

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.

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.

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

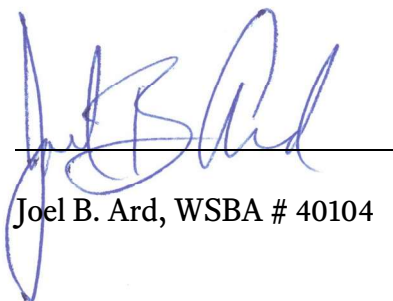
DECLARATION OF JOEL ARD IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT

- 1 1. Attached hereto as Exhibit A is a true and correct copy of the Settlement Agreement between
2 and among Plaintiff, on the one hand, and Defendants Atonomi LLC, CENTRI, Inc., Vaughan
3 Emery, Rob Strickland, Don Deloach, Wayne Wisehart, and James Salter, on the other hand.
- 4 2. Attached hereto as Exhibit B is a true and correct copy of the proposed Final Approval Order
5 constituting Exhibit 1 to the Settlement Agreement.
- 6 3. Attached hereto as Exhibit C is a true and correct copy of the proposed Preliminary Approval
7 Order constituting Exhibit 2 to the Settlement Agreement.
- 8 4. Attached hereto as Exhibit D is a true and correct copy of the proposed Proof of Claim Form
9 constituting Exhibit 3 to the Settlement Agreement.
- 10 5. Attached hereto as Exhibit E is a true and correct copy of the proposed Summary Notice
11 constituting Exhibit 4 to the Settlement Agreement.
- 12 6. Attached hereto as Exhibit F is a proposed Long Form Notice to be displayed on the Settlement
13 Website.
- 14 7. In fall 2023, the parties renewed settlement discussions. As part of those discussions, counsel
15 for Defendants proffered financial statements for each Defendant.
- 16 8. Those financial statements were sworn and notarized, and offered under penalty of perjury.
- 17 9. The statements included materials, for example, which had recently and independently been
18 proffered to banks as loan documentation, and which therefore have independent indicia of
19 reliability.
- 20 10. My review of the financial statements led me to conclude that the total amount of available
21 assets as of this moment which could satisfy any future judgment in this matter is \$520,000.
- 22 11. The financial statements also demonstrated that the amount Defendants are now offering in
23 settlement, \$520,000, would otherwise be expended in costs of defense if this matter went to
24 trial.
- 25 12. Based on my review, regardless of the strength of the claims against the remaining Defendants,
26 further litigation would only serve to reduce the eventual recovery lower than the amount of
27 this settlement.

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February 12, 2024.

By:



Joel B. Ard, WSBA # 40104