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12 and Raj Abhyanker

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14 SUPERIOR COURT OF CALIFORNIA
15 COUNTY OF SAN FRANCISCO

16 THE RAJ AND SONAL ABHYANKER
17 FAMILY TRUST and RYAN BETHELL,

18 Plaintiffs,

19 v.

20 MASON BLAKE; MATTHEW
21 FAUSTMAN; GARY RUDIN; MENLO
22 VENTURES MANAGEMENT, L.P.;
23 UPCOUNSEL, INC. and
24 DOES 1-20, INCLUSIVE,

25 Defendants.

Case: CGC -19-579885

**NOTICE OF MOTION AND MOTION,
FOR EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER
WITH ASSET FREEZE**

Records Requested Date: February 5, 2020

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1 **NOTICE OF MOTION AND MOTION, FOR EX PARTE APPLICATION FOR**
2 **TEMPORARY RESTRAINING ORDER WITH ASSET FREEZE**

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4 **TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF**
5 **RECORD:**

6 1. Please take note that on February 5, 2020 at 8am or as soon thereafter can be heard,
7 Plaintiff The Raj and Sonal Abhyanker Family Trust will appear for an *ex parte* hearing before
8 this court.

9 2. Plaintiff/Cross-Complainant hereby applies, ex parte for a Temporary Restraining Order
10 ("TRO"), restraining and enjoining, dependent UpCounsel, Inc., his agents, assigns, partners,
11 employees, and any individual or entity acting in concert with LinkedIn, from engaging in any
12 of the following acts pending a hearing on a Preliminary Injunction:

13 **a. Dissolving the business UpCounsel, Inc. on March 4, 2020, or anytime before an**
14 **adjudication on a Preliminary Injunction is decided in the instant case.**

15 **b. Refrain from devaluing the assets of UpCounsel, Inc. by advertising that the**
16 **business is permanently shutting down prior to anytime before an adjudication on a**
17 **Preliminary Injunction is decided in the instant case.**

18 3. Plaintiff intends to apply for a Preliminary Injunction no later than February 14, 2020.
19 Discovery in this case was stayed until January 31, 2020. This Application for preliminary
20 injunctive relief as set forth in the [proposed] TRO filed herewith, is made upon the grounds
21 that the conduct sought to be enjoined, if allowed to [occur or continue to occur, will, e.g., cause
22 immediate and irreparable injury to hundreds of attorneys across the California and the United
23 States whose livelihood depends on the UpCounsel marketplace; and will render an ultimate
24 judgment in this action ineffectual in that the assets of UpCounsel will be significantly
25 devalued; and would result in a multiplicity of judicial proceedings in that actions taken herein
26 will likely result in new lawsuits and claims against the company. (See Grounds for Injunction
27 as set forth in Code Civ. Proc. § 526(a)).

28 4. Plaintiff/Cross-Complainant also requests the Court to issue an Order to Show Cause

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("OSC") pursuant to Cal. Rules of Court, rule 3.1150, affording UpCounsel, Inc. the opportunity to appear and show cause why a Preliminary Injunction should not issue restraining and enjoining in the same manner for the remainder of this litigation.

5. This Application is based upon Code Civ. Proc. §§ 525 et seq. and Cal. Rules of Court, rule 3.1150 and Cal. Rules of Court, rules 3.1200 et seq.; upon the attached Memorandum of Points and Authorities; the Declaration(s) of Raj Abhyanker, filed herewith; and upon the Verified Complaint/Cross Complaint on file herein.

Respectfully submitted this **Tuesday February 4, 2020**.

LEGALFORCE RAPC WORLDWIDE P.C.



Raj V. Abhyanker
Trustee

The Raj and Sonal Abhyanker Family Trust