

When minutes matter

A step-by-step guide to
wire fraud recovery

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CERTIFID

Thomas W. Cronkright II, Esq.

CEO/Co-Founder
Certifid LLC

1410 Plainfield Ave. NE
Grand Rapids, MI 49505

616.855.0855
www.certifid.com
tcronkright@certifid.com



CITADEL

Kenneth S. Robb, CISSP

Cyber Security & Risk Consultant
Citadel Cyber Solutions, Inc.

322 North Shore Dr. BLDG 1B, Suite 200
Pittsburgh PA 15212

412-203-2207
www.citadelcybersolutions.com
ken.robbs@citadelcybersolutions.com

Roadmap to Wire Fraud Recovery

A Step-by-Step Guide to Recouping Funds, Minimizing Loss and Remediating Systems.

Wire fraud is rapidly becoming an epidemic in the mortgage industry. The FBI (IC3) received 298,728 cyber crime and fraud complaints in 2016 with reported losses in excess of \$1.4 Billion - BEC was the No. 1 cause of loss. That same year, the number of wire fraud scams reported by title and settlement services firms to the Internet Crime Complaint Center (IC3) spiked **480%**. Astonishingly, that number is estimated to include just 15% of the actual number of wire fraud incidents to hit the industry (Source: IC3). A tidal wave of indicators and anecdotes leave little doubt that fraudsters are only growing more sophisticated, more aggressive and more successful each day.

What follows is our suggested roadmap for those businesses—and not simply title insurance-related firms, but any mortgage-related businesses—that believe they've been victimized by a wire fraud scheme. It cannot be overstated: if you believe you or your firm has been touched by mortgage fraud, there is no margin for error and no time to waste. If you hope to make any recovery of the stolen funds whatsoever, minutes matter, and your course must be unwavering.

Although we cannot guarantee that simply following our roadmap will invariably bring about a full recovery of any misappropriated funds, we can say with certainty that it is the path which best maximizes any chance of recovery you do have. We are also sharing this information because we believe not enough businesses and thought leaders in the housing and mortgage industry have fully accepted the very real and very widespread nature of the wire fraud threat. Awareness and preparation are the natural predators of any type of fraud. Please consider what follows to be not only a roadmap to recovery, but a wake-up call to the nature of the threat itself.

Don't just be a squeaky wheel. Be a tornado siren. When you are a victim of wire fraud, you must immediately become your own advocate for recovery. In that process, you will undoubtedly encounter inertia, skepticism and other forces that will only delay (or prevent) recovery. You must be aggressive, persistent and determined to complete the steps necessary to confirm the activity of all third parties you have engaged. This is much more than a "squeaky wheel" moment. You must be the tornado siren that people cannot and will not ignore, and you must stay in that mode until you've received the information and confirmations you need in order to make a recovery.

Tick-Tock. Time is not your friend - From the moment you learn of a wire fraud, the best chance of recovery is to follow the steps outlined below. Time is of the essence. The ability to recover funds decreases exponentially as more time lapses between the discovery of the event and your actions. This process is going to be a frantic series of events; however, if you plan properly you increase the odds of recovering your funds and mitigating further loss.

Finally, we've included helpful law enforcement contact information (Exhibit A) and sample court pleadings (Exhibit B) should you find yourself the victim of wire fraud. We also welcome your feedback.

If you have suggestions, anecdotes of your own or questions, please visit us at www.citadelcybersolutions.com and www.certifid.com.

The Recovery Roadmap – Hour 1/5

Hour 1

Step 1: Contact your bank and have a “fraud alert” sent to the bank that received your wire.

- Call your bank and notify them of the fraudulent wire;
- Include all information on the wire transfer that was sent (including any reference numbers from the Federal Reserve);
- Demand that they immediately contact the fraud department of the receiving bank and place a “fraud freeze” on the account as well as initiating the “Financial Fraud Kill Chain” protocol so your money cannot leave that account; and
- Demand that they confirm whether your funds are still in that account and, if not, (i) identify where the funds were subsequently transferred; and (ii) immediately notify any banks that received your funds to place a “fraud freeze” on those accounts.

Step 2: File a complaint with the FBI’s Internet Crime Complaint Center (IC3).

- Go to <https://www.ic3.gov/complaint/default.aspx/> to file a complaint with IC3 (www.IC3.com) and be prepared to provide the following information:
 - Victim’s name, address, telephone, and email;
 - Financial transaction information (e.g., account information, transaction date and amount, who received the money);
 - Subject’s name, address, telephone, email, website, and IP address;
 - Specific details on how you were victimized;
 - Email header(s); and
 - Any other relevant information you believe is necessary to support your complaint.
- Note and retain your IC3 Complaint Number – you will need to give that to the FBI field office (see below).

NOTE: FILING A COMPLAINT WITH THE FBI IS NECESSARY BUT DOES NOT ENGAGE A REAL-TIME RECOVERY EFFORT. YOU MUST COMPLETE THE REMAINING STEPS TO INCREASE YOUR CHANCE OF RECOVERY.

The Recovery Roadmap – Hour 2/5

Hour 2

Step 3: Contact your local FBI field office and initiate the “Financial Fraud Kill Chain”.

- Go to: <https://www.fbi.gov/contact-us/field-offices> and find the field office nearest you – please see Exhibit A for a full contact list of FBI field offices by state and county;
- Call the field office and ask for a special agent that processes financial or cyber crimes;
- Give the special agent the IC3 Complaint number, explain the facts, and ask him/her to initiate the Financial Fraud Kill Chain; and
- Share contact information between you and the FBI agent to stay in contact in real-time.

Step 3.1: (For Enterprise Frauds): Contact legal counsel to determine if an injunctive order is necessary.

- If required, contact legal counsel to file pleadings and request an injunctive order (commonly referred to as a “temporary restraining order”) naming all banks that received your funds and preventing them from any further transfer of funds from such accounts. Please see Exhibit B for an example of such pleadings, motions and orders; and
- Serve the injunctive order on the bank(s) and confirm receipt by the bank(s).

Step 4: Contact your local Secret Service field office and file a report.

- Go to: <https://www.secretservice.gov/contact/field-offices/> and find the field office nearest you;
- Call the field office and ask for a secret service agent that assists in the recall of wire transfers;
- Give the agent the IC3 Complaint number, explain the facts, and ask them to initiate the Financial Fraud Kill Chain; and
- Share contact information between you and the Secret Service agent to stay in contact in real-time.

The Recovery Roadmap – Hour 3-4/5

Hour 3

Step 5: Contact all banks that may have also received your funds.

- Call the bank where the money was initially wired and ask to speak to someone in its fraud prevention group;
- Provide all information about the wire transfer so the bank can accurately identify the transfer and the account;
- Request that the bank initiate the Financial Fraud Kill Chain and place a “fraud freeze” on any further transfers from the account that received your funds;
- Confirm that the “fraud freeze” is in place and determine how long it will remain in place;
- Ask if any funds have been wired from the account since your funds were deposited. If so, (i) ask for the names and locations of the bank(s) that received your funds; and (ii) request the bank to send a message to the bank(s) requesting a “fraud freeze” on those accounts; and
- Write down the number you used to contact the bank, the time of the call, and the name of the bank representative you spoke with. Be sure to obtain a direct call back number and the email address of that representative for future correspondence.

NOTE: IF MORE THAN ONE BANK RECEIVED YOUR FUNDS, REPEAT STEP 5 FOR ALL OTHER BANKS.

Step 5.1: (For Enterprise Frauds): Contact your insurance carrier.

- If you hold errors and omissions coverage, professional liability coverage or any form of cyber security or cyber loss coverage, contact your insurance agent and place your insurer on notice of the incident.

Hour 4

Step 6: Contact local authorities and file a police report.

- Call the local authorities and file a police report;
- Provide local authorities with all relevant information;
- Save the incident number or police report number for further reference; and
- Share all contact information with the local authorities for future communication.

The Recovery Roadmap – Hour 5/5

Hour 5

Step 7: (For Enterprise Frauds): Contact your security team, IT department or consultant and initiate “The Information Technology Kill Chain”.

- If you have an incident response plan in place your IT/Security team may have already started the process of responding to the incident. If you do not have an incident response plan in place you need to follow the basics step outlined below in response to the compromise.
- Determine the source of the breach.
 - Most wire fraud attacks result from simple Business Email Compromise (BEC): An attacker has gained access to your email system through some means (phishing email, social engineering, or brute force). If your email is hosted onsite it could be a deeper penetration of the network and more serious intrusion; and
 - In more serious cases, the attacker may have installed malware on your machine and/or network that has not only compromised your email credentials but your credentials to other key company and personal systems. This is a more serious issue and needs to be dealt with swiftly and immediately.
- Contact your internal or external security/IT group before changing any settings or configurations on the environment;
- Contact you internal or external security/IT group to explain the situation and that a full “image” of the system needs to be created for eForensic purposes;
 - If possible, use a clean loaner system to conduct business using a different temporary email address.
- If warranted, eForensics investigators can be dispatched from a variety of sources to investigate the incident to determine if the data suggests greater impact on the environment.

Additional insights on the recovery process

Details should come quickly, but the money may come back slowly.

If everyone is engaged in the recovery effort, you should have a good understanding of where your money is and the likelihood of recovery. You must keep the pressure on until you get answers to those questions.

The actual return of your funds may take significant time depending on the institution and circumstances.

Be prepared to “indemnify” the bank returning the funds.

Most banks will require you to sign an indemnity agreement before they will return funds to you. Have legal counsel standing by to review and return the indemnity agreement.

The indemnity agreement will come from the bank returning the money, not the bank you used to send the money in the first place.

Don't trust anyone proactively reaching out to you about your fraud.

If you receive a call from someone identifying herself as being with a bank, the FBI or any other entity she claims is aware of your circumstances and working toward your recovery – DO NOT TRUST THAT CLAIM. Verify and double-check the authenticity of her identity.

Cyber criminals know when money is sent. One of their tactics, to create more time to move the money overseas, is to call or email the person being defrauded and pose as a bank or FBI representative working to recover the funds. You cannot trust any inbound communication without independently verifying the person's identity and credentials on your own. It is likely a fraudster trying to put someone's mind at ease while taking advantage of precious recovery time.

Planning and preparing for the next incident

Preparation

1. Create and review incident response policies as well as conducting a thorough risk analysis of your environment.
2. Train! Simulate incidents and test response activities. Confirm compliance with policies;
3. Post policies in key departments.
4. Engage third parties to review and update policies to ensure best-practice responses; and
5. As a starting point, see our Data Security and Best Practices Guide at: Exhibit C

Detection

6. The timing of detection is critical. You typically have 48 hours or less to recover funds.

Response

7. Containment is critical once the event is discovered and further damage must be mitigated.
8. No changes should be made on the device or devices impacted without security/IT approval.
9. An image of the system(s) should be executed and stored for forensic investigators.

Mitigate

10. Build an understanding of what was compromised on the system, so the system can be properly recovered.
11. The method of recovery will be dependent on this phase and remediation steps will begin here.

Report

12. This should not be confused with the above-mentioned reporting of the “Financial Fraud Kill Chain”. This is information that should be collected and used for informing key stakeholders as well as future training to demonstrate the incident as part of the preparation phase noted above.

Recover

13. In connection with the mitigation efforts, remediation could be a simple email password change or as involved as rebuilding the machine. At this point, the system is restored to its former operational status.

Post Mortem

14. Obtain and document a comprehensive summary of the events that lead to the breach or loss.
15. New risk mitigation controls should be implemented to prevent further incidents - once we know better, we should do better.

CertifID is a guaranteed solution that prevents fraud and restores trust in transactions. Harnessing and analyzing billions of combined personal, and digital records, a “digital truth” is established that confirms you are exchanging information with the person you intend to. This allows you to act with confidence and focus on the customer experience rather than worrying about fraud.

For more information, or to start a conversation, please visit www.citadelcybersolutions.com and www.certifid.com.

About the authors



Thomas W. Cronkright II

Co-Founder and CEO,
CertifID

Tom is the co-founder and CEO of CertifID, a real-time and guaranteed identity and document verification system to prevent wire fraud. He and his business partner, Lawrence Duthler, created the solution in response to a fraud incident they experienced in 2015 and the accelerating instances of fraud in real estate transactions. Tom is a licensed attorney, and frequent speaker on identity, cyber fraud, and real estate topics.

Tom is also the co-founder and CEO of Sun Title, a commercial and residential title agent that has been recognized as an Inc. 5000 company for four consecutive years.

Prior to becoming an entrepreneur, Tom was an attorney with two prestigious law firms in the midwest. Tom received his B.A. degree in finance from Western Michigan University and his law degree from Wayne State University.



Kenneth S. Robb Jr.

Founder and Senior Advisor,
Citadel Cyber Solutions

Ken is the founder and a senior advisor at Citadel Cyber Solutions. With 25 years' experience in building and managing financial services information technology systems including compliance, workflow, regulatory, and operations management solutions, Ken brings a unique focus to Cyber Security solutions.

Ken serves as the Pittsburgh InfraGard Financial Services IMA Sector Chief, was a 2016 Pittsburgh CISO/CIO of the Year Finalist, serves as an Everwise Senior Technology Mentor, and holds the CISSP certification (Certified Information Systems Security Professional). Ken holds a B.S. in Business Administration from the University of Dayton and an M.S. in Economics from Indiana State University.

Exhibit A

FBI contact information
by jurisdiction

Exhibit A — 1/9

FBI contact information by jurisdiction

FBI Field Offices and Jurisdiction				
State	Cities and County	FBI Field Office	Address	Phone
Alabama	Lauderdale, Limestone, Madison Jackson, Colbert, Lawrence, Morgan, Marshall, DeKalb, Marion, Winston, Cullman, Blount, Etoway, Cherokee, Lamar, Payette, Walker, Jefferson, St. Clair, Calhoun, Cleburne, Pickens, Tuscaloosa, Shelby, Talledega, Clay, Sumter, Green, and Bibb Counties.	Birmingham Field Office	1000 18th Street North, Birmingham, AL 35203	(205) 326-6166
Alabama	Randolph, Tallapoosa, Chambers, Lee, Macon, Russell, Coosa, Chilton, Autauga, Lowndes, Butler, Elmore, Bullock, Pike, Montgomery, Hale, Perry, Dallas, Wilcox, Selma, Marengo, Choctaw, Clarke, Monroe, Conecuh, Escambia, Monroeville, Washington, Mobile, Baldwin, Barbour, Henry, Geneva, Covington, Dale, Houston, and Coffee.	Mobile Field Office	200 North Royal Street, Mobile, AL 36602	(251) 438-3674
Alaska	all counties	Anchorage Field Office	101 East Sixth Avenue Anchorage, AK 99501	(907) 276-4441
Arizona	all counties	Phoenix Field Office	21711 N. 7th Street, Phoenix, AZ 85024	(623) 466-1999
Arkansas	all counties	Little Rock Field Office	24 Shackelford West Boulevard, Little Rock, AR 72211-3755	(501) 221-9100
California	San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, and Riverside.	Los Angeles Field Office	11000 Wilshire Boulevard, Suite 1700, Los Angeles, CA 90024	(310) 477-6565
California	El Dorado, Placer, Sacramento, and Yolo, Inyo and Kern, Butte, Colusa, Glenn, Nevada (western portion) Plumas, Sierra, Sutter, and Yuba, Solano, Fresno, Kings, Madera, Mariposa, Merced, and Tulare, Lassen, Modoc, Shasta, Siskiyou, Tehama, and Trinity, Alpine, El Dorado (mountainous portions), Mono, Nevada (mountainous portions), and Placer (mountainous portions), Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne	Sacramento Field Office	2001 Freedom Way, Roseville, CA 95678	(916) 746-7000
California	San Diego, Imperial, San Diego County (area north of Del Mar, east to Borrego Springs), including the following incorporated and unincorporated cities: Bonsall, Borrego Springs, Camp Pendleton, Cardiff, Carlsbad, Del Mar (incorporated city only), Encinitas, Escondido, Fairbanks Ranch, Fallbrook, Leucadia, Oceanside, Olivenhain, Rainbow, Rancho Santa Fe, San Marcos, Santa Ysabel, Solana Beach, Valley Center, Vista, and Warner Springs	San Diego Field Office	10385 Vista Sorrento Parkway, San Diego, CA 92121	(858) 320-1800

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FBI contact information by jurisdiction

FBI Field Offices and Jurisdiction				
State	Cities and County	FBI Field Office	Address	Phone
California	San Francisco and San Mateo, Contra Costa, Del Norte and Humboldt, Monterey and Santa Cruz, Alameda, San Jose and Santa Clara, Lake, Marin, Sonoma, and Napa.	San Francisco Field Office	450 Golden Gate Avenue, 13th Floor, San Francisco, CA 94102-9523	(415) 553-7400
Colorado	all counties	Denver Field Office	8000 East 36th Avenue Denver, CO 80238	(303) 629-7171
Connecticut	all counties	New Haven Field Office	600 State Street, New Haven, CT 06511	(203) 777-6311
Florida	City of Miami, North Miami Beach, West Palm Beach, Homestead, Fort Pierce and Key West.	Miami Field Office	2030 SW 145th Avenue, Miramar, FL 33027	(754) 703-2000
Florida	City of Tampa, Lakeland, Orlando, Brevard, Pinellas, Ft. Meyers, Sarasota and Naple.	Tampa Field Office	5525 West Gray Street, Tampa, FL 33609	(813) 253-1000
Florida	Baker, Bradford, Clay, Columbia, Duval, Hamilton, Nassau, St. Johns, Suwannee, Union, Flagler, Putnam, Volusia, Okaloosa, Walton, Alachua, Dixie, Gilchrist, Lafayette, Levy, Citrus, Lake, Marion, Sumter, Bay, Calhoun, Gulf, Holmes, Jackson, Washington, Escambia, Santa Rosa, Franklin, Gadsen, Jefferson, Leon, Liberty Madison, Taylor, and Wakulla.	Jacksonville Field Office	6061 Gate Parkway, Jacksonville, FL 32256	(904) 248-7000
Georgia	all counties	Atlanta Field Office	3000 Flowers Road S Atlanta, GA 30341	(770) 216-3000
Guam	all counties	Honolulu Field Office	91-1300 Enterprise Street Kapolei, HI 96707	(808) 566-4300
Hawaii	all counties	Honolulu Field Office	91-1300 Enterprise Street Kapolei, HI 96707	(808) 566-4300
Illinois	JoDavies, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, Dekalb, Kane, Dupage, Cook, Whiteside, Lee, Kendall, Will, and Grundy, LaSalle	Chicago Field Office	2111 W. Roosevelt Road Chicago, IL 60608	(312) 421-6700

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FBI contact information by jurisdiction

FBI Field Offices and Jurisdiction				
State	Cities and County	FBI Field Office	Address	Phone
Illinois	Adams, Brown, Cass, Christian, Green, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott, Champaign, Coles, DeWitt, Douglas, Edgar, Ford, Iroquois, Kankakee, Macon, Moultrie, Piatt, Shelby, and Vermilion, Bond, Calhoun, Clark, Clinton, Crawford, Cumberland, Effingham, Fayette, Jasper, Jersey, Madison, Marion, Monroe, Randolph, St. Clair, and Washington, Alexander, Clay, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Lawrence, Massac, Pope, Pulaski, Richland, Saline, Union, Wabash, Wayne, White, and Williamson, Fulton, Hancock, Livingston, Marshall, McDonough, McLean, Peoria, Putnam, Tazewell, and Woodford, Bureau, Henderson, Henry, Knox, Mercer, Rock Island, Stark, and Warren.	Springfield Field Office	900 East Linton Avenue, Springfield, IL 62703	(217) 522-9675
Indiana	all counties	Indianapolis Field Office	8825 Nelson B Klein Pkwy Indianapolis, IN 46250	(317) 595-4000
Iowa	all counties	Omaha Field Office	4411 South 121st Court, Omaha, NE 68137-2112	(402) 493-8688
Kansas	all counties	Kansas City Field Office	1300 Summit Street, Kansas City, MO 64105	(816) 512-8200
Kentucky	all counties	Louisville Field Office	12401 Sycamore Station Place, Louisville, KY 40299-6198	(502) 263-6000
Louisiana	all counties	New Orleans Field Office	2901 Leon C. Simon Boulevard, New Orleans, LA 70126	(504) 816-3000
Maine	all counties	Boston Field Office	201 Maple Street Chelsea, MA 02150	(857) 386-2000
Maryland	Baltimore (including Baltimore City), Howard, Baltimore (including Baltimore City), Howard, Anne Arundel, Calvert, Charles, Kent, Queen Anne's, and St. Mary's, Harford, Allegany, Carroll, Frederick, Garrett, and Washington, Prince George's, Montgomery, Caroline, Dorchester, Somerset, Talbot, Worcester, and Wicomico, Kent, Sussex, and New Castle.	Baltimore Field Office	2600 Lord Baltimore Drive, Baltimore, MD 21244	(410) 265-8080

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FBI contact information by jurisdiction

FBI Field Offices and Jurisdiction				
State	Cities and County	FBI Field Office	Address	Phone
Massachusetts	all counties	Boston Field Office	201 Maple Street Chelsea, MA 02150	(857) 386-2000
Michigan	all counties	Detroit Field Office	477 Michigan Ave., 26th Floor Detroit, MI 48226	(313) 965-2323
Minnesota	all counties	Minneapolis Field Office	1501 Freeway Boulevard, Brooklyn Center, MN 55430	(763) 569-8000
Mississippi	all counties	Jackson Field Office	1220 Echelon Parkway, Jackson, MS 39213	(601) 948-5000
Missouri	City of St. Louis, Jefferson, St. Louis, Cape Girardeau, Bollinger, Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscott, Perry, Reynolds, Ripley, Scott, Shannon, St. Francois, Ste. Genevieve, Stoddard, Wayne, Audrian, Clark, Lewis, Marion, Monroe, Pike, Ralls, Adair, Chariton, Knox, Linn, Macon, Rnadolph, Schuyler, Scotland, Shelby, Crawford, Dent, Franklin, Gasconade, Maries, Phelps, Washington, Lincoln, Montgomery, St. Charles, and Warren.	St. Louis Field Office	2222 Market Street, St. Louis, MO 63103	(314) 589-2500
Missouri	Barry, Barton, Bourbon, Cherokee, Crawford, Dade, Jasper, Labette, Lawrence, McDonald, Newton, Vernon, Cass, Clay, Bates, Jackson, Johnson, Leavenworth, Linn, Miami, Platte, Ray, Wyandotte, Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Mercer, Nodaway, Putnam, Sullivan, Worth, Benton, Cedar, Christian, Dallas, Douglas, Greene, Henry, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, St. Clair, Stone, Taney, Texas, Webster, Wright, Boone, Callaway, Camden, Carroll, Cole, Cooper, Howard, Johnson, Lafayette, Livingston, Miller, Moniteau, Morgan, Osage, Pettis, and Saline.	Kansas City Field Office	1300 Summit Street, Kansas City, MO 64105	(816) 512-8200
Montana	all counties	St. Lake City Field Office	5425 West Amelia Earhart Drive, Salt Lake City, UT 84116	(801) 579-1400
Nebraska	all counties	Omaha Field Office	4411 South 121st Court, Omaha, NE 68137-2112	(402) 493-8688

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FBI contact information by jurisdiction

FBI Field Offices and Jurisdiction				
State	Cities and County	FBI Field Office	Address	Phone
Nevada	Clark, Esmeralda, Lincoln, and Nye, Elko, Eureka, Humboldt, Lander, and White Pine, Carson City, Churchill, northern portion of Lyon, Pershing, Storey, and Washoe, Douglas, southern portion of Lyon, Mineral, and the Nevada side of the Lake Tahoe Basin.	Las Vegas Field Office	1787 West Lake Mead Boulevard, Las Vegas, NV 89106-2135	(702) 385-1281
New Hampshire	all counties	Boston Field Office	201 Maple Street Chelsea, MA 02150	(857) 386-2000
New Jersey	Philadelphia, Berks, Lehigh, Northampton, and Schuylkill, Bucks and Montgomery, Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, and York, Chester and Delaware, Centre, Fulton, Huntingdon, Juniata, and Mifflin, Carbon, Lackawanna, Luzerne, Monroe, Pike, Susquehanna, Wayne, and Wyoming, Bradford, Cameron, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union, Camden, Gloucester, and Salem.	Philadelphia Field Office	William J. Green, Jr. Building, 600 Arch Street, 8th Floor, Philadelphia, PA 19106	(215) 418-4000
New Jersey	Essex, Hudson, and Union, Essex, Hudson, and Union, Atlantic, Cape May, and Cumberland, Hunterdon, Middlesex, Somerset, and Warren, Bergen, Morris, Passaic, and Sussex, Monmouth and Ocean, Burlington and Mercer.	Newark Field Office	Claremont Tower, 11 Centre Place, Newark, NJ 07102	(973) 792-3000
New Mexico	Counties and cities covered: Alexandria, Arlington, Fairfax (county and city), Falls Church, Fauquier, Leesburg, Loudon, Manassas, Prince William, Quantico, Vienna, and Warrenton.	Albuquerque Field Office	4200 Luecking Park Avenue NE, Albuquerque, NM 87107	(505) 889-1300
New York	Albany, Rensselaer, Saratoga, Schenectady, Schoharie, Warren Washington Broome, Chenango, Delaware, Cortland, Tioga, Tompkins, Columbia, Greene, Ulster, Clinton, Essex, Franklin, Cayuga, Jefferson, Onondaga, Oswego, St. Lawrence, Fulton, Hamilton, Herkimer, Lewis, Madison, Montgomery, Oneida, Otsego, Vermont Counties- Addison, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orleans, Washington, Bennington, Orange, Rutland, Windham, and Windsor.	Albany Field Office	200 McCarty Avenue Albany, NY 12209	(518) 465-7551

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FBI contact information by jurisdiction

FBI Field Offices and Jurisdiction				
State	Cities and County	FBI Field Office	Address	Phone
New York	Boroughs of Brooklyn, The Bronx, Queens, Manhattan, Staten Island and the counties of Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, and Westchester.	New York Field Office	26 Federal Plaza, 23rd Floor, New York, NY 10278-0004	(212) 384-1000
New York	Erie, Genesee, Niagara, Orleans, and Wyoming, Chemung, Schuyler, Seneca, Steuben, and Yates, Allegany, Cattaraugus, and Chautauqua, Livingston, Monroe, Ontario, and Wayne.	Buffalo Field Office	One FBI Plaza, Buffalo, NY 14202	(716) 856-7800
North Carolina	all counties	Charlotte Field Office	7915 Microsoft Way Charlotte, NC 28273	(704) 672-6100
North Dakota	all counties	Minneapolis Field Office	1501 Freeway Boulevard, Brooklyn Center, MN 55430	(763) 569-8000
Ohio	Brown, Butler, Clermont, Clinton, Hamilton, and Warren, Athens, Hocking, Perry, Meigs, Morgan, and Vinton, Belmont, Coshocton, Guernsey, Harrison, Jefferson, Monroe, Muskingum, Noble, and Washington, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, Morrow, Pickaway, and Union, Champaign, Clark, Darke, Greene, Preble, Logan, Miami, Montgomery, and Shelby, Adams, Gallia, Highland, Jackson, Lawrence, Pike, Ross, and Scioto, Southern Ohio including the cities Athens, Cambridge, Cincinnati, Columbus, Dayton, Middletown, and Portsmouth.	Cincinnati Field Office	2012 Ronald Reagan Drive Cincinnati, OH 45236	(513) 421-4310
Ohio	Cuyahoga, Medina, Portage, Summit, Carroll, Stark, Tuscarawas, Laramie, Allen, Auglaize, Hancock, Hardin, Mercer, Paulding, Putnam, Van Wert, Ashland, Crawford, Holmes, Marion, Richland, Wayne, Wyandot, Ashtabula, Geauga, Lake, Erie, Huron, Ottawa, Sandusky, Seneca, Defiance, Fulton, Henry, Lucas, Williams, Wood, Columbiana, Mahoning, and Trumbull Counties.	Cleveland Field Office	1501 Lakeside Avenue Cleveland, OH 44114	(216) 522-1400
Oklahoma	all counties	Oklahoma City Field Office	3301 West Memorial Road, Oklahoma City, OK 73134-7098	(405) 290-7770
Oregon	all counties	Portland Field Office	9109 NE Cascades Parkway, Portland, OR 97220	(503) 224-4181

Exhibit A — 7/9

FBI contact information by jurisdiction

FBI Field Offices and Jurisdiction				
State	Cities and County	FBI Field Office	Address	Phone
Pennsylvania	Allegheny, Armstrong, Beaver, Bedford, Blair, Bulter, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Green, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.	Pittsburgh Field Office	3311 East Carson Street, Pittsburgh, PA 15203	(412) 432-4000
Rhode Island	all counties	Boston Field Office	201 Maple Street Chelsea, MA 02150	(857) 386-2000
South Carolina	Calhoun, Clarendon, Fairfield, Kershaw, Lee, Lexington, Newberry, Orangeburg, Richland, Saluda, Sumter, Aiken, Allendale, Bamberg, Barnwell, Edgefield, McCormick, Berkeley, Charleston, Colleton, Dorchester, Darlington, Dillon, Florence, Marlboro, Williamsburg, Abbeville, Anderson, Greenville, Greenwood, Laurens, Oconee, Pickens, Beaufort, Hampton, Jasper, Georgetown, Horry, Marion, Chester, Chesterfield, Lancaster, York, Cherokee, Spartanburg, and Union.	Columbia Field Office	151 Westpark Boulevard, Columbia, SC 29210-3857	(803) 551-4200
South Dakota	all counties	Minneapolis Field Office	1501 Freeway Boulevard, Brooklyn Center, MN 55430	(763) 569-8000
Tennessee	Shelby Fayette, Tipton, Lauderdale, Dyer, Lake, obion, Weakly, Gibson, Crockatt, Haywood, Madison, Hardeman, Henry, Carroll, Henderson, Chester, McNairy, Hardin, Decatur, Benton, Steward, Houston, Humphreys, Perry, Wayne, Montgomery, Dickson, Hickman, Lewis, Lawrence, Cheatham, Robertson, Davidson, Williamson, Maury, Giles, Sumner, Trousdale, Rutherford, Marshall, Wilson, Smith, Macon, Canon, DeKalb, Smith, Jackson, Clay, Putnam, Overton, Pickett, Fentress, and Cumberland.	Memphis Field Office	225 North Humphreys Boulevard, Suite 3000, Memphis, TN 38120	(901) 747-4300
Tennessee	Anderson, Bedford, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Coffee, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Lincoln, Loudon, Marion, McMinn, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, VanBuren, Warren, and Washington.	Knoxville Field Office	1501 Dowell Springs Boulevard, Knoxville, TN 37909	(865) 544-0751

Exhibit A — 8/9

FBI contact information by jurisdiction

FBI Field Offices and Jurisdiction				
State	Cities and County	FBI Field Office	Address	Phone
Texas	Madison, Brazos, Grimes, Walker, San Jacinto, Liberty, Hardin, Jasper, Newton, Orange, Jefferson, Montgomery, Waller, Harris, Chambers, Fayette, Austin, Colorado, Fort Bend, Galveston, Brazoria, Wharton, Matagorda, Lavaca, DeWitt, Jackson, Victoria, Goliad, Refugio, Bee, San Patricio, Live Oak, Jim Wells, Arkansas, Nueces, Kleberg, Kennedy, Brooks, and Duval.	Houston Field Office	1 Justice Park Drive Houston, TX 77292	(713) 693-5000
Texas	Atascosa, Bandera, Bastrop, Bell, Bexar, Blanco, Bosque, Burleson, Burnet, Caldwell, Cameron, Comal, Coryell, Dimmit, Edwards, Falls, Freestone, Frio, Gillespie, Gonzales, Guadalupe, Hamilton, Hays, Hidalgo, Hill, Jim Hogg, Karnes, Kendall, Kerr, Kimble, Kinney, Lampasas, LaSalle, Lee, Leon, Limestone, Llano, Mason, Maverick, McClennan, McCulloch, McMullen, Medina, Milam, Real, Robertson, San Saba, Somervell, Starr, Terrell, Travis, Uvalde, Val Verde, Washington, Webb, Willacy, Williamson, Wilson, Zapata, and Zavala.	San Antonio Field Office	5740 University Heights Blvd. San Antonio, TX 78249	(210) 225-6741
Texas	Cities of Abilene, Amarillo, DFW Airport, Fort Worth, Lubbock, Lufkin, Plano, San Angelo, Sherman, Texarkana, Tyler, Wichtita Falls.	Dallas Field Office	One Justice Way Dallas, TX 75220	(972) 559-5000
Texas	Brewster, Jeff Davis, Pecos, Reeves, and Presidio, Andrews, Crane, Ector, Loving, Martin, Midland, Upton, Ward, and Winkler.	El Paso Field Office	El Paso Federal Justice Center, 660 South Mesa Hills Drive, El Paso, TX 79912	(915) 832-5000
Utah	all counties	St. Lake City Field Office	5425 West Amelia Earhart Drive, Salt Lake City, UT 84116	(801) 579-1400
Vermont	all counties	Albany Field Office	200 McCarty Avenue Albany, NY 12209	(518) 465-7551
Virgin Islands	all counties	San Juan Field Office	Federal Office Building, Suite 526, 150 Carlos Chardon Avenue, Hato Rey, PR 00918	(787) 754-6000
Virginia	Accomack, Chesapeake, Eastern Shore, Norfolk, Northampton, Portsmouth, Suffolk, Virginia Beach, Gloucester, Hampton, Isle of Wight, James City County, Mathews, Newport News, Mathews, Poquoson, Southampton, Williamsburg, and York County.	Norfolk Field Office	509 Resource Row, Chesapeake, VA 23320	(757) 455-0100

Exhibit A — 9/9

FBI contact information by jurisdiction

FBI Field Offices and Jurisdiction				
State	Cities and County	FBI Field Office	Address	Phone
Virginia	Amelia, Brunswick, Charles City, Chesterfield, Dinwiddie, Goochland, Greensville, Hanover, Henrico, King William, Lunenburg, Mecklenburg, New Kent, Nottoway, Petersburg City, Powhatan, Prince Edward, Prince George, Richmond City, Surry, and Sussex, Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, Albemarle, Augusta, Culpeper, Fluvanna, Greene, Highland, Louisa, Madison, Nelson, Orange, and Rockingham, Caroline, Essex, King George, King & Queen, Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania, Stafford, and Westmoreland, Amherst, Appomattox, Bedford, Buckingham, Campbell, Charlotte, Cumberland, Halifax, Henry, and Pittsylvania, Allegheny, Bath, Bland, Botetort, Carroll, Craig, Floyd, Franklin, Giles, Montgomery, Patrick, Pulaski, Roanoke, Rockbridge, and Wythe, Clarke, Frederick, Page, Rappahannock, Shenandoah, and Warren.	Richmond Field Office	1970 East Parham Road, Richmond, VA 23228	(804) 261-1044
Washington	King, Island, San Juan, Skagit, and Whatcom, Snohomish, Grays Harbor, Lewis, Mason, Pacific, and Thurston, Clallam, Jefferson, and Kitsap, Adams, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman, Pierce, Asotin, Benton, Columbia, Franklin, Garfield, and Walla Walla, Clark, Cowlitz, Skamania, and Wahkiakum, Chelan, Douglas, Kittitas, Klickitat, and Yakima.	Seattle Field Office	1110 3rd Avenue, Seattle, WA 98101-2904	(206) 622-0460
Washington DC	Metropolitan Washington DC area.	Washington Metropolitan Field Office	601 4th Street NW, Washington, DC 20535	(202) 278-2000
West Virginia	all counties	Pittsburgh Field Office	3311 East Carson Street, Pittsburgh, PA 15203	(412) 432-4000
Wisconsin	all counties	Milwaukee Field Office	3600 S. Lake Drive, St. Francis, WI 53235	(414) 276-4684
Wyoming	all counties	Denver Field Office	8000 East 36th Avenue Denver, CO 80238	(303) 629-7171

Exhibit B

Sample pleadings to obtain an ex-parte injunctive order preventing a financial institution from allowing funds to be transferred from an account that includes your funds

EXHIBIT B

**SAMPLE PLEADINGS TO OBTAIN AN EX-PARTE INJUCTIVE ORDER PREVENTING A
FINANCIAL INSTITUTION FROM ALLOWING FUNDS TO BE TRANSFERRED FROM
AN ACCOUNT THAT INCLUDE YOUR FUNDS.**

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EXHIBIT B.**

STATE OF _____

[INSERT NAME OF COURT]

[INSERT COMPANY NAME], a [INSERT STATE OF INCORPORATION] company, Case No. [INSERT DOCKET PREFIX]

Plaintiff,

Hon.

v.

JOHN DOE, an individual, and JANE DOE, an individual, jointly and severally, and _____ BANK, a _____

Corporation,

Defendants,

[INSERT LEGAL COUNSEL INFORMATION]

VERIFIED COMPLAINT

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in this Complaint.

Plaintiff [INSERT COMPANY NAME] ("Plaintiff") for their Complaint against John Doe, Jane Doe and _____ Bank (collectively "Defendants") state as follows:

Parties

1. Plaintiff is a corporation doing business in the State of _____.
2. Defendant John Doe is an individual residing in _____, _____.
3. Defendant Jane Doe is an individual residing in _____, _____.
4. Defendant _____ Bank is a _____ company doing business in _____ County, _____.

Jurisdiction and Venue

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5. This Court has subject matter jurisdiction over this civil action pursuant to [SITE STATUTORY AUTHORITY FOR JURISDICTION].

6. The action involves an amount in controversy in excess of \$ _____, exclusive of interest and costs.

7. This Court has personal jurisdiction over Defendants because they reside and/or conduct business in the County of _____, State of _____.

General Allegations

8. Plaintiff incorporates by reference and restates all allegations above as though fully set forth herein.

9. On _____, 20__, Defendants John and Jane Doe received a wire transfer of \$ _____ in error from _____ Bank. (See Redacted Account Information attached as **Exhibit** __).

10. The funds received in John and Jane Doe's account was transferred in error. (See Sworn Affidavit of _____ attached as **Exhibit** __).

11. The funds were incorrectly transferred from a real estate closing transaction that occurred on _____.

12. _____ Bank has possession of the funds and has the power to freeze the funds until this matter is voluntarily resolved or addressed by further order of this Court.

**Count I
Unjust Enrichment**

13. Plaintiff incorporates by reference and restates all allegations above as though fully set forth herein.

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14. Defendants received \$ _____ by means of a wire transfer that was incorrectly directed to their account.

15. The funds received by Defendants belong to _____ and Defendants have no proper or legal claim to the funds.

16. Defendants have been unjustly enriched by receiving the funds without legal or equitable right to the funds.

17. It would be inequitable to allow Defendants to retain the funds or to exercise any dominion or control over the funds.

WHEREFORE, Plaintiff seeks a judgment against Defendant so that it may reclaim and properly disburse the funds wired to Defendants' account in error.

Respectfully submitted,

[INSERT LAW FIRM NAME]

BY: _____
[INSERT ATTORNEY NAME AND CONTACT INFORMATION]

DATED: _____, 20__

Verification

The allegations in this Complaint are accurate to the best of my knowledge and belief.

[INSERT NAME OF COMPANY OFFICER OR OWNER VERIFYING THE FACTS ALLEGED]

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Subscribed and sworn before me
this __ day of _____, 20__.

Notary Public, _____ County, _____
Acting in _____ County, _____
My Commission Expires: _____

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STATE OF _____)
)ss
COUNTY OF _____)

AFFIDAVIT OF [INSERT NAME OF PERSON PROVIDING INFORMATION]

[INSERT NAME OF PERSON PROVIDING INFORMATION] being duly sworn, deposes and states:

1. I am [INSERT STATE OF RESIDENCY] and I am over the age of 18.
2. I am the [INSERT COMPANY POSITION] of [INSERT COMPANY NAME] and my business address is [INSERT COMPANY ADDRESS].
3. If sworn as a witness, I can testify competently to the facts stated herein.
4. [INSERT FACTS DESCRIBING THE LOSS]
5. [INSERT FACTS DESCRIBING THE LOSS]
6. [INSERT FACTS DESCRIBING THE LOSS]

DATED: _____, 20__

[INSERT NAME OF SIGNATORY]
[INSERT NAME OF COMPANY]
Its: [INSERT TITLE]

Subscribed and sworn before me
this __ day of _____, 20__.

Notary Public, _____ County, _____
Acting in _____ County, _____
My Commission Expires: _____

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STATE OF _____
[INSERT NAME OF COURT]

[INSERT COMPANY NAME],
a [INSERT STATE OF INCORPORATION] company, Case No. [INSERT DOCKET
PREFIX]

Plaintiff, Hon.
v.

JOHN DOE, an individual, and JANE DOE,
an individual, jointly and severally, and
_____ BANK, a _____
Corporation,

Defendants, _____

[INSERT LEGAL COUNSEL INFORMATION]

**EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER &
PRELIMINARY INJUNCTION**

Plaintiff, [INSERT COMPANY NAME] ("Plaintiff") pursuant to [INSERT CITATION
FOR AUTHORITY TO GRANT THE ORDER] for entry of a Temporary Restraining Order
states as follows:

Plaintiff relies upon and incorporates its Brief in Support of the Motion (the "Brief") filed
contemporaneously herewith.

WHEREFORE, Plaintiff, [INSERT COMPANY NAME], respectfully requests that this
Court enter an Ex Parte Temporary Restraining Order freezing \$ _____ that was
transferred in error to John and Jane Doe's bank account at _____ Bank.

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ENGAGED PRIOR TO TAKING ANY ACTIONS SUGGESTED OR IMPLIED BY THE INFORMATION PROVIDED IN THIS
EXHIBIT B.

Respectfully submitted,

[INSERT LAW FIRM NAME]

BY: _____
[INSERT ATTORNEY NAME AND
CONTACT INFORMATION]

DATED: _____, 20__

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STATE OF _____
[INSERT NAME OF COURT]

[INSERT COMPANY NAME], a
[INSERT STATE OF INCORPORATION] company, Case No. [INSERT DOCKET
PREFIX]

Plaintiff, Hon.
v.

JOHN DOE, an individual, and JANE DOE,
an individual, jointly and severally, and
_____ BANK, a _____
Corporation,

Defendants, _____

[INSERT LEGAL COUNSEL INFORMATION]

**PLAINTIFF’S BRIEF IN SUPPORT OF EX PARTE MOTION FOR
TEMPORARY RESTRAINING ORDER**

Plaintiff, [INSERT COMPANY NAME] (“Plaintiff”) pursuant to [INSERT
APPLICABLE STATE COURT RULE ALLOWING FOR SUCH RELIEF] for entry of a
Temporary Restraining Order states as follows for its Brief in Support:

I. Relevant Facts

On [INSERT NAME], Defendants John and Jane Doe received a wire transfer of
\$ _____ in error from _____ Bank. (See Redacted Account Information attached as
Exhibit __). The funds received in John and Jane Doe’ account were transferred in error. (See
Sworn Affidavit of _____ attached as **Exhibit __**). The funds were incorrectly transferred
from a real estate closing transaction that occurred on _____.

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EXHIBIT B.

Bank has possession of the funds and has the power to freeze the funds until this matter is voluntarily resolved or addressed by further order of this Court.

II. Law & Analysis

An ex parte temporary restraining order is justified in this case because immediate and irreparable injury, loss or damage will result from the delay required to effect notice. (See Sworn Affidavit of _____ attached as **Exhibit** __). Furthermore, notice itself may precipitate adverse action with respect to the improperly transferred funds before an order can be issued. [INSERT CITATION FOR AUTHORITY].

Plaintiff has provided notice to _____ Bank on _____ consistent with [INSERT CITATION FOR NOTICE REQUIREMENT]. Plaintiff has attempted to identify the owners of the account but has been unable to do so, given banking privacy regulations. _____ Bank has not voluntarily returned or frozen the funds thereby necessitating this Motion.

The temporary restraining order and injunctive relief are justified where the movant can establish: [INSERT THE ELEMENTS NECESSARY TO OBTAIN A RESTRAINING ORDER AND INJUNCTIVE RELIEF. THE ELEMENTS 1-4 BELOW ARE THE ELEMENTS REQUIRED IN THE STATE OF MICHIGAN.]

- (1) a likelihood of success on the merits;
- (2) immediate and irreparable injury will result without the issuance of an injunction;
- (3) a balance of harm to the Plaintiff relative to the Defendant if injunctive relief is denied; and
- (4) the public interest will not be harmed by issuance of the injunction.

[INSERT STATUTORY OR CASE LAW PROVIDING AUTHORITY FOR THE RELIEF AND ELEMENTS REQUIRED TO OBTAIN RELIEF]

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[THE SECTIONS BELOW INCLUDE SAMPLE LANGUAGE AND CASE CITATIONS USED IN MICHIGAN TO SUBSTANTIATE EACH OF THE FOUR ELEMENTS REQUIRED TO OBTAIN THE RELIEF REQUESTED. THIS WILL NEED TO BE TAILORED TO THE LAWS AND REQUIREMENTS IN EACH APPLICABLE STATE]

It is not necessary that the complainant's rights be clearly established, or that the court find complainant is entitled to prevail on the final hearing. It is sufficient if it appears that there is a real and substantial question between the parties, proper to be investigated in a court of equity, and in order to prevent irreparable injury to the complainant, before his claims can be investigated, it is necessary to prohibit any change in the conditions and relations of the property and of the parties during the litigation." *Niedzialek v Journeymen Barbers, Hairdressers & Cosmetologists' Intern Union of America, Local No. 552 (AFL)*, 331 Mich 296, 302; 49 NW2d 273 (1951) (citations omitted).

A. There is a substantial likelihood of Plaintiff's success on the merits.

Plaintiff has clearly stated its claim for unjust enrichment and has demonstrated that Defendants have no right, title or interest in the funds. Plaintiff has established the source of the funds and the intended recipient with admissible sworn testimony. It would be unjust and inequitable for Defendants to retain the benefit of the transferred funds. Plaintiff is likely, if not assured, to prevail on the merits of its claim. There is no conceivable defense or justification for opposing the requested relief.

B. Without injunctive relief Plaintiff will suffer irreparable injury.

"It is the settled policy of this Court under such circumstances to grant to a litigant who is threatened with irreparable injury temporary injunctive relief and thereby preserve the original status quo." *Niedzialek v Journeymen Barbers, Hairdressers & Cosmetologists' Intern Union of*

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America, Local No. 552 (AFL) , 331 Mich 296; 49 NW2d 273 (1951) . "In order to establish irreparable injury, the moving party must demonstrate a noncompensable injury for which there is no legal measurement of damages or for which damages cannot be determined with a sufficient degree of certainty." *Thermatool Corp v Borzym*, 227 Mich App 366; 575 NW2d 334 (1998). "[A]n injury is irreparable where the damages are estimable only by conjecture and not by accurate standard." *Ainsworth v Hunting and Fishing Club*, 153 Mich 185, 191; 116 NW 992 (1908).

Plaintiff will also suffer irreparable harm if the funds are not frozen. The funds transferred in error are a significant sum and will be difficult if not impossible to efficiently recover the funds if they are intentionally or unintentionally lost or depleted. Plaintiff simply seeks to preserve the status quo to avoid damages, fees and the expense of litigation if the funds are not immediately frozen.

C. The balancing of harms favors Plaintiff.

The balance of harm weighs in favor of granting Plaintiff's request for a temporary restraining order and injunctive relief. Defendants have no right to the funds received in their account and will experience no harm or prejudice if those funds are frozen pending resolution of this dispute. On the other hand, the harm facing Plaintiff and the proper owner of the funds are subject to losses, damages, fees and expenses that are certain to occur if the funds are lost or depleted in any way. Plaintiff is unaware of any third party that would be affected by the requested relief.

D. The requested relief will further the public interest.

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The public has an interest in preserving the status quo during the pendency of this dispute to properly direct the funds to the party that has proper legal interest in the money. The public interest is not served by allowing funds incorrectly transferred to be lost or depleted, internationally or otherwise, when the party receiving the funds has not right, title or interest in the funds.

III. Conclusion

For all the reasons discussed above, Plaintiff has established the requirements for an ex parte temporary restraining order and a preliminary injunction and requests that this Court enter the Proposed Ex Parte Temporary Restraining Order attached a **Exhibit** __ ordering (1) _____ Bank to immediately freeze \$ _____ that was improperly transferred to Defendants' account, (2) restrict Defendants from accessing, transferring or otherwise impacting the \$ _____ without Plaintiff's written authorization, (3) Defendants to show cause on _____ why a preliminary injunction should not issue, and (4) grant Plaintiff such other and further relief as the Court deems appropriate.

Respectfully submitted,

[INSERT LAW FIRM NAME]

BY: _____
[INSERT ATTORNEY NAME AND CONTACT INFORMATION]

DATED: _____, 20__

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STATE OF _____
[INSERT NAME OF COURT]

[INSERT COMPANY NAME], a
[INSERT STATE OF INCORPORATION] company, Case No. [INSERT DOCKET
PREFIX]

Plaintiff, Hon.
v.

JOHN DOE, an individual, and JANE DOE,
an individual, jointly and severally, and
_____ BANK, a _____
Corporation,

Defendants, _____

[INSERT LEGAL COUNSEL INFORMATION]

EX PARTE TEMPORARY RESTRAINING ORDER

At a session of said Court held in the [INSERT COURT NAME AND LOCATION],
_____, 20____.
_____:____ AM/PM

PRESENT: HON. _____
[INSERT JUDGE'S TITLE]

Having considered the proofs and arguments of Plaintiff's counsel during an *ex parte* hearing on _____, 20____, this Court now finds that irreparable harm would likely occur to Plaintiff in the form of loss or depletion of \$_____. that was improperly transferred to John and Jane Doe's bank account held at _____ Bank. The Court is also satisfied that the requirements of [INSERT CITATION OF AUTHORITY FOR GRANTING THE ORDER] have been satisfied given the immediate need to isolate and preserve the transferred funds.

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IT IS HEREBY ORDERED that _____ Bank is to immediately freeze \$_____ that was improperly transferred to Defendants' account and Defendants are restricted from accessing, transferring or otherwise impacting the \$_____ without Plaintiff's written authorization;

IT IS FURTHER ORDERED that Defendants are to show cause on _____, 20__ why a preliminary injunction extending the relief provided in this Order should not issue.

DATED: _____

Hon.

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Exhibit C

Data Security and Best Practices Guide

Exhibit C

Data security encompasses a wide variety of practices, methods, and procedures based on the type of organization, technology topology (on-premises, cloud, or hybrid) and type of data being protected. While not all of these combinations can be accounted for in a single document, there are general concepts that can help direct the planning process for any organization. These practices can be divided in terms of Systems, People, and Processes which can address the confidentiality, integrity and availability of systems and data.

All the practices below should be put into the context of standards. The most popular standards in the market place today can help guide you through the implementation of your security program and ensure the right security posture for your organization. While not comprehensive, below are some of the most popular standards in use today:

- [ISO/IEC 27001 - Information security management systems](#)
- [NIST Cyber Security Framework](#)
- [NIST Small Business Security \(The Fundamentals\)](#)
- [Center for Internet Security – Best Practices](#)
- [ISACA - Control Objectives for Information and Related Technologies \(COBIT\)](#)
- [Open Web Application Security Project \(OWASP\)](#)
- [Information Technology Infrastructure Library \(ITIL\)](#)

While the list below is not exhaustive its purpose is to show the base building blocks of controls that should be in place to ensure a sound and secure environment. For expanded views into other controls, review the [ISO 27002](#) and [NIST 800-53](#) control documents which go into much greater detail and explanation.

Systems

Perimeter

Appliances such as firewalls, routers, and specialized equipment for Intrusion Detection, Log Monitoring and Artificial Intelligence (AI) can all play a role in hardening an environment such as:

- Web content filtering
- Anti-virus scanning
- Reputation, application, and protocol protection
- Advanced threat protection for zero-day exploits
- Data loss prevention and auditing policies
- Deep Packet Inspection of HTTPS traffic
- Geolocation-based blocking
- Intrusion detection

Wireless security

- Identity-based 802.1x authentication
- Wireless intrusion prevention
- Properly separated guest, employee and production networks
- Mobile device management

Systems monitoring

- Collection of logs at every critical point in the network, including firewall/router and front-end and back-end systems
- Security monitoring and alerting based on smart triggers

Use of AI to spot hard to see intrusion and data exfiltration attempts

Infrastructure

- Redundant, robust, and encrypted backup strategy including cloud and other off-premise backups
- Data classification
- Data encryption at rest and in transit
- Data tokenization
- Email digital signatures
- Email encryption
- Use industry leading spam, malware, and virus filters, to filter and protect against spam, viruses, phishing, and malicious attachments
- Enable two-factor authentication to domain registrar, DNS, and other hosting environments
- Implement DNSSEC to ensure that DNS records cannot be compromised or taken over
- DKIM and SPF record to protect against malicious domain spoofing
- Ensure OS and third party applications are patched according to vendor recommendations

People

Perimeter

- Train employees to be aware of anything that might look different outside of their normal world. This can include email, phone, other forms of communication, or people without proper identification. Train with real examples to make a strong impact. Red team exercises are also beneficial
- Never enter login information outside of the normal outlets, especially email
- Don't open unexpected, unsolicited, or suspicious attachments. Always verify with IT when possible
- Ensure data is saved to trusted network/server locations and do not allow USB storage devices
- Conduct unannounced phishing testing on a periodic basis using a trusted, third party firm
- Conduct and track regular training of employees using a trusted, third party firm
- Prevent "Shadow IT" cloud services by auditing access logs, financial records, and user behavior
- Ensure all users have access to and have read and acknowledge security policy documents

Physical

- Locked doors with proper access to employee and infrastructure areas
- Clean desk policies
- Proper identification for staff and vendors
- Security cameras

Processes

Access controls

- Role-based file permissions
- File system and application specific permissions
- Dedicated service accounts to isolate access to critical systems if one is compromised
- Least privileged accounts with minimum required access
- Complex, yet enforceable, user password policies
- Multi-factor authentication
- VPN connections for remote users
- Penetration testing utilizing services

Client and endpoint security

- Software restriction policies
- Removing administrator permissions from users
- Regular antivirus scans and reporting

Infrastructure

- Disaster recovery and incident response planning
- Emergency preparedness for natural and manmade events

Audits

- Conduct scheduled internal audits of your security program to determine any actions that need to be taken to remediate the program. A plan that includes the: DO, CHECK, and ACT process can help you continuously monitor and improve your security stance
- Conduct annual external audits led by third parties to ensure compliance with best practices and current standards
- Conduct third party risk assessments on all vendors annually or more frequently as the business process requires



1410 PLAINFIELD AVE. NE, GRAND RAPIDS, MI 49505
PHONE NUMBER: (616) 855-0855
WWW.CERTIFID.COM
SUPPORT@CERTIFID.COM