

No. - 1:23-cv-01599

**In the District Court of the United States
At Washington District of Columbia**

In re: Eeon, on behalf of “Customers” *et al.*, comprised of
Natural Parties/Persons, a Class identified by the Court

Class-Counter Claimants, *et al.*, and

Binance, *et al.*,

Case No.: 1:23-cv-01599

v.

PETITION TO INTERVENE

SECURITIES AND EXCHANGE COMMISSION, *et al.*,

Respondent(s).

Petition to Intervene, Identification of Class

- I. The rules permit a party who is not named in the original petition but who has a stake in the outcome to file with the court a Petition to Intervene:
 1. **A motion to intervene is the entry into a lawsuit by a third party who was not named as an original party but has a personal stake in the outcome.**¹

¹ **Intervene:** The entry into a lawsuit by a third party into an existing civil case who was not named as an original party but has a personal stake in the outcome. The nonparty who intervenes in a case is called an intervenor. The intervenor joins the suit by filing a motion to intervene. An intervenor can join the side of the plaintiff, defendant, or as adverse to both the plaintiff and defendant. In federal cases, Rule 24 of the Federal Rules of Civil Procedure governs intervention.

There are two types of intervention: intervention as a right and permissive intervention. Intervention as of right is when the third party has an unconditional right to enter the litigation based on a statute or when the third party may be bound by the outcome of the case without his interests being adequately represented. In permissive intervention, the court may permit a third party to intervene if the party's claim shares a common question of law or fact with the existing case and it will not delay the lawsuit or prejudice the original parties' rights.

[Last updated in June of 2020 by the Wex Definitions Team]

II. Statement of Interest:

*Statement of Interest: The proposed intervenor must have a substantial legal interest in the subject matter of the case.*²

1. Legal Standard: The legal standard for intervention, either as of right or permissive intervention, under: Rule 24 of the Federal Rules of Civil Procedure governs intervention in federal cases. There are two types of intervention: intervention as of right and permissive intervention.¹ We have elected both of the aforementioned as is explained herein as well as in the counterclaim.

III. Presentment:

1. This presentment is timely as the original filing was completed on Sunday, June 5, 2023 and today's date is Wednesday, July 5, 2023. We are the proper parties to this matter as we have been identified by the Court in its Order issued on June 17, 2023 - as "Customers." We are not just any "Customers" as we are stake holders, investors, and owners of our cryptocurrency held by Binance and its subsidiaries and we do feel that our interests were not taken into consideration. Although we are mentioned throughout the Order by the Court as well as in the opposing parties various pleadings, there has not been one person to advocate our interests. We have witnessed quite a few attorneys coming in to represent various outside interests, however; not one person has attempted to speak on our behalf and we hereby exercise our right to do so.

2. Rule 23 of the Federal Rules of Civil Procedure govern the process of Class certification in federal court. This rule sets forth the requirements that must be met in order for a Class action to be certified.

Under Rule 23, a Class action may be maintained if the following four (4) requirements are met:

1. **Numerosity:** The Class is so numerous that joinder of all members is impracticable. – In this present instance, "The "Customers"/consumers, as identified by the Court, a Class, is so numerous that it numbers into the millions and it will be virtually impossible to get the signatures of all members of the Class within the time frame that would not be unduly burdensome upon the other party's.

- The Supreme Court held in *Hanover Trust Co.*, that an individual has a fundamental right to a hearing before being subjected to any deprivations of any substantial due process rights. They also stated that they should have the option

2 Federal Rules of Civil Procedure Rule 24. Intervention (a) INTERVENTION OF RIGHT. On timely motion, the court must permit anyone to intervene who:
(1) is given an unconditional right to intervene by a federal statute; or
(2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.
(b) PERMISSIVE INTERVENTION.
(1) *In General.* On timely motion, the court may permit anyone to intervene who:
(A) is given a conditional right to intervene by a federal statute; or
(B) has a claim or defense that shares with the main action a common question of law or fact...

of acquiescing, forfeiting, defaulting, and/or consenting. We have not been afforded this opportunity and we object to such an oversight.

2. **Commonality:** There are questions of law and/or fact(s) common to the Class.

There exist several pertinent questions that have been raised by the Court and responding parties, Binance, *et al*, (to be referred to as Binance throughout each presentment henceforth) and the SEC.

- i. Is a crypto coin a security? We say that there is no evidence that our private property can be Classified as a security. It has been Classified as a commodity, as it is used for personal use, household use, and we are not treating these coins as commercial, but amongst the private peer to peer networking.
 - We must keep in mind the following facts about cryptocurrencies:
First and foremost, cryptocurrencies are a type of digital currency decentralized and not controlled by any government. The history of cryptocurrencies dates back to the 1980s, when cryptocurrencies were called cyber currencies. Told history can be found at the following website BitiCodes.com the interesting thing is, these coins started gaining in popularity more than a decade ago, in 2008, with the introduction of Bitcoin. The cryptocurrency was created by an anonymous programmer or group of programmers under the name Satoshi Nakamoto. At no point were there regulations for this new styled commodity and the SEC has no jurisdiction for the statute confers none.
- ii. Second, is control of our key, at present, the parent company, Binance, and others like it, block access to our property (with reference to consumers and/or customers), by controlling the keys. This is done without any regulatory oversight, for which Congress is set to consider but nonetheless, it is brought before this body as a paramount issue which affects the Class.³

Not all regulations are good, for the public, or for the economy, however; for the sake of public welfare and to prevent being taken advantage of with limited regulations. Regulations that

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The Class could not properly be identified, nor evidenced a stake in the instant matter until such time as the court and the other parties specifically identified the Class through its communications. It was upon review of these communications, that we realized, that we were being discussed in our interests were being apportioned without our consent and/or consultation. Please note the record of June 17, 2023:

“On or before the date the Court issues this Consent Order, the Stipulating Defendants shall repatriate to the United States, transfer to BAM Trading, and confirm that BAM Trading maintains possession, custody and control in the United States of all fiat currency and crypto assets that are deposited, held, traded, or accrued by customers, including affiliated and non-affiliated liquidity providers (hereinafter referred to as “Customers”) on the crypto trading platform commonly known as “Binance.US” or otherwise held for the benefit of BAM Trading or BAM Management Customers, including, but not limited to, those assets associated with BAM Trading’s staking-as-a-service program, “Private and Administrative Keys,” (which are defined as such keys and any portion or copy thereof, any devices, hardware, and/or software managing such keys and any portion or copy thereof), the ledger device described in the SEC’s memorandum of law...”

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will ensure the protection of funds held in cryptocurrency, allowing for the fair exchange and the fixed rates, and the assurance that the institution is operating above-board.

We also do not want the powerful Securities and Exchange Commission to make things easier for their friends, yet more difficult for the consumers.

- iii. Please take special notice that the Class could not respond *via* a Petition to Intervene until such time as they had evidence that they were indeed real parties of interests. In the Order - Case 1:23-cv-01599-ABJ Document 71 Filed 06/17/23 Page 1 – 12 - the court identified the Class by the following statement, “hereinafter referred to as “Customers” “(this statement is in the plural form in the context indicates that it is not intended to represent the singular), the court again mentioning the Class more than fifty-four (54) times throughout that order. The Court speaks as to the holding of our funds and wallets, and how Binance US, was co-mingling funds from the United States with that of its overseas affiliates. Now although there was nothing illegal in and of itself with such activities, the moving of funds offshore is a common practice and the practice is not considered money-laundering.⁴ What is alleged is that the customers are engaged in money laundering and we have the right to defend ourselves against such accusations.

We do object to organizations like Binance and/or its subsidiaries seizing control of keys and blocking withdrawals as is the case here without proper notice and we seek an order from this Court so as to gain access to our property.

- iv. Our properties are now affected because there was an order respecting accounting, which means not one person is permitted to transfer their funds to pay bills, to take care of their personal household necessities, or because of the strategic infighting at

⁴ I put the question to an AI system, and is for a list of five (5) companies and/or businesses, the transfer monies offshore on a regular basis in such is not considered money laundering? In here is the response:

Here are five examples of small businesses that transfer money overseas and have documented their activities as legal and not considered money laundering:

1. **Small Export Company:** A small export company may transfer money overseas to pay suppliers or distributors. To ensure that these transactions are not considered money laundering, the company should keep detailed records of all payments made, including invoices and receipts.
2. **Freelance Business:** Many freelancers work remotely and often need to transfer money overseas to clients or partners. To avoid suspicion of money laundering, freelancers should provide documentation of their services and maintain accurate records of all financial transactions.
3. **Online Retailer:** An online retailer may transfer money overseas to purchase inventory or pay suppliers. To demonstrate that these transactions are legitimate, the retailer should keep detailed records of all purchases and sales, including invoices and receipts.
4. **Travel Agency:** A travel agency may transfer money overseas to book flights, hotels, and other travel arrangements for customers. To avoid accusations of money laundering, the agency should keep detailed records of all bookings and payments, including invoices and receipts.
5. **Consulting Firm:** A consulting firm may transfer money overseas to pay contractors or consultants working on projects. To ensure that these transactions are not considered money laundering, the firm should keep detailed records of all contracts and payments, including invoices and receipts.

the SEC. The SEC knew or should have been aware, that when they requested an injunction against all of the assets of Binance, that it would have an effect on the customers. The injunctive relief request permits and allows Binance to continue its normal operations, to pay its employees, but does not allow and/or permit the customers access to their funds. Where is the consideration and the remedy for the Class?

- v. Accompanying this presentment is a counterclaim against the two counter respondents and all who are intervening in conjunction with Binance in-part.

3. **Typicality:** The claims or defenses of the representative parties are typical of the claims or defenses of the Class.

It suffices to say, that our claims are valid, as we have a vested interest in the outcome of this specific matter. The Court has identified us as a Class, as a group, collectively in the hereinafter statement. The other parties to the instant matter have identified the Class as well, and therefore the issues as to access to our keys, to the withdrawal functions which are frozen as a result of the maneuvering by the attorneys for the SEC, with the fact that we were not taken into consideration with regards the stipulation agreement and/or the stipulation and consent order.

4. **Adequacy of representation:** The representative parties will fairly and adequately protect the interests of the Class.

The Class has a temporary representative, Eeon, who possesses over thirty (30) years of experience and engagement with the courts. Eeon, recognizes that very few would have understood the right to intervene as a Class. Not any member of the Class nor any of the group's that represent parties in Class actions have spoken up on behalf of the Class and even if they were to do so at this present moment, they would not have addressed the issue of access to the keys and access to the withdrawal functions. With reference to the withdrawal functions, the Class is not seeking full and complete liquidation of their assets because that would most certainly destabilize the market, and no one wants that to occur. We only request normal withdrawal functions until such time as the SEC can produce facts and not presumption is what we were requesting. The SEC through their attorneys is/are required to introduce facts on the record and not guesses as to what is or what is not.

5. Eeon, a natural person is competent to speak on behalf of the Class temporarily until the court can appoint counsel having limited power of attorney to represent the interests of the Class.

IV. PLAINTIFF-INTERVENOR "The Customers" MOTION TO INTERVENE

- 1. "The Customers" respectfully moves pursuant to Federal Rule of Civil Procedure 24 to

intervene as a plaintiff in this action. Intervention is warranted as of right because “The Customers” interest in enforcing their right of peer-to-peer trading of cryptocurrency, staking, transferring, sharing, investing, divesting, negotiating, contracting, communicating as agreed, peacefully engaging in a lawful and organized medium of exchange venture, which, cannot be fully represented or protected by plaintiff and ordered defendant, and this interest will be impaired if “The Customers” is not permitted to intervene. *See*: Fed. R. Civ. P. 24(a)(2). In the alternative, “The Customers” should be granted leave to intervene because: (1) the “The Customers’ ” claims against Binance and the SEC share with this action common questions of law and fact; and (2) this action involves the interpretation of the act of March 9, 1933 as well as the security and the exchange act no known as the securities exchange act of 1930’s. When is a currency a security? When did the SEC obtain constitutional authority to regulate commerce amongst the people of the United States? If an exchange platform is operating as brokers, is there a law prohibiting such activities? If the SEC has classified Bitcoin a cryptocurrency as a currency the director and a statement before Congress June 2023 specifically stated that Bitcoin is a currency along with the other cryptocurrencies, and thus there was a need for regulations.

2. While the court issued the following determination- MINUTE ORDER denying 74 defendants' motion for order. While all of the lawyers in this case should adhere to their ethical obligations at all times, it is not apparent that Court intervention to reiterate that point is needed at this time, or that it is necessary or appropriate for the Court to get involved in wordsmithing the parties' press releases. Nor is it clear that the agency's public relations efforts to date will materially affect proceedings in this case. SO ORDERED. Signed by Judge Amy Berman Jackson on 6/26/23. (DMK)- **We highlight that, none of the 74 defendants’ natural parties to the instant matter, they were not named as parties by the court, they could not prove that decisions by the court’s having an impact on them at present, will have a profound impact upon their persons and/or property interests henceforth. However, a group known as “The LaunchPad” or part of the group but the Court has identified collectively as “The customers.”**

3. Before filing this Motion, counsel for the United States conferred with counsel for all parties. Counsel for Ms. Dudley have reported that they consent to the United States intervention. Counsel for defendants have represented that they do not consent.

4. For the reasons discussed herein, “The Customers” respectfully requests that the Court grant “The Customers” Motion to Intervene in this matter. “The Customers” present this proposed Complaint in Intervention and seek leave to file a counterclaim against the SEC, so as to comply with timeliness, the counterclaim is seeking monetary award, damages, injunctive relief, for the reasons stated herein.

V. PRELIMINARY STATEMENTS

1. The respondent, the Securities and Exchange Commission, commonly known as the SEC, has a chairman, and/or leader appointed by the President of the United States, vested with power and authority over necessary business and the enforcement of regulations associated with securities as prescribed by the relevant associated acts of Congress.

2. The organization has done a very good job in maintaining stability of the markets, assuring the American public and the world that the markets are safe.

3. We proffer, without the intervention of the Securities and Exchange Commission in several events a month, 1929 would have happened at least 300 times since the organization was put into operation. Therefore, may it be clear to all, we are not here to bash the SEC or its leadership as they have a very difficult job, a very difficult task, that being said, there is no such thing as, “too much power.”

4. It was an overreach, ten years ago, a cryptocurrency, was not a currency at all, but the political winds have changed, and now, a cryptocurrency is a currency according to the SEC. Night and day, that’s not how we regulate is it?

5. The SEC has no justification for attacking Binance, Coinbase, and all of the other major platforms at this time as this is a matter of law and not a matter of administrative regulatory authority. When an individual suggests that that crypto coins were currency the SEC said no, they are not, they only become currency when they are converted into U.S. Dollars. The IRS agreed, suggesting that once they are converted to U.S. Dollars, they can be taxed as a gain CAPITALLY speaking.

6. However, the United States Constitution only permits Congress the authority to regulate commerce. The Constitution holds that no one may coin anything but gold and silver as money of the United States. A medium of exchange, is the definition of currency, therefore; the question here that exists, “Is this not a set of issues for Congress to decide?” We believe that it is, and therefore, must directly challenge the premise that the SEC has jurisdiction respecting the instant matter!

7. Whether or not Binance has engaged in one practice for another, does not give the SEC the authority to attack them by threatening to seize all of their assets without due process of law. If Binance has committed any crimes, then there should have been a criminal investigation, as the SEC only has civil authority, the Department of Justice was the proper avenue for going about gathering evidence under its law enforcement authority, and that evidence should have been introduced in a civil action after the commencement of a criminal action. The end and around is the usurpation of the legal process. How so?

8. If Binance makes a deal to avoid the civil complaint, they can be prosecuted criminally, is this not so? If Binance seeks to avoid a civil complaint, could they not voluntarily surrendered information regarding their “customers”? The customers are involved in a civil and criminal investigations of their customers, clientele, why aren’t the rights of these customers being protected? He is there to speak on behalf of the CUSTOMER? There appears to have been several violations of rights secured *via* due process, and has been by the SEC, that they are operating under color and/or authority of law, and if this operation is garnered from the violation of secured rights, that makes it unlawful under the Civil Rights Act of 1866, and we therefore bring forth our right to file a counterclaim in this court having original jurisdiction over claims of rights violations in the form of a complaint, for deprivations of rights while acting under color and/or authority of law!

9. A Petition to Intervene does not prohibit and/or bar a counterclaim, and we bring forth the

aforementioned and the attached counterclaim as an exercise of our due process right to protect their interests, since none of the other parties are capable on the position to protect our interests without there being a conflict of interest. Was face it, Binance is only interested in protecting its interests, and who can blame them? The SEC is only interested in protecting their interests, and who can blame **them? We will blame ourselves, as “the Customers” if we do not look out in an effort to protect our interests as a collective group and a collective body.**

VI. Summarization:

1. Two Juggernauts/Behemoths decided to have a wrestling match in the middle of an ant farm and the ants have no say so as to when the fight takes place, where the fight takes place, how the fight takes place, and/or the rules of the fight, only that they are in the direct path of the assault upon the two predator sociopaths or amount of damage cause as a result of their extracurricular activities.

2. Binance is a multi-national corporation, which means that it is subjected to the regulations of several different countries. Binance is accused of money-laundering although there is no evidence on any record of money-laundering, simply an accusation. There needs to exist more required proof before being subjected to a deprivation of a substantial property interests and/or rights. The reason we are here is simply because the SEC decided to sue, but they haven't only sued once, they have sued the same company several times. Isn't this harassment?

3. In federal court, on Sunday, June 5, 2023, the SEC's attorneys filed a lawsuit against Binance and “The Customers” bringing forth several allegations, absolutely no proof, just presumptive allegations.

4. Even if one or two actors engaged in such conduct, and we in no way condone subjectivities, it must be noted that, there are millions who are party complainants, who had never engaged in such conduct, or not accused of engaging in such conduct that are being made to this as a result of the allegations. If there was evidence, there would be arrests, would there not? Why hasn't there been any arrests associated with this matter? Where are the witnesses to the alleged money-laundering, where is the evidence of the bank accounts for which the money laundering took place?

5. Everyone is aware that in order to trade in cryptocurrencies, you must possess a bank account and the banks conduct the second-tier check with the Binance system to prevent such money laundering. Therefore, if someone is going to make a claim that someone is laundering money through a particular medium and/or mechanism and/or agency, they are required to come up with more than simple allegation as is the case here.

6. Even if the SEC had more evidence, it would have to bring forth a criminal complaint because the allegations for which it is bringing at this present time are felony allegations. How is it that the SEC proceeded to pursue civil action ahead of a criminal action? Would not a criminal action have also had the same effect, that of, shutting down such a criminal enterprise?

7. As the party of the “Customers”/Consumers Class, with well over \$ 600,000.00 in the system and as a result of the malfeasance of the two entities, I have no access. There or millions of other individuals who have invested more, and/or are unable to move their funds from the system, not only of the reason than they have no control duties which is one of the issues for

which we are filing a counterclaim and because the SEC has taken measures that is beyond their jurisdiction.

8. We will bring forth a counterclaim alleging that the court lacks jurisdiction to entertain the SEC's claim respecting whether or not a cryptocurrency is a security or a commodity because the actual Securities Exchange Act and/or March 9, 1933 Act which has been held to have not been replaced by the Securities Exchange Act, neither of them, Classifies such a coin so technically.

9. That, if such can be articulated to this body, in such a fashion, then the temporary party-representative is competent so for us to convey that information to the court in a language that even the court would understand.

10. Just so that there is no misunderstanding as to the articulation of the aforementioned information, we have taken this entire petition to intervene and placed it in a language model and earnest, if a common person would understand what's being advanced and whether or not the judicial officer with at least one year on the bench would understand the complexities of the aforesaid, and this was the response:

In this petition to intervene, the "Customers" Class, represented by Eeon, is seeking to enter the lawsuit between Binance and the Securities and Exchange Commission (SEC). The petition argues that the Class has a substantial legal interest in the case and should be allowed to participate.

The petition highlights the need for intervention under Rule 24 of the Federal Rules of Civil Procedure. It asserts that the Class, referred to as "Customers," is numerous and gathering signatures from all members within a reasonable timeframe would be impracticable.

The petition also raises several questions of law and fact common to the Class. One such question is whether a crypto coin should be Classified as a security or a commodity. The Class argues that there is no evidence supporting the Classification of their private property as a security and asserts that it should be considered a commodity used for personal, peer-to-peer networking.

Another issue raised is the control of the Class's keys. The petition claims that Binance and similar companies block access to the Class's property by controlling the keys without regulatory oversight. This control over the keys is presented as a crucial issue affecting the Class.

The petition further points out that the Class's properties have been affected by an order for accounting, which prevents them from accessing their funds for personal and household necessities. The SEC's injunctive relief request against Binance has allowed the company to continue its operations but has left the customers without access to their funds. The petition questions what remedy the Class has in this situation.

The next requirement under Rule 23 is typicality, which means the claims or defenses of the representative parties must be typical of the Class. The petition argues that the Class's claims regarding access to their keys, frozen withdrawal functions, and lack of consideration in the stipulation agreement are all typical and representative of the Class's interests.

Lastly, the petition asserts that the temporary representative, Eeon, who has over 30 years of experience in the courts, will adequately protect the interests of the Class. It states that no other members or groups representing parties in Class actions have spoken up on behalf of the Class, and Eeon is taking the initiative to intervene on their behalf.

In conclusion, this petition to intervene on behalf of the "Customers" Class seeks to establish their legal interest in the case, present common questions of law and fact, demonstrate typicality of claims, and assure adequate representation by Eeon. The Class aims to participate in the lawsuit between Binance and the SEC and defend their rights and interests...

The aforementioned is so that there can be no question as to whether or not this complies with the rules of this Court, for the summary just presented is a clear and concise and all the other prerequisites associated with a petition to intervene have been met, including the following:


“(3) The designated representative must provide the representative's contact information in writing to the court and to the parties.”

Representatives name: Eeon

Representatives Address: 304 South Jones Boulevard, Void-EEON, Las Vegas Nevada 89107

[please note that absolutely no bulk mail and/or parcels are to be sent to this address under any circumstances, if there was a need, please communicate for proper procedure for delivery of the aforementioned items.]

The aforementioned is wholly accurate, witnessed by and before God and is placed in this affidavit format as such under penalty if held otherwise so help me God. A copy of this presentment has been sent to all responsive parties as prescribed in law, on or about this the 8th day of July 2023 A.D.


Eeon

CERTIFICATE OF SERVICE

On this 8th day of July 2023, the aforementioned was sent via United States Postal Service to the following:

United States District Court
District of Columbia
333 Constitution Avenue NW
Washington, D.C. 20001-2802

via: U.S.P.S. Tracking No.: 9400111206203224681558

Securities Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549

via: U.S.P.S. Tracking No.: 9400111206203224986622

Binance Holdings Limited
San Francisco HQ
1 Letterman Dr # C3-800
San Francisco, CA 94129-1494

via: U.S.P.S. Tracking No.: 9400111206203224987230


s/ Eeon