. Defendant's non-compliance with the June 27, 2025, order and shifting narratives justify continued protection (Supreme Court Order, 07/17/2025). Defendant's delays impose financial burdens on Petitioner (Verified Complaint ¶52).
- b) False: Stay should be dissolved.

B. Poor Judgments by Lower Courts

1) Ex Parte Applications Denied Without Due Process

The Superior Court's denials of Petitioner's ex parte applications on June 11 and 18, 2025, without hearings violated due process (*Mathews v. Eldridge* (1976) 424 U.S. 319, 335; Cal. Rules of Court, Rule 3.1203). The Court of Appeal's summary denial on June 25, 2025, lacked analysis (*Ng v. Superior Court* (1992) 4 Cal.4th 29). Judge Chalfant's unfamiliarity with NFTs led to an erroneous denial on June 11, 2025, and the July 7, 2025, dissolution of the preservation order ignored Defendant's non-compliance (Minute Order, 07/07/2025). These errors enabled Defendant's bad-faith lockout (Verified Complaint ¶18).

IV. PETITIONER'S LAWFUL RIGHT TO REFUSE BIOMETRICS

Petitioner's refusal of biometric data is protected under U.S. Const., amend. I, and Cal. Const., art. I, § 4, based on religious and medical beliefs, as recognized by prior court accommodations (Supplemental Declaration, July 6, 2025). Defendant's biometric requirements, imposed after account creation in November 2023, lack mutual assent (Cal. Civ. Code § 1670.5; *Douglas v. Talk America, Inc.* (9th Cir. 2007) 495 F.3d 1062).

Courts require only sincerely held beliefs for accommodation (*Holt v. Hobbs* (2015) 574 U.S. 352, 362). Petitioner’s consistent refusal (Supplemental Declaration, July 6, 2025) meets this standard. Defendant’s refusal to offer non-biometric recovery or administrative access to NFT marketplaces, despite feasibility (Verified Complaint ¶18), undermines their claim of mandatory biometrics (Defendant’s Answer, pp. 7–9). Judge Chalfant’s July 7, 2025, ruling deemed Defendant’s terms irrelevant to this claim-and-delivery action (Minute Order, 07/07/2025), as the lockout violates due process (*Mathews v. Eldridge* (1976) 424 U.S. 319, 335) and Cal. Civ. Code § 51. Defendant’s unauthorized Coinbase One account reopening in May 2025 (Verified Complaint ¶52) justifies Petitioner’s distrust, voiding terms under Cal. Civ. Code § 1668 and supporting recovery under Cal. Code Civ. Proc. § 511.010 et seq. A separate RICO claim against Does 1-20 is distinct from this case’s focus (Verified Complaint ¶15).

A. U.S. Constitutional Protections

1. First Amendment – Free Exercise Clause: Protects religious beliefs conflicting with demands (*Holt v. Hobbs*, 574 U.S. 352).
2. Fourteenth Amendment – Due Process & Equal Protection: Prohibits deprivation of liberty without due process or unequal treatment.

B. California Constitutional & Statutory Protections

1. Cal. Const., art. I, § 4: Guarantees free exercise of religion.
2. Cal. Const., art. I, § 1: Grants rights to privacy and liberty.
3. Cal. Civ. Code § 51: Prohibits business discrimination based on religion or medical condition.

4. Cal. Civ. Code § 56.10 et seq.: Protects medical information confidentiality.

V. DEFENDANT’S TERMS AND POLICY CONTRADICTIONS

Defendant’s terms contradict their claim of inability to assist in asset recovery or NFT marketplace access. Retroactive biometric requirements lack mutual consent, and their policies support Petitioner’s rights.

A. Right to Withdraw Biometric Consent

Coinbase’s NFT Privacy Policy states: “To the extent the processing of your personal information is based on your consent, you may withdraw your consent at any time” (accessed July 20, 2025).

Petitioner withdrew consent, yet Defendant enforces biometric lockout, violating this policy.

B. No Retroactive Enforcement of Terms

The January 2019 User Agreement states: “The Revised Agreement... will not apply retroactively” (Scribd). Biometric restrictions post-account creation lack assent, breaching contract principles (Cal. Civ. Code § 1670.5).

C. Defendant’s Wallet Custody Representations

Coinbase’s Wallet Security documentation states: “You own and control Digital Assets... Nobody, including Coinbase, can access your tokens or NFTs without your recovery phrase.” This contradicts their lockout, suggesting recovery feasibility (Verified Complaint ¶18).

D. Objection to Processing

Coinbase's privacy policy allows objections to processing based on legitimate interests. Petitioner's objection to biometrics for fraud prevention, when alternatives exist, is valid (Supplemental Declaration, July 6, 2025). This Court should reject Defendant's misrepresentations and compel recovery or access restoration.

VI. DEFENDANT'S TERMS ARE UNENFORCEABLE

Defendant's Terms of Service are unenforceable due to fraud and misconduct under Cal. Civ. Code § 1668. Defendant obstructed access, misrepresented recovery ability, and imposed biometrics without consent.

A. Biometric Requirement Lacks Assent

Biometric requirements post-account creation lack notice or consent (*Douglas v. Talk America, Inc.* (9th Cir. 2007) 495 F.3d 1062). This unconscionability voids the clause (Cal. Civ. Code § 1670.5; *Armendariz v. Foundation Health Psychcare* (2000) 24 Cal.4th 83, 114–121).

B. Unlawful Conduct Voids Contract

Defendant's obstruction, refusal to assist, and misrepresentations violate Cal. Civ. Code § 1668 (*Tunkl v. Regents of Univ. of California* (1963) 60 Cal.2d 92).

C. Inconsistent Terms Show Waiver

Defendant's preservation of assets through July 18, 2025, suggests recovery feasibility, waiving strict enforcement (*Platt Pacific, Inc. v. Andelson* (1993) 6 Cal.4th 307, 314).

D. Internal Policy Not Justification

Defendant's "wind-down" does not excuse lockout when recovery or access restoration is feasible (Verified Complaint ¶18).

E. Constitutional Protections

Petitioner's biometric refusal is protected under Cal. Const., art. I, § 1, and U.S. Const., amends. I, XIV. Terms requiring biometrics are unconscionable.

VII. NOTICE OF INTENT TO SUBPOENA & AMEND COMPLAINT

A. Intent to Subpoena

Petitioner intends to subpoena not limited to the following:

1. Defendant's CEO, head of support, and officers on biometric practices, passkey recovery, NFT marketplace access procedures, and corporate affiliations.
2. ICANN and registrars for domain dispute information.
3. Communications between Defendant and Does 1-20.
4. An amended complaint will expand on Defendant's obstruction, damages, and allegations of fraud, privacy violations, and due process infringements.

B. Intent to Amend Complaint

The amended complaint will clarify Defendant's obstruction of digital property rights, including NFT marketplace access, privacy, and due process violations.

1) Collateral Damages

- a) Listed sale price of assets: \$2.4 billion (Verified Complaint ¶18).
- b) Delayed business ventures due to lockout of assets and marketplace access (Supplemental Declaration, July 6, 2025).
- c) Time consumption redirecting Petitioner from business plans, delaying tokenization (Verified Complaint ¶52).

Quantifiable Damages:

- Losses comparable to competitors (\$15.4M/month and \$2.8M/month, names redacted).
- Additional business damages: \$20M+/month (Verified Complaint ¶50–86).
- Punitive damages for unnecessary filings: \$50M (Verified Complaint ¶15).

2) Explanation of Changes

Petitioner underestimated asset value, listed at \$2.4 billion on the Ethereum blockchain (Verified Complaint ¶18). A June 2025 cease-and-desist letter warned of claims for this value (Supplemental Declaration, July 6, 2025). Defendant's feasible recovery or administrative access restoration and bad-faith refusal support amendment (Ng v. Superior Court (1992) 4 Cal.4th 29).

3) Total Damages & Relief Sought

- a) Total Loss: \$2.4 billion (Verified Complaint ¶18).
- b) Damages w/ Recovery: \$360M (\$310M personal, \$50M invest; M = Million; B = Billion; USD).

Calculation: Six weeks since Verified Complaint at \$10M/week; four unnecessary filings at \$50M each (Verified Complaint ¶15).

4) Economics Supporting Relief

a) Limited user and token supply in deflationary markets.

b) Market volatility increases urgency (Robbins v. Superior Court (1985) 38 Cal.3d 199, 205).

Defendant's delays favor competitors (Verified Complaint ¶52).

VIII. PETITIONER'S CIVIL APPROACH AND URGENT NEED FOR REVIEW

Petitioner has pursued this matter professionally through verified filings, support requests, and a June 2025 cease-and-desist letter (Supplemental Declaration, July 6, 2025). Defendant's July 18, 2025, Web3 Wallet deadline requires review to prevent harm to Petitioner's digital assets and NFT marketplace access (Robbins v. Superior Court (1985) 38 Cal.3d 199, 205). Defendant's refusal of non-biometric recovery violates Cal. Const., art. I, § 1, and Mathews v. Eldridge (1976) 424 U.S. 319, 335.

Petitioner's expertise, developed over two decades, underscores the assets' business importance (Verified Complaint ¶52). The Superior Court's June 27, 2025, preservation order was dissolved erroneously on July 7, 2025 (Minute Order, 07/07/2025). Recent cryptocurrency legislation highlights the public interest (Cal. Rules of Court, Rule 8.500(b)(1)). A separate RICO claim under 18 U.S.C. § 1961 et seq. is distinct (Verified Complaint ¶15).

Civil Response to Bad-Faith Conduct

A. Fair Escalations & Warnings

Petitioner escalated support requests, issued a cease-and-desist letter, and offered non-biometric verification (e.g., bank transfer), all before filing (Supplemental Declaration, July 6, 2025). Defendant's misrepresentations show bad faith (Verified Complaint ¶¶50–86).

B. Valuation and Warnings

Petitioner warned of claims for assets' listed value, verifiable on the Ethereum blockchain (Verified Complaint ¶18). The initial complaint underestimated damages, to be clarified in amendment.

C. Proposed No-Loss Solution

Petitioner offered a no-loss resolution: asset transfer and marketplace access in exchange for half the damages as investment in his cryptocurrency venture (Verified Complaint ¶15).

IX. CONCLUSION

Petitioner has pursued this matter lawfully, seeking relief to prevent irreparable harm to his digital assets and NFT marketplace access (Supplemental Declaration, July 6, 2025). Defendant's opposition relies on misrepresentations, failing to justify refusal of non-biometric recovery or administrative access restoration (Verified Complaint ¶18). This Court's July 17, 2025, stay recognizes urgency under Cal. Const., art. I, § 1, and *Mathews v. Eldridge* (1976) 424 U.S. 319, 335. Defendant's non-compliance with the June 27, 2025, order warrants review to set precedent on biometric coercion (Cal. Rules of Court, Rule 8.500(b)(1)). There is no basis to lift the stay.

A. Requested Relief

Petitioner respectfully requests that the Court:

1. Grant expedited review under Cal. Rules of Court, Rule 8.520(c);
2. Issue mandamus under Cal. Code Civ. Proc. § 1085 ordering Defendant to cooperate in manual transfer of digital assets, passkey recovery, or alternative support for restoring administrative access to NFT marketplace accounts (e.g., OpenSea, Rarible) to Petitioner's cold wallet (address: 0xe56f69BE1F7b5F3f807F0f3a5f89AD79d2bdacff);
3. Maintain the stay pending transfer and access confirmation (Robbins v. Superior Court (1985) 38 Cal.3d 199, 205);
4. Take judicial notice of Petitioner's July 9, 2025, supplemental filings under Cal. Evid. Code § 452(d).

I declare under penalty of perjury under the laws of the State of California that, to the best of my knowledge, the foregoing is true and correct.

Respectfully submitted,

Dated: July 20th, 2025

/s/ Russell Rope

Petitioner In Pro Per