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In Pro Per

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

RUSSELL ROPE,

Plaintiff,

v.

COINBASE, INC. & DOES 1-20,

Defendants.

Case No.: 25STCV16692

**PLAINTIFF'S REQUEST FOR
CLARIFICATION, MODIFICATION, OR
VACATUR OF STAY ORDER**

Hearing Date: November 26, 2025

Time: 8:30 a.m. Dept.: 28

Judge: Hon. Rupert A. Byrdsong

Complaint Filed: May 2025 Trial Date: TBD

Plaintiff Russell Rope ("Plaintiff"), appearing in pro per, respectfully submits this Request for Clarification, Modification, or Vacatur of the Stay Order entered October 3, 2025, and states as follows:

1 **I. INTRODUCTION**

2 On October 3, 2025, the Court granted Defendant Coinbase, Inc.’s (“Defendant”) ex parte
3 application for a stay pending the hearing on Defendant’s Petition to Compel Arbitration, now
4 scheduled for **November 26, 2025**. At the time the order was issued, Plaintiff had already **filed**
5 **and served** his Opposition, supporting declarations, and related filings, all of which were
6 accepted for filing by the Clerk that same morning.
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10 Plaintiff now seeks **clarification and/or modification** of the stay order to ensure:

- 11
- 12 1. The Court has reviewed Plaintiff’s timely-filed Opposition before ruling;
 - 13 2. Plaintiff’s filings are considered part of the record;
 - 14 3. The stay does not prevent the Court from considering Plaintiff’s evidentiary objections or
15 supplemental filings necessary for the arbitration hearing; and
 - 16 4. Plaintiff retains the ability to protect his rights, property, and safety in the interim period
17 before November 26, 2025.
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19 This is a **request**, not a motion, because Plaintiff understands the case is stayed and therefore
20 seeks direction and clarification under the Court’s **inherent authority** (CCP §§ 128(a), 187;
21 *Walker v. Superior Court*, 53 Cal.3d 257 (1991)).
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23
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25 **II. BASIS FOR REQUEST**

26 Claims involving fraud, misrepresentation, wrongful deprivation of access, or malicious
27 interference with property are not subject to private arbitration, and no stay may be used to
28

1 conceal or delay investigation into criminal conduct. The stay prejudices Plaintiff by preventing
2 necessary discovery into alleged fraud, misrepresentation, wrongful deprivation of property, and
3 malicious interference — none of which are arbitrable as a matter of law.
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6 **A. The Stay Order Was Issued Before the Court Reviewed Plaintiff's Filings**
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8 Plaintiff's Opposition and supporting documents were **e-filed at 8:14 a.m.**, before Defendant's
9 ex parte hearing began. The Clerk confirmed acceptance. Plaintiff respectfully requests
10 confirmation that:
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- 12 • The Court has reviewed these documents, or
- 13 • The Court will review them before ruling on arbitration.
14

15 This ensures a complete and accurate record.
16
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18 **B. Clarification Is Needed Regarding What the Stay Covers**
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20 Plaintiff seeks written clarification that, notwithstanding the stay:
21

- 22 • Plaintiff may file **evidentiary objections**;
- 23 • Plaintiff may file **responses** to Defendant's newly-served discovery objections;
- 24 • Plaintiff may file **corrected declarations**, errata, or supplemental evidence for the
25 *arbitration* hearing;
- 26 • Plaintiff may file **requests** (not motions) directed toward the November 26 hearing.
27
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1 These filings do not require discovery or litigation on the merits—they simply ensure the Court
2 has the necessary record to decide the pending petition.
3
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5 **C. Modification Is Needed to Prevent Irreparable Harm**

6 Plaintiff continues to suffer escalating harm while being deprived of access to:
7

- 8 • NFTs worth significant value;
- 9 • Web3 wallets;
- 10 • USDC account funds (debit card deactivated by Coinbase);
- 11 • Critical business assets.
- 12

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14 Further, Plaintiff is the **victim of hacking, stalking, and threats**, all documented in earlier
15 filings.
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17 A limited modification is therefore requested allowing:

- 18 • The Court to hear **time-sensitive issues affecting Plaintiff's safety, property, or access**
19 **to evidence.**
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21
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23 **D. Vacatur Is Requested in the Alternative Because Defendant's Ex Parte Showing Lacked** 24 **the Required "Irreparable Harm"**

25
26 Under **CRC 3.1202(c)**, ex parte relief requires:

- 27 • Irreparable harm **to the moving party**, and
- 28

- A showing that the request **could not wait for noticed motion**.

Defendant made neither showing. Plaintiff, however **is** suffering irreparable harm daily. Thus, if clarification or modification is insufficient, Plaintiff respectfully requests **vacatur** and a return to the status quo ante.

III. RELIEF REQUESTED

Plaintiff respectfully requests that the Court issue an order:

1. **Clarifying** that Plaintiff's filings may continue for the limited purpose of the November 26 arbitration hearing;
2. **Confirming** that Plaintiff's Opposition and evidence were reviewed by the Court;
3. **Allowing** supplemental or corrective filings directed solely to the arbitration petition;
4. **Modifying** the stay to the extent necessary to prevent irreparable harm to Plaintiff's property and safety; or
5. **Vacating** the October 3 stay order in full, if appropriate.

IV. CONCLUSION

Plaintiff submits this Request in good faith to ensure the Court has a complete and accurate record and to protect Plaintiff from further harm while awaiting the November 26 hearing.

Respectfully submitted,

Dated: November 12, 2025

/s/ Russell Rope

Plaintiff In Pro Per

MEMORANDUM OF POINTS & AUTHORITIES

I. INTRODUCTION

Plaintiff respectfully requests that the Court vacate or, in the alternative, modify the October 2, 2025 stay order entered under Code of Civil Procedure § 1281.4. New evidence and continuing harm demonstrate that the stay is being used not to preserve judicial economy but to suppress discovery into potential criminal conduct and concealment of digital assets. The Court has inherent and statutory authority under CCP §§ 1281.4 and 1008 to correct or modify a prior order when new facts or circumstances warrant it.

II. LEGAL STANDARD

1. Modification or Vacation of Prior Order — Under CCP § 1008(a), any party affected by an order may, upon a showing of new or different facts, move the court to modify or vacate that order.
2. Purpose of Stay under § 1281.4 — The stay exists only to avoid duplication of proceedings pending arbitration, not to freeze evidence or obstruct discovery (Federal Ins. Co. v. Superior Court, 60 Cal.App.4th 1370 (1998)).
3. Court's Inherent Authority — A superior court may always modify its own orders to prevent injustice (Walker v. Superior Court, 53 Cal.3d 257, 267 (1991)).

III. ARGUMENT

A. The Stay Was Procured Through Incomplete Disclosure

Coinbase's ex parte stay application failed to disclose that Plaintiff had already served discovery and motions before October 2. The resulting order halted discovery that had been timely and

properly initiated. Such omission constitutes new and different facts justifying reconsideration under § 1008(a).

B. New Facts Demonstrate Continuing Harm & Bad Faith

Since the stay, Plaintiff has recovered electronic records verifying interference with wallet credentials and digital assets. Coinbase’s November 3 blanket objections admit that it will produce no information even necessary to identify Does 1-20. Each day the stay remains in place further damages Plaintiff’s business interests and personal safety, while Defendant faces no comparable prejudice.

C. Public Policy & Crime-Fraud Exceptions Forbid Shielding Misconduct

Evidence Code § 956 and CCP § 2017.010 forbid privileges or stays that conceal criminal or fraudulent acts. Arbitration and related stays cannot be applied to block investigation of hacking, theft, or stalking (Armendariz v. Foundation Health, 24 Cal.4th 83 (2000); McGill v. Citibank, 2 Cal.5th 945 (2017)). Limiting the stay to allow identification of Does 1-20 protects the integrity of the process and the public interest.

D. Equity Requires Modification to Permit Doe Discovery & Evidence Preservation

Plaintiff’s discovery seeks only the minimal information necessary to name responsible parties and preserve evidence that may otherwise be lost. Under CCP § 474, such “Doe discovery” is expressly authorized. Continuing the blanket stay would effectively immunize unknown wrongdoers and reward concealment.

1 **IV. CONCLUSION**

2 Coinbase's blanket invocation of privilege is improper. Plaintiff seeks factual information (logs,
3 actors, timestamps, overrides), not legal strategy. Crime-fraud exception, Evid. Code § 956,
4 further defeats any privilege claim.
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7 For the foregoing reasons, Plaintiff respectfully requests that the Court vacate the October 2,
8 2025 stay or, at minimum, modify it to permit discovery directed at identification of Does 1-20
9 and preservation of digital-asset evidence.
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11
12 Respectfully submitted,

13 Dated: November 12, 2025

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15 /s/ Russell Rope
16 *Plaintiff In Pro Per*
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1 [PROPOSED ORDER]

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3 ORDER GRANTING PLAINTIFF’S REQUEST TO VACATE OR MODIFY STAY
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6 The Court, having considered Plaintiff’s request and good cause appearing, hereby vacates (or,
7 alternatively, modifies) the stay entered October 2, 2025. Discovery necessary to identify Does
8 1-20 and preserve evidence is permitted to proceed.

9 IT IS SO ORDERED.
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12 Dated: _____

13 Hon. Rupert A. Byrdsong Judge of the Superior Court
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