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15 Attorneys for Defendant CYBERLUX
16 CORPORATION

17 **UNITED STATES DISTRICT COURT**
18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 ATLANTIC WAVE HOLDINGS,
20 LLC, a Virginia limited liability
company; and SECURE
21 COMMUNITY, LLC, a Virginia
22 limited Liability company,

23 Plaintiffs,

24 v.

25 CYBERLUX CORPORATION, a
26 Nevada Corporation;
27 Defendant.

Case No. 3:24-cv-00482-RBM-VET

**DECLARATION OF CHARLES
WATTS IN SUPPORT OF
DEFENDANTS CYBERLUX
CORPORATION'S EX PARTE
APPLICATION TO QUASH AND
RECALL PLAINTIFFS' REQUEST
AND APPLICATION FOR WRIT OF
EXECUTION**

Dist. Judge: Ruth Bermudez Montenegro

1 I, Charles Watts, declare:

2 1. I am the special counsel for Defendant Cyberlux Corporation
3 (“Cyberlux”). I am an attorney licensed to practice and in good standing in North
4 Carolina and am located in North Carolina. If called as a witness, I would
5 competently testify as to the following facts based on my personal knowledge.

6 2. I have been personally involved in Cyberlux’s making of payments to
7 Atlantic Wave Holdings, LLC and Secure Community, LLC (collectively,
8 “Plaintiffs”) pursuant to the terms of the Settlement Agreement between the parties
9 for payment of the amounts reflected in the Stipulated Judgment between the parties.

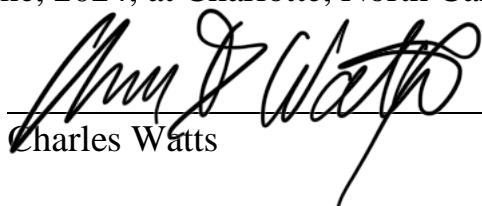
10 3. As of May 31, 2024, Cyberlux was up to date on all payments to
11 Plaintiffs.

12 4. On or about the week of May 31, 2024, Plaintiffs obtained a Writ of Fieri
13 Facias in Virginia State Court. As a result of this Writ of Fieri Facias, Cyberlux’s
14 bank accounts were sequestered, preventing Cyberlux from gaining access to the
15 money it had set aside for the June 2024 payment to Plaintiffs pursuant to the
16 Settlement Agreement.

17 5. On or about June 9, 2024, Cyberlux requested that Plaintiffs agree to the
18 release of those funds so that Cyberlux could make its June payment to Plaintiffs.
19 Plaintiffs refused Cyberlux’s request.

20 6. Plaintiffs have since used their own refusal to release the funds that they
21 had sequestered to take the position that Cyberlux has “missed” its June payment. I
22 declare under penalty of perjury that the foregoing is true and correct.

23 Executed this 14th day of June, 2024, at Charlotte, North Carolina.

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25 _____
26 Charles Watts

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PROOF OF SERVICE

[FRCP 5(B)]

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 600 W. Broadway, Suite 1500, San Diego, CA 92101. My electronic service address is mkanamori@hahnlaw.com.

On June 14, 2024, I served the following document(s) described as:

DECLARATION OF CHARLES WATTS IN SUPPORT OF DEFENDANTS CYBERLUX CORPORATION’S EX PARTE APPLICATION TO QUASH AND RECALL PLAINTIFFS’ REQUEST AND APPLICATION FOR WRIT OF EXECUTION

on the interested parties in this action as follows:

BY ELECTRONIC MAIL: A copy of the foregoing document was electronically filed using the CM/ECF system which will send a notice of electronic filing to all CM/ECF participants listed below:

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Atlantic Wave Holdings, LLC
Secure Community, LLC

1 BY ELECTRONIC MAIL: I caused the documents to be transmitted by
2 electronic mail to the party(s) identified on the below service list using the e-mail
3 address(es) shown. I did not receive, within a reasonable time after transmission, any
4 electronic message or other indication that the transmission(s) were unsuccessful.

5 James K. Sadigh, SBN 140199
6 9777 Wilshire Blvd., Suite 400
7 Beverly Hills, CA 90212
8 Email: jamessadigh@aol.com
9 Attorneys for Plaintiffs
10 Atlantic Wave Holdings, LLC
11 Secure Community, LLC

12 I declare that I am employed in the office of a member of the bar of the court
13 at whose direction the service was made.

14 Executed on June 14, 2024, at San Diego, California.



15 _____
16 Melissa P. Kanamori

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