

PX
4

**DECLARATION OF GEORGE WAGGONER
PURSUANT TO 28 U.S.C. § 1746**

I, George Waggoner, hereby state that I have personal knowledge of the facts set forth below and am competent to testify about them. If called as a witness, I could and would testify as follows:

1. I am over 18 years old. I live in Almond, Wisconsin.
2. On January 29, 2014, I purchased a 600 gigahertz Monarch Bitcoin mining card from Butterfly Labs via bank transfer for \$2,234.00. The expected delivery date for this machine, according to Butterfly Labs website, was in April 2014. A true and correct copy of the order confirmation for this purchase is appended hereto as **Attachment A**.
3. I decided to purchase the Bitcoin mining card from Butterfly Labs because the machine advertised on their website had superior performance specifications in terms of power and energy consumption, as well as a low price. In addition, because the expected delivery date was in April, the product would have been delivered more quickly than other comparable machines.
4. I would not have ordered this product from Butterfly Labs if I had known the delivery date was after April 2014.
5. On May 26, 2014 I requested a refund from Butterfly Labs because they had not delivered my product by the expected delivery date. A true and correct copy of the e-mail I sent to Butterfly Labs requesting a refund is appended hereto as **Attachment B**.
6. On May 27, 2014 I received an e-mail from a customer service representative of Butterfly Labs. In this e-mail, the representative stated that my "order does not qualify for a refund" and that my "order is being processed." A true and correct copy of this e-mail is appended hereto as **Attachment C**.

7. As more time goes by, Bitcoin mining machines become less valuable because they are able to produce fewer Bitcoins and therefore create less profit. By delaying the delivery of the Bitcoin mining card, Butterfly Labs substantially decreased the value of the card.

8. In or around May 2014, my computer became blocked from accessing Butterfly Labs' website. I do not know why this block occurred. On May 27, 2014 I sent an e-mail to Butterfly Labs in which I asked them why I was blocked. A true and correct copy of this e-mail is appended hereto as **Attachment D**.

9. As of October 30, 2014 I have not received my order from Butterfly Labs.

10. If I received my original purchase from Butterfly Labs within the next few weeks, I believe I would incur an overall financial loss because the machine would never generate enough revenue to pay for itself. I would absolutely prefer a monetary refund to delivery of the machine because this would minimize my financial loss.

11. Certain confidential information has been redacted from the attachments to this declaration.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4TH day of November, 2014, in Almond, Wisconsin


George Waggoner

ATTACHMENT A

Temkin, Daniel

From: George [REDACTED]
Sent: Thursday, October 30, 2014 4:26 PM
To: Temkin, Daniel
Subject: FW: Butterfly Labs - Bitcoin Mining Hardware: New Order # 100104848

This is the original invoice paid by bank transfer.

George Waggoner

From: Sales at Butterfly Labs [<mailto:office@butterflylabs.com>]
Sent: Wednesday, January 29, 2014 2:04 PM
To: George Waggoner
Subject: Butterfly Labs - Bitcoin Mining Hardware: New Order # 100104848



Hello, George Waggoner

Thank you for your order from Butterfly Labs - Bitcoin Mining Hardware. Once your package ships we will send an email with a link to track your order. You can check the status of your order by [logging into your account](#). If you have any questions about your order please contact us at office@butterflylabs.com or call us at 1-800-809-6463 Monday - Friday, 8am - 5pm PST.
Your order confirmation is below. Thank you again for your business.

Your Order #100104848 (placed on January 29, 2014 2:03:36 PM CST)

Billing Information:

George Robert Waggoner

[REDACTED]
Almond, Wisconsin, [REDACTED]

United States

T: [REDACTED]

Payment Method:

Bank Transfer

Thank you for your order via bank wire. In order for us to process and enter your order into the queue, please follow these instructions EXACTLY.

Send a bank wire to the following account:

Bank name: BMO Harris Bank

Bank address: 11301 Nall Ave, Leawood, KS 66211-1892, United States of America

Swift: HATRUS44

ABA / BSB: 071000000

Account Name: BF Labs Inc.
Account Number: [REDACTED] 5901
Account Address:
10770 El Monte
Overland Park, Kansas 66211,
United States of America

Please add your order number to the memo of your wire transfer.

After your wire is sent, please contact office@butterflylabs.com with your wire transfer information. This will help us correctly apply your bank transfer to your order.

Once we have confirmation of receipt of the wire transfer, we will add your order into the queue for processing.

Note: Your order date will be changed to reflect the date of receipt of the funds to our account.

Thank you,

BF Labs Inc.

Shipping Information:

George Robert Waggoner

[REDACTED]
Almond, Wisconsin, [REDACTED]

United States

T: [REDACTED]

Shipping Method:

Standard Shipping - Only

Item	SKU	Qty	Subtotal
600 GH Bitcoin Mining Card	BPU600C	1	\$2,196.00
Subtotal			\$2,196.00
Shipping & Handling			\$38.00
Grand Total			\$2,234.00
Amount due			\$2,234.00

Thank you, **Butterfly Labs - Bitcoin Mining Hardware**

ATTACHMENT B

Temkin, Daniel

From: George Waggoner [REDACTED]
Sent: Thursday, October 30, 2014 4:28 PM
To: Temkin, Daniel
Subject: FW: Order #100104848 (placed on January 29, 2014 2:03:36 PM CST)

Here is my request to cancel my order.

George Waggoner

From: George Waggoner [REDACTED]
Sent: Monday, May 26, 2014 12:26 PM
To: 'office@butterflylabs.com'
Subject: Order #100104848 (placed on January 29, 2014 2:03:36 PM CST)

Dear Butterfly Labs,

It is clear that order fulfillment is not occurring. Not only have your mining cards not materialized, even your BitSafe remains a non-existent product. I want to cancel my order 100104848 and want a full refund of my \$2,234.00 Please confirm this cancellation.

Thanks,

George Waggoner

ATTACHMENT C

Temkin, Daniel

From: George [REDACTED]
Sent: Thursday, October 30, 2014 4:29 PM
To: Temkin, Daniel
Subject: FW: [#JBI-454-13711]: Order #100104848 (placed on January 29, 2014 2:03:36 PM CST)

Here is their response to my request to cancel my order.

George Waggoner

From: Tamika S [mailto:office@butterflylabs.com]
Sent: Tuesday, May 27, 2014 2:00 PM
To: [REDACTED]
Subject: [#JBI-454-13711]: Order #100104848 (placed on January 29, 2014 2:03:36 PM CST)

Hi George,

Thank you for choosing Butterfly Labs for your mining needs. At this time, your order does not qualify for a refund. All sales are final according to our terms. We do thank you for your patience, but your order is being processed. We will notify you when your order comes up in our queue. Here is a link to our updates. You might have to click on page 2 to see the most recent updates:
<https://forums.butterflylabs.com/announcements/4414-monarch-information-2.html#post76507>. Please visit the FAQ section of our webpage for more information on refunds. You may also sell your order to someone else using the classified section of the forum on our webpage. I hope this helps. Thank you for your patience and understanding in this matter.

Kindest Regards,
Tamika
BF Labs Customer Service

Ticket Details

Ticket ID: JBI-454-13711
Department: General
Type: Issue
Status: Closed
Priority: Normal

Support Center: <https://support.butterflylabs.com/index.php?/Default>

ATTACHMENT D

Temkin, Daniel

From: George [REDACTED]
Sent: Thursday, October 30, 2014 4:37 PM
To: Temkin, Daniel
Subject: FW: [#JBI-454-13711]: Order #100104848 (placed on January 29, 2014 2:03:36 PM CST)

This is my response sighting my inability to access their forum for updates. This is apparently the only way I, as a customer, can find out what is going on. I also pointed out that no sale has occurred, as they have not delivered a product to complete the sale process.

If you need anything further, you can contact me by mail, phone, or email and I will respond as quickly as I can.

George Waggoner

From: George [REDACTED]
Sent: Tuesday, May 27, 2014 4:14 PM
To: 'office@butterflylabs.com'
Subject: RE: [#JBI-454-13711]: Order #100104848 (placed on January 29, 2014 2:03:36 PM CST)

I am being blocked from the forum sighting an IP address that is not me. What the error is basically saying is that someone with the same internet service provider as me was once infected with malware or did some spamming. I have active and current anti-virus software. This has never occurred on any other site and only occurs on your site when I try to access your forums. I am assuming this block is on purpose so I can't see what is going on. I have emailed Project Honey Pot concerning this matter.

"All sales are final according to our terms."

There has not been a 'sale' if you have not provided a product. There are two parts to a sales transaction. I have upheld my part. You are in breach of contract for non-performance.

Sincerely,
George

From: Tamika S [mailto:office@butterflylabs.com]
Sent: Tuesday, May 27, 2014 2:00 PM
To: [REDACTED]
Subject: [#JBI-454-13711]: Order #100104848 (placed on January 29, 2014 2:03:36 PM CST)

Hi George,

Thank your for choosing Butterfly Labs for your mining needs. At this time, your order does not qualify for a refund. All sales are final according to our terms. We do thank you for your patience, but your order is being processed. We will notify you when your order comes up in our queue. Here is a link to our updates. You might have to click on page 2 to see the most recent updates:
<https://forums.butterflylabs.com/announcements/4414-monarch-information-2.html#post76507>. Please visit the FAQ section of our webpage for more information on refunds. You may also sell your order to someone else using the classified section of the forum on our webpage. I hope this helps. Thank you for your patience and understanding in this matter.

Kindest Regards,

Tamika
BF Labs Customer Service

Ticket Details

Ticket ID: JBI-454-13711

Department: General

Type: Issue

Status: Closed

Priority: Normal

Support Center: <https://support.butterflylabs.com/index.php?/Default>