

# **Exhibit 6**

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*Attorneys for Plaintiffs Ammon McNeff, Matthew McNeff, and Legally Mine, LLC*

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**IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR UTAH COUNTY, STATE OF UTAH**

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**AMMON MCNEFF**, an individual, and  
**MATTHEW MCNEFF**, an individual;  
on behalf of themselves and derivatively  
on behalf of Legally Mine, LLC,

Claimants,

v.

**DANIEL MCNEFF**, an individual,

Respondent.

**DECLARATION OF AMMON  
MCNEFF**

Case No.: 190401633

Judge: James R Taylor

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I, Ammon McNeff, declare:

1. I am over the age of eighteen and have a personal knowledge of the matters stated in this declaration.
2. Statements made in this declaration are based on my personal knowledge of the events and transactions described herein.

### **OWNER ON LEGALLY MINE ACCOUNTS**

3. Since 2011, when I purchased ownership in Legally Mine, LLC, I have operated and ran virtually all Legally Mine operational third party vendor accounts, including phone and internet, merchant processing, etc.
4. All of these accounts require an owner to be involved, to authorize account changes, as well as to prevent unauthorized account changes. Because of my in-depth involvement in all of these accounts, I had a personal hand in establishing and maintaining all of these accounts since 2011 as an owner.
5. In August, one of these third party vendors, Chargify, contacted me personally, concerned about suspicious activity on the account. This led to the protection of the account from unauthorized change in ownership. My previous declaration from October 5, 2020 provides more details on this issue:

“Over the course of the next few weeks Chargify was in contact with me every other day informing me of numerous fraudulent attempts being made by [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Lindsey Thompsen, and Dan McNeff to claim that I was 1) no longer an owner, 2) involved with the business in any capacity, or 3) had any authority at Legally Mine.”

[REDACTED] even called in to Chargify representing to be from another company researching Chargify as a possible vendor - but spent the call attempting to ascertain how to mass delete client accounts from an existing Chargify account.”

“Chargify’s legal department was provided a copy of the final arbitration award - and have actively been preventing the fraudulent transfer of the account away from an owner of Legally Mine, LLC with retained managerial authority (me).”

■■■■ also stated that he has:

attempted to transition its merchant account from Orion to FigPay, but has been unable to do so because of Ammon's "ownership" of the Company's Chargify account." What he doesn't realize he means to say is, Ammon's ownership in Legally Mine, and thus control of Chargify as an owner of the company...

6. This created great concern between myself and Matt McNeff ("Matt"), the other owner, that Dan McNeff ("Dan") was attempting additional methods to circumvent the Final Arbitration Award.
7. I reached out to multiple third party operational vendors to let them know that I was still an owner, and that any attempts to remove me from accounts was prohibited by a legal order to maintain the status quo - until a new managing member was appointed.
8. All of the various vendors we have spoken to have understood and have been cooperative.
9. On October 12, 2020, we became aware that Dan, Lindsey Thompson ("Lindsey"), ■■■■ ■■■■ and ■■■■ Knudsen ■■■■ have started actively calling these third party operational vendors, attempting to completely remove Matt and myself as owners.
10. These reports also indicated that these individuals were calling from company phone extensions which are all recorded – of which all employees are aware. Having legitimate access to these phone records, we began searching out some of the referenced calls that had been reported to us.

11. We have been able to download and review hundreds of phone calls originating from the office. These calls contain numerous examples of Dan violating the Final Arbitration Award, by continuing to directly manage the affairs of the company.
12. These calls also contain evidence and proof of additional examples of perjury, identity theft/fraud and other issues related to the arbitration trial.
13. Of particular note are calls surrounding NMI (a payment processing gateway), Orion (merchant processor), Chargify, and FigPay (Dan's new merchant processing account that he has set up in his name – yet another violation of the award).
14. On October 9, 2020, Lindsey Thompson and [REDACTED] Knudsen made a disturbing phone call to Network Merchants Incorporated (NMI) to attempt to transition Legally Mine customer accounts and credit card data to Dan's new FigPay merchant processing account. when the NMI representative directly asked who she was speaking to Lindsey stated the following:

**Lindsey:** Is there a way for you to see which one is active and which is currently processing cards, that's what we need to know

**NMI Rep:** It looks like all are active, so for me to narrow it down I typically ask for the primary user name and when you provided Legally Mine, this is how I pulled up those accounts

**Lindsey:** Ok so let's start working backwards cause we just want to figure out which accounts that we have, which are being used and there is one specifically that's tied into Orion and they actually are the ones interfacing with you. They're up over there, well we can actually figure that out, essentially we want to know what the account number is that is currently processing, that's the active one and that's what we want to talk to you about.

**NMI Rep:** Um so what is your first and last name?

**Lindsey:** So A-m-m-o-n M-c-N-e-f-f

**NMI Rep:** So you're Ammon?

**Lindsey:** Yeah, there is also [REDACTED] as well, here processing. That's [REDACTED]  
r-o-l-l-i-n-s

**NMI Rep:** Yeah yeah, I see that name as well, I wasn't sure if you were Ammon

**Lindsey:** Yeah I didn't want to confuse you, I was just trying to make sure we're giving you all the possibilities so you can eliminate things for us.

**NMI Rep:** Yeah definitely, ok so um, I can talk to you about the accounts under Ammon McNeff and then talk to [REDACTED]

...

**Lindsey:** So let me explain what I want to do, I want to take the merchant-ing, whatever the charging process is for our current merchant that we're going through, Orion, and switch that over to a different company named Figpay and we have a rep there named Derron that is ready to facilitate that, but I don't want to do that on the wrong account, and we just wanted to make sure we're addressing the right account, but we just can't find the account number off the top. There has got to be a way for you to provide you with that account number.

**NMI Rep:** So did you say Figpay? I see two gateway accounts under the provider Figpay, but you're not the primary contact for either one of those accounts.

**Lindsey:** So the Figpay account, the primary contact on those accounts is probably [REDACTED] [REDACTED] for the Legally Mine contact if you need that is probably [REDACTED] [REDACTED]

**NMI Rep:** Yes so, so is [REDACTED] there available?

**Lindsey:** Yes, do you want to talk to [REDACTED]

**NMI Rep:** Yes, please

**Lindsey:** Perfect

**NMI Rep:** Ok

[REDACTED] Hi

**NMI Rep:** Hi [REDACTED] how are you?

[REDACTED] Good how are you?

**NMI Rep:** I'm doing well thank you, I just spoke with Ammon um, I'm sure you're up to date on the conversation, so the gateway account that's under your name, Legally Mine Tax and Accounting, that's with the merchant service provider Figpay, so I can give you their contact info if you'd like.

[REDACTED] For Legally Mine tax and accounting?

**NMI Rep:** Yes for Legally Mine Tax and Accounting.

[REDACTED] So I have the information for Legally Mine Tax and Accounting and I know that um we charge those clients through Figpay, but we are trying to switch our Legally Mine clients because it's two separate companies, we own Legally Mine Tax and Accounting but we have a separate account where we charge just Legally Mine clients, and right now we're using Orion to charge those and we're looking to switch those to Figpay as well, just so that its universal with Legally Mine Tax and Accounting.

**NMI Rep:** So then are you saying that you have a gateway account with Orion?

[REDACTED] Um we have an account with them, but I'm not sure whose name it'd be under, but I know that it goes through Orion but that it goes ultimately through NMI

**NMI Rep:** So as I was explaining to Ammon, I don't know who Orion is, I don't know if they are a third party software or a merchant provider, what I did was search for Legally Mine and I see Figpay, but I don't see Orion.

[REDACTED] So basically what, and I'm just trying to make sure I understand the situation, so you guys are working with Figpay to charge our Legally Mine Tax and Accounting clients, but you don't actually have an account that works with Orion or that has to do with Legally Mine?

15. It is important to note that this call was not authorized, and that [REDACTED] [REDACTED] was terminated on August 5, 2020. Hence Lindsey Thompson and [REDACTED] Knudsen

fraudulently impersonating myself and [REDACTED] in an attempt to steal Legally Mine customer data, to transition to Dan's new entity.

16. On October 12, 2020, Lindsey Thompson again made several phone calls to [REDACTED] [REDACTED] the main contact for the merchant account used by Legally Mine, as well as an NMI representative to attempt to transition Legally Mine customer accounts to Dan's new FigPay account. On one of these phone calls, Lindsey again presented himself as "Ammon McNeff."

**NMI Rep:** Gateway services this is Pooja,

**Lindsey:** Pooja hi you are the one I talked to last time this is Ammon at Legally Mine how are you?

**NMI Rep:** I'm doing well how are you?

**Lindsey:** Doing good, so we got this thing figured out you wanted us to actually contact the merchant, so APS, advanced payment solutions, and we needed the gateway id and they said that the best way that they do this is they want you to email them so I have [REDACTED] name and he's the rep over there and he needs the email from you authorizing us to do that, requesting authorization, sorry.

**NMI Rep:** Ahh, we don't really authorize...so they want us to authorize?

**Lindsey:** No, you're requesting the authorization from him, and he's going to cooperate with that once you make the request of him.

**NMI Rep:** To get the gateway id number?

**Lindsey:** No, to release, not the gateway id number, he said he doesn't have a gateway id number, its just to release the client information to Figpay, to NMI so we can work with Figpay which is a different.

**NMI Rep:** Ok, um we don't authorize any release of any data or anything because you as the merchant, your relationship is directly with your merchant

service provider and they are the ones that own the gateway account so they would be the ones to authorize the release of the data.

17. This fraudulent impersonation of me, representing to have my authority as an owner of the company is harmful, not only to me, but to the company as a whole.

### **ATTEMPT TO DESTROY EVIDENCE**

18. When this failed, Lindsey contacted Jonanthan [REDACTED] Legally Mine's IT specialist, to ask how he could delete a phone call from the recordings - to which Jonanthan replied was not possible.

[REDACTED] This is [REDACTED]

**Lindsey:** Hey [REDACTED] I've got a question for you.

[REDACTED] Yeah what's up?

**Lindsey:** How do we pull phone calls and access the phone calls we've made

[REDACTED] Uh, there is a call reporting site, I can, um I don't remember if you have an account for that one let me check. Yeah you don't, let me add you to this, let me send you the info in an email so you can log in, basically it's a call reporting site so you can do a search for like the time of a phone call or the phone number and then the resulting list that shows the resulting calls has an option to download the sound file.

...

**Lindsey:** Does it usually take a couple minutes to log in, never mind hang on, ok

[REDACTED] On the left hand side if you click on call logs, you'll see where all the, the pertinent stuff, by default it just shows everything sorted by most recent but then you can search for Date range, a specific phone number, DID is something, I typically leave on any, it can be hard to figure out specifically, so it can work for like people calling from another number or something, then the disposition...

(5:45)

**Lindsey:** How do I delete a call?

██████████ Delete a call? You can't

**Lindsey:** What do you mean I can't?

██████████ It's just a log, there is not a, there's not a way to go inside and say the call didn't happen, it's just part of the logs.

**Lindsey:** How do I contact these guys to delete all the calls, to delete the account? How do I do that?

██████████ Delete the account?! I mean I guess you could call 1Wire and see if that is even possible.

**Lindsey:** I need to know how to do these things.

██████████ Oh right

(**Dan** in the background "we need to... All sorts of things, but Ammon is using this account.")

**Lindsey:** Is there like a master password that I have, or like?

██████████ I can look at the settings and see if it's on there.

**Lindsey:** Let's look at that, Yeah we just want that for security purposes, to remove certain people. Give permissions, how do we do that?

██████████ Uh, you go on the left hand side to settings and you can click on users there, I have the ability to look and see who the users are, and I think I can delete users, but I can't add users, there is a button there but it won't let us process.

**Lindsey:** Ok,

██████████ in the background "1wire or whatever it is, the 1wire account...")

**Lindsey:** Ok, what happens if I delete owners?

██████████ I've never personally tried it, I don't assume that I would be able to with my account cause I'm a manager not an owner, but it's worth a shot, do you want me to try?

**Lindsey:** I just tried and it told me no. That I can't do it.

██████████ Ok. We can put a request into 1wire and see

**Lindsey:** How do I call them right now-

██████████ Let me pull up their contact info real quick.

19. Lindsey then attempted (at 3:42pm) to contact our Phone provider (1Wire) to force them to delete this (and other) phone calls, as well as remove my access as well as the access of Matt McNeff. When they were unsuccessful in accomplishing this action, Dan McNeff left a message with the 1Wire account manager, telling him:

██████████ this is Daniel McNeff. I am the 79% owner of Legally Mine, this was determined in the court process. I am here with Lindsey Thompson, who is the *court appointed operating manager...* of Legally Mine. I don't care what Matt and or Ammon have told you - the simple fact is, they are no longer even employees of Legally Mine, soon, they will no longer be members of Legally Mine, and the simple fact is that you need to call us...because...we will probably file a lawsuit against you...if you don't...help us through this situation."

20. Not only is this a complete violation of the Final Arbitration Award (Dan acting in a managerial capacity), but it also completely misrepresents the Award, and the fact that Lindsey is *not* the appointed manager, and violates the mandate to keep the status quo until a new manager is elected.

21. Soon after this phone call Dan called ██████████ (administrator of our Orion merchant provider), and left him a voicemail which stated (among other things):

"...[O]ne way or another we need this situation resolved. The simple fact is, that we are being charged probably twice as much as... we would be charged under any other company to work through Orion and Global Bank. We need this situation ended, we need it ended as quickly as possible. My only alternative without it being done now is to instruct our legal team to come after you and your company in a lawsuit. Because, if we attempt to make this switch without the information that's needed it's going to cost us probably, we estimate close to

twenty million dollars (\$20,000,000.00) - and we're not going to take that loss lightly..."

22. Dan is now personally threatening to send the Legally Mine "legal team" to harm one of Legally Mine's longest and most beneficial third party operational vendors - if he doesn't help Dan violate the Final Arbitration Award and steal Legally Mine accounts.
23. Not only does Dan not have the authority to threaten these actions, he also cannot be allowed to further damage our relationship with such a strategic vendor, who was the only provider capable of getting us set up with a merchant processor, when we had been turned down multiple times over the years.

#### **FALSE NARRATIVE REGARDING MERCHANT ACCOUNTS**

24. ██████ makes several false claims in his declaration regarding Legally Mine's merchant processing, the ability to charge customer's credit cards. This statement represents either a clear lack of understanding of how these processes work, or an intentional attempt to mislead this court, as they have repeatedly done throughout arbitration.
25. ██████ has made the claim that the Orion rates are "no longer competitive," and that Orion was asked to change rates, but would not budge. Also claiming that "Orion has a large reserve account (approximately \$500,000.00) that will be released to Legally Mine once it moves its service to another merchant account processor."
26. These claims are misleading and materially false.
27. According to former employees who were initially involved in helping gather documents for the FigPay account application, their rates were going to be 3.89% plus additional fees. Orion's rates are set at 2.95% and 3.95% (and occasionally 4.95%) averaging 3.95%

(only .06% (six hundredths of one percent) higher than Figpay's 3.89%). This difference represents between \$180.00 and \$250.00 savings per month.

28. Additionally, the "\$500,000 reserve" has reportedly been significantly reduced due to Dan and Lindsey's refusal to allow proper account collections. The other issue with [REDACTED] misrepresentation is that any reserve that might be left after all of their financial improprieties, would not be immediately released. They do not have authority to close the account, which would trigger an *eventual* release - but simply switching processors would not trigger any release of reserves. Even if they did manage to close the Orion account, reserve amounts are contractually kept in reserve (hence the name) for an additional 18 months from the date of last activity (usually an additional 6 months - typically 24 months in total).
29. However, the fact also remains that Dan is not to have any management or authority over Legally Mine, yet the account they want all funds to funnel into - is now solely controlled by Dan McNeff, and [REDACTED] - another direct violation of the Arbitrators award.
30. Finally, as it relates to the merchant processing - Dan McNeff is the signer on the FigPay accounts for Legally Mine, LLC - which is now a violation of the Arbitration Award. Allowing Dan to manage and control the Legally Mine finances via any merchant account (or any other bank accounts) in his control, is a direct violation of the arbitration award.
31. The most telling thing that has come to light is how far and to what great lengths Dan, Lindsey, [REDACTED] and [REDACTED] will stoop to destroy and conceal evidence from myself and Matt - and even the court.

## STOLEN LEGALLY MINE PROPERTY

32. Additionally, on a phone recording from the office on September 9, 2020, [REDACTED]

Knudsen calling [REDACTED] [REDACTED] states that she has a Google doc with all credit card information for clients from the company CRM and a sheet with subscription information from Chargify. She asks if she should send it to [REDACTED] and [REDACTED] at FigPay, to which [REDACTED] tells her if she does so, to send it from an email *not* connected to Legally Mine. (see phone call...)

[REDACTED] Hey [REDACTED]

[REDACTED] Hey, quick question for you guys, so I have, um, a Google sheet with all of the credit card information for all of our clients in ACT!, and then I also have an excel sheet with all of the subscription information from Chargify. Do you want me to email those over to [REDACTED] and [REDACTED] [at FigPay] and CC you guys on that?

[REDACTED] Um, Here's what I believe. I believe if you do it, you ought to do it from an email that is not connected to the office.

[REDACTED] Ok.

[REDACTED] Now as far as emailing that over to those guys, are they the ones going to be entering in, or...

[REDACTED] I think that's what they were asking for, or do you want me to email them? I can actually call them, why don't I call them?

[REDACTED] Yeah

[REDACTED] And just let them know that that's the information I have and ask them what they want me to do.

██████ Yeah. Do we have expiration dates, on all those cards as well? And the CVV numbers, and all that?

██████ Ooh- you know...

██████ Cause if we don't have that we can't transfer 'em.

██████ It looks like we have some. Wow this is a long list. Um, we have some, I don't know why - it has em for some, but not all of them, um, on ██████ list. Let me see, actually I might have it in my sheet let me check.

██████ And we do have the actual contracts we can go back to if we needed to.

██████ Well and we have the information in act if we needed to

██████ Ok

██████ ...Yeah, I actually have it.

██████ Oh sweet, ok

██████ I have it on my sheet. I've got all of the credit card information. I don't know if I have the CVV codes, but I have like, the expiration dates and stuff...

33. Dan and his loyalists have created one or more illicit merchant accounts, and have conspired, and already taken action to steal Legally Mine client payment information - to process away from the legitimate merchant processor - in an effort to circumvent the Final Arbitration Award.

34. Additionally, on a phone call from September 15, 2020, ██████ states that ██████ and Lindsey are instructing employees not to communicate with FigPay via Legally Mine emails - to eliminate ties to Legally Mine.

██████ This is ██████

██████ Hey, sorry. One more thing. I just talked to ██████ and Lindsey and they said it's probably best if we don't, um if we don't communicate with ██████ and ██████ [from FigPay] about that stuff on our work emails. So I don't know if you maybe want to call them or you want me to call them to try to figure out how we

want to do that? Basically they are just saying um that a lot of, there's like speculation that maybe our emails are being sifted through.

██████████ Ok

██████████ So I just wanted to tell you. That's what they, they were just like "Call ██████████ back and let him know not to use his work emails." like ok. So I don't know how you maybe want to do that, or if there's a way to get around that...

██████████ Cause I think the whole goal is essentially to get like that smaller list of people

██████████ Hh huh

██████████ With all of their payment information

██████████ Right

██████████ And get that basically put into NMI through FigPay

██████████ Makes sense

██████████ So um - but yeah let me get ahold of ██████████ and let me see if they maybe want to do like a conference call...

██████████ Ok

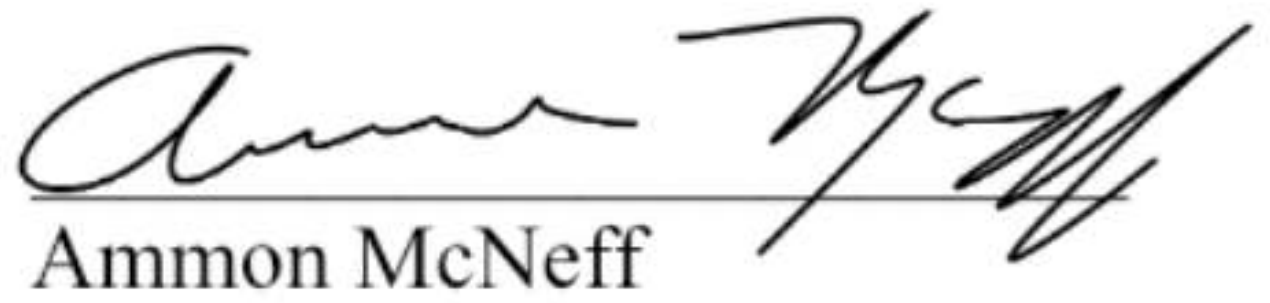
██████████ ...at some point - Ok thanks ██████████

35. Again, Dan and his lackeys are doing what he says to transition Legally Mine's legitimate clients to a new company and new merchant account, specifically set up to circumvent the Final Arbitration Award. They know what they are doing is wrong, otherwise they wouldn't go to such great lengths to try and hide this information.

### **CONCLUSION**

36. These and numerous other communications show a disturbing pattern of Dan telling the court that he is following the Final Arbitration Award, only to be simultaneously violating it behind closed doors.

37. The claims that we are violating the status quo is ludicrous, considering Dan has violated every aspect of the Final Arbitration Award - including status quo by terminating Matt's and my pay, and wrongfully cutting off our health insurance.
38. These actions disrupting the status quo were made under the claim that "Legally Mine had to make financial decisions" and could no longer justify our salaries. Yet having seen Legally Mine's bank account records, there was roughly \$400,000 sitting in the accounts as of October 16, 2020. Clearly this was to retaliate, and another attempt to eliminate us as a part of the company.
39. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was signed by me at Orem Utah on October 20, 2020.

  
Ammon McNeff