

# 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.,

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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),

CASE NO.: 3D21-0012

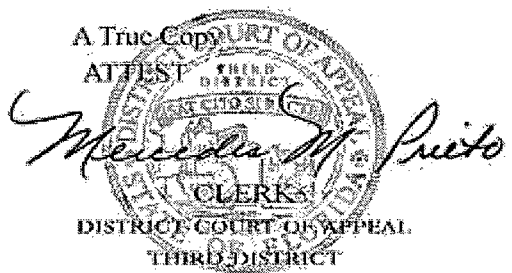
vs.

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.

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**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. 4<sup>th</sup> 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

<b>FINAL ORDERS AS TO ALL PARTIES</b>
<b>SRS DISPOSITION NUMBER 12</b>
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 <u>DET</u>

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](https://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. Person unknown and others* [2023] EWHC 39 (KB) concerns a claim brought in respect of the hacking of a digital wallet containing two NF (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



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

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**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)

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**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) THEMBANI DUBE**

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**Defendants**

APPENDIX D2



## Third District Court of Appeal

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Case No: 3D

21-0012

**Search**

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

Name	Bar No.	Address	City, State zip	eMail	Phone
FARINAS-SABOGAL, LILLIANA M.	164585	121 Alhambra Plaza 10th Floor	Coral Gables FL 33134-4540	Lfarinas@beckerlawyers.com	305-262-4433
GONGORA, MICHAEL C.	52736	121 Alhambra Plaza 10th Floor	Coral Gables FL 33134-4540	Mgongora@beckerlawyers.com	305-262-4433
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	amorbουργerr@bellsouth.net	786-626-2526

### Parties

Name	Bar No.	Address	City, State zip	eMail	Phone
POWERS, L		5927 SW 70th Street	South Miami FL 33143-	promogirl@yahoo.com	786-339-6335
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	

APPENDIX E



## Third District Court of Appeal

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Case No: 3D

21-0012

**Search**

**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		

	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

APPENDIX E



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## 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