

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Leonard Loh v. Lanston Loh, et al.

Loh · No. 2:25-cv-02441-CDS-MDC · Decided December 11, 2025

SUMMARY

The United States District Court for the District of Nevada denied Leonard Loh’s ex parte motions for a temporary restraining order and related relief seeking to freeze and preserve cryptocurrency assets allegedly converted by the defendants. The court held that the plaintiff failed to satisfy Federal Rule of Civil Procedure 65(b), including the requirements for proceeding without notice, and directed him to serve the defendants or file a status report by December 24, 2025.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Cristina D. Silva
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 11, 2025
DOCKET	2:25-cv-02441-CDS-MDC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved ex parte for a temporary restraining order and an order to show cause to freeze and preserve cryptocurrency assets allegedly converted by defendants.
STANDARD OF REVIEW	The court applied the requirements governing issuance of an ex parte temporary restraining order under Federal Rule of Civil Procedure 65(b).
PRECEDENTIAL VALUE	Unknown

TOPICS

- injunctions
- civil procedure
- commercial litigation
- remedies

PRACTICE AREAS

- civil procedure
- remedies
- commercial litigation

QUESTIONS PRESENTED

1. Whether plaintiff satisfied Federal Rule of Civil Procedure 65(b)'s requirements for obtaining an ex parte temporary restraining order without notice.
2. Whether the alleged risk that defendants might move or dissipate cryptocurrency assets made notice impossible or otherwise justified ex parte relief.

HOLDINGS

1. Plaintiff was not entitled to an ex parte temporary restraining order because he failed to establish the circumstances required by Federal Rule of Civil Procedure 65(b) for relief without notice.
2. The alleged risk that defendants might further move or dissipate cryptocurrency did not make notice impossible and did not justify ex parte relief.

KEY QUOTATIONS

“Ex parte applications are solely for extraordinary relief and are rarely granted.” (at 1)

“courts have recognized very few circumstances justifying the issuance of an ex parte TRO.” (at 1)

FACTUAL BACKGROUND

Plaintiff alleged that defendants unlawfully converted his cryptocurrency assets and sought an ex parte TRO to freeze and preserve those assets. He argued that the risk of further movement or dissipation of the cryptocurrency justified proceeding without notice. The court found that plaintiff had not shown that notice was impossible or that defendants would disregard a court order before a hearing, and noted that plaintiff appeared not to have served defendants or sufficiently explained why service was impossible.

PROCEDURAL HISTORY

In this federal fraud action, the plaintiff sought an ex parte temporary restraining order without notice. The district court denied the ex parte TRO and related ex parte relief because plaintiff did not satisfy Federal Rule of Civil Procedure 65(b), particularly the requirements concerning notice and the necessity of proceeding without notice. The court permitted plaintiff to serve defendants by December 24, 2025, or file a status report explaining why service had not or could not be accomplished, after which the court would consider the motion on its merits.

DISPOSITION

other

CASES CITED

- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7 (2008)
- Mission Power Eng'g Co. v. Cont'l Cas. Co., 883 F. Supp. 488, 490 (C.D. Cal. 1995)
- Reno Air Racing Ass'n, Inc. v. McCord, 452 F.3d 1126, 1131 (9th Cir. 2006)

OPINION

1 2 UNITED STATES DISTRICT COURT DISTRICT OF NEVADA 3 4 Leonard Loh, Case No.
2:25-cv-02441-CDS-MDC 5 Plaintiff Order Denying Plaintiff's Ex Parte Motion for Temporary
Restraining Order 6 v. 7 Lanston Loh, et al., [ECF No. 5] 8 Defendants 9 10 Pending before the
court in this fraud action is the plaintiff's motion for an ex parte 11 temporary restraining order
(TRO) and motion for an order to show cause against the 12 defendants.

ECF Nos. 2, 5. The plaintiff seeks a TRO without notice to "freeze and preserve" his 13
cryptocurrency assets, which he alleges the defendants unlawfully converted. *Id.* Though his 14
motions address the factors set forth in *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008), I
find 15 that they nonetheless fail to meet the Rule 65(b) standard governing ex parte TROs.

See Fed. R. 16 Civ. P. 65(b). Ex parte applications are solely for extraordinary relief and are rarely
granted. See 17 *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 490 (C.D. Cal.
1995). The Ninth Circuit 18 has stressed that "courts have recognized very few circumstances
justifying the issuance of an ex 19 parte TRO." *Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d
1126, 1131 (9th Cir.

2006). To justify the 20 issuance of a temporary restraining order without notice, a plaintiff
ordinarily "must do more 21 than assert that the adverse party would dispose of evidence if given
notice" and "must show 22 that defendants would have disregarded a direct court order... within
the time it would take 23 for a hearing... [and] must support such assertions by showing that the
adverse party has a 24 history of disposing of evidence or violating court orders...." *Id.* (quotation
omitted).

The court 25 recognizes the potential risk to the plaintiff if the cryptocurrency is moved or
dissipated, but 26 that risk exists with or without a TRO. This is akin to asserting that there is a
risk evidence will 1|| be disposed so ex parte relief should be granted. Plaintiff's failure to meet his
burden of showing 2|| that ex parte relief is warranted is bolstered by his apparent failure to serve
the defendants with 3|| notice of the motion or to sufficiently argue that such service was
impossible.

The "risk" of the 4|| cryptocurrency's "further movement" does not make notice impossible.
Moreover, it's unclear how or why the plaintiff is unable to find and serve members of his own
family, especially when 6|| as recently as October of this year, defendant Peggy Loh was staying
with the plaintiff to help 7|| care for his newborn son. See ECF No. 2 at 5.

As such, I deny the plaintiff's ex parte motion for 8|| TRO and related relief [ECF No. 5]. I further
deny the request for ex parte relief in [ECF No. 2] but do not deny the motion at this time. Plaintiff
is instructed to either serve the defendants by 10|| December 24, 2025, or file a status report by
12:00 p.m. that same date, detailing why service of process cannot be or has not been successful.

The court will thereafter consider the motion on 12|| the merits. “\ B Dated: December 11, 2025 /, /
15 Cristi aD. Va 6 yp States District Judge / 17 18 19 20 21 22 23 24 25 26

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