

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

GREGORY GREENE and JOSEPH LACK,  
individually and on behalf of all others  
similarly situated,

*Plaintiffs,*

v.

MTGOX INC., a Delaware corporation, MT.  
GOX KK, a Japanese corporation, TIBANNE  
KK, a Japanese corporation, MT. GOX  
NORTH AMERICA, INC., a New York  
corporation, MIZUHO BANK, LTD., a  
Japanese financial institution, MARK  
KARPELES, an individual, GONZAGUE  
GAY-BOUCHERY, an individual, JED  
MCCALEB, an individual, and JOHN DOE  
DEFENDANTS,

*Defendants.*

Case No. 1:14-cv-01437

Hon. Gary Feinerman

Magistrate Judge Susan Cox

**STIPULATED MOTION TO STAY PROCEEDINGS**

Plaintiffs Gregory Greene and Joseph Lack (the “Plaintiffs”) and Defendants Mark Karpeles (“Karpeles”) and Tibanne KK (“Tibanne”) (together, the “Stipulating Parties”), by and through their undersigned counsel, hereby stipulate and, by agreement, respectfully move the Court to stay this matter as against Karpeles and Tibanne as described below. In support of their stipulated motion, the Stipulating Parties state as follows:

WHEREAS, on May 1, 2014, Plaintiffs presented their Motion for Preliminary Approval of Class Action Settlement to the Court (Dkt. 79) (the “Motion”). The proposed Partial Class Action Settlement Agreement (Dkt. 79-2, Ex. A) (the “Proposed Settlement”), if approved,

would resolve Plaintiffs' claims with respect to Defendants Jed McCaleb and Gonzague Gay-Bouchery;

WHEREAS, at the May 1st presentment hearing, counsel for Karpeles and Tibanne objected to Plaintiffs' Motion; and

WHEREAS, following the hearing, counsel for Plaintiffs and counsel for Karpeles and Tibanne discussed Karpeles' and Tibanne's objections to the Motion and whether, in the interests of efficiency and the Parties' mutual interests, a temporary stay of the litigation as against Karpeles and Tibanne would be appropriate.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Stipulating Parties, and subject to the approval of the Court, as follows:

1. The Stipulating Parties, by and through their counsel of record, agree that the litigation should be stayed as against Karpeles and Tibanne pending the earlier of: (a) this Court's failure to grant preliminary or final approval of Plaintiffs' Proposed Settlement; (b) any rejection of or material failure to implement the Mt. Gox Rehabilitation Plan (the "Plan") by the Japanese bankruptcy court and/or officials, as set forth in the Addendum to Plaintiffs' Proposed Settlement, (Dkt. 79-2, Ex. A); or (c) any official decision by "New Gox" (as defined in the Plan) to not independently pursue claims that overlap with Plaintiffs' claims in this litigation, (*see* Dkt. 79 § 2.3(a); Dkt. 79-2, Ex. A ("Recovery Commitments," ¶ 1).).

2. The Stipulating Parties further agree that (a) Plaintiffs, Karpeles and/or Tibanne may move at any time to lift the proposed litigation stay for good cause shown and, where any such motion is made, (b) the non-moving party or parties may oppose lifting the stay.

3. Given this stipulation, Karpeles and Tibanne withdraw their objection to the Motion without waiver of any right(s) they may have to later object to the Proposed Settlement

and/or the Plan in this or any other appropriate forum, including, without limitation, the Japanese bankruptcy court.

4. Further, Plaintiffs expressly understand and agree that, by withdrawing their objection to the Motion, neither Karpeles nor Tibanne express any opinion as to the merits of the Motion, and the withdrawal of the objection will not be otherwise used against them in this litigation in any manner, including, without limitation, with respect to any defenses or motions they may assert based on lack of personal jurisdiction or inadequate service of process.

Respectfully submitted,

**GREGORY GREENE** and **JOSEPH LACK**,  
individually and on behalf of all others similarly  
situated,

Dated: May 5, 2014

By: /s/ Benjamin S. Thomassen  
One of Plaintiffs' Attorneys

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**MARK KARPELES** and **TIBANNE KK**,

Dated: May 5, 2014

By: /s/ Eric Macey  
One of Their Attorneys

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**CERTIFICATE OF SERVICE**

I, Benjamin S. Thomassen, an attorney, hereby certify that I served the above and foregoing *Stipulated Motion to Stay Proceedings*, by causing true and accurate copies of such paper to be transmitted to all counsel of record via the Court's CM/ECF electronic filing system on May 5, 2014.

/s/ Benjamin S. Thomassen  
Benjamin S. Thomassen