



Dallas Mavericks owner Mark Cuban. (Credit: Ross D. Franklin/AP)

NEWS

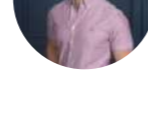
## Mark Cuban, Dallas Mavericks in Crosshairs of Investors in Cryptocurrency Class Action

David Boies, chairman and managing partner at Boies Schiller Flexner, is co-lead counsel in the federal district court class action against Mark Cuban and his NBA franchise.

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4 minute read

Class Actions



Michael A. Mora

### What You Need to Know

- A federal bankruptcy judge approved a stipulation between Voyager, its CEO, and plaintiffs' class action attorneys.
- As part of the stipulation, Voyager will not interfere in a class action involving Mark Cuban and the Dallas Mavericks.
- The trial will go before U.S. District Judge Roy Altman, who sits in the Southern District of Florida, with a date pending.

A South Florida attorney has his sights on famed investor Mark Cuban—and his Dallas Mavericks basketball team—after a federal bankruptcy judge in the Southern District of New York [approved a stipulation](#) involving Voyager Digital Holdings and its chief executive officer, and allowed a Miami federal lawsuit to proceed.

In the Miami case, Adam Moskowitz, the managing partner at the Moskowitz Law Firm in Coral Gables, and David Boies, chairman and managing partner at Boies Schiller Flexner in New York, are co-lead counsel in the class action lawsuit against defendants, Voyager and Stephen Ehrlich.

### 'The NBA Is a Real Target'



David Boies of Boies Schiller Flexner. Courtesy photo

The order U.S. Bankruptcy Judge Michael Wiles entered found that the class of plaintiffs, more than 320 investors, had agreed not to pursue claims against the defendants. In return, the defendants offered up a clear path to attempt to hold Cuban and the Mavericks accountable in the Southern District of Florida court case.

Meanwhile, plaintiffs counsel is seeking third-party discovery to determine what alleged role and liability the NBA had in the Voyager bankruptcy.

"The NBA is a real target because they approved, they supervised, and said they would share in the agreement between the Mavericks and Voyager," Moskowitz claimed. "This is at a time when NBA Commissioner Adam Silver said that COVID could be 'the life or death of the NBA' and decided to encourage each team to sign crypto currency deals to make up the

shortfalls."

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Rick Buchanan, general counsel for the NBA, Christopher Knight, managing shareholder at Fowler White Burnett in its Miami office who represents Cuban, and Michael Legg, chief communications officer for Voyager, did not respond to requests for comment.

Moskowitz was among the attorneys who filed the proposed nationwide class action against Voyager more than eight months ago that was assigned to U.S. District Judge Cecilia Altonaga, according to court documents.

Hundreds of thousands of customers nationwide were part of the class that alleged an estimated fraud of more than \$4 billion against one of the then-largest cryptocurrency platforms, Voyager.

Soon after, the U.S. Securities and Exchange Commission and nearly 10 state attorneys general sued Voyager, which is listed in Toronto, Canada, and operates out of New York, for the "sale of an unregistered security," in violation of state and federal law.

And in the class action, when the defendants produced discovery, plaintiffs counsel alleged that it revealed the direct involvement of Cuban in his solicitation of new investors for Voyager. But these investors soon sustained the loss of their investment, court documents show.

While this process dragged, Moskowitz said that "thousands of additional victims" contacted class action counsel, and claimed that Cuban convinced them to invest with Voyager prior to that crypto broker filing for bankruptcy protection in the Southern District of New York.

### 'Deflects Attention?'



Adam Moskowitz of the Moskowitz Law Firm in Coral Gables, Florida. Courtesy photo

In the bankruptcy case, Voyager enlisted Kirkland & Ellis, which argued on its behalf before the federal bankruptcy court.

But the documents produced in discovery showed that Cuban himself did not invest in the company, court documents showed.

Now, the stipulation dismissed with prejudice Voyager and Ehrlich as defendants, and Ehrlich agreed to provide related financial disclosures, as well as step aside from litigation surrounding the upcoming trial before U.S. District Judge Roy Altman involving Cuban and the Mavericks.

Moskowitz said when Silver stated that COVID-19 could be the life or death of the NBA, in the same week, Silver coordinated for multiple franchises to sign partnership agreements with various cryptocurrency companies, including Voyager and FTX.

"It may be just a coincidence that Mark Cuban decided to be on the cover of most financial publications this week, for his new health care initiatives," Moskowitz said. "It might also be a case of the movie 'Wag the Dog,' where he deflects attention from his real crisis."

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