

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

IRA KLEIMAN, as the personal  
representative of the Estate of David  
Kleiman, and W&K Info Defense Research,  
LLC

plaintiffs,

v.

CRAIG WRIGHT,

defendant.

**CASE NO.: 9:18-cv-80176-BB**

**MOTION TO DISQUALIFY  
FREEDMAN NORMAND FRIEDLAND LLP AND KYLE ROCHE  
AND INCORPORATED MEMORANDUM OF LAW**

In a shocking series of extraordinary, recorded statements, Kyle W. Roche (“Roche”), founding partner of Roche Freedman LLP,<sup>1</sup> now renamed to Freedman Normand Friedland LLP (“the Firm”), recently confessed to misusing and abusing the legal system to unlawfully advance the commercial interests of the Firm’s undisclosed principal and benefactor, AVA Labs (“Ava”), by suing Ava’s competitors and notable rivals in the cryptocurrency industry. Those abuses played out in this action, filed by the Firm for plaintiffs Ira Kleiman, as the personal representative of the Estate of David Kleiman, and—ostensibly—on behalf of W&K Info Defense Research, LLC (“W&K”).<sup>2</sup> In light of Roche’s admissions of the Firm’s blatant

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<sup>1</sup> Roche was recently separated from Roche Friedman and now purports to practice through a new firm, Kyle Roche P.A., in New York.

<sup>2</sup> The ownership of W&K (in which David Kleiman never held a majority interest) and its control (usurped by Ira Kleiman and the Firm) are presently the subject of litigation in Florida’s Fifteenth Judicial Circuit, brought by W&K’s other owners. *See Ang ex rel. Tulip Trust v. Kleiman ex rel. Estate of David Alan Kleiman*, Case No. 50-2021-CA-004758-XXXX-MB (Fla.

misconduct, the Firm and Roche should be disqualified from any further representation of any party to this action.

That conduct has generated numerous motions to disqualify in courts across the country. Those include motions filed in the appeal of this action now pending before the United States Court of Appeals for the Eleventh Circuit and in three Florida state actions involving plaintiffs here, *Watts v. W&K Info Defense Research LLC*, No. 50-2022-CA-005501-XXX-MB (Fla. 15th Cir. Ct.), *Ramona Ang, as Trustee of the Tulip Trust v. Kleiman*, 50-2021-CA-004758-XXXX-MB (Fla. 15th Cir. Ct.), and *In re: Estate of David Alan Kleiman*, 50-2013-CP-005060-XXXX-NB (Fla. 15th Cir. Ct.). In addition, Roche and the Firm faced or are facing disqualification motions in numerous other matters, including in *In re Tether and Bitfinex Crypto Asset Litig*, No. 1:19-cv-09236-KPF (S.D.N.Y.) (the “Tether Action”), *Clifford v. TRON Found.*, No. 20-cv-01804-VSB (S.D.N.Y.), *Messieh v. HDR Glob. Trading Ltd.*, No. 20-cv-3232 (S.D.N.Y.), and *Valenti v. Dfinity USA Research LLC*, No. 21-cv-06118 (N.D. Cal.).

One of those motions has already been granted. On October 13, 2022, Judge Failla, presiding over the Tether Action, granted Roche’s motion to withdraw as counsel and removed the Firm as interim class counsel after two groups of defendants moved for disqualification. More disqualification motions in other cases have been filed since the defendants in *In re Tether* filed their motions for disqualification.

Roche recently confessed on camera to suing the rivals of Ava and its CEO, Emin Gün Sirer (“Gün”), by bringing harassing lawsuits and fraudulent, purported class actions in the names of investors to whom Roche referred as “idiots.” Roche admitted on camera that the Firm’s business plan is never to settle a case, irrespective of its purported clients’ interests, and instead to take all cases to trial (as the Firm did in this action), where liability and damages

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15th Cir. Ct.) (“the Tulip Trust Action”) and *In re Estate of David Alan Kleiman/Lynn Wright v. Ira Kleiman*, Case No. 50-2013-CP-005060-XXXX-NB (“the Lynn Wright Adversary Action”).

issues are decided by juries to whom Roche also referred as “idiots.” Roche admitted the Firm does this to harm Ava’s competitors, enforce Gün’s personal vendettas, and keep regulators from investigating Ava by keeping the United States Securities and Exchange Commission and Commodity Futures Trading Commission busy investigating Ava’s competitors (but not Ava) for, among other things, selling unregistered securities.

On camera, Roche admits at length to a serious conflict of interest, undisclosed principals, a course of conduct that is unlawful on its face, and a fraud on the court in every case in which the Firm has appeared, including this one. Roche admits that he not only brings cases for manifestly improper purposes and ignores the interests of his purported clients to further the Firm’s and Ava’s undisclosed interests, but also leverages the litigation process to learn (and misuse), for Ava’s benefit, the confidential information and trade secrets of those he sues. Roche admits that he does all this for the express purpose of advancing the interests of the Firm and his benefactor Ava, to enforce the personal vendettas of Gün, as well as “for sport.”

After a cryptocurrency whistleblower site (“Crypto Leaks”) posted Roche’s on-camera statements, Roche claimed he was drunk and that these admissions, *which he does not deny* and made on separate occasions, were taken out of context. He attempted personally to withdraw from the Firm’s fraudulent class actions, in which the Firm faced motions to disqualify. Defendant Craig Wright has not, until now, troubled this court with a motion to disqualify, since this case is closed, and the Firm had not taken any action here to enforce W&K’s judgment. But now, after eleven months of silence, according to correspondence from the Firm, W&K intends to pursue execution of the judgment by asking this court to order Dr. Wright to complete a financial disclosure form. Although Roche has left the Firm since his admissions were published, that does nothing to negate the Firm’s conduct, admitted to by Roche. What is more, Roche

continues as counsel of record in this matter. Roche and the Firm should be dismissed from further representation of any party to this action.

After Dr. Wright moved to dismiss the complaint in this action [DE 33], arguing that it was legally deficient because of the absence of necessary party W&K, the Firm, acting for Ira Kleiman, filed an LLC Reinstatement for W&K (which had been administratively dissolved), listing Kleiman as registered agent. Thereafter, the Firm amended the complaint in this action to add W&K as a plaintiff, claiming that Ira Kleiman was W&K's managing member, when in truth and in fact, no evidence ever adduced in this proceeding or anywhere, establishes that David Kleiman ever had majority control over W&K. As a direct result of Plaintiffs' misconduct, Ramona Ang, as trustee of W&K member Tulip Trust, and Lynn Wright, also a W&K member, were required to file actions in state court seeking a determination of the company's ownership and an order wresting control from Ira Kleiman who had usurped it (i.e., the Tulip Trust Action and the Lynn Wright Adversary Action.) Additionally, on behalf of the company, Tulip Trust has brought a derivative action against Ira Kleiman for his improper and wasteful management of W&K since he seized control. *Tulip Trust v. Kleiman*, 50-2022-CA-004636-XXXX-MB (Fla. 15th Cir. Ct.). Those state court cases to determine ownership and control of W&K are pending.<sup>3</sup>

Dr. Wright has standing to bring this motion,<sup>4</sup> which should be granted in the interests of justice.

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<sup>3</sup> There is a hearing scheduled for November 29, 2022 in the Tulip Trust Action on its Motion to Compel discovery relating to its Motion to Disqualify the Firm.

<sup>4</sup> *Brown & Williamson Tobacco Corp. v. Daniel Int'l Corp.*, 563 F.2d 671, 673 (5th Cir. 1977) (“[A]ppellant has standing to seek disqualification even though it is not an aggrieved client because its attorneys are authorized to report any ethical violations committed in the case.”). Decisions of the former Fifth Circuit rendered prior to October 1, 1981, such as *Brown*, are binding on this Court. *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir. 1981).

## I. ARGUMENT

On Saturday, August 27, 2021, extraordinary video recordings of Kyle Roche, founding partner of the Firm, were released on the internet. On camera, Roche expressly admitted to conduct that violates his fundamental obligations as a lawyer. His statements amount to admissions of his and the Firm's conflicts of interest under Rule 4-1.7 of the Florida Rules of Professional Conduct.<sup>5</sup> On camera, Roche admitted to bringing purported class actions in the names of purported class representatives, while actually acting on behalf of Ava—an undisclosed interested party—in which he bragged about having an enormously valuable financial stake. He also admitted that he files lawsuits to advance the financial interests, enforce the vendettas, and for the entertainment of his undisclosed benefactor and principal, Gün, Ava's CEO, as well as "for sport." In sum, on camera, Roche admitted to motives and conduct that plainly violate his fundamental obligation as a lawyer to not put his own interests before those of his clients.<sup>6</sup>

In the days following publication of the recordings: (1) Ava Labs released a statement claiming it would never "engage in the unlawful, unethical and just plain wrong behavior claimed in these self-serving videos . . .";<sup>7</sup> (2) Roche publicly confirmed that the recordings are genuine, claiming he was "exploit[ed] using leading questions," and his statements were taken

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<sup>5</sup> Although Roche is not admitted to practice in Florida, under Local Rule 11.1(c) and 14, attorneys admitted to this Court pro hac vice, like Roche, must abide by Florida's Rules of Professional Conduct.

<sup>6</sup> Because "there is a substantial risk that the representation of 1 or more clients will be materially limited by [Roche's] responsibilities to another client, a former client or a third person or by a personal interest of [Roche]," he has an express conflict of interest under Florida Rule 4-1.7(a)(2).

<sup>7</sup> Emin Gun Sirer, *My Statement about the Crypto Leaks lies*, Medium (Aug. 29, 2022), <https://el33th4x0r.medium.com/my-statement-about-the-crypto-leaks-lies-ef2005da752>

“out of context”;<sup>8</sup> (3) Roche filed motions to personally withdraw from two of the Firm’s class actions against Ava’s competitors; (4) Roche’s then-partners, including Velvel Freedman, describe his recorded statements as false, and disavowed his recorded statements<sup>9</sup>; and (5) as cataloged above, numerous motions to disqualify Roche and the firm were brought in cases filed both in this Court and the Northern District of California.<sup>10</sup>

In his Motion to Withdraw from the *Tether* case, Roche stated that he “is no longer involved in [Roche Freedman’s] class action practice.” *See* Roche’s Motion to Withdraw in *In re Tether*, 1:19-cv-9236 (S.D.N.Y.) (D.E. 229 at 1), attached as part of Composite Exhibit A. Because Roche is a founder of the Firm and the Firm’s practice concentrates on plaintiffs’ class actions, this drastic step undermines his claim that the recordings misrepresented “the context” of his statements, and both underscores and heightens the disqualifying nature of those statements. Two defendants in *Tether* later moved to disqualify Roche and the Firm. *See* Comp. Ex. A. Even co-counsel for plaintiffs there concurred that the Firm should be removed. On October 13, 2022, the court in *Tether* granted Roche’s Motion to Withdraw and removed the Firm as interim class counsel.<sup>11</sup> Even as she disqualified the Firm, Judge Failla noted that no one had yet “gotten to the

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<sup>8</sup> Kyle Roche, *My Response*, Medium (Aug. 29, 2022), <https://medium.com/@kylerocher/my-response-b691563c255b>.

<sup>9</sup> Letter Response, *In re Tether and Bitfinex Crypt Asset Litig.*, 19 Civ. 9236 (S.D.N.Y. Sept. 2, 2022), ECF No. 232; Letter Reply, *In re Tether and Bitfinex Crypt Asset Litig.*, 19 Civ. 9236 (S.D.N.Y. Sept. 6, 2022), ECF No. 236.

<sup>10</sup> Attached as Composite Exhibit A are documents relating to defendants’ motion to disqualify the Firm in *In re Tether*, 1:19-cv-9236 (S.D.N.Y.), *Clifford v. TRON Found.*, No. 20-cv-01804-VSB (S.D.N.Y.), *Messieh v. HDR Glob. Trading Ltd.*, No. 20-cv-3232 (S.D.N.Y.), and *Valenti v. Dfinity USA Research LLC*, No. 21-cv-06118 (N.D. Cal.).

<sup>11</sup> The Court did not issue a written order of disqualification in *Tether*. The transcript from the hearing at which Judge Failla entered her order is contained within Composite Exhibit A.

bottom” of all of the relationship with Ava or how the strategies Roche bragged of were employed.

Because Kyle Roche’s statements, now widely distributed on the internet by many outlets, are open and notorious, because they demonstrate a serious conflict of interest that calls into question the fair administration of justice in this matter, because Roche’s former partners share his conflict in fact, and because Roche’s statements must be imputed to the Firm he founded (even if that Firm jettisoned Roche and changed its name), Dr. Wright seeks disqualification of Roche and the Firm.

#### **A. THE FACTS**

In 25 video clips released on August 27, 2022, Kyle Roche discloses and describes the Firm’s close, improper, and previously undisclosed ties to Ava and its CEO, Gün. Roche says he founded the Firm the same day that Ava launched, on August 21, 2019, sharing the same co-working space.<sup>12</sup> Roche says he was the third shareholder in Ava (after its founders, Gün and COO Kevin Sekniqi).<sup>13</sup>

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<sup>12</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 1) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/1a432cb907f50390478d5c7b5c2c30c24547d110/5ca00/videos/c3-00-office-ava-labs-launch.mp4>.

<sup>13</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 2) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/ba470e47132c5cb938f344be9ffd8261adc0eca2/6c3ea/videos/c3-01-office-deal-for-perc-token-supply.mp4>.

On camera, Roche says he owns 1% of Ava Labs tokens and shares, which are worth tens, if not hundreds, of millions of dollars.<sup>14,15</sup> He admits his personal bias to favor Ava, and states that he has “the same interest, same goals” as Gün and Sekniqi, whom he “trust[s] like brothers.”<sup>16</sup>

KR: Obviously, I’m biased. I have an interest in Ava Labs and I . . .

Q: You have a stake in Ava Labs?

KR: Yes.

Q: How big?

KR: I can’t . . . A big one. I did very well.<sup>17</sup>

Roche says he now lives with Sekniqi in Miami for tax purposes.<sup>18</sup>

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<sup>14</sup> The market capitalization of AVAX tokens is currently \$3.66 billion has been as high as \$30 billion in the past year. Avalanche Price (AVAX/USD) | Today’s Price, TIME <https://time.com/nextadvisor/investing/cryptocurrency/price/avalanche-avax/>.

<sup>15</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 3) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/96d2fbbedbfb4ac619f2656ce923aa707cfca9cbe/3d59f/videos/c3-02-office-i-got-1-point-on-both.mp4>.

<sup>16</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 5) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/61dabca45d46c6207e4acded4ab34a49a0aa163/fc7a7/videos/c3-04-office-same-interests-same-goals.mp4>.

<sup>17</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 3) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/96d2fbbedbfb4ac619f2656ce923aa707cfca9cbe/3d59f/videos/c3-02-office-i-got-1-point-on-both.mp4>.

<sup>18</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 7) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/789531f0f9b4b55626c52801967703b1968bca18/b171a/videos/c3-06-office-i-live-with-kevin-in-miami.mp4>.



## 1. The Firm Sues Ava’s Competitors Using Straw Plaintiffs

Roche said he uses litigation as a “strategic instrument to support” Ava.<sup>19</sup> He expressly admits that he sued Ava Labs’ competitors, including Solana and Dfinity, without naming Ava Labs as a plaintiff, using purported class representatives to conceal his undisclosed principals, who, along with himself, are real parties in interest in these actions:

Q: Has Ava Labs filed a complaint against one of their competitors?

KR: **No, they have me to do that on behalf of the class. Their name was I never . . .**

X: Explain.

KR: **So, I can sue Solana . . .**

X: Yeah.

KR: **but a plaintiff will purchase Solana.**

X: And what about Dfinity?

KR: Oh yeah.<sup>20</sup>

## 2. The Firm Uses Other Improper Tactics to Benefit Ava

On camera, Roche brags about harassing “Emre Crypto,”<sup>21</sup> a Turkish “top competitor” of Gün and AVA, causing him to be “tagged” coming into the United States and recording that

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<sup>19</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 6) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/a799bb8bcde3170c313e3ad7662a41148621c4d12fbf3/videos/c3-05-office-litigation-is-a-strategic-instrument.mp4>.

<sup>20</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 19) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/b4a2e7900f289e01ce2b25dfa5a254850a22496d/e7035/videos/c3-17-i-can-sue-solana.mp4> (emphasis added); Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 17) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/b660cb79f51a071ece800cda7fc3521e5e21a59d/0467e/videos/c3-16-0-dfinity-is-a-competitor-to-avalanche.mp4> (Dfinity also is a competitor of Ava).

<sup>21</sup> In the videos, Roche refers to him as “Emre Crypto.” His actual name is Emre Aksoy, and he goes by the assumed name of “Kripto Emre.” See Roche Freedman’s press release about serving him at Miami Int’l Airport: <https://www.rochefreedman.com/crypto-thought-leader-cant-duck-ceos-defamation-claims/>.

service of process, which Roche says Gün “enjoys” watching “once a month.”<sup>22</sup> He also boasts that **“I took down one of Gün’s biggest arch-nemeses. The guy who claimed to be Satoshi, Craig Wright.”**<sup>23</sup>

On camera, Roche further admits that the Firm has developed and executed a strategic plan to feed tips against Ava’s competitors to regulatory authorities in such volume that the regulators are drawn away from scrutinizing Ava’s activities.<sup>24</sup>

### **3. Roche Elevates His and the Firm’s Interests Above His Clients’ Interests**

On camera, Roche brazenly states that “I’m a crazy motherf\*cker and I have resources and I will take you to the end [in a lawsuit].”<sup>25</sup> He says “that is power and that is what I think is a

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<sup>22</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 14) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/ccce812b0d07fc6c1bb9928d1a7a99db011ed1af/13125/videos/c3-13-Gun-watches-video-once-a-month.mp4>.

<sup>23</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 15) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/54bcd83ef86e546fa4f97c2e481fba064e228c8d/483a3/videos/c3-14-Gun-goes-after-craig-wright.mp4> (emphasis added).

<sup>24</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 10) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/1edf92baa6d2ec8203a8568c7869ef5e4b326a71/428f7/videos/c3-09-magnets-for-sec-and-competitive-attacks.mp4>

(“KR: yes, yeah, I deal with making sure that the SEC has . . . the SEC and the CFTC have other magnets to go after. . . .”); Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 11) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/91987bc2f582f24ecb688ab4c137a485d139dfe1/b4646/videos/c3-10-office-theres-no-such-thing-as-regulation.mp4> (“ . . . since [Gün] signed me up, I’ve ensured that there’s no such thing as regulation for what they want to do.”).

<sup>25</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 18) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/2f1313a474fff7dedbb5432d16e848725ce51e04/4f9ab/videos/c3-16-im-a-crazy-motherfucker.mp4>.

tool that has not been unlocked by very many . . . .”<sup>26</sup> He also says that because of his personal stake in Ava, “I have to ability to say ‘look it’s not about the money anymore for me it’s about taking you guys to trial and **the sport of it.**”<sup>27</sup>

Roche says he does not “think there’s any reason to settle for less than half a billion to a billion but . . . if we get a \$100 million settlement we are in the front page of all the legal press and so it’s good for me and my partners and my firm.”<sup>28</sup> Completely absent from Roche’s explanation of his approach to litigation is any consideration of his clients’ interests or their right to decide to settle or not settle.

#### **4. Roche Demonstrates Utter Contempt for the Administration of Justice**

By his own admission, Roche operates without respect for his role as an attorney or his duties as an officer of the Court. Discussing jury trials, he says “what you do is, metaphorically, you pull down your pants and you tell your jury, ‘here is my c\*ck, now you talk . . . pull down your pants a little bit . . . .”<sup>29</sup>

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<sup>26</sup> *Id.*

<sup>27</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 19) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/b4a2e7900f289e01ce2b25dfa5a254850a22496d/e7035/videos/c3-17-i-can-sue-solana.mp4> (emphasis added).

<sup>28</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 23) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/6ab1d54cf47b4b43a28ec4d52d2a12be5078b5d7/8826b/videos/c3-21-no-reason-to-settle-less-than-500m.mp4>.

<sup>29</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 21) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/251c0d83886aba0804637ca9f8819e12adb26238/ab979/videos/c3-19-show-me-your-cock.mp4>.

Of the jury, Roche derisively states “that 10 idiots control the flow of all the money that happens in American class actions.”<sup>30</sup> About putative class members, as to whom he is a fiduciary, he says that “I go to the Court, and I say, hey ‘I got \$100 million for these 100,000 idiots out here. Give me . . . give me \$30 million and I will administer . . . .”<sup>31</sup>

## **B. THE LAW**

On camera, Roche repeatedly emphasized that his and the Firm’s interests come before his clients, which violates Florida Rule of Professional Conduct 4-1.7(a)(2), prohibiting representation of a client when “there is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer’s responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.”

When Roche says the Firm will not settle any case and insists on going to trial to extract a larger settlement, or settles because of publicity for the Firm, he admits to expressly putting his and the Firm’s interests ahead of those of his clients. The plain import of his claim that his newfound wealth frees him from the constraints on plaintiffs’ lawyers is that his wealth allows him to disregard his clients’ interests in the settlement process.

On camera, Roche states directly and unequivocally that he sues Ava’s competitors (at its behest) in the names of straw plaintiffs and does so by filing class actions. This is, at a minimum,

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<sup>30</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 22) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/f580f15300ae3305352a21a810a4cbce4b1247a7/73e42/videos/c3-20-ten-idiots-control-the-flow.mp4>.

<sup>31</sup> Cryptoleaks, *Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman* (video 24) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/ca154b2403c4f503206afd0666cf4694c23c8dd3/de306/videos/c3-22-these-100000-idiots.mp4>.

Rule 404(b) evidence that Roche is engaged in a pattern and practice of secretly representing Ava's and Gün's interests by using straw plaintiffs to conceal the real parties in interest. After Roche's on-camera admissions, there is a sound basis for concluding that in attempting to "take down" Gün's arch-nemesis, Dr. Craig Wright, Roche and the Firm have been acting for the benefit of Ava and Gün, who were undisclosed interested parties. Roche's admitted conduct as to "Emre Crypto," discussed above in Section 1.A.2, demonstrates an abuse of process akin to what appears to have happened here.

On camera, Roche admitted to other improper conduct in furtherance of Ava's interests, including sharing with Ava the discovery obtained in the Firm's class actions against Ava's competitors (surely in violation of confidentiality orders), distracting regulators from Ava by feeding them incriminating information about Ava's competitors, and, as noted, harassing Gün's "nemeses"—such as videotaping service of process on "Emre Crypto," Gün's principal Turkish competitor—for Gün's viewing pleasure. Roche's discussion of Dr. Wright strongly suggests that this action was motivated by Gün's rivalry with Dr. Wright.<sup>32</sup>

In addition to demonstrating fundamental conflicts that Rule 4-1.7 prohibits, Roche's admitted, serial misconduct flouts and fundamentally offends the core responsibilities imposed on every lawyer to uphold the dignity of the courts, and to treat litigants and other counsel forthrightly and with respect. Florida Rule 4-8.4 embodies these obligations, which Roche has, through his statements, expressly abjured.

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<sup>32</sup> See Cryptoleaks, Ava Labs (Avalanche) Attacks Solana & Cons SEC in Evil Conspiracy with Bought Law Firm, Roche Freedman (video 15) (Aug. 26, 2022), <https://d33wubrfki0168.cloudfront.net/54bcd83ef86e546fa4f97c2e481fba064e228c8d/483a3/videos/c3-14-gun-goes-after-craig-wright.mp4>.

Florida Rule 4-8.4 bar attorneys from engaging “in conduct involving dishonesty, fraud, deceit, or misrepresentation.” Roche has confessed to the Firm bringing pretextual lawsuits, for improper purposes, on behalf of undisclosed shadow clients. Florida Rule 4-8.4(d) prohibits “conduct that is prejudicial to the administration of justice.” But Roche—in a shameful display that inherently prejudices the administration of justice in any court where he appears—has publicly denounced his purported clients and all jurors as “idiots,” declared himself “crazy,” and denigrated the entire jury-trial and class-action system as nothing more than a cynical competitive tool.

The Court has the absolute authority to decide which attorneys may practice before it. *See, e.g., Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1990) (A federal court’s inherent power includes the authority to “control admission to its bar and to discipline attorneys who appear before it.”); *In re Herman*, 632 F. App’x 580, 584 (11th Cir. 2015) (The court did not abuse its discretion in suspending an attorney from practicing before it where good cause was shown.); *Brown & Williamson Tobacco Corp. v. Daniel Int’l Corp.*, 563 F.2d 671, 673 (5th Cir. 1977) (Opposing party “has standing to seek disqualification even though it is not an aggrieved client because its attorneys are authorized to report any ethical violations committed in the case.”).

Lastly, Roche’s misconduct must be imputed to the Firm. Florida Rule 1.10 states that “[w]hile lawyers are associated in a firm, none of them may knowingly represent a client when any 1 of them practicing alone would be prohibited from doing so by Rule 4-1.7 or 4-1.9 . . . .” Roche directed the affairs of the boutique Firm that once bore his name. The Firm’s website at one point said that Roche “lead[s] the Roche Freedman team appointed as lead counsel in over 15 class actions” and “build[s its] legal strategies.”<sup>33</sup>

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<sup>33</sup> *See* <https://www.rochefreedman.com/attorneys/kyle-roche/>, last visited Sept. 5, 2022.

From the videos, it is evident that the interests Roche sought to protect by his confessed misconduct were not merely his own, but the interests of the entire Firm. Furthermore, the Firm's hasty termination of Roche—who remains of record in this case—cannot absolve it of its past misconduct, nor its present conflicts. As set forth above, Roche was hardly the only partner to have cozied up to Ava Labs, to have taken Gün's tokens, or to have engaged in the scandalous practices Roche cataloged in his own words.

Accordingly, Roche's conduct not only warrants his disqualification, but also warrants disqualification of the Firm. Roche's admissions go to the very heart of why and how this action was pursued and the degree to which he and the Firm have failed in their duties to this Court. Further, Roche's admissions impugn the motives of the Firm. Where a firm undertakes representation despite a conflict and without a meaningful conflict check, the entire firm must be disqualified. *See U.S. ex rel. Bumbury b. Med-Care Diabetic & Med. Supplies, Inc.*, 101 F. Supp. 3d 1268, 1280 (S.D. Fla. 2015).

### **CONCLUSION**

For all these good and sufficient reasons, the Dr. Craig Wright requests that the Court disqualify Kyle Roche and Freedman Normand Friedland LLP from any further involvement in this matter.

Respectfully submitted,

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**CERTIFICATE OF GOOD FAITH CONFERENCE**

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that counsel for the movant has conferred with Velvel Freedman of the Firm and Kyle Roche, who both stated that they oppose the relief sought here.

/s/ Andres Rivero  
Andres Rivero

**CERTIFICATE OF SERVICE**

I CERTIFY that on November 28, 2022, I electronically filed this document with the Clerk of the Court using CM/ECF. I also certify that this document is being served this day on all counsel of record by transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Andres Rivero  
Andres Rivero