

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

THEO CHINO,

Plaintiff-Petitioner,

-against-

THE NEW YORK DEPARTMENT OF  
FINANCIAL SERVICES and MARIA T. VULLO,  
in her official capacity as the Superintendent of the  
New York Department of Financial Services,

Defendants-Respondents.

Index No. 101880/2015  
Hon. Lucy Billings

ORAL ARGUMENT REQUESTED

**NOTICE OF PLAINTIFF-  
PETITIONER'S CROSS-MOTION  
FOR LEAVE TO AMEND HIS  
COMPLAINT**

Upon the affirmation of Pierre Ciric, Esq., upon the affidavit of Plaintiff-Petitioner Theo Chino and its exhibits, upon the accompanying memorandum of law, upon the proposed amended complaint annexed hereto, and upon all the pleadings and proceedings heretofore served herein, a cross-motion pursuant CPLR § 3025(b) will be made before the Civil Branch Clerk's Office of the New York State Supreme Court, County of New York, located in room 130 of the Courthouse located at 60 Centre Street, New York, NY, on the 8<sup>th</sup> day of June, 2017 at 9:30am, or as soon thereafter as counsel may be heard, for an order granting leave to Plaintiff-Petitioner Theo Chino to serve the proposed amended complaint as present herein.

The cross-motion will be made to:

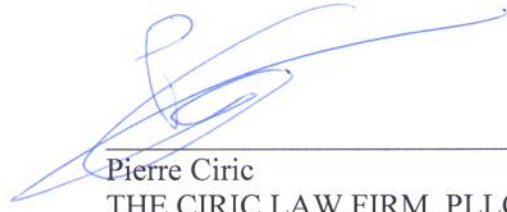
- (a) add Chino LTD as an additional Plaintiff-Petitioner;
- (b) add a First Amendment claim under both the U.S. Constitution and the New York Constitution against certain sections of the "Virtual Currency" regulation promulgated by the New York State Department of Finance at Part 200 of

Chapter 1 of Title 23 of the New York Codes, Rules and Regulations (cited as “NYCRR”) (the “Regulation”);

- (c) add a federal preemption claim against the Regulation;
- (d) add additional facts not previously entered into the record, including:
  - (i) Chino LTD’s tax returns for the tax years 2013 to 2016;
  - (ii) a record of a Bitcoin transaction processed by Chino LTD in January 2016;
  - (iii) a copy of Chino LTD’s application submitted under the New York State Minority Owned/Women Owned Business Enterprise Program;
  - (iv) recent relevant legislative developments regarding cryptocurrencies in New Hampshire and Texas; and
  - (v) a recent recommendation of Magistrate Judge Hugh B. Scott in the case *US v. Petix*, Case No. 15-CR-227, currently in the United States District Court, Western District of New York, regarding the economic nature of Bitcoin.

Pursuant to CPLR § 2214(b), answering papers, if any, are to be served upon the undersigned in accordance with a Stipulation for Adjournment and Briefing Schedule agreed upon by both parties and signed on April 18, 2017.

Dated: April 27, 2017  
New York, New York



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