

Supreme Court of Florida

TUESDAY, DECEMBER 13, 2022

CASE NO.: SC22-1425

Lower Tribunal No(s):

3D21-12; 132018AP000137000001; 132016CC005009000025

L. POWERS A/K/A ILANA
RIGWAN

vs. SOUTH BEACH BAYSIDE
CONDOMINIUM ASSOCIATION
I, INC.,

Petitioner(s)

Respondent(s)

The petition for writ of prohibition is hereby denied because petitioner has failed to demonstrate that a lower court is attempting to act in excess of its jurisdiction. *See Mandico v. Taos Constr., Inc.*, 605 So. 2d 850 (Fla. 1992); *English v. McCrary*, 348 So. 2d 293 (Fla. 1977). No motion for rehearing will be entertained by this Court.

CANADY, POLSTON, LABARGA, COURIEL, and GROSSHANS, JJ., concur.

A True Copy
Test:

ks

Served:

L. POWERS
SOUTH BEACH BAYSIDE CONDOMINIUM ASSOCIATION I, INC.,
HON. MERCEDES M. PRIETO, CLERK
HON. HARVEY RUVIN, CLERK

APPENDIX B1

Supreme Court of Florida

TUESDAY, DECEMBER 13, 2022

CASE NO.: SC22-1600

Lower Tribunal No(s).:

3D21-12; 132018AP000137000001; 132016CC005009000025

L. POWERS A/K/A ILANA
RIGWAN

vs. SOUTH BEACH BAYSIDE
CONDOMINIUM ASSOCIATION
I, INC.,

Petitioner(s)

Respondent(s)

The petition for writ of quo warranto is hereby denied. No motion for rehearing will be entertained.

CANADY, POLSTON, LABARGA, COURIEL, and GROSSHANS, JJ., concur.

A True Copy

Test:

ks

Served:

SOUTH BEACH BAYSIDE CONDOMINIUM ASSOCIATION I, INC.,
L. POWERS

HON. MERCEDES M. PRIETO, CLERK

HON. HARVEY RUVIN, CLERK

APPENDIX B2

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
NOVEMBER 14, 2022

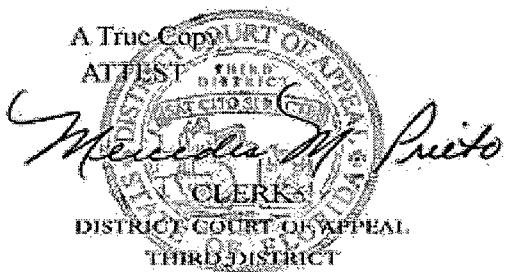
ILANA RIGWAN,
Appellant(s)/Petitioner(s),
vs.

CASE NO.: 3D21-0012
L.T. NO.: 16-5009 CC,
18-137 AP

SOUTH BEACH BAYSIDE
CONDOMINIUM ASSOCIATION I,
INC.,
Appellee(s)/Respondent(s),

Upon consideration, pro se Appellant's Motion for Rehearing to
Re-Open Case, Add Appellees and Extension for Mandate is hereby
stricken as unauthorized.

LOGUE, GORDO and LOBREE, JJ., concur.



cc: Ilana Rigwan a/k/a L
Powers

la

APPENDIX A

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO. 18-17351-CA-25

ILANA RIGWAN,

Plaintiff,

v.

SOUTH BEACH BAYSIDE
CONDOMINIUM ASSOCIATION I,
INC.,

Defendant.

AMENDED ORDER NUNC PRO TUNC DENYING WRIT OF PROHIBITION

THIS CAUSE having come before the Court upon Petitioner, ILANA RIGWAN's ("Petitioner") Motion for Rehearing as to the Court's June 25, 2018, Order Denying Writ of Prohibition, and the Court having reviewed the subject Motion, having heard argument of counsel, and having reviewed the Court's file and being otherwise fully advised on the premises; it is therefore:

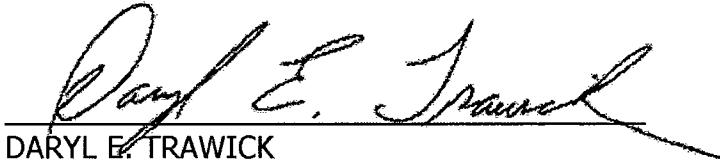
ORDERED AND ADJUDGED as follows:

1. This Order amends and shall supersede this Court's prior Order dated June 25, 2018 nunc pro tunc.
2. The Court finds that prior to initiating the Writ of Prohibition, the Petitioner filed an appeal of the same Final Judgment for Foreclosure that Petitioner is now seeking to set aside. That appeal is currently pending in the Circuit Court of Miami-Dade County, Case No.: 18-000137-AP ("The Appeal") and any decision pertaining to the Appeal will be resolved by the Appellate Court wherein Petitioner has an adequate legal remedy. *City of Miami v. Village of Key*

APPENDIX C

Biscayne, 199 So.2d 300 (Fla. 3d DCA 2016); *Broward County v. Florida National Properties*, 613 So.2d 587 (Fla. 4th DCA 1993). As such, the Writ of Prohibition is denied.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 08/02/18.



DARYL E. TRAWICK
CIRCUIT COURT JUDGE

FINAL ORDERS AS TO ALL PARTIES
SRS DISPOSITION NUMBER 12

THE COURT DISMISSES THIS CASE AGAINST
ANY PARTY NOT LISTED IN THIS FINAL ORDER
OR PREVIOUS ORDER(S). THIS CASE IS CLOSED
AS TO ALL PARTIES.

Judge's Initials DET

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed original order sent electronically to the Clerk of Courts for filing in the Court file.

Osbourne v. Persons unknown and others – Service of proceedings by Nonfungible Token (NFT)

 eversheds-sutherland.com/global/en/what/articles/index.page

03-02-2023

United Kingdom

Financial services disputes and investigations

Summary

The High Court has permitted exclusive service of proceedings by Nonfungible Token ("NFT") for the first time. *Osbourne v. Persons unknown and others* [2023] EWHC 39 (KB) concerns a claim brought in respect of the hacking of a digital wallet containing two NFTs (the "Tokens"). The Tokens comprised 10,000 works of unique digital art of inspirational women, each of which are said to have been worth between £3,000 and £5,000.

The Tokens were deposited into the Claimant's wallet in September 2021, but transferred out in January 2022 by an unidentified hacker (the "Unidentified Defendant") without the Claimant's consent.

The Claimant has identified one of the proposed Defendants, following a review by a digital forensic investigator who located a wallet operated by an NFT marketplace called Open Sea. One of the Tokens was transferred from there to a wallet linked to a South African individual (the "SA Defendant"). An injunction to prevent the Tokens being traded was secured by the Claimant in March 2022.

 Judge Lavender permitted the Claimant to serve their proceedings by NFT on the Unidentified Defendant, as there was no other method available to the Claimant. This is the first time the Courts have permitted service of proceedings exclusively by NFT. The Court also allowed the proceedings to be served on the SA Defendant by NFT and email. The served documents will be redacted, other than to the Defendants, because NFTs can be viewed publicly on the Blockchain.

Comment

Osbourne is setting new standards for digital assets like NFTs. The High Court has previously held that cryptocurrency is property (see our previous articles [here](#) and [here](#) which discuss the challenges with defining cryptocurrency as property), but in July 2022, in this same case, it extended this definition to cover NFTs (see our previous article on [this here](#)). The Court had jurisdiction to make this finding because, although the Tokens have left the jurisdiction, the thefts most likely occurred in England and there is scope for arguing that they are held on constructive trust by the Defendants (who would be trustees of the Tokens).

This latest development continues to pave the way for victims of crypto-asset fraud to pursue claims against their anonymous hackers or fraudsters. It follows in the footsteps of the decision in *D'Aloia v Person unknown and others*, which granted permission for proceedings to be served by NFT for the first time – however, *Osbourne* marks the first time that NFTs have been permitted as the exclusive method of service.

Social media and even email are relatively recent additions to the Court's accepted forms of service (the former with the Court's permission only), but this latest development shows that the Court is willing to adapt and innovate, and move with the times when traditional methods of service are challenging or impossible. It is encouraging to see that the Court is willing to adopt the latest technological developments and permitting real-time changes to its procedures to align itself with these advancements.

APPENDIX D



England and Wales High Court (King's Bench Division) Decisions

You are here: [BAILII](#) >> [Databases](#) >> [England and Wales High Court \(King's Bench Division\) Decisions](#) >> [Osbourne v Persons Unknown Category A & Ors \[2023\] EWHC 39 \(KB\) \(13 January 2023\)](#)
URL: <http://www.bailii.org/ew/cases/EWHC/KB/2023/39.html>
Cite as: [2023] EWHC 39 (KB)

[\[New search\]](#) [\[Printable PDF version\]](#) [\[Help\]](#)

Neutral Citation Number: [2023] EWHC 39 (KB)

Case No: KB-2022-001266

IN THE HIGH COURT OF JUSTICE KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

13/01/2023

Before:

MR JUSTICE LAVENDER

Between:

Lavinia Deborah Osbourne

Claimant

- and -

(1) PERSONS UNKNOWN CATEGORY A (being the natural and/or legal persons who on 17 January 2022 unlawfully gained access to and removed from the Claimant's cryptoasset wallet ending 7456 Non-Fungible Tokens titled 'Boss Beauties #680' and/or 'Boss Beauties #691')

(2) PERSONS UNKNOWN CATEGORY B (being the natural and/or legal persons who are in possession and/or control of the Non-Fungible Tokens titled 'Boss Beauties #680' and/or 'Boss Beauties #691')

(3) THEMBAKI DUBE

Defendants

Third District Court of Appeal

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Case No: 3D

21-0012

ILANA RIGWAN,
vs
SOUTH BEACH BAYSIDE CONDOMINIUM ASSOCIATION I, INC.,

Date Filed: 01/05/2021	Status: Closed	Proceeding: Appeal	Nature: Final
Type: County Civil	Category: Foreclosure/Real Property/Mortgage	Circuit: 11th Judicial Circuit	

Attorneys

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LOPEZ, DANIEL C.	86093	7001 SW 87th Court	Miami FL 33173	dlopez@fpsiam.com	305-630-2874
MORBURGER, ARTHUR J.	157287	P.O. Box 403211	Miami Beach FL 33140	amorburgerr@bellsouth.net	786-626-2526

Parties

Name	Bar No.	Address	City, State zip	eMail	Phone
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SOUTH BEACH BAYSIDE CONDOMINIUM ASSOCIATION I, INC.,		230 5th Street	Miami Beach FL 33139-		

Additional Parties

Name	Bar No.	Address	City, State zip	eMail	Phone
CLERK, MIAMI-DADE				cocedca@miamidade.gov	



eDCA

Third District Court of Appeal

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Case No: 3D

21-0012

ILANA RIGWAN,
vs
SOUTH BEACH BAYSIDE CONDOMINIUM ASSOCIATION I, INC.,

Date Filed:	01/05/2021	Status:	Closed	Proceeding:	Appeal	Nature:	Final
Type:	County Civil	Category:	Foreclosure/Real Property/Mortgage		11th Circuit: Judicial Circuit		

	Date	Type	Pleading	Note
	12/14/2022	SC Event	Supreme Court Disposition	The petition for writ of quo warranto is hereby de
	12/14/2022	SC Event	Supreme Court Disposition	The petition for writ of prohibition is hereby den
	11/28/2022	SC	ORIGINAL PETITION	
	11/14/2022	Order	MISCELLANEOUS ORDER (OR999)	Upon consideration, pro se Appellant's Motion for
	10/25/2022	SC Event	Acknowledged Receipt from Supreme Court	
	10/25/2022	SC	ORIGINAL PETITION	
	10/17/2022	Motion	Motion For Rehearing	Motion For Rehearing To Re-Open Case, Add Appellee
	10/07/2022	Event	West Publishing	
	10/07/2022	Mandate	Mandate	
	09/21/2022	Disposition	Affirmed	
	09/21/2022	Order	Miscellaneous Motion Denied (OD999)	Upon consideration, the pro se appellant's Novembe
	09/21/2022	Order	Motion to Dismiss Denied (OD32)	Upon consideration, Appellee's motion to dismiss a
	12/13/2021	Event	Miscellaneous Docket Entry	SUPREME COURT OF THE UNITED STATES-THE PETITION FO
	11/10/2021	Motion	Miscellaneous Motion	Re: Change Address Motion To Recuse Judge Logue
	11/01/2021	Order	Motion to Withdraw Granted (OG44)	Pro se Appellant's motion, filed on October 18, 20



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Not For Profit Corporation ✓

SOUTH BEACH BAYSIDE CONDOMINIUM ASSOCIATION I, INC. ✓

Filing Information

Document Number N94000003324
FEI/EIN Number 65-0596179
Date Filed 07/01/1994
State FL
Status INACTIVE
Last Event ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed 09/25/2020
Event Effective Date NONE

Principal Address

230 5TH STREET
MIAMI BEACH, FL 33139

Changed: 10/23/2017

Mailing Address

C/O SRC PROPERTIES, LLC
230 5TH STREET
MIAMI BEACH, FL 33139

Changed: 10/23/2017

Registered Agent Name & Address

SRC PROPERTIES, LLC
230 5TH STREET
MIAMI BEACH, FL 33139

Name Changed: 04/05/2019

Address Changed: 04/05/2019

Officer/Director Detail

Name & Address

Title President, Director

APPENDIX F