

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 CHRIS HUNICHEN 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.

1 I, Chris Hunichen, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

2 1. I am the named plaintiff and certified Class Representative for the Settlement Class
3 and certified Class in the above-captioned securities class action (the “Action”).

4 2. I am aware of and understand the requirements and responsibilities of a
5 representative plaintiff in a securities class action. I have personal knowledge of the matters set
6 forth in this declaration, as I have been directly involved in monitoring and overseeing the
7 prosecution of the Action, as well as negotiations leading to the Settlement, and I could and would
8 testify competently to these matters.

9 3. In fulfillment of my responsibilities on behalf of all class members in this Action,
10 I have worked closely with Class Counsel regarding all aspects of the litigation and resolution of
11 this case.

12 4. Throughout the litigation, I received periodic status reports from Class Counsel on
13 case developments and participated in regular discussions concerning the prosecution of the
14 Action, the strengths and risks to the claims, and potential settlement. In particular, throughout the
15 course of this Action, I: (a) reviewed relevant documents; (b) stayed apprised of developments of
16 the case and made myself available to Class Counsel; (c) provided Class Counsel with extensive
17 information and materials regarding my investments; (d) conferred with Class Counsel throughout
18 the litigation; (e) provided documents and responses to written discovery during the discovery
19 process; (f) prepared for and sat for a full day deposition; (g) consulted with my attorneys regarding
20 settlement negotiations, including participating in the full day mediation; and (h) evaluated and
21 approved the proposed Partial Settlement.

22 5. Through my active participation, I was kept informed of the progress of the
23 settlement negotiations in this litigation. Both before and after the mediation, I conferred with
24 Class Counsel regarding the parties’ respective positions.

25 6. Based on my involvement throughout the prosecution and resolution of the claims
26 asserted in the Action and the advice of my counsel, I believe that the Partial Settlement provides
27 an excellent recovery for the Settlement Class, particularly in light of the risks of continued

1 litigation. Thus, I believe that the proposed Partial Settlement is fair, reasonable, and adequate to
2 the Settlement Class and I strongly endorse approval of the Settlement by the Court.

3 7. I believe that the request for an award of attorneys' fees in the amount of one-third
4 of the Settlement Fund is fair and reasonable in light of the work performed by Class Counsel on
5 behalf of the Settlement Class. I have considered the work performed, the recovery obtained for
6 the Settlement Class, and the risks of the Action, and have authorized this fee request for the
7 Court's ultimate determination.

8 8. I further believe that the litigation expenses being requested for reimbursement to
9 counsel are reasonable, and represent costs and expenses necessary for the prosecution and
10 resolution of the claims in the Action. Based on the foregoing, and consistent with my obligation
11 to the Settlement Class to obtain the best result at the most efficient cost, I fully support the motion
12 for an award of attorneys' fees and reimbursement of litigation expenses.

13 9. I devoted significant time to the representation of the Settlement Class in this
14 Action, which was time that I otherwise would have spent at my work or engaged on other
15 activities, which represented a cost to me.

16 10. My role in this case took an investment of time far beyond what I anticipated to
17 expend as Class Representative at the outset.

18 11. Of particular importance and engendering a great amount of work and expenditure
19 of time was the fact that Defendants in this case countersued myself and a group of my friends, all
20 of whom invested together into the Atonomi ICO, and all of whom are members of this class.

21 12. The claims asserted against myself and half a dozen of my friends were completely
22 baseless and purely calculated to harass me into dismissing this case.

23 13. The baseless counterclaims against me and third-party claims against my friends
24 caused extreme inconvenience, headache, and time expenditure on both mine and their part.

25 14. I have had to do an enormous amount of work to coordinate myself and my friends'
26 work with class counsel to deal with the counterclaims and third-party claims—which were
27 ultimately aimed at me in my role as Class Representative.

1 15. For example, in addition to sitting for a deposition myself, I coordinated with my
2 friends for each and every single one of them to be deposed in full-day depositions.

3 16. To do so, I also had to persuade my friends of the merits of this case, to resist the
4 pressure to dismiss, to continue pressing these claims for *four years*, all while my friends and I
5 were subjected to what we firmly believe are baseless counterclaims that took an enormous amount
6 of our time.

7 17. I am, luckily, a successful professional poker player. My personal investment in
8 Atonomi is miniscule when compared to my net worth, and my individual claim to the settlement
9 fund is negligible. I did the work to maintain this action and continued to press claims that are
10 individually worth very little to me primarily out a sense of justice.

11 18. I will continue to press these claims through trial against the Non-Settling
12 Defendants.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 forgoing is true and correct. Executed on 12/11/2022 at Las Vegas, Nevada.

15 DocuSigned by:
16 Chris Hunichen
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