

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 [REDACTED]
[REDACTED]

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 have been an employee of Legally Mine, LLC ("Legally Mine" or the "Company") for approximately the last two and a half years. I am currently working as Director of Client Resources.
3. Upon my arrival at work today (Friday, October 16, 2020), I noticed several signs and notices in the entryway to Legally Mine's office building located at 1335 East 750 North, Orem, Utah 84097. Additionally, the door glass and surrounding windows had been covered, so

that I cannot see inside. A photograph of the entryway is attached hereto as **Exhibit "A"**. The sign containing a red "STOP" sign states at the top, "Office Currently Close for a Criminal Investigation." *Id.*

4. One of the Notices, signed electronically by Ammon and Matthew McNeff, states:

As the only owners with management authority of Legally Mine, the following terminations for cause are effective immediately:

- Lindsey Thompson
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

... All of the above individuals are restricted from entering the business premises, including the parking lot, or remote offices. Any attempts to gain unauthorized access to Legally Mine's premises, records or data will be considered trespassing and will be met with full appropriate legal action.

A photograph of the foregoing notice is attached hereto as **Exhibit "B"**.

5. A while later, while I was still in the office parking lot, I received a text message from an unknown number that reads as follows:

Each of you has been terminated. You have been informed that you are prohibited from the premises, and you are currently trespassing. You are to leave immediately. You are not permitted to talk with other employees. If you do not leave, law enforcement will be brought to remove you. We will gather all of your personal effects, and we will arrange to have your personal things delivered to you.

A copy of the foregoing text message is attached hereto as **Exhibit "C"**.

6. After I (and a few other "terminated" employees) remained in the office parking lot, Ammon and Matthew called the police on us. The police did not "remove" us as Ammon and Matthew threatened, but stated they considered the issue a civil matter.

7. Because of Ammon and Matthew's actions, I (and others, including but not limited to, Lindsey Thompson) have been prevented from working at Legally Mine and performing my duties all day.

8. I am aware that Ammon and/or [REDACTED] [REDACTED] have retained control over (and Ammon claims ownership of) the Company's NMI and iQ accounts. Ammon's claim of ownership over these accounts (as well as Chargify, 1Wire, Advanced Payment Solutions (Orien), and G Suite) 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.

9. 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.

/s/ Lauren K. Smith
[REDACTED] [REDACTED]

CERTIFICATE OF DELIVERY

I certify that prior to electronically filing the foregoing SECOND DECLARATION OF [REDACTED] 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”

EMPLOYEES ONLY

Please use main entrance on the north side of building.



CONFIDENTIAL

NOTICE: This document contains information that is confidential to the [redacted] and is intended for the use of [redacted] only. It is not to be distributed outside of [redacted] or used for any other purpose. If you are not an intended recipient, please do not open, use, or disclose this information. If you have received this document in error, please notify [redacted] immediately.

Office Currently Closed for a Criminal Investigation



Prohibited access to all personnel. No entry allowed. All are prohibited to the full extent of the law.

Office Currently Closed for a Criminal Investigation



Prohibited access to all personnel. No entry allowed. All are prohibited to the full extent of the law.

WARNING
SECURITY
24/7
888-8747

**Office Currently Closed for a
Criminal Investigation**



**Unauthorized access will be considered trespassing and
will be prosecuted to the full extent of the law**

For questions, please call the office main line
801-477-1750

Exhibit “B”

October 16, 2020

Dear Legally Mine Employees/On-Site Contractors:

As arbitration among the owners of Legally Mine has concluded, we are informing you of the following Final Award and rulings from the arbitration completed on September 15, 2020:

"Daniel McNeff is hereby expelled as manager of Legally Mine effective immediately. Daniel McNeff further is **permanently enjoined** from serving as Legally Mine's manager (as the term "manager" is defined in the existing Legally Mine Operating Agreement)."

"From the date of issuance of the Award and thereafter, **Dan has no authority** to act as managing member (including as manager) over or to exert managerial authority with respect to Legally Mine."

"Unless Legally Mine acquires a legal interest in RHM or PROcure in the future, and absent unanimous consent of Legally Mine's owners, Dan is **hereby permanently enjoined** from causing or allowing Legally Mine to make payments to, for the benefit of, or on behalf of those entities."

\$498,854.74 in attorney fees and costs were also awarded to Ammon and Matt.

Earlier this week, the Orem Police Department and the Utah County Attorney's Office Bureau of Investigations began criminal investigations, and instructed us to restrict certain individual's access to the building and electronics, accounts, etc. We fully intend to cooperate with law enforcement in their criminal investigations.

As the only owners with management authority of Legally Mine, the following terminations for cause are effective immediately:

- Lindsey Thompson
- Lauren Knutson
- Dave Gibb
- [REDACTED]
- Kathleen Evans

Due to pending investigations, all of the above individuals are restricted from entering the business premises, including the parking lot, or remote offices. Any attempts to gain unauthorized access to Legally Mine's premises, records or data will be considered trespassing and will be met with the full appropriate legal action. Any attempts to destroy evidence, alter records, or gain unauthorized access to Legally Mine's electronic devices, accounts, etc., will also be met with the full appropriate legal action.

Any action against the company or its owners that is unlawful or contrary to the arbitrator's rulings (such as fraudulently impersonating owners or employees, submitting documents on behalf of the owners without their knowledge or approval, or attempting to subvert company records or accounts, working on PROcure or RHM with Legally Mine's personnel or resources, or meeting with Dan on managerial matters), will be met with the full appropriate legal action.

Ammon and Matt McNeff, Owners, Legally Mine

Exhibit “C”

4:12

LTE



5 People >

Text Message
Today 8:20 AM

+1 (801) 361-2597

Each of you has been terminated. You have been informed that you are prohibited from the premises, and you are currently trespassing. You are to leave immediately. You are not permitted to talk with other employees. If you do not leave, law enforcement will be brought to remove you. We will gather all of your personal effects, and we will arrange to have your personal things delivered to you.



Text Message



Apple Pay

