

THE HONORABLE RICHARD A. JONES
(On Reference to the Honorable S. Kate Vaughn)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

CHRIS HUNICHEN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ATONOMI LLC, a Delaware LLC, CENTRI
TECHNOLOGY, INC., a Delaware
Corporation, VAUGHAN EMERY, DAVID
FRAGALE, ROB STRICKLAND, DON
DELOACH, WAYNE WISEHART, WOODY
BENSON, MICHAEL MACKEY, and JAMES
SALTER,

Defendants.

No. 2:19-cv-00615-RAJ-SKV

ATONOMI LLC, a Delaware LLC,

Counterclaimant,

v.

CHRIS HUNICHEN,

Counter-Defendant.

DECLARATION OF WILLIAM R. RESTIS
IN SUPPORT OF CLASS
REPRESENTATIVE'S MOTION FOR:
(1) AN AWARD OF ATTORNEYS' FEES;
(2) REIMBURSEMENT OF LITIGATION
EXPENSES; AND
(3) INCENTIVE AWARD FOR THE CLASS
REPRESENTATIVE

ATONOMI LLC, a Delaware LLC,

Third Party Plaintiff,

v.

DAVID PATRICK PETERS, SEAN
GETZWILLER, DAVID CUTLER, CHANCE
KORNUTH, and DENNIS SAMUEL
BLIEDEN,

Counter-Defendants.

RESTIS DECL. ISO

MOTION FOR FEES, EXPENSES, AND INCENTIVE AWARD -

No. 2:19-cv-00615-RAJ-SKV

THE RESTIS LAW FIRM, P.C.
225 Broadway, Suite 2220
San Diego, CA 92101
Phone: 619.270.8383

1 I, William R. Restis, Esq., pursuant to 28 U.S.C. § 1746, hereby declare as follows:

2 1. I am admitted to practice law before the Western District of Washington *pro hac*
3 *vice*. I am the founding member of THE RESTIS LAW FIRM, P.C. (“RLF”), counsel of record for
4 Class Representative Chris Hunichen (“Hunichen”), and appointed Class Counsel for the
5 Settlement Class. I respectfully submit this declaration in support of the Class Representative’s
6 Motion for an award of fees, expenses and incentive award.

7 2. I have personally participated in, overseen, and monitored the prosecution of this
8 Action, and have otherwise been kept informed of developments in this Litigation. Thus, if called
9 upon, I can testify to the matters set forth herein.

10 3. My firm has served as co-Class Counsel for the Settlement Class throughout the
11 course of this litigation. The background and experience of RLF’s professionals are summarized
12 in the firm resume attached hereto as **Exhibit A**.

13 4. RLF has prosecuted this litigation solely on a contingent-fee basis, and has been
14 at risk it would not receive any compensation for prosecuting claims on behalf a class of investors
15 in the Atonomi ICO. While RLF devoted its time and resources to this matter, it has foregone
16 other legal work for which it would have been compensated.

17 5. Provided below is RLF’s total hours and lodestar, computed at current rates, from
18 May 19, 2017 through December 2, 2020. The total number of hours spent by RLF during this
19 time period was **1,350.4 hours of attorney time, and 33.7 hours of paralegal time, with a**
20 **corresponding lodestar of \$1,043,481.50** This summary was prepared from contemporaneous,
21 daily time records regularly prepared and maintained by RLF. The lodestar amounts reflected
22 below are for the benefit of the Settlement Class and certified Class. The hourly rates for myself
23 and paralegal staff are RLF’s regular hourly rates, which are based on comparable rates charged
24 by firms in the field of securities litigation and approved by courts in connection with contingency
25 fee applications by plaintiffs’ counsel in similar securities litigation matters.

26 6. Attorneys and Professional Support Staff at my firm billed the following aggregate
27

1 hours to this matter as of the date of filing, with fees applied at the firm's then-current¹ billing
 2 rates:

Timekeeper	Type	Hours	Hourly Rate	Total
William R. Restis, Esq.	P	1,109.30	\$750	\$831,975.00
William R. Restis, Esq.	P	241.1	\$850	\$204,935.00
Anne Donovan	PL	33.70	\$195	\$6,571.50
Total				\$1,043,481.50

12 P = Partner; PL = Paralegal²

13 7. RLF has expended a total of **\$7,209.30 in unreimbursed costs and expenses** in
 14 connection with the prosecution of this Action. A summary of these costs and expenses are set
 15 forth below. They were incurred by RLF on behalf of the Settlement Class and certified Class on
 16 a contingent basis, and have not been reimbursed. These expenses are reflected in the books and
 17 records of RLF. These books and records are prepared from receipts, check records and other
 18 source materials, and represent an accurate record of the expenses incurred:

Category	Expense
Legal Research	\$3,073.33
Court Reporters / Depositions	\$3,651.45

24 _____
 25 ¹ William R. Restis' regular hourly rate increased at the beginning of 2022 from \$750 per hour to \$850
 26 per hour.

27 ² RLF has not included detailed time records because they contain attorney work product.
 However, they are available at the Court's request for an *in camera* review.

Printing	\$164.00
Filing Fees, and Process Servers	\$231.00
Shipping & Postage	\$89.52
Total Expenses	\$7,209.30

Due to the contingent nature of this litigation, RLF made every attempt to minimize litigation expenses without sacrificing top quality representation for the Settlement Class and certified Class.

8. I have reviewed the time and expenses reported by RLF in this Action which are included in this declaration, and I affirm they are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the 12^h of December, 2022 at San Diego, California.

By: /s/ William R. Restis

William R. Restis, Esq.

EXHIBIT A



EDUCATION

- ❖ *U. San Diego School of Law*, J.D., 2006
- ❖ *James Madison College*, Michigan State University, B.A. 2002 (*Dean's List*)

BAR ADMISSIONS

- ❖ California 2006

COURT ADMISSIONS

- ❖ Southern District of California
- ❖ Northern District of California
- ❖ Central District of California
- ❖ Eastern District of California
- ❖ Ninth Circuit Court of Appeals
- ❖ California Fourth District Court of Appeals
- ❖ California Supreme Court

William R. Restis

Since 2006, William has been litigating complex, multi-district, and multi-party class actions. He has recovered over two hundred-seventy million dollars for class members and clients, and changed the law to help protect them.

He founded The Restis Law Firm, P.C. in late 2016. Prior to founding RLF, William represented investors and consumers at San Diego's oldest class action law firm, Finkelstein & Krinsk LLP.

In addition to class actions, William also practices other forms of complex litigation. This includes corporate governance and derivative claims, and representing whistleblowers before the Department of Justice and Securities and Exchange Commission.

William also served as general counsel for two technology start-ups, and is a longtime board member of a highly successful non-profit.

William is currently Lead Counsel or co-counsel to Lead Counsel in the following cases:

✚ *Kusada et al v. Jailin Niu et al.*, No. 20-2-03299-9 SEA (Wash. Sup. Ct.) (Mass action challenging "Golden Sun" Ponzi scheme. Preliminary injunction and two writ of attachment secured on \$40m+ of defendants' real property) (Co-Lead Counsel)

Notable past cases that William was either lead attorney or had significant involvement include:

✚ *In re Tezos Securities Litigation*, No. 3:17-cv-06779-RS (N.D. Cal.) (\$25 million settlement in class action challenging whether "Initial Coin Offering" of cryptocurrency was an illegal offer and sale of securities in violation of the Securities Act of 1933) (Co-Counsel to Court appointed Lead Counsel)

✚ *Grevle v. Closets by Design, Inc.*, No. 2:19-cv-03881-JFW-AS (challenging fictitious discounts in violation of false advertising laws) (Lead Counsel)

A handwritten signature in black ink, appearing to read 'The Restis Law Firm, P.C.', is centered below a horizontal line.

✚ *Beck v. PLPCC et al.*, No. 37-2017-00037524-CU-BT-CTL (San Diego Sup. Ct.) (Final approval granted to class settlement redistributing medical marijuana cooperative profits to cooperative members) (Lead Class Counsel)

✚ *Faasse et al. v. Coinbase, Inc.*, No. 3:18-cv-01382-JD (N.D. Cal.) (challenging Coinbase's ability to keep Bitcoin that was sent from Coinbase users to third parties but was never claimed) (Lead Counsel)

✚ *Blevins v. Capital Alliance Group*, No. 2:18-cv-364-EAS-KAJ (S.D. Ohio) (won dismissal of TCPA class action within 4 months) (Lead Counsel for Defendant)

✚ *Northrup v. Capital Alliance Group*, No. 8:18-cv-23-JLS-DFM (C.D. Cal.) (won dismissal of TCPA class action within 8 months) (Lead Counsel for Defendant)

✚ *Hahn v. Massage Envy Franchising LLC*, No. 3:12-cv-000153 (S.D. Cal.) (nationwide settlement with 75% restitution of class members' lost prepaid massages valued by experts between \$179-\$225 million). In *Massage Envy*, William won every motion, and established complete liability to the class on *plaintiff's* motion for summary judgment. 2014 WL 5100220 (S.D. Cal. Sept. 25, 2014). In doing so, the Court adopted his proposed extension of California's doctrines on unconscionability, liquidated damages and franchisor liability that have since been relied upon by several courts.

✚ *Sanai v. BMW of North America*, No. 2:12-cv-06105 (D.N.J.) (nationwide settlement recovering lost warranty and 100% reimbursement of repair costs valued by expert at \$12.8 million)

✚ *Derry v. Jackson Nat'l Insurance Co.*, No. 4:12-cv-1380 (N.D. Cal.) (California settlement recovering \$11.2 million in annuity surrender charges, and reducing future surrender charges)

✚ *Klien v. Walgreen Company et al.*, No. GIC 795254 (S.D. Sup. Ct.) (California class settlement prohibiting pharmacies from using medical information for marketing)

✚ *Utility Consumers Action Network v. Albertsons, Inc. et al.*, No. GIC830069 (S.D. Sup. Ct.) (California class settlement prohibiting pharmacies from using medical information for marketing)

✚ *Scherer v. Tiffany and Company, Co.*, 3:11-cv-00532 (S.D. Cal.) (class action settlement providing free Tiffany's merchandise)

✚ *Austin v. Michaels Stores Inc.*, No. 37-2011-00085906 (S.D. Sup. Ct.) (class action settlement providing free merchandise)

✚ *Saratoga Advantage Trust v. ICG, Inc. et al.*, No. 2:08-cv-00011 (S.D.W. Va.) (\$1.4 million securities class action settlement)



Anne Donovan, Paralegal

Anne Donovan is a paralegal who has worked in the legal field since 1995. She was a co-owner of a legal services company operating in Southern California from 1995 through 2004, running the operations of the company as well as doing field work. Since 2004 she has worked in the San Diego area performing paralegal and office administrator duties for various law firms working in the fields of securities, class actions, and patent litigation among others.

