

FILED
SUPREME COURT
STATE OF WASHINGTON
2/27/2019 4:05 PM
BY SUSAN L. CARLSON
CLERK

SUPREME COURT NO. 96655-9

STATE OF WASHINGTON
COA No. 76576-1-I

GREAT OCEAN CAPITAL HOLDING, LLC, a Washington limited liability Company; HUY YING CHEN and XUE PING WANG, Husband and Wife Residing in Washington State;

Appellant,

v.

YANLU LIU and AI HUA PAN, Husband and Wife Residing in King County, Washington; PENG ZHANG and ZHONGYUAN PAN, Husband and Wife Residing in Ontario, Canada,

Respondent

PETITIONER MOTION TO DISQUALIFY RESPONDENT COUNSELS DUE NOT CLEAN HAND AND STRIKE RESPONDENTS COUNSEL ANSWER TO PETITION FOR REVIEW

CHEN HUY YING
Pro Se for Two of Appellant
5112 189th Ave N.E
Sammamish, WA 98074
Phone:(206) 779-8880
Email: capt.chen@goshipline.com

I. Identity of Moving Party and Relief Sought:

1.1 On November 30, 2015, a complaint with summons for this case no. 15-2-28694-3 was established (docket no. 1) against petitioner but the personal service was intentionally not served by attorney of YANLU LIU and AI HUA PAN, Husband and Wife Residing in King County, Washington and PENG ZHANG and ZHONGYUAN PAN, Husband and Wife Residing in Ontario, Canada. The law firm of MDK Law Associates counsels James Ware, Mark D. Kimball (Plaintiff Counsel) and Courtney D. Bhatt, J.D. file a summons, against GREAT OCEAN CAPITAL HOLDING, LLC, a Washington limited liability Company; HUY YING CHEN and XUE PING WANG, Husband and Wife Residing in Washington State;

1.2 With Plaintiff Counsel's intentionally withheld personal service of those documents to Defendants and at the same time filed an Ex Parte to get a temporary restraining order ("TRO") from Commissioner Carlos Velategui on December 8, 2015 without notice to Defendants. (**Appendix A3**)

1.3 In spite of Commissioner warning that Plaintiff Counsel is violating Connecticut vs. Doehr 501 U.S. 1 (1991) which was unconstitutional. Plaintiff needs to present into Court when if they apply for a permanent injunction order.

1.4 The matter of fact Plaintiff Counsel knew this case cannot be issued because it violates RCW 42.23.030. Plaintiff and Defendants were both parties meaning Defendants GREAT OCEAN CAPITAL HOLDING, LLC, a Washington limited liability Company with 4 partners of YANLU LIU and AI HUA PAN and HUY YING CHEN and XUE PING WANG. Plaintiff were YANLU LIU and AI HUA PAN and PENG ZHANG and ZHONGYUAN PAN by RCW 42.23.020(4).

1.5 The Supreme Court reviews de novo when it initiates a TRO that is void from Ex Parte of Washington Superior Court at December 8, 2015, which violated United States Constitution laws for due process clause 14th amendment and the trial court judge issued a preliminary injunction order lacking personal and subject jurisdiction.

1.6 Plaintiff filed Summons and Complaint with Case Number: 15-2-28694-3 on November 30, 2015 (docket No. 1). Plaintiffs with unclean hands and in bad faith intentionally withheld personal service of the summons and complaint until after December 11, 2015, which was after Ex Parte Temporarily Restraining Order "TRO" was granted on December 8, 2016 (Appendix JJ). Their intention was clearly to stop Defendants' fair chance for TRO hearing, which violated constitutional law.

**II. GROUND FOR RELIEF ARGUMENT AT LEAST FOUR
INDISPUTABLE BASE FOR DISQUALIFICATION:**

A. A disqualification is proper where there is a conflict of interest known by Plaintiff Counsel:

The Plaintiff Counsel fully knew that the Respondents Yanlu Liu and Ai Hua Pan, husband and wife, own a minority interest in Great Ocean Capital Holding LLC ("GOHC") but not applied with Washington State RCW limited liability company RCW 25.15.386.

RCW 25.15.386 Right to bring action.

A member may bring a derivative action to enforce a right of a limited liability company if: (1) The member first makes a demand on the members in a member-managed limited liability company, or on the managers of a manager-managed limited liability company, requesting that they cause the limited liability company to bring an action to enforce the right, and the managers or other members do not bring the action within a reasonable time; or (2) A demand would be futile.

Plaintiff filed a lawsuit with violated RCW 25.15.386 with worse scenario how Plaintiffs of "LIU" could be for both Plaintiffs and Defendants position. LIU brought up this case must be futile.

B. A disqualification is proper where Plaintiff Counsel knew the case was unconstitutional for due process clause 14th amendment initially at the TRO from Ex

Parte of Washington Superior Court.

Plaintiff Counsels not only knew this was unconstitutional case from initial but also be warned by Commissioner Carlos Velategui for violated **Connecticut v. Doehr**, 501 U.S. 1 (1991) which was a United States Supreme Court case in which the Court held that a state statute authorizing prejudgment attachment of a defendant's real property upon the filing of an action, without prior notice or hearing, without a showing of extraordinary circumstances, and without a requirement that the plaintiff post a bond, violates the Due Process Clause of the Fourteenth Amendment.

C. A disqualification is proper where Plaintiff Counsel fraud with his propose order-misleading Commissioners issued a misrepresented order.

The Plaintiffs' Counsel act in bad faith to cheated Commissioner Carlos Velategui to sign TRO which were fraud & deceit. Please be noted that Plaintiff Counsel expressed to Commissioner Carlos Velategui stated very clearly stated Plaintiffs Counsel could only attached Defendants' business escrow account (**Appendix HH at page 18 line 20**)* but when Plaintiff Counsel presented a propose order for Commissioner signature was not only attached Defendants escrow accounts but all Defendants business accounts. (**Appendix II**) * in Eastwest Bank. It is bad faith to change the word for instead of "escrow account only" but is not limited to account ending in 5167. Although account ...5167 was an escrow account but had no any fund in it at that time because those fund to be transfer to operation account for company operation. With this fraud by Plaintiff Counsel, which cause serious damaged for business operation with almost casualties for ship operation.

D. A disqualification is proper where Plaintiff Counsel knew their fraud in misleading the Court for Lack of jurisdiction violation:

Plaintiff Counsel knew this case were Federal Jurisdiction and this Court lack of

jurisdiction which base to Appendix E3 that are a public news through Plaintiff Counsels own law firm web-site stated Which are very clearly that the case was involve a Federal limited jurisdiction case as below:

On December 18, 2015, MDK Law owners James P. Ware and Mark D. Kimball secured a significant preliminary win for a client who had invested over \$500,000 in a Washington-based international trading company. The client intended to use the investment to obtain a U.S. Visa through the EB-5 program as the project had been designated as a Regional Center by the United States Customs and Immigration Services (“USCIS). and documentation submitted to the USCIC regarding the project,...

As above said that the EB-5 program as a Federal question jurisdiction by Congress enacted for a Public law of Section 203(b)(5) of the Immigration and Nationality Act (INA), and 28 U.S.C. §1332 vest Federal Court with jurisdiction to hear cases that “arise under” federal law. Neither WSSA nor SEC have jurisdiction for this case. Plaintiff fully known about lack of jurisdiction and consistently misleading court fraud that disqualification should be properly to be issued.

III. COUNSEL'S ENTIRE LAW FIRM SHOULD ALSO BE DISQUALIFIED

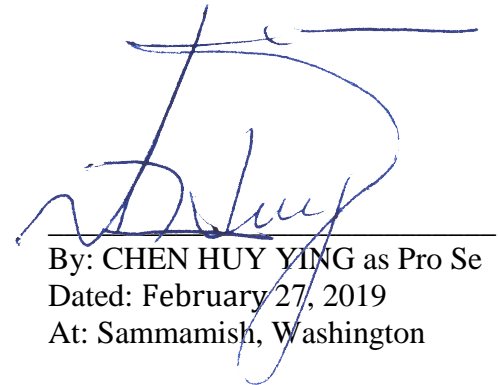
As a general rule in Washington State, where attorneys are disqualified from representation, the entire law firm may vicariously disqualify as well. With this motion for disqualification are necessary for entire MDK law firm may involve three attorneys fraud in this case, therefore, *Henriksen v. Great American Savings & Loan*, 11 Cal. App. 4th 109, 114-115; *Klein v. Superior Court*, 198 Cal. App. 3d 894, 909, 244 Cal. Rptr. 226 (6th Dist. 1988); *Lyle v. Superior Court* (1981) 122 Cal. App. 3d 470, 479, 482-483, 175 Cal. Rptr. 918. Where the court finds grounds to disqualify the attorney of an adverse party outside an attorney-client relationship, the disqualification generally extends to the

attorney's entire firm. William H. Raley Co. v. Superior Court (1983) 149 CA3d 1042, 1048-1049.

III. CONCLUSION

With the Plaintiff Counsel dishonest and deceptive with constitute fraud should disqualify an attorney from representation a interest conflict plaintiff and knew lack of stand and lack of jurisdiction. *See, Kurbitz v. Kurbitz*, 77 Wn.2d 943, 947, 468 p.2d 673 (1970). Here, there is both an actual and apparent that the Court should enter an order disqualifying Attorneys including MDK Law association and its owners James P. Ware and Mark D. Kimball and Courtney D. Bhatt, J.D from acting as Counsels for 4 plaintiff Counsel and their Answer filed on February 7, 2019, should be stricken.

Respectfully submitted this 27th day of February 2019.



By: CHEN HUY YING as Pro Se
Dated: February 27, 2019
At: Sammamish, Washington

Appendix A3

**Temporally Restrain Order (“TRO”)
issued on December 8,2015**

FILED

15 DEC -8 PM 1:21

Judge Parisien
Return Hearing: December 18, 2015 at 3:00 PM
Courtroom: W-764

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

Present in Person

EXP01

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

YANLU LIU and AI HUA PAN, Husband and
Wife Residing in King County, Washington;
PENG ZHANG and ZHONGYUAN PAN,
Husband and Wife Residing in Ontario,
Canada,

Plaintiffs,

v.

GREAT OCEAN CAPITAL HOLDING, LLC,
a Washington limited liability company; HUY
YING CHEN and XUE PING WANG,
Husband and Wife Residing in Washington
State;

Defendants.

NO.: 15-2-28694-3 SEA

TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE

(Clerk's Action Required)

THIS MATTER having come on for presentation upon Motion of Plaintiffs, by and
through the undersigned Attorneys and having considered the following pleadings:

1. Plaintiffs' Motion for a Temporary Restraining Order and Order to Show Cause;
2. Declaration of Yanlu Liu in Support of Motion for Temporary Restraining Order and Preliminary Injunction;
3. Declaration of Zhongyuan Pan in Support of Motion for Temporary Restraining Order and Preliminary Injunction; and
4. The Complaint filed herein;

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Bellevue, Washington 98004
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1
2 and finding good cause, NOW, THEREFORE:

3 Plaintiffs' Motion for a Temporary Restraining Order is GRANTED as follows:

- 4 1. This Court has personal and subject-matter jurisdiction and venue is proper.
- 5 2. This action involves claims of fraudulent and negligent misrepresentation, fraud under
6 Washington's Securities Act, violation of Washington's Consumer Protection Act, breach
7 of contract, and breach of fiduciary duty regarding Plaintiffs' investment in Great Ocean
8 Capital Holding, LLC.
- 9 3. As set forth in the Complaint, the Declaration of Yanlu Liu, and Zhongyuan "Bonnie"
10 Pan, Zhongyuan Pan invested \$519,500.00 into Great Ocean Capital Holding, LLC as an
11 EB-5 investor. Central to the project's success was an 80 year lease with the Port of
12 Longview that Chen asserted Great Ocean Capital Holding, LLC had secured. Said
13 representations were also made in the PPM presented to Pan. Plaintiffs have learned that
14 the Port of Longview has no records of a lease with Great Ocean Capital Holding, LLC.
- 15 4. Additionally, Plaintiffs have demonstrated that Defendants have transferred money
16 between Great Ocean Capital Holding's account, Chen's personal account, the account of
17 a defunct Alaska LLC, and wired monies overseas. As of November 27, 2015,
18 Defendants wired \$160,000.00 to Indonesia.
- 19 5. Further, Plaintiffs have shown that Defendants have deposited large sums into Great
20 Ocean Capital Holding's business account from unknown sources. However, the
21 transfers were \$500,000.00 each. This is the exact amount of funds each investor
22 invested for "shovel ready" projects.
- 23 6. Plaintiffs have established a clear legal right, at a minimum, to recover a judgment, (and
24 reasonable costs and attorneys' fees) for common law fraud, fraud under Washington's
25 Securities Act, violation of Washington's Consumer Protection Act, breach of contract,
and breach of fiduciary duty.

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- 1 7. Plaintiffs seek to maintain the status quo, to prevent monies from being transferred
2 outside this Court's jurisdiction, and its ability to recover and collect on an eventual
3 judgment.
- 4 8. No harm or prejudice to Defendants will result if this Temporary Restraining Order is
5 entered. Conversely, Plaintiffs (particularly Zhongyuan Pan) will suffer great harm if it
6 is not entered. A judgment for money damages would be worthless if Defendants were
7 able to secrete or hide Great Ocean Capital Holding's assets.
- 8 9. The Court is satisfied that Plaintiffs have established a clear legal and equitable right, a
9 well-grounded fear of immediate invasion of that right, and that the acts complained of
10 will result in actual and substantial injury to Plaintiffs absent entry of this Temporary
11 Restraining Order.
- 12 10. The Court is further satisfied that Plaintiffs have established that no notice to Defendants
13 because Defendants have demonstrated a willingness and ability to transfer large sums of
14 Great Ocean Capital Holding's funds to their personal accounts and to entities and/or
15 persons outside this jurisdiction. Given that Defendants are the only persons who have
16 access to investor funds held at East West Bank, Plaintiffs have established that they have
17 an immediate fear that Defendants will secrete investor funds immediately if notice is
18 given.

19 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that, in accordance
20 with CR 52 and CR 65;

21 PENDING THE RETURN HEARING SET FORTH IN THE FOLLOWING
22 PARAGRAPH, DEFENDANTS GREAT OCEAN CAPITAL HOLDING, LLC, HUY
23 YING CHEN, AND XUE PING WANG, ACTING BY AND/OR THROUGH ANY
24 OTHER PERSON OR ENTITY AND ALL OTHER PERSONS IN ACTIVE CONCERT
25 OR PARTICIPATION WITH THEM RECEIVING ACTUAL NOTICE OF THIS
TEMPORARY RESTRAINING ORDER BY PERSONAL SERVICE OR

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1 OTHERWISE, ARE ALL HEREBY RESTRAINED AND ENJOINED FROM THE
2 FOLLOWING:

- 3 (1) Withdrawing, wiring, transferring, expending, or debiting fund from any and
4 all accounts owned by GREAT OCEAN CAPITAL HOLDING, LLC at **East**
5 **West Bank**. This includes but is not limited to accounts ending in 5167.
- 6 (2) Withdrawing, wiring, transferring, expending, or debiting fund from any and
7 all accounts owned by GREAT OCEAN CAPITAL HOLDING, LLC at **Wells**
8 **Fargo Bank**. This includes but is not limited to accounts ending in 8267.
- 9 (3) Withdrawing, wiring, transferring, expending, or debiting fund from any and
10 all accounts owned by GREAT OCEAN CAPITAL HOLDING, LLC at **JP**
11 **Morgan Chase Bank**. This includes but is not limited to accounts ending in
12 8050.

13 The foregoing provisions are conditioned upon Plaintiffs posting a bond with the Clerk of
14 the Court in the amount of \$ 20,000. Unless extended, this Order shall expire on
15 December 18, 2015 at 3:00 PM.

16 IT IS FURTHER ORDERED that the Defendants, above named, appear before the
17 Honorable Suzanne Parisien 516 Third Avenue, Seattle, WA courtroom W-764 on Friday,
18 December 18, 2015 at the hour of 3:00 PM, to then and there show cause, if they have any, why
19 an ORDER SHOULD NOT BE ENTERED CONVERTING THIS TEMPORARY
20 RESTRAINING ORDER INTO A TEMPORARY INJUNCTION.

21 **DEFENDANTS ARE HEREBY NOTIFIED THAT IF IT SHOULD FAIL TO**
22 **APPEAR BEFORE THE ABOVE STATED COURT AT THE ABOVE STATED DATE**
23 **AND TIME AND THERE SHOW CAUSE WHY THE ORDER SHOULD NOT BE**
24 **ENTERED AND RELIEF GRANTED, SUCH RELIEF REQUESTED MAY BE**
25 **GRANTED AND ENFORCED AS AGAINST DEFENDANT. VIOLATION OF THIS**

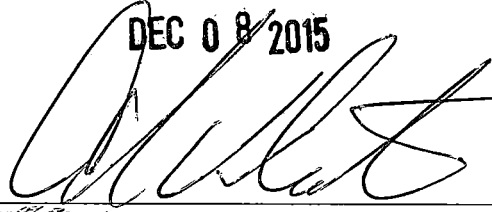
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1 **ORDER WITH KNOWLEDGE MAY FORM THE BASIS FOR A MOTION FOR**
2 **CONTEMPT AND/OR CRIMINAL OR OTHER SANCTIONS.**

3 **SERVICE MAY BE EFFECTED BY SERVING A CERTIFIED COPY OF THIS**
4 **ORDER UPON DEFENDANTS' COUNSEL OF RECORD.**

5 Done in open Court this ____ day of December 2015 at _____ AM/PM


6 **DEC 08 2015**

7 
8
9 ~~JUDGE~~ COURT COMMISSIONER

10 **Commissioner Carlos Velategui**

11
12
13 Presented By:

14 MDK Law:

15 
16 _____
17 JAMES P. WARE WSBA # 36799
18 (425) 455-9610
19 *Attorneys for Plaintiffs*

20
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Appendix E3

**Public news through Plaintiff Counsels
own law firm web-site**

MDK Law Blog

Toggle nav

Dec 30 MDK Law Secures Judgment for Securities Fraud Against Developer of Purported EB-5 Regional Center in Western Washington

Shareholders James Ware and Mark Kimball and associate Courtney Bhatt recently secured judgment against a developer of a purported EB-5 regional center on behalf of one of the investors in the project. The basis of the judgment was securities fraud under the Washington State Securities Act (WSSA). The total award to the investor exceeded \$740,000.00. When MDK Law first initiated this action against the company and its founder, MDK Law sought and obtained a preliminary injunction that required the company to place the investor's initial investment into a blocked account that could not be accessed absent court order. As a result, MDK Law was able to ensure that the investor immediately recouped the investor's initial investment (which exceeded \$500,000) and then obtained a judgment for attorney fees and statutory interest pursuant to RCW § 21.20.430. Because of MDK Law's initial aggressive stance in the litigation, the investor was able to recoup the investor's initial investment almost immediately after entry of judgment instead of having go through the laborious process of enforcing a judgment.

This matter represents the third securities fraud case that MDK Law has brought on behalf of aggrieved investors in the past three years that yielded a multiple six-figure or larger award or settlement for the firm's clients.

« Back to MDK Blog (<https://www.mdklaw.com/blog/>)

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MDK Law Blog

Toggle nav

Dec
22

MDK Law Secures Preliminary Injunction for EB-5 Investor in Securities Act Violation Case



(//www.mdklaw.com/wp-content/uploads/2015/12/mdk_logo-Horizontal-No-Service-Mark.jpg)On December 18, 2015, MDK Law owners James P. Ware and Mark D. Kimball secured a significant preliminary win for a client who had invested over \$500,000 in a Washington-based international trading company. The client intended to use the investment to obtain a U.S. Visa through the EB-5 program as the project had been designated as a Regional Center by the United States Customs and Immigration Services (“USCIS). Based upon specific

language in the project’s Private Placement Memorandum (“PPM”) and documentation submitted to the USCIC regarding the project, MDK Law was able to establish a basis for an injunction that funds the firm’s client had investment into the project—which exceeded \$500,000—should be held in a blocked account until the trial court renders a final decision in the matter. With the large influx of capital from overseas, more potential developers and entrepreneurs are soliciting funds from overseas investors through the EB-5 program. While the EB-5 program is a desirable

means by which a high net wealth individual may obtain a U.S. visa, it is imperative that the potential investor perform due diligence about the project and claims made in the PPM prior to investing.

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APPENDIX HH

Transcript from Ex Parte Hearing on December 8, 2015 showed violated Connecticut vs. Doehr

*e*FFICIENT[®]

YOUR ELECTRONIC FILES HAVE ARRIVED!

In the Matter of:



YANLU LIU and AI HUA PAN

vs.

GREAT OCEAN CAPITAL HOLDING, LLC

VERBATIM REPORT OF PROCEEDING

December 08, 2015



Full-sized and condensed transcripts in pdf format



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Easy access, hyperlinked exhibits and word index

1 SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

2

3 YANLU LIU and AI HUA PAN,)

4 husband and wife residing in)

5 King County, Washington; PENG)

6 ZHANG and ZHONGYUAN PAN,)

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8 Ontario, Canada,)

9 Plaintiffs,)

10 vs.) 15-2-28694-3 SEA

11 GREAT OCEAN CAPITAL HOLDING,)

12 LLC, a Washington limited)

13 liability company; HUY YING)

14 CHEN and XUE PING WANG,)

15 husband and wife residing in)

16 Washington State,)

17 Defendants.)



18

19 VERBATIM REPORT OF PROCEEDING

20 BEFORE THE HONORABLE

21 CARLOS VELATEGUI

22

23 DECEMBER 8, 2015

24 TRANSCRIBED FROM RECORDING BY:

25 CHERYL J. HAMMER, RPR, CCR 2512



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A P P E A R A N C E S

FOR THE PLAINTIFFS:

JAMES P. WARE
MDK Law Associates
777 108th Ave NE, Suite 2000
Bellevue, Washington 98004
425.455.9610
jware@mdklaw.com



1 news or the local news with regard to EB5
2 applications? So he's just some guy who has a
3 contract with your clients and he doesn't appear to be
4 living up to the terms of the contract? Do you have a
5 contract dispute?

6 MR. WARE: Well, we also have a fraud
7 under the Washington Securities Act.

8 THE COURT: And what's the fraud?

9 MR. WARE: The fraud is a material
10 misrepresentation in the PPM, which is the lease.

11 THE COURT: But your evidence of the
12 existence or nonexistence of that -- of that lease is
13 hearsay.

14 MR. WARE: But in addition, Your
15 Honor, that if in fact there was actually a lease, the
16 project would have started by now.

17 THE COURT: Well, that's what you'd
18 like to argue. I don't know that.

19 MR. WARE: That is -- as someone
20 seeking a TRO, I don't need to definitively prove my
21 case.

22 THE COURT: But you have to prove
23 irreparable injury.

24 MR. WARE: Right.

25 THE COURT: And you have to prove the



1 exigent circumstances. Without that, you have
2 nothing.

3 MR. WARE: The exigent --

4 THE COURT: **Doehr versus Connecticut.**

5 There's a Ninth Circuit Court of Appeals that say
6 contract disputes are unconstitutional and Mr.
7 Kronenberg, a lawyer who got a prejudgment attachment
8 on real estate, ended up being the defendant, as I
9 recall, once the Court of Appeals said he had no right
10 to the attachment of the property on nothing more than
11 his complaint.

12 MR. WARE: But if the escrow, if it's
13 in an escrow account, then it is not the --

14 THE COURT: Is your client in charge
15 of the escrow account?

16 MR. WARE: No. And that's the
17 concern, is that my client has no access; doesn't even
18 know what's left in the escrow account.

19 THE COURT: Mm.

20 MR. WARE: But if it is truly an
21 escrow account, then it should be Ms. Pan's money --
22 funds in --

23 THE COURT: So you want the court to
24 manage a contract dispute between these two parties?

25 MR. WARE: This is not a contract



1 dispute. Again, Your Honor, it's still, it's a
2 securities act --

3 THE COURT: Well, where is --

4 MR. WARE: -- violation.

5 THE COURT: Why doesn't the securities
6 commission come in and grab the account if they think
7 there's violations here?

8 MR. WARE: Because under the
9 securities act an individual has a private cause of
10 action.

11 THE COURT: So they just default to
12 individual private people?

13 MR. WARE: Well, it depends on if the
14 --

15 THE COURT: Or they don't have enough
16 yet to go after Mr. Chen?

17 MR. WARE: Well, I don't know if
18 there's been an investigation, what the status of that
19 investigation is.

20 Again, if we limit it to the escrow
21 account.

22 THE COURT: The problem you're having
23 is that the six figure number that's rolling around in
24 my brain for the bond you're going to have to post.

25 MR. WARE: If it's limited --



APPENDIX JJ

**Temporally Restrain Order (“TRO”) issued on
December 8,2015**

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20 Ocean Capital Holding's business account from unknown sources. However, the
21 transfers were \$500,000.00 each. This is the exact amount of funds each investor
22 invested for "shovel ready" projects.
- 23 6. Plaintiffs have established a clear legal right, at a minimum, to recover a judgment, (and
24 reasonable costs and attorneys' fees) for common law fraud, fraud under Washington's
25 Securities Act, violation of Washington's Consumer Protection Act, breach of contract,
and breach of fiduciary duty.

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- 1 7. Plaintiffs seek to maintain the status quo, to prevent monies from being transferred
2 outside this Court's jurisdiction, and its ability to recover and collect on an eventual
3 judgment.
- 4 8. No harm or prejudice to Defendants will result if this Temporary Restraining Order is
5 entered. Conversely, Plaintiffs (particularly Zhongyuan Pan) will suffer great harm if it
6 is not entered. A judgment for money damages would be worthless if Defendants were
7 able to secrete or hide Great Ocean Capital Holding's assets.
- 8 9. The Court is satisfied that Plaintiffs have established a clear legal and equitable right, a
9 well-grounded fear of immediate invasion of that right, and that the acts complained of
10 will result in actual and substantial injury to Plaintiffs absent entry of this Temporary
11 Restraining Order.
- 12 10. The Court is further satisfied that Plaintiffs have established that no notice to Defendants
13 because Defendants have demonstrated a willingness and ability to transfer large sums of
14 Great Ocean Capital Holding's funds to their personal accounts and to entities and/or
15 persons outside this jurisdiction. Given that Defendants are the only persons who have
16 access to investor funds held at East West Bank, Plaintiffs have established that they have
17 an immediate fear that Defendants will secrete investor funds immediately if notice is
18 given.

19 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that, in accordance
20 with CR 52 and CR 65;

21 PENDING THE RETURN HEARING SET FORTH IN THE FOLLOWING
22 PARAGRAPH, DEFENDANTS GREAT OCEAN CAPITAL HOLDING, LLC, HUY
23 YING CHEN, AND XUE PING WANG, ACTING BY AND/OR THROUGH ANY
24 OTHER PERSON OR ENTITY AND ALL OTHER PERSONS IN ACTIVE CONCERT
25 OR PARTICIPATION WITH THEM RECEIVING ACTUAL NOTICE OF THIS
TEMPORARY RESTRAINING ORDER BY PERSONAL SERVICE OR

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1 OTHERWISE, ARE ALL HEREBY RESTRAINED AND ENJOINED FROM THE
2 FOLLOWING:

- 3 (1) Withdrawing, wiring, transferring, expending, or debiting fund from any and
4 all accounts owned by GREAT OCEAN CAPITAL HOLDING, LLC at **East**
5 **West Bank**. This includes but is not limited to accounts ending in 5167.
- 6 (2) Withdrawing, wiring, transferring, expending, or debiting fund from any and
7 all accounts owned by GREAT OCEAN CAPITAL HOLDING, LLC at **Wells**
8 **Fargo Bank**. This includes but is not limited to accounts ending in 8267.
- 9 (3) Withdrawing, wiring, transferring, expending, or debiting fund from any and
10 all accounts owned by GREAT OCEAN CAPITAL HOLDING, LLC at **JP**
11 **Morgan Chase Bank**. This includes but is not limited to accounts ending in
12 8050.

13 The foregoing provisions are conditioned upon Plaintiffs posting a bond with the Clerk of
14 the Court in the amount of \$ 20,000. Unless extended, this Order shall expire on
15 December 18, 2015 at 3:00 PM.

16 IT IS FURTHER ORDERED that the Defendants, above named, appear before the
17 Honorable Suzanne Parisien 516 Third Avenue, Seattle, WA courtroom W-764 on Friday,
18 December 18, 2015 at the hour of 3:00 PM, to then and there show cause, if they have any, why
19 an ORDER SHOULD NOT BE ENTERED CONVERTING THIS TEMPORARY
20 RESTRAINING ORDER INTO A TEMPORARY INJUNCTION.

21 **DEFENDANTS ARE HEREBY NOTIFIED THAT IF IT SHOULD FAIL TO**
22 **APPEAR BEFORE THE ABOVE STATED COURT AT THE ABOVE STATED DATE**
23 **AND TIME AND THERE SHOW CAUSE WHY THE ORDER SHOULD NOT BE**
24 **ENTERED AND RELIEF GRANTED, SUCH RELIEF REQUESTED MAY BE**
25 **GRANTED AND ENFORCED AS AGAINST DEFENDANT. VIOLATION OF THIS**

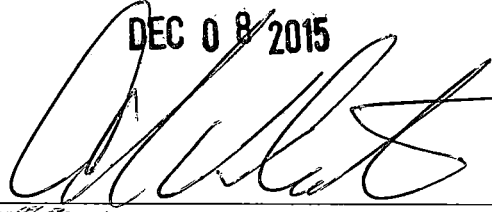
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1 **ORDER WITH KNOWLEDGE MAY FORM THE BASIS FOR A MOTION FOR**
2 **CONTEMPT AND/OR CRIMINAL OR OTHER SANCTIONS.**

3 **SERVICE MAY BE EFFECTED BY SERVING A CERTIFIED COPY OF THIS**
4 **ORDER UPON DEFENDANTS' COUNSEL OF RECORD.**

5 Done in open Court this ____ day of December 2015 at ____ AM/PM


6 **DEC 08 2015**

7 
8
9 ~~JUDGE~~ COURT COMMISSIONER

10 **Commissioner Carlos Velategui**

11
12
13 Presented By:

14 MDK Law:

15 
16 _____
17 JAMES P. WARE WSBA # 36799
18 (425) 455-9610
19 *Attorneys for Plaintiffs*

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21
22
23
24
25
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Appendix II


**Great Ocean Capital Holding LLC
Members list with share percentage**

Company. The purchaser or assignee shall only be entitled to receive the share of the profits or other compensation by way of income and the return of contributions to which that Member would otherwise be entitled.

CERTIFICATION OF MEMBERS

The undersigned hereby agree, acknowledge and certify to adopt this Operating Agreement.

Signed this 7th day of January, 2013.



Signature CHEN, HUY YING Printed Name
Member, Percent: 33%
Address: 5112 189th Ave N.E Sammamish WA 98074



Signature LIU, YAN LU Printed Name
Member, Percent: 16.5%
Address:



Signature WANG, XUE PING Printed Name
Member, Percent: 34%
Address: 5112 189th Ave N.E Sammamish WA 98074



Signature PAN,ZHONG YUAN Printed Name
Member, Percent: 16.5%
Address:

ANDREA CHEN - FILING PRO SE

February 27, 2019 - 4:05 PM

Filing Motion for Discretionary Review of Court of Appeals

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: Case Initiation
Appellate Court Case Title: Yanlu Liu, et al, Respondents v. Great Ocean Capital Holding, LLC, et al, Appellants (765761)

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- jware@mdklaw.com
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Sammamish, WA, 98074

Phone: (206) 973-3919

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