

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

DECLARATION OF JOEL B. ARD 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,

Counterclaimant,

v.

CHRIS HUNICHEN,

Counter-Defendant.

ATONOMI LLC, a Delaware LLC,

Third Party Plaintiff,

v.

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

Counter-Defendants.

1 I, Joel B. Ard, Esq., pursuant to 28 U.S.C. § 1746, hereby declare as follows:

2 1. I am admitted to practice law in this Court and the Courts of the State of
3 Washington. I am the sole member of Ard Law Group PLLC, counsel of record for Class
4 Representative Chris Hunichen (“Hunichen”), and appointed Class Counsel for the Settlement
5 Class. I respectfully submit this declaration in support of the Class Representative’s Motion for an
6 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. My background and experience is summarized in the resume attached
12 hereto as Exhibit A.

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

17 5. From January 2017 through November 2020, I spent 1,152 hours, which, at my
18 regular hourly rate of \$775, corresponds to a lodestar of \$892,800. This summary was prepared
19 from contemporaneous, daily time records I regularly prepare and maintain. The hours and
20 lodestar amount were for the benefit of the Settlement Class and certified Class.

21 6. I have also expended a total of \$6,788.21 in unreimbursed costs and expenses in
22 connection with the prosecution of this Action. Specifically, I incurred \$400 in filing fees, \$475 in
23 fees for service of process, and \$5,909.21 in fees to court reporters for depositions and transcripts.
24 They were incurred by me on behalf of the Settlement Class and certified Class on a contingent
25 basis, and have not been reimbursed. These expenses are reflected in the books and records of Ard
26 Law Group. These books and records are prepared from receipts, check records and other source
27 materials, and represent an accurate record of the expenses incurred.

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7. Due to the contingent nature of this litigation, I 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 which are included in this declaration and exhibits, 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 13th of December, 2022 at Bainbridge Island, Washington.

ARD LAW GROUP PLLC

By: 
Joel B. Ard, WSBA # 40104

Ex.

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ARD LAW GROUP

COMPLEX LITIGATION

Mr. Ard has litigated complex civil actions raising novel questions of state and federal law since 2000. He founded Ard Law Group in 2018 after a career that included Foster Pepper (now Foster Garvey), the United States Department of Justice, Civil Rights Division, and Latham & Watkins.

EDUCATION

JD, The University of Chicago
Law School

BA, St. John's College, Annapolis,
MD

BAR ADMISSIONS

District of Columbia, 2001

Washington, 2008

USPTO, 2010

California, 2014

COURT ADMISSIONS

U.S. Supreme Court

U.S. Court of Appeals, 9th Cir.

U.S. Court of Appeals, Fed. Cir.

U.S. Court of Appeals, 5th Cir.

Western District of Washington

Eastern District of Washington

District of Columbia

Central District of California

Mr. Ard divides his time between assisting clients with patent, trademark, copyright, and other intellectual property disputes and resolving complex constitutional, voting, election, and civil rights claims.

State Law and Civil Rights Practice

Joel is widely recognized as one of the preeminent lawyers who defends rights protected by the Washington state constitution. He regularly appears before the state Supreme Court to argue in favor of the rights of individuals, candidates for office, ballot initiative committees, and churches and other private beneficial organizations. His cases raise novel issues of state statutory and constitutional law. Representative cases include:

Eyman v. Wyman, 191 Wash. 2d 581, 424 P.3d 1183 (2018); a 9-0 decision of the Washington State Supreme Court that the Legislature had not adopted an initiative that it first amended, and ordering the Secretary of State to print the initiative on the November ballot for voter consideration.

Reykdal v. Espinoza, 169 Wash. 2d 458 (2020), a 6-3 favorable opinion affirming the right of a candidate for statewide office to make ballot statement challenging the conduct of the incumbent.

Gabriel Portugal et al. v. Franklin County et al., No. 100999-2 (pending at Wash. S. Ct.): Lead counsel for intervenor James Gimenez, a Franklin County citizen who intervened in the trial court to challenge the constitutionality of the Washington State Voting Rights Act.

Morgan v. Twitter, Inc., 2:22-cv-00122 (E.D. Wash.): Lead counsel in a class action seeking statutory damages, the first ever case applying RCW 9.26A.140.

ARD LAW GROUP

COMPLEX LITIGATION

Patent and Trademark Practice

A registered patent attorney, Mr. Ard's intellectual property practice has led to appearances in federal courts across the nation as well as before the USPTO's Patent Trial and Appeal Board. Representative cases include:

Uniloc USA, Inc. v. Amazon.com, Inc., No. 2:2017-cv-00228 (E.D. Tex.): defend allegations of infringement brought by NPE.

TC Heartland LLC v. Kraft Foods Group Brands LLC, No. 16-341 (U.S.): Amicus brief filed on behalf of the National Association of Realtors.

Armstrong Pump, Inc. v. Hartman et al., No. 1:10-cv-00446 (W.D.N.Y.): 10 year defense of complex patent license dispute.

Restoration Industry Association v. ThermaPure, Inc., No. 2:13-cv-03169 (C.D. Cal.): Declaratory judgment action seeking invalidity of patents, brought on behalf of industry association and its members. The case was the first ever asserting representational standing under the Patent Act.

USPTO Control Nos. 90/009,282 et al.: successful re-examination defense of patents directed towards aspects of motion control.