

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

HUMBL INC., and BRIAN FOOTE,
Petitioners,

-against-

BRYAN MATTHEW PAYSEN, DIGIÑERO, ROCHE
FREEDMAN LLP a/k/a FREEDMAN NORMAND
FRIEDLAND, and JOHN DOES 1-10,
Respondents.

Index No.

PETITION

Date Purchased:

HUMBL INC. and BRIAN FOOTE, by and through their attorneys, Trachtman & Trachtman, alleges as follows:

1. This Petition is made pursuant to CPLR § 3102(c) to compel the Respondents, BRYAN MATTHEW PAYSEN, DIGIÑERO, ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND, and JOHN DOES 1-10, to preserve evidence and produce the records for inspection and copying, by depositions upon oral questions with or without the state, upon written questions, interrogatories, demands for addresses, discovery and inspection of documents or property, and requests for admission, before the commencement of suit is to ascertain whom to sue and to ascertain the exact nature of the causes of action.

Jurisdiction + Venue

2. Jurisdiction is based upon CPLR § 301.
3. The basis of the venue is the location of Respondent ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND's principal offices, in New York County.

Parties

4. HUMBL, INC. ("HUMBL") is Delaware corporation with offices in San Diego, California.

5. BRIAN FOOTE is a natural person, a resident of California and the CEO of Plaintiff HUMBL INC.

6. BRYAN MATTHEW PAYSEN (“PAYSEN”) is a natural person and, upon information and belief, a resident of the State of Texas and a paid internet troll and basher.

7. DIGIÑERO is an unincorporated business registered with the Texas Department of State by Respondent PAYSEN, styled as a cryptocurrency web3 application that allegedly allows users to move money between fiat money¹ and cryptocurrency.

8. ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND is Florida limited liability partnership located at 99 Park Avenue Suite 1900, New York, New York, and also a law firm.

Pertinent Background re: Violence and CryptoCurrency

9. PAYSEN has a documented history of violence: in July 2004, his ex-girlfriend and non-party Karmen Temple filed a domestic violence petition and restraining order against him in Los Angeles County, California, alleging that he threatened to attack her and her current boyfriend with a baseball bat.

10. Ms. Temple alleged that PAYSEN had been violent with her during their relationship, had admitted to violent conduct directed at PAYSEN’s mother Kathleen and sister Lauren, and that PAYSEN had a “horrible temper.”

11. The restraining order was disposed of in November 2004.

12. Upon information and belief, on July 31, 2022, PAYSEN admitted being involved with allegations of domestic violence (“DV”):

¹ Fiat money is defined as “money (such as paper currency) not convertible into coin or specie of equivalent value” by Merriam-Webster’s online dictionary (<https://www.merriam-webster.com/dictionary/fiat%20money>), last accessed on October 28, 2022.



13. In July 2016, two individuals, non-parties Alexandra Hollen and Alexander Sanchez, both filed separate petitions for temporary restraining orders against PAYSEN.

14. Upon information and belief, Alexandra Hollen is the sister of Amanda Lee Hollen, PAYSEN's girlfriend.

15. At the same time, PAYSEN was arrested and charged with two counts of assault and battery in Orange County, California, against an individual named "Alexander S."

16. All charges against PAYSEN were dismissed for lack of prosecution in August 2016.

17. These are not PAYSEN's only brushes with the law; PAYSEN has been charged with three separate misdemeanors, two associated with aggressive and/or unsafe driving and one with trespassing.

18. On January 3, 2022, PAYSEN registered a Certificate of Ownership for an Unincorporated Business called Digiñero, which PAYSEN styled a cryptocurrency web3 application that allegedly allows users to move money between fiat money and crypto.

19. Upon information and belief, PAYSEN uses a variety of Twitter usernames.

Twitter user @pravdacles

20. On or about March 2, 2022, PAYSEN created the Twitter user account @pravdacles.

21. PAYSEN's Tweets almost exclusively focus on HUMBL and HUMBL's executives, and he tweets approximately 65 times every day since August 2022.

22. PAYSEN's HUMBL content is exclusively negative.

Vitamin BS
@pravdacles

UNSWEETENED 🍹 DRINK

Cloud Kitchen in the Metaverse humbllawsuit.com Joined March 2022

1,247 Following 306 Followers

23. PAYSEN's latest profile picture boasts an image of the "Kool-Aid" man with Petitioner Brian Foote's face superimposed over it; his background image includes the words "TROLL L[I]FE" ostensible admitting to being an internet troll, the definition of which is "(a) to antagonize others online by deliberately posting inflammatory, irrelevant, or offensive comments or other disruptive content; ... (c) to harass, criticize, or antagonize, especially by provocatively disparaging or mocking public statements, postings or acts."

24. PAYSEN relentlessly trolls HUMBL's executives, including but not limited to Petitioner Brian Foote, HUMBL's CEO.

25. PAYSEN's previous profile noted that he was a "Paid Basher" which is defined as online posters who are notably and consistently negative on a stock.

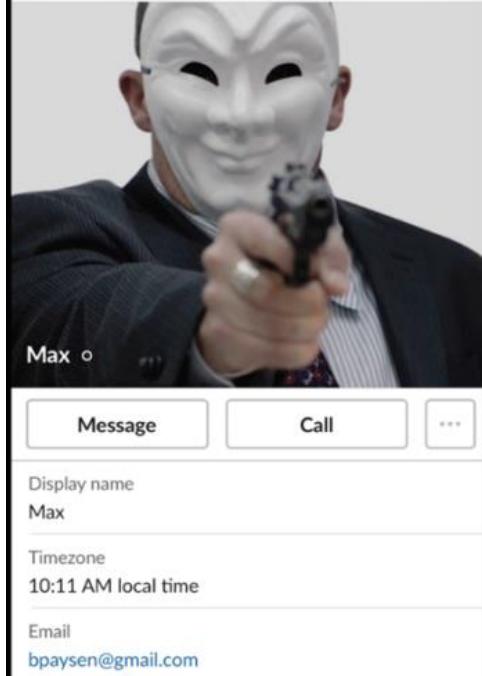
26. On July 22, 2022, another twitter user posted a screenshot of PAYSEN admitting he is paid to bash HUMBL, which PAYSEN himself then retweeted:

27. This is, unfortunately, not PAYSEN's only Twitter user name.

Additional Twitter Accounts Used by PAYSEN

28. On or about May 4, 2011, PAYSEN created another social media platform user account "Max"

29. A profile picture for "Max" featured a man wearing a mask and aiming a handgun at the viewer; this account was linked to PAYSEN's gmail address, bpaysen@gmail.com, the same email address PAYSEN used to register his company, Respondent DIGIÑERO (see EXHIBIT 1 to the Affirmation of Laura M. Trachtman).



30. In 2017, PAYSEN created the Twitter user account @fiatP2P.
31. On or about November 10, 2022, PAYSEN, using the @pravdacles twitter user account, admitted to being PAYSEN by admitting that he created DIGIÑERO.



32. Shortly thereafter, PAYSEN tweeted threats of violence at HUMBL, and PAYSEN's main account was suspended by Twitter on November 10, 2022.



Vitamin BS
@pravdacles

...
Trash people of \$HMBL, I will bury you all in a landfill soon.

11:13 PM · 11/10/22 · Twitter for Android

33. PAYSEN then switched to using the twitter account @fiatP2P and immediately tweeted that he had previously been using the username @pravdacles and @DrCrumbl.



Phiat Pedieaupé
@FiatP2P

This was an old account that I recently recovered the password from
Only had @pravdacles and @DrCrumbl for many months
The idea that a single person with a bunch of burners is responsible for the shit performance of \$HMBL is absurd and confirmation that HUMBL investors are dumb

8:24 AM · 11/11/22 · Twitter for Android

34. That same day, PAYSEN admitted that he was paid by ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND to bash HUMBL.



Brian Sc [check] (@brian...) · 14m ...
“My ONLY burner account on Twitter is Dr Crumbl” - Brian Paysen..... Another lie congrats. 🙌

1 1 1 1



Phiat Pedieaupé @FiatP2P · 2m ...
I have 38 burners and get paid to bash by Roche Freedman

\$HMBL is trash

35. It is necessary and crucial that attorneys for Petitioners obtain discovery from PAYSEN, DIGINERO, ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND

FRIEDLAND, and their employees and records, to determine whether they paid PAYSEN, DIGIÑERO, a yet-to-be-discovered entity used by PAYSEN or used a third-party payee to enrich PAYSEN from bashing HUMBL and FOOTE online.

36. Petitioners are interested in commencing a suit for damages for Assault, Tortious Interference with Prospective Business Advantage and *prima facie* tort but prior to commencing suit, it is essential that Petitioners ascertain the names of other individuals and/or entities who may also be involved with PAYSEN's incessant bashing of HUMBL.

37. The records sought are for payments made by and between ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND and PAYSEN, DIGIÑERO, and JOHN DOES 1-10.

38. In support of this Petition, HUMBL CEO and Petitioner Brian Foote submits a affirmation (attached as EXHIBIT 2 to the Affirmation of Laura M. Trachtman).

39. Petitioners have good and meritorious causes of action.

40. No previous application for the relief sought has been made.

41. WHEREFORE it is respectfully requested that an order be made and entered directing BRYAN MATTHEW PAYSEN, residing at 3600 N A W Grimes Boulevard Apartment 1104, Round Rock, Texas 78665 to furnish Petitioners' attorneys with a complete copy of the records of employment, including but not limited to employment contract or independent contractor contract with ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND, earnings and/or payments received from ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND, and further ordering and directing such officers to produce all records, together with the names of the employees who were involved in this matter, and the names of any others who assisted in this matter, so that Petitioners' attorneys may discover,

inspect, and make complete copies of those records, and directing their respective officers or their administrators, or some other authorized agents or officers thereof, to appear and submit to such examination, pursuant to CPLR §§ 3102(c) and 3111;

42. WHEREFORE it is respectfully requested that an order be made and entered directing DIGIÑERO, located at 3600 N A W Grimes Boulevard Apartment 1104, Round Rock, Texas 78665 to furnish Petitioners' attorneys with a complete copy of the business dealings with ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND, including but not limited to employment contract or independent contractor contract with ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND, earnings and/or payments received from ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND, and further ordering and directing such officers to produce all records, together with the names of the employees who were involved in this matter, and the names of any others who assisted in this matter, so that Petitioners' attorneys may discover, inspect, and make complete copies of those records, and directing their respective officers or their administrators, or some other authorized agents or officers thereof, to appear and submit to such examination, pursuant to CPLR §§ 3102(c) and 3111;

43. WHEREFORE it is respectfully requested that an order be made and entered directing ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND, located at 99 Park Avenue Suite 1900, New York, New York 10016 to furnish Petitioners' attorneys with a complete copy of the business dealings with, including but not limited to employment contract(s) or independent contractor contract(s) with BRYAN MATTHEW PAYSEN, earnings and/or payments made to BRYAN MATTHEW PAYSEN, and further ordering and directing such officers to produce all records, together with the names of the employees who were involved in this matter, and the names of any others who assisted in this matter, so that Petitioners' attorneys

may discover, inspect, and make complete copies of those records, and directing their respective officers or their administrators, or some other authorized agents or officers thereof, to appear and submit to such examination, pursuant to CPLR §§ 3102(c) and 3111;

44. WHEREFORE it is respectfully requested that an order be made and entered directing ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND, located at 99 Park Avenue Suite 1900, New York, New York 10016 to furnish Petitioners' attorneys with a complete copy of the business dealings with, including but not limited to employment contract(s) or independent contractor contract(s) with DIGIÑERO, earnings and/or payments made to DIGIÑERO, and further ordering and directing such officers to produce all records, together with the names of the employees who were involved in this matter, and the names of any others who assisted in this matter, so that Petitioners' attorneys may discover, inspect, and make complete copies of those records, and directing their respective officers or their administrators, or some other authorized agents or officers thereof, to appear and submit to such examination, pursuant to CPLR §§ 3102(c) and 3111;

45. WHEREFORE, it is respectfully requested that this Court issue an Order pursuant to CPLR § 3102(c), authorizing Petitioners to obtain the required discovery by issuing subpoenas to BRYAN MATTHEW PAYSEN, DIGIÑERO, ROCHE FREEDMAN LLP a/k/a FREEDMAN NORMAND FRIEDLAND, and JOHN DOES 1-10.

Dated: New York, New York
November 16, 2022

Yours Respectfully,

/s/ Laura M. Trachtman
Trachtman & Trachtman
Attorneys for Petitioners
48 Wall Street, 11th Floor
New York, NY 10005

Laura M. Trachtman, Esq.
LMT@TraxLaw.com
(212) 918-4750