

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 ANGUS F. NI IN
SUPPORT OF CLASS REPRESENTATIVES'
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, Angus F. Ni, 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. I am the
3 founding member of AFN LAW PLLC. (“AFN”), counsel of record for Class Representative Chris
4 Hunichen (“Hunichen”), and appointed Class Counsel for the Settlement Class. I respectfully
5 submit this declaration in support of the Class Representative’s Motion for an award of fees,
6 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 AFN in the securities field are
12 summarized in the firm resume attached hereto as **Exhibit A**.

13 4. AFN 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 AFN 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 AFN’s total hours and lodestar, computed at current rates, from
18 December 3, 2018 through December 6, 2022. The total number of hours spent by AFN during
19 this time period was **1,109.1 hours with a corresponding lodestar of \$613,590.20**. This
20 summary was prepared from contemporaneous, daily time records regularly prepared and
21 maintained by AFN. The lodestar amounts reflected below are for the benefit of the Settlement
22 Class and certified Class. The hourly rates underlying the lodestar figure of between \$150 (for
23 support staff) to \$595 per hour (for myself) are AFN’s regular hourly rates, which are based on
24 comparable rates charged by firms in the field of securities litigation and approved by courts in
25 connection with contingency fee applications by plaintiffs’ counsel in similar securities litigation
26 matters.

6. Attorneys at my firm billed the following aggregate hours to this matter as of the date of filing:

| Timekeeper | Type | Hours | Hourly Rate | Total |
|--------------|----------|--------|-------------|---------------------|
| Angus F. Ni. | Attorney | 930.83 | \$595 | \$553,843.85 |
| Serena Yang | Attorney | 52.64 | \$360-425 | \$19,687.50 |
| Zara Chan | Attorney | 51.27 | \$360-385 | \$19,464.15 |
| Alex She | Attorney | 50.24 | \$325 | \$16,328.00 |
| Kelly Fan | Attorney | 24.13 | \$150-230 | \$4,266.70 |
| Total | | | | \$613,590.20 |

7. AFN has expended a total of **\$17,204.47 in unreimbursed costs and expenses** in connection with the prosecution of this Action. A summary of these costs and expenses are set forth below. They were incurred by AFN on behalf of the Settlement Class and certified Class on a contingent basis, and have not been reimbursed. These expenses are reflected in the books and records of AFN. These books and records are prepared from receipts, check records and other source materials, and represent an accurate record of the expenses incurred:

| Category | Expense |
|----------------------------------|-------------|
| Document Hosting Review Software | \$ 5,963.00 |
| Mediation Fees | \$3,186.75 |
| Court Reporters / Depositions | \$6,536.81 |
| Printing | \$132.11 |
| Filing Fees, and Process Servers | \$1,385.80 |

| | |
|-----------------------|--------------------|
| Total Expenses | \$17,204.47 |
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3 8. I have reviewed the time and expenses reported by AFN in this Action which are
4 included in this declaration and exhibits, and I affirm they are true and accurate.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 forgoing is true and correct. Executed on the 13th day of December, 2022 at Seattle, Washington.

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8 By: /s/ Angus F. Ni
9 Angus F. Ni, Esq.
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EXHIBIT A

CURRICULUM VITAE – SECURITIES AND CLASS ACTION LITIGATION**Angus F. Ni – Attorney**

Mr. Ni founded AFN after practicing commercial litigation and arbitration at Debevoise & Plimpton LLP, followed by securities class action litigation at Bernstein Litowitz Berger & Grossmann LLP—the top plaintiffs’ shareholder litigation firm in the country. Mr. Ni has handled complex litigation throughout his career, including over a dozen class actions with securities, commodities, and antitrust components for both plaintiffs and defendants, as well as numerous other commercial disputes.

Education:

The University of Chicago Law School, J.D. with Honors.

University of Toronto, Trinity College, B.A. with High Distinction, College Scholar.

Sampling of Securities Litigation And Class Action Experience

- Obtaining the voluntary dismissal of a shareholder litigation against NYSE-listed Chinese agricultural fertilizer manufacturer after filing motion to dismiss, and within 30 days of appearing in the action. (*Little v. China Green Agriculture, Inc. et al.*, Case No. 2:19-cv-01756-JCM-NJK (D.Nev.))
- Represented investors in a class action pursuant to the federal securities laws against a California-based cryptocurrency company that raised more than \$1 billion in an unregistered offering of cryptocurrency in 2017. (*In Re Tezos Securities Litigation*, Case No. 3:17-cv-06779. (N.D. Cal.))
- Defended a formerly NASDAQ-listed China-based cellphone contract design-and-manufacturing company in a securities class action alleging fraud pursuant to the PSLRA filed in the Eastern District of New York. (*Thomas v. China Techfaith Wireless Communication Technology Limited et al.*, Case No. 1:19-cv-00134-FB-CLP. (E.D.N.Y.))
- Defending a NYSE-listed Chinese fertilizer manufacturer in shareholder lawsuits before the Southern District of New York. (*Chen v. China Green Agriculture Inc.*, Case No. 1:20-cv-09232-MKV (S.D.N.Y.)).
- Represented a China-based private investment fund in a first-of-its kind Delaware Chancery Court action concerning the application of 8 *Del. C.* § 242(a)(4) to corporate charter amendments. (*Kala International Investment Co., Ltd. vs Centrexion Therapeutics Corporation*, Case No. 2019-0517-JTL (Del. Ct. Ch.)).

Complex Disputes

- Represented a German investment fund against Wells Fargo in a securities fraud action arising from Wells Fargo’s fake accounts scandal. (*Hefler et al v. Wells Fargo & Company et al.* Case No. 4:16-cv-05479-JST (N.D.Cal.))
- Represented a U.S. pension fund against Pershing Square Capital Management and Valeant Pharmaceuticals in a first-of-its-kind Rule 14e-3 (Williams Act) insider trading class-action. (*Anthony Basile et al v. Valeant Pharmaceutical International, Inc. et al.* Case No. 8:14-cv-02004-DOC-KES (C.D.Cal.)).
- Represented a U.S. hedge fund against Salix pharmaceuticals in a PSLRA securities class action arising out of Salix’s “channel stuffing” scheme. (*Woburn Retirement System v. Salix Pharmaceuticals, Ltd. et al.*, Case No. 1:14-cv-08925-KMW (S.D.N.Y.)).
- Representing a direct plaintiff in an opt-out action, opting out of the Luckin securities class action. (*Ye v. Luckin Coffee, Inc. et al.*, Case No. 1:21-cv-02020-JPC (S.D.N.Y.)).
- Represented a U.S. pension fund against Perrigo Pharmaceuticals in a securities class action arising out of Perrigo’s misstatements concerning the success of one of its roll-up mergers. (*Roofer’s Pension Fund, v. Papa et al.*, Case No. 2:16-cv-02805-MCA-LDW (D.N.J.)).
- Representing investors from around the world in a class action under the Securities Act against GTV Media Group Inc. and several other individuals and entities who conducted a multi-hundred-million-dollar unregistered securities offering. (*Zhengjun Dong et al v. GTV Media Group, Inc. et al.* Index No. 652190/2021 (New York County Supreme Court)).
- Representing investors in FEI-TRIBE, a “stablecoin” cryptocurrency offering that raised over the equivalent of a billion dollars in Ethereum in 2021 in a securities class action entitled *Shomroni v. Fei Labs Inc., et al.* Case No. CGC-22-598995, pending in the California State Superior Court for San Francisco County.
- Representing investors in a China-based Ponzi Scheme that funneled over \$100 million in proceeds to Seattle—successfully froze over \$60 million in fraud-derived real property.¹

¹ See [Suit over alleged Ponzi scheme that financed Bellevue real estate can proceed, judge rules | TheSeattle Times](#)