

Thomas W. Seiler, #2910
Perris E. Nelson, #16115
SEILER, ANDERSON, FIFE & MARSHALL, LC
Attorneys for Plaintiffs
2500 N. University Ave., Ste. 100
Provo, UT 84604
T: (801) 375-1920
F: (801) 377-9405
Email: twseiler@safmlaw.com; pnelson@safmlaw.com

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

DANIEL MCNEFF, an individual,
LEGALLY MINE, LLC, a Utah limited
liability company,

Plaintiffs,

v.

AMMON MCNEFF, an individual, and
MATTHEW MCNEFF, an individual,

Defendants.

**SECOND DECLARATION OF LINDSEY
THOMPSON**

Case No.: 200401232

Judge: James Taylor

COMES NOW the undersigned, pursuant to Utah Code Ann. § 78B-18a-106, and upon his oath, does depose and say as follows:

1. I am over the age of 21 and competent to testify in the matter set forth herein.
2. I am the President of Legally Mine, LLC ("Legally Mine" or the "Company").
3. I am aware that Ammon and/or [REDACTED] [REDACTED] have retained control over (and Ammon claims ownership of) the Company's Chargify, 1Wire, Advanced Payment Solutions (Orien), G Suite, NMI and iQ accounts. Ammon's claim of ownership over these accounts has resulted in a lack of cooperation on the part of those companies with Legally Mine. Without full

control over its administrative systems, Legally Mine cannot properly function or carry on its business.

4. In the dark of night and between close of business on October 15, 2020, and the early morning hours of Friday, October 16, 2020, Ammon and Matthew entered Legally Mine's offices and seized physical control of the office, the furniture and equipment, and other assets while Dan and [REDACTED] [REDACTED] were out of town. Since seizing control, Defendants have actively excluded certain employees (including myself) and have purported to terminate other employees (again, including myself). *See generally* Declaration of [REDACTED] [REDACTED] filed simultaneously herewith.

5. I saw [REDACTED] [REDACTED] whose employment with Legally Mine ended on August 5, 2020, exit the office building at around 11:00 am.

6. My key fob for entry into Legally Mine's office building (as well the key fobs of the other "terminated" employees) has been deactivated.

7. Ammon and Matthew have taken over the entirety of Legally Mine's offices, including the area where its checks are housed.

8. Late last night (October 18, 2020) the Defendants agreed not to re-enter the office building, but only if no Legally Mine employees entered the office building until further order of this Court and if Defendants' security company could remain in the parking lot and have access to the office building to use the restroom. Legally Mine is currently shut out of the office building and Defendants have shut Legally Mine employees off of their emails and phones.

9. Defendants have disconnected many of Legally Mine's computers and moved the computers from employees work stations to a large room in the office building. Upon entry of the

office building, I notice my office door had been kicked in and the door frame was broken. Pictures of the door frame are attached as **Exhibit "A"**.

10. I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

SIGNED on the 19th day of October, 2020, at Provo, Utah.



LINDSEY THOMPSON

CERTIFICATE OF DELIVERY

I certify that prior to electronically filing the foregoing SECOND DECLARATION OF LINDSEY THOMPSON, I verified through my electronic service provider that the following were registered e-filers, and will therefore receive a copy of the foregoing when it is filed electronically on October 19, 2019:

Steven R. Sumsion
Cameron S. Christensen
SUMSION BUSINESS LAW
Attorneys for Plaintiffs

/s/ Perris E. Nelson
PERRIS E. NELSON

Exhibit “A”





LINDSEY THOMPSON