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**DECLARATION OF ERIC LEFEBVRE
PURSUANT TO 28 U.S.C. § 1746**

I, Eric Lefebvre, 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 Boulder, Colorado.
2. During or around the end of September, 2013, after research into bitcoin mining which included a careful study of the Butterfly Labs website, I purchased from Butterfly Labs a bitcoin mining machine, a Monarch, the 600gh card. Additionally, during or around the end of October, 2013, based again upon my research into the Butterfly Labs website, I purchased from Butterfly Labs a bitcoin mining machine, a Monarch, the 300gh card. These purchases totaled \$7,516.
3. Based upon my reading of the Butterfly Labs website, I determined that these two machines were state of the art bitcoin mining machines. What attracted me to the Butterfly Labs products were their specifications that indicated their power efficiency—they would use very little power relative to other bitcoin mining cards out there, an important consideration.
4. With bitcoin mining cards, the delivery date is very important because bitcoin mining becomes more difficult over time. As more time passes, the calculations required to successfully mine a bitcoin become more difficult. Older mining machines become obsolete as more people become miners and rival mining machines become more complex and powerful. The Butterfly Labs website specified that the estimated delivery time of these models would begin in January, 2014.
5. When the first machine had not come by the latter part of February of this year, I requested a refund from Butterfly Labs in an email on February 20, 2014. Butterfly Labs turned down my request, saying all preorder sales were final.

6. In a series of email exchanges lasting until February 22, 2014, I asked when I could anticipate delivery of the two bitcoin mining cards that I had paid for in the fall. Butterfly Labs responded that now delivery was estimated to be in April. A true and correct copy of my e-mail exchanges with Butterfly Labs asking for a refund in February is attached hereto as **Attachment A**.

7. By April 2014, the two Monarchs I ordered had still not arrived. On May 9, 2014 I again requested a refund from Butterfly Labs in an email. I never received a reply from Butterfly Labs. A true and correct copy of my e-mail to Butterfly Labs asking for a refund in May is attached hereto as **Attachment B**.

8. To date, I have received neither a refund nor the two Monarch mining machines I ordered from Butterfly Labs and paid for a year ago. Even if either or both bitcoin mining machines I ordered came to me they would be useless to me because they are so obsolete by now and they would not be worth the cost of electricity to turn on, except as a curiosity.

9. I am totally out of the \$7,516 I sent to Butterfly Labs, and have absolutely nothing to show for it except the bitter memory of repeated false promises.

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

Executed this 25th day of September, 2014, in Boulder, CO.

Eric Lefebvre

/s/ Eric Lefebvre

Attachment A

Thu, Feb 20, 2014 at 4:08 PM

Hi there,

I currently have two orders placed for mining cards.

BFL-369138679

BFL-689358039

These orders are taking too long for me. I would like to cancel them and request a refund please.

Thanks,

Eric

Thu, Feb 20, 2014 at 7:10 PM

To: Eric Lefebvre <lfebes@gmail.com>

Hi Eric,

Thank you for contacting Butterfly Labs. According to the terms you agreed to on checkout, all sales are final.

For your reference, here is the information stated on the product pages about pre-order launch schedules and terms:

Launch Schedule

This is a Pre-Order product which is not yet live. If you're uncomfortable waiting until the development is complete and the miners are active, do NOT pre-order this product. Perhaps undesirable, but this is a pre-order market. Customers flatly demand to get in line for the new technology before it's finished development. This has created a lot of drama for the manufacturers but it's something we simply have to deal with. All manufacturers in this space have experienced some degree of delay with their first generation ASIC. Every last one of them. So we're reluctant to give a specific delivery date. However, this is our second generation, so we have much greater clarity on the process and we expect to launch February, 2014. Hosting contract equipment comes from our bulk production of Monarch cards so contracts purchased now will begin to be served in the April 2014 time frame.

Pre-Order Terms: This is a bitcoin mining hardware pre-order. 28nm ASIC based mining contracts are activated according to placement in the order queue, and initialization may take 3 months or more after order. All sales are final.

To keep up to date on the development of our 28nm products please go here:
<https://forums.butterflylabs.com/announcements/4414-monarch-information.html>

Sincerely,
Abbey

Gmail - Request Refund BFL-369138679

Fri, Feb 21, 2014 at 9:08 AM

From a previous email:

Once we have confirmation of payment, we process orders immediately.

-Eric
[Quoted text hidden]

Fri, Feb 21, 2014 at 9:09 AM

Kindest Regards,
Tamika
Butterfly Labs
[Quoted text hidden]

Fri, Feb 21, 2014 at 3:22 PM

Thanks,
Eric
[Quoted text hidden]

Sat, Feb 22, 2014 at 5:43 PM

<https://mail.google.com/mail/u/0/?ui=&ikvash1bed7e&view=pt&ui=117201ab&qs=true&search=qu&rh=144518e&e23dca&siml=144518e...> 2/3

9/24/2014

Gmail - Request Refund BFL-369138679

Thank you for contacting us. We have an estimated ship date for the pre-orders for April. Once shipping begins, we will be posting updates on Jody's Blog. To keep abreast of the progress before shipping, please visit our Forums. I hope this helps. Thank you for your patience and understanding in this matter.

Kindest Regards,
Tamika
Butterfly Labs
[Quoted text hidden]

ATTACHMENT B



BFL-689358039

Eric Lefebvre <lfebes@gmail.com>
To: support@butterflylabs.com

Fri, May 9, 2014 at 4:19 PM

Hello,

I recently received a message when I clicked on my order asking if I would like an upgrade or refund. Can you please give me a refund for this order? I think I have been in the queue for more than six months. If this is not possible, will my order be upgraded to an imperial monarch card?

I also have BFL-369138679 a full price 300GH card. Do I get any special deals with this?

Thank you,
Eric