

1 **HAHN LOESER & PARKS LLP**

Gabe P. Wright (SBN 208647)
2 Trevor S. Locko (SBN 323313)
One America Plaza
3 600 W. Broadway, Suite 1500
San Diego, CA 92101
4 Telephone: 619.810.4300
Facsimile: 619.810.4301
5 gwright@hahnlaw.com
tlocko@hahnlaw.com

6 **THOMPSON COBURN LLP**

7 JEFFREY N. BROWN, CSB 105520
jbrown@thompsoncoburn.com
8 10100 Santa Monica Blvd., Suite 500
Los Angeles, California 90067
9 Tel: 310.282.2500 / Fax: 310.282.2501

10 **EDWARD W. GRAY, JR. (SBN 80966)**

egray@thompsoncoburn.com
11 1909 K Street, NW Suite 600
Washington, D.C. 20006
12 Tel: 202.585.6967 / Fax: 202.585.6969

13 **ALLEN CHESSON**

14 DOUGLAS GRIMES (*pro hac vice application to be filed*)
dgrimes@allencheson.com
505 N. Church Street
15 Charlotte, NC 28202
Tel: 704.755.6012

16 Attorneys for Defendants CYBERLUX
17 CORPORATION and MARK D. SCHMIDT

18 **UNITED STATES DISTRICT COURT**

19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 ATLANTIC WAVE HOLDINGS,
LLC, a Virginia limited liability
21 company, SECURE COMMUNITY,
LLC, a Virginia limited Liability
22 company, and STRIKEPOINT
CONSULTING, LLC, a Virginia
23 limited liability company,

24 Plaintiffs,

25 v.

26 CYBERLUX CORPORATION, a
Nevada Corporation; MARK D.
27 SCHMIDT, an individual; and DOES 1
to 50, Inclusive,
28 Defendants.

Case No. 3:24-cv-00196-RBM-VET

Honorable Ruth Bermudez Montenegro

**DECLARATION OF CHARLES
WATTS IN SUPPORT OF
DEFENDANTS CYBERLUX
CORPORATION AND MARK D.
SCHMIDT'S OPPOSITION TO
PLAINTIFF'S MOTION TO
VOLUNTARILY DISMISS
COMPLAINT**

Date: April 15, 2024
Time: 8:30

1 CYBERLUX CORPORATION; and
2 MARK D. SCHMIDT,

3 Counterclaimants,

4 v.

5 ATLANTIC WAVE HOLDINGS,
6 LLC; SECURE COMMUNITY, LLC,
7 and STRIKEPOINT CONSULTING,
8 LLC,

9 Counterclaim Defendants.

10 I, Charles Watts, declare:

11 1. I am the special counsel for Defendant Cyberlux Corporation
12 (“Cyberlux”), of which Mark D. Schmidt (“Schmidt”) is the Chief Executive Officer.
13 I am an attorney licensed to practice and in good standing in North Carolina and am
14 located in North Carolina. If called as a witness, I would competently testify as to the
15 following facts based on my personal knowledge.

16 2. On January 12, 2024, Cyberlux was served with Plaintiff’s Complaint.

17 3. On January 23, 2024, Mr. Schmidt was served with Plaintiff’s
18 Complaint.

19 4. In response to threats of litigation and the filing of the Complaint in this
20 action, Cyberlux retained the law firms of Thompson Coburn LLP, Allen Chesson,
21 and Hahn Loeser & Parks, LLP to represent its interests and those of Mr. Schmidt.

22 5. Prior to Cyberlux and Mr. Schmidt’s removal of this case to federal court
23 on January 30, 2024, neither Cyberlux nor Schmidt were served with nor informed
24 that Substitutions of Counsel had been filed replacing Mr. Ozols and Ms. Shulz.

25 6. Cyberlux and Schmidt were also never informed by Atlantic Wave, Mr.
26 Welter, or their attorneys at any time that they intended to dismiss their Complaint
27 prior to January 30, 2024. Cyberlux and Schmidt were never served with a dismissal
28 of the Complaint. I was also never told, in any manner, by Atlantic Wave, Mr. Welter,
or their attorneys, that the filing of the Complaint was in any way erroneous,

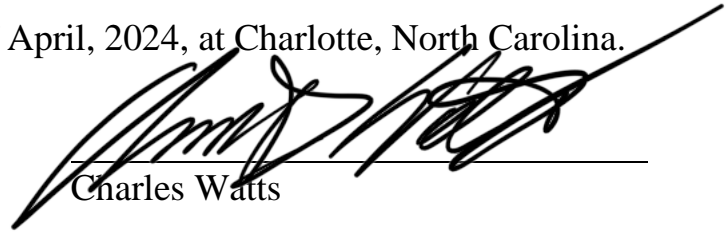
1 unintended, or unauthorized prior to the removal of this case to federal court.

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

3 Executed this 1st day of April, 2024, at Charlotte, North Carolina.

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A handwritten signature in black ink, appearing to read 'Charles Watts', is written over a horizontal line. The signature is stylized and cursive.

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