

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

HII MISSION TEHNOLOGIES CORP.,

Interpleader Plaintiff,

v.

Case Number: 3:25cv483

ATLANTIC WAVE HOLDINGS, LLC, et al.,

Interpleader Defendants/Claimants.

**DECLARATION OF CHARLES A. GAVIN, COUNSEL FOR ATLANTIC WAVE  
HOLDINGS, LLC AND SECURE COMMUNITY, LLC**

1. Your Declarant is Charles A. Gavin. I am greater than 21 years of age. I am an attorney licensed in the Commonwealth of Virginia and admitted to practice in state court and this court. Counsel has been in practice since 1990. I represent AWH and SC and am familiar with the claims, documents, and information provided to date in the Interpleader.

2. All related declarations contained herein are based on my personal investigation or documents gathered and reviewed by me personally.

3. A true and correct copy of a Writ of Fieri Facias requested by ANPC and obtained from the City of Richmond Circuit Court is attached hereto as Exhibit A-1.

4. A true and correct copy of ANPC's cover letter to the Circuit Court of the City of Richmond as obtained from the clerk's office is attached hereto as Exhibit A-2.

5. Counsel has personally reviewed the record at the City of Richmond Circuit Court clerk's office and it does not reflect that the Writ of Fieri Facias issued by the Richmond Circuit Court clerk was ever received by, or served on, the Sheriff of the City of Richmond.

6. A copy of the Suggestion for Garnishment, the Garnishment Summons, the service return for the garnishment, the docket sheet for the garnishment, the filing cover letter to the clerk, and the Final Order in the Circuit Court of Fairfax in garnishment CL2025-16055 are attached hereto as Exhibit A-3.

7. The suggestion for summons of garnishment attached hereto reflects the original judgment date as August 21, 2025, but does not reflect a date of execution delivery.

8. A review of the Fairfax Circuit Court garnishment file does not reflect on the return an acknowledgment that the garnishment documents were mailed to the judgment debtor, or that the judgment debtor was served.

9. A review of Fairfax garnishment 2302516055 file does not reflect the request of the issuance of a Writ of Fieri Facias to be generated by the Circuit Court Clerk for service or placement with the Sheriff of Fairfax County.

10. The cover letter forwarded to the clerk pursuant to the garnishment issuance does not reflect a request for service of any Writ of Fieri Facias on the Sheriff of Fairfax County.

11. Defense counsel personally spoke with a Deputy Sheriff in the County of Fairfax Sheriff's Office who advised that the Sheriff only received the garnishment summons, and did not receive a Writ of Fieri Facias from ANPC or the Clerk.

12. The Fairfax garnishment docket sheet does not reflect issuance of a Writ of *Fieri Facias* to the Sheriff or a return of the writ. A-4

13. The Consent Final Order entered in the Richmond Circuit case number CL24-3910 includes a ruling that the Receiver, Robert Berleth, had the authority under the Receivership Order to resolve the litigation claim in CL24-3910. A-5, See Will Welter 179-11, Declaration #25 (Exhibit 9).

14. A copy of the Complaint filed by ARG in North Carolina is attached hereto as Exhibit A-6.

15. The Answer of CYBL to ARG's Complaint in North Carolina is attached hereto as Exhibit A-7.

16. A copy of the Complaint filed by Thin Air Group in Colorado against Cyberlux is attached hereto as Exhibit A-8.

17. A copy of the Final Order entered in the Colorado case is attached hereto as Exhibit A-9.

18. A copy of the Affidavit of Thin Air Group to obtain default judgment is attached hereto as Exhibit A-10.

19. A copy of the Certificate of Termination of Catalyst Machineworks LLC is attached hereto as A-11

20. A copy of the Creditor Certification Form mailed by Cyberlux' COO to HII dated May 30, 2025ii is attached hereto as Exhibit A-12

21. A copy of an Order entered in AWH Fairfax garnishment CL2025-3413 is attached hereto A-13.

I declare the above to be true under the penalty of perjury.

Respectfully Submitted

ATLANTIC WAVE, LLC and  
SECURE COMMUNITY, LLC

BY: 

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