

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 9:18-cv-80176-BB/BR

IRA KLEIMAN, as personal representative of
the estate of David Kleiman, and W&K INFO
DEFENSE RESEARCH, LLC

Plaintiffs,

v.

CRAIG WRIGHT,

Defendant.

DECLARATION OF ROBERT J. KUNTZ JR., ESQ.

I, Robert J. Kuntz Jr., declare the following:

1. I am a partner at the law firm Rivero Mestre LLP (“Rivero Mestre”), where I practice commercial litigation.
2. I have been practicing law in Florida, and before this Court, since 1996 and have always been in good standing.
3. In addition to my law practice, since 2011, I have served as an Adjunct Professor of Law at the University of Miami School of Law, where I teach attorney ethics and professional responsibility.
4. I joined Rivero Mestre in February 2022. Prior to joining Rivero Mestre, I practiced at Devine Goodman & Rasco, LLP for 20 years. For six years before that I was an attorney at Holland & Knight LLP.
5. I have been involved in the representation of Craig Wright (“Dr. Wright”) since April 2022, at which time I worked primarily on Dr. Wright’s appeal from the judgment awarded

to W&K in December 2021. I have subsequently worked on the post-judgment proceedings pending in this Court.

6. On March 3, 2023, the Court ordered Dr. Wright to complete Form 1.977, the Fact Information Sheet (“FIS”) a judgment debtor is required to provide to a judgment creditor upon order of the court, by April 1, 2023. [DE 939.]

7. Dr. Wright delivered the FIS to Ramona Ang, as Trustee of the Tulip Trust, and Lynn Wright—together, the majority members of judgment creditor W&K—on April 3, 2023.¹

8. On April 4, 2023, the Court ordered Dr. Wright to provide the FIS to all counsel who had appeared for W&K. [DE 966.]

9. At that point, I worked with my colleague, Amy Brown, to prepare the form for production. I determined that we should designate the FIS “Attorney’s Eyes Only” (“AEO”) in accordance with the Confidentiality Order the parties previously executed during the early stages of the case and prior to my joining the firm.

10. I thought it appropriate to designate the form AEO for the following reasons:

- Certain information revealed in Wright’s FIS, i.e., annual payments from his employer and the fact that he received monthly commissions or bonuses, was private, sensitive financial information that would customarily be protected from public disclosure;
- Detailed information from this case has routinely appeared on social media and designating the FIS as AEO would discourage such public disclosure through social media;

¹ Because April 1, 2023, fell on a Saturday, Dr. Wright delivered the FIS on Monday, April 3, 2023.

- Public disclosure of Dr. Wright’s financial information could influence the volatile digital currency markets, in which he is a known leader;
- The former namesake of the Freedman Normand Friedland LLP f/k/a Roche Freedman LLP (the “Freedman Firm”) has admitted on video that the firm uses discovery in various of its litigations to advance the business interests of its client, Ava Labs, an entity in which partners in the Freedman Firm still hold a financial interest; and
- Failing to designate the FIS as AEO might waive such protection down the road, if the Court required Wright to disclose other, highly confidential information requested by the FIS.

11. I did not examine the Confidentiality Order previously executed in this case (the “Confidentiality Order”) [DE 105-1] in making the decision to designate the FIS AEO. My decision was based on my experience, over the course of my career as a commercial litigator, that a person’s income or financial condition is the type of information that is usually protected, and thus properly designated AEO or highly confidential, under a confidentiality order.

12. I also concluded that, because the FIS was designated as AEO, the FIS should be filed and kept under seal so that it would not be publicly disclosed.

13. I made the decision to designate the FIS as AEO in good faith—not for any improper purpose or a desire to prolong or multiply these proceedings.

14. On April 20, 2023, the Freedman Firm and Boies Schiller Flexner LLP (together, the “law firms”) filed an expedited motion for contempt and sanctions (the “Motion for Sanctions”) against Dr. Wright, arguing that Dr. Wright failed to complete the form fully and, in it, made statements inconsistent with statements he previously made in this litigation. [DE 963.] The law

firms did not base the Motion for Sanctions on the AEO designation. Because of the designation, however, they filed the unredacted FIS under seal and a redacted copy of the FIS in the public record.

15. Later that day, the Court issued an Order directing Wright to show cause by April 25, 2023, why the AEO designation on the FIS should not be stricken and the unredacted FIS unsealed. [DE 967.]

16. In response, Rivero Mestre filed two documents on behalf of Dr. Wright: (1) a response addressing the Motion for Sanctions on the merits [DE 968]; and (2) a supplemental response addressing why the AEO designation should not be stricken. [DE 969].

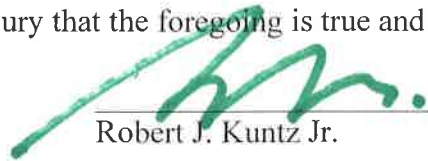
17. In the supplemental response, Rivero Mestre articulated many of the reasons I set forth above (see paragraph 10) to explain why the AEO designation should remain. The firm advanced those arguments in good faith based on our attorneys' collective experience that personal financial information is highly confidential and routinely designated as such.

18. In fact, events following the AEO designation of the FIS confirmed my concern about the dissemination of Dr. Wright's personal information. As the Court is aware, Rivero Mestre engaged Adam Rabin of Rabin Kammerer Johnson to represent the firm in responding to the Court's May 5, 2023 Order to Show Cause. [DE 973.] Mr. Rabin filed his notice of appearance on May 16, 2023. [DE 975.] The very next day, Mr. Rabin received a lengthy e-mail from an anonymous person known by the Twitter handle "Crypto Devil" advising him against representing Rivero Mestre, or anyone else associated with Dr. Wright. "Crypto Devil" was one of the social media personalities that I was worried about when I decided to make the AEO designation. That "Crypto Devil" reached out directly to Mr. Rabin within 24 hours of his appearance shows just how closely this case is being monitored by both mainstream and social media.

19. I assure the Court that the AEO designation was made for no other reason than to protect the interests of Dr. Wright in an environment in which his every move is subject to scrutiny and widespread dissemination by the media, and in the face of admissions by Kyle Roche that the Freedman Firm uses information obtained in discovery about Ava Labs' enemies—of which Mr. Roche expressly identified Dr. Wright as one— for the benefit of Ava Labs.

20. I declare under penalty of perjury that the foregoing is true and correct.

Executed: May 24, 2023



Robert J. Kuntz Jr.