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12 *Attorneys for Plaintiff Jonathan Shomroni*  
13 *And the Putative Class*

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF SAN FRANCISCO**

16 **JONATHAN SHOMRONI**, Individually and  
on behalf of others similarly situated,

17 Plaintiff,

18 v.

19 **FEI LABS INC.**, a Delaware Corporation,  
20 **JOSEPH SANTORO**, an Individual,  
21 **BRIANNA MONTGOMERY**, an Individual,  
22 **SEBASTIAN DELGADO**, an Individual, and  
**DOES 1-10**.

23 Defendants,

**Case No: CGC-22-598995**

*Assigned for all purposes to  
the Hon. Ethan P. Schulman, Dep't 304*

**CLASS ACTION**

**SECOND SUPPLEMENTAL  
DECLARATION OF WILLIAM R. RESTIS  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Date: June 30, 2023

Time: 1:30 pm

Dept: 304

Judge: Hon. Ethan P. Schulman

1 I, William R. Restis, hereby declare as follows:

2 1. I am the CEO of THE RESTIS LAW FIRM, P.C. (“RLF”), counsel for Plaintiff and  
3 proposed settlement class representative Jonathan Shomroni (“Plaintiff”), and the proposed Class  
4 Members<sup>1</sup> in the above captioned case. I have personal knowledge of the matters set forth herein,  
5 based on my active participation in all material aspects of this litigation. If called upon, I could and  
6 would testify competently to the facts herein based upon my personal involvement in this case.  
7 Pursuant to this Court’s order, dated June 22, 2023 (“Second Order”), I submit this second  
8 supplemental declaration in further support of Plaintiff’s Motion for Preliminary Approval of Class  
9 Action Settlement filed on April 21, 2023.

10 2. Attached hereto as **Exhibit M** is a true and correct copy of the second amended  
11 Summary Notice referenced in Section 1.43 of the Amended Stipulation of Settlement, as agreed by  
12 the Settling Parties in writing. In addition, attached hereto as **Exhibit N** is a redline version reflecting  
13 all changes made in the second amended summary notice compared to the previously submitted  
14 amended Summary Notice (filed as Exhibit K to the May 30, 2023 Supplemental Restis Declaration).

15 3. The second amended Summary Notice filed as Exhibit M addresses the concerns  
16 expressed by the Court in Section I.A.1 of the Second Order with respect to the Summary Notice, as  
17 well as the Court’s concerns raised at the June 22, 2023 hearing. Specifically, the second amended  
18 Summary Notice now states prominently in bold in the first paragraph: “**The amount of your claim**  
19 **could be substantial.**” The second amended Summary Notice has also been redrafted to define “Net  
20 Settlement Fund” consistent with the definition of that expression in Section 1.22 of the Amended  
21 Stipulation of Settlement. The second amended Summary Notice also provides an estimate of the  
22  
23  
24

25  
26 <sup>1</sup> Unless otherwise noted, defined terms used herein have the same meaning as set forth in the  
27 Settling Parties’ Amended Stipulation of Settlement (“Amended Stipulation of Settlement”),  
28 attached as Exhibit I to the Supplemental Declaration of William Restis in Support of Plaintiff’s  
Motion for Preliminary Approval of Class Action Settlement, filed on May 30, 2023 (“Supplemental  
Restis Declaration”).

1 Net Settlement Fund of \$13 million, which rounds down, and excludes projected earned interest.<sup>2</sup>

2 4. In a concurrently filed *Second Supplemental Declaration of Simpluris in Support of*  
3 *Plaintiff's Motion for Preliminary Approval of Class Action Settlement* (“Second Supplemental  
4 Simpluris Declaration”), the proposed Claims Administrator attaches (a) a corrected proposed press  
5 release that conforms to the Summary Notice (clean and redline), (b) a corrected downloadable and  
6 printable Proof of Claim (clean and redline), and (c) an explanation that the online Proof of Claim  
7 is a website in development, and that once finalized will conform to the paper Proof of Claim  
8 (modified where applicable for digital vs. paper), using the language approved by the Court. In  
9 addition, the Second Supplemental Simpluris Declaration addresses the issues raised by the Court in  
10 Section IV of the Second Order concerning payment of “gas” fees and *cy pres* distribution costs.

11 5. In Section III of the Second Order, the Court ordered “Plaintiff to address: (1)  
12 whether investing the Settlement Amount will delay distributions to the Class; (2) whether  
13 investments can be withdrawn at any time and whether there are any penalties for early withdrawal;  
14 (3) any risks associated with investing the Settlement Amount; and (4) whether the risks of investing  
15 the Settlement Amount outweigh the benefits (e.g., whether the benefit of earning income on the  
16 Settlement Amount outweighs the risk of diminishing the value of the Settlement Amount).”

17 6. In response to the Court’s Order, Plaintiff asked the proposed Escrow Agent,  
18 Huntington Bank, to provide responses for the Court’s consideration. Huntington Bank replied that:  
19 (1) investing the Settlement Amount will not delay distributions to the Class because the Settlement  
20 Amount will be invested in money market fund(s) with assets in the tens of billions of dollars, that  
21 have available daily liquidity sufficient to allow the full Settlement Amount to be liquidated on any  
22 business day; (2) for this reason, the full invested Settlement Amount can be withdrawn by  
23 Huntington Bank at any time and without penalty; and (3) because the underlying securities of the

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24  
25 <sup>2</sup> Pursuant to the Court’s request at the June 22, 2023 hearing, the Parties conferred about the  
26 appropriateness of including additional language in the Notice concerning the likely amount of any  
27 Claimant’s Claim. The Parties ultimately concluded that additional language in the Notice itself will  
28 add length but not clarity due to the number of variables involved in determining the Recognized  
Loss Amount for a particular Claimant, and because payout amounts are dependent on the number  
of Claims submitted.

1 money market fund(s) are U.S. Treasuries, they are backed by the full faith and credit of the United  
2 States government.

3 7. As to whether the risks of investing the Settlement Amount outweigh the benefits to  
4 the Class, Plaintiff's Counsel strongly believes that the benefits strongly outweigh the risks. As  
5 reflected at <https://www.schwab.com/money-market-funds#bcn-table--table-content-89811>, the "7-  
6 day yield" of a number of Schwab Government and Treasury money market funds (which invest in  
7 short-term U.S. government debt securities with holdings in U.S. Treasury obligations or repurchase  
8 agreements) ranged from 4.76% to 4.93% as of June 22, 2023. The "7-day yield" is a method for  
9 estimating the annualized return of a money market fund. See  
10 <https://www.investopedia.com/terms/s/seven-day-yield.asp>. If the Settlement Amount is invested  
11 for one year prior to payout, and assuming a simple interest rate of 5%, the Settlement Amount  
12 would increase by \$892,500. Pursuant to the Amended Stipulation, the entirety of this interest  
13 income, after any applicable taxes, will accrue to the benefit of the Class.

14 8. As of the date of this declaration, Defendants have already paid the entire Settlement  
15 Amount to the proposed Escrow Agent.

16 9. I declare under penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct.

18  
19 Executed on June 26, 2023 in San Diego, California.

20  
21 /s/ William R. Restis  
22 William R. Restis

# **EXHIBIT M**

## LEGAL NOTICE

### **IF YOU PURCHASED FEI OR TRIBE TOKENS IN THE GENESIS EVENT YOU COULD RECEIVE A PAYMENT FROM A CLASS ACTION SETTLEMENT**

A settlement has been proposed in a class action lawsuit concerning the sale of “FEI” or “TRIBE” tokens through the Fei Protocol in an initial sale conducted between March 31, 2021 and April 3, 2021, called the “Genesis Event.” The settlement will provide \$17,850,000.00 to pay claims to persons and entities who purchased FEI or TRIBE tokens in the Genesis Event. If you qualify, you can submit a Proof of Claim form to get your share of the settlement, exclude yourself from the settlement to retain your right to sue, or object to the settlement. **The amount of your claim could be substantial.**

The Superior Court of California for San Francisco County authorized this notice. Before any money is paid, the Court will have a hearing to decide whether to approve the settlement.

#### **WHO IS INCLUDED IN THE SETTLEMENT?**

You are a class member and could get a payment if you purchased the digital assets FEI or TRIBE in exchange for ETH in the Genesis Event conducted between March 31, 2021 and April 3, 2021, including if you “pre-swapped” your FEI token allocation for TRIBE.

If you are not sure if you are included, you can get more information, including a detailed notice and class definition, at [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com) or by calling toll free at **888-427-9229**.

#### **WHAT IS THIS LAWSUIT ABOUT?**

The lawsuit claims that the sale of FEI and TRIBE tokens in the Genesis Event was a sale of unregistered securities. The plaintiff claims that this entitles persons who purchased FEI and TRIBE tokens directly from the Fei Protocol in the Genesis Event to get compensation. The defendants deny any wrongdoing, and the Court has not found that any defendant has committed wrongdoing.

#### **WHAT DOES THE SETTLEMENT PROVIDE?**

The settlement creates a fund of \$17,850,000.00 (“Settlement Fund”) that will be used to pay class claims, settlement administration costs, taxes, attorneys’ fees and costs, and a potential service award to the plaintiff. The Net Settlement Fund, which is the amount left over after the Court approves any notice, claims and administration costs, taxes and tax expenses, attorneys’ fees and costs, a potential service award to the Plaintiff who brought this lawsuit, and other Court-approved deductions, will be divided *pro rata* among all class members who timely file a valid Proof of Claim form and do not exclude themselves from the settlement. The Net Settlement Fund is estimated to be at least \$13 million, if the Court approves the payment of notice, claims and administration costs, attorneys’ fees and costs, and a service award for Plaintiff in the full amounts sought.

Your share of the Net Settlement Fund will depend on the total number of valid claims submitted, the amount of FEI and TRIBE tokens you purchased, and the amount you recouped or could recoup

from selling or surrendering the tokens. All of the \$17,850,000.00 fund will be paid out. Generally, if you bought more FEI and TRIBE tokens, and have more losses, you will receive a greater payment. If you bought fewer FEI and TRIBE tokens, and have fewer losses, you will receive a lesser payment.

#### **HOW DO YOU REQUEST A PAYMENT?**

To qualify for a payment, you must submit a valid Proof of Claim form and supporting documentation. You can download a paper version of the Proof of Claim form or submit one online at the Settlement Website [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com). **Proof of Claim forms are due by DATE.**

#### **WHAT ARE YOUR OTHER OPTIONS?**

If you do not want to be legally bound by the settlement, you must exclude yourself by **DATE**, or you will not be able to sue or continue to sue the defendants about the legal claims in this case. If you exclude yourself, you cannot get money from the settlement. If you remain in the class, you may object to the settlement by **DATE**. For further information about your rights to object or to request exclusion from the settlement, you may visit [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com), and in particular, the full Long Form Notice, which can be found at [www.FEITRIBESecuritiesSettlement.com/\[long form notice\]](http://www.FEITRIBESecuritiesSettlement.com/[long form notice]).

The Court will hold a hearing on **DATE and TIME** to consider whether to approve the settlement, and a request by the lawyers representing class members for approximately \$4,500,000.00 in attorneys' fees and costs for investigating the facts, litigating the case, and negotiating the settlement, as well as a service award of up to \$10,000.00 for plaintiff for litigating class members' claims. These requested fees, costs, and service award would represent approximately 25% of the Settlement Fund if approved. You may request to appear at the hearing, but you do not have to.

For more information, you may call toll free 888-427-9229, visit the website [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com), email [info@FEITRIBESecuritiesSettlement.com](mailto:info@FEITRIBESecuritiesSettlement.com), or write to *FEI TRIBE Securities Settlement*, P.O. Box 25243, Santa Ana, CA 92799.

# **EXHIBIT N**



## LEGAL NOTICE

### IF YOU PURCHASED FEI OR TRIBE TOKENS IN THE GENESIS EVENT YOU COULD RECEIVE A PAYMENT FROM A CLASS ACTION SETTLEMENT

A settlement has been proposed in a class action lawsuit concerning the sale of “FEI” or “TRIBE” tokens through the Fei Protocol in an initial sale conducted between March 31, 2021 and April 3, 2021, called the “Genesis Event.” The [settlement](#) will provide \$17,850,000.00 to pay claims to persons and entities who purchased FEI or TRIBE tokens in the Genesis Event. If you qualify, you can submit a Proof of Claim form to get your share of the settlement, exclude yourself from the settlement to retain your right to sue, or object to the settlement. [The amount of your claim could be substantial.](#)

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The Superior Court of California for San Francisco County authorized this notice. Before any money is paid, the Court will have a hearing to decide whether to approve the settlement.

#### WHO IS INCLUDED IN THE SETTLEMENT?

You are a class member and could get a payment if you purchased the digital assets FEI or TRIBE in exchange for ETH in the Genesis Event conducted between March 31, 2021 and April 3, 2021, including if you “pre-swapped” your FEI token allocation for TRIBE.

If you are not sure if you are included, you can get more information, including a detailed notice and class definition, at [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com) or by calling toll free at 888-427-9229.

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#### WHAT IS THIS LAWSUIT ABOUT?

The lawsuit claims that the sale of FEI and TRIBE tokens in the Genesis Event was a sale of unregistered securities. The plaintiff claims that this entitles persons who purchased FEI and TRIBE tokens directly from the Fei Protocol in the Genesis Event to get compensation. The defendants deny any wrongdoing, and the Court has not found that any defendant has committed wrongdoing.

#### WHAT DOES THE SETTLEMENT PROVIDE?

The settlement creates a fund of \$17,850,000.00 (“[Settlement Fund](#)”) that will be used to pay class claims, settlement administration costs, taxes, attorneys’ fees and costs, and a potential service award to the plaintiff. [The Net Settlement Fund, which is the amount left over after the Court approves any notice, claims and administration costs, taxes and tax expenses, attorneys’ fees and costs, a potential service award to the Plaintiff who brought this lawsuit, and other Court-approved deductions,](#) will be divided *pro rata* among all class members who timely file a valid Proof of Claim form and do not exclude themselves from the settlement. [The Net Settlement Fund is estimated to be at least \\$13 million, if the Court approves the payment of notice, claims and administration costs, attorneys’ fees and costs, and a service award for Plaintiff in the full amounts sought.](#)

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Your share of the Net Settlement Fund will depend on the total number of valid claims submitted, the amount of FEI and TRIBE tokens you purchased, and the amount you recouped or could recoup

from selling or surrendering the tokens. All of the \$17,850,000.00 fund will be paid out. Generally, if you bought more FEI and TRIBE tokens, and have more losses, you will receive a greater payment. If you bought fewer FEI and TRIBE tokens, and have fewer losses, you will receive a lesser payment.

**HOW DO YOU REQUEST A PAYMENT?**

To qualify for a payment, you must submit a valid Proof of Claim form and supporting documentation. You can download a paper version of the Proof of Claim form or submit one online at the Settlement Website [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com). **Proof of Claim forms are due by DATE.**

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**WHAT ARE YOUR OTHER OPTIONS?**

If you do not want to be legally bound by the settlement, you must exclude yourself by **DATE**, or you will not be able to sue or continue to sue the defendants about the legal claims in this case. If you exclude yourself, you cannot get money from the settlement. If you remain in the class, you may object to the settlement by **DATE**. For further information about your rights to object or to request exclusion from the settlement, you may visit [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com), and in particular, the full Long Form Notice, which can be found at [www.FEITRIBESecuritiesSettlement.com/\[long form notice\]](http://www.FEITRIBESecuritiesSettlement.com/[long form notice]).

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The Court will hold a hearing on **DATE and TIME** to consider whether to approve the settlement, and a request by the lawyers representing class members for approximately \$4,500,000.00 in attorneys' fees and costs for investigating the facts, litigating the case, and negotiating the settlement, as well as a service award of up to \$10,000.00 for plaintiff for litigating class members' claims. These requested fees, costs, and service award would represent approximately 25% of the **Settlement Fund** if approved. You may request to appear at the hearing, but you do not have to.

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For more information, you may call toll free 888-427-9229, visit the website [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com), email info@[FEITRIBESecuritiesSettlement.com](mailto:FEITRIBESecuritiesSettlement.com), or write to *FEI TRIBE Securities Settlement*, P.O. Box 25243, Santa Ana, CA 92799.

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12 *Attorneys for Plaintiff Jonathan Shomroni*  
13 *And the Putative Class*

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF SAN FRANCISCO**

16 **JONATHAN SHOMRONI**, Individually and  
on behalf of others similarly situated,

17 Plaintiff,

18 v.

19 **FEI LABS INC.**, a Delaware Corporation,  
20 **JOSEPH SANTORO**, an Individual,  
21 **BRIANNA MONTGOMERY**, an Individual,  
**SEBASTIAN DELGADO**, an Individual, and  
22 **DOES 1-10**.

23 Defendants,

**Case No: CGC-22-598995**

*Assigned for all purposes to  
the Hon. Ethan P. Schulman, Dep't 304*

**CLASS ACTION**

**SECOND SUPPLEMENTAL**  
**DECLARATION OF SIMPLURIS IN**  
**SUPPORT OF PLAINTIFF'S MOTION**  
**FOR PRELIMINARY APPROVAL OF**  
**CLASS ACTION SETTLEMENT**

Date: June 30, 2023

Time: 1:30 pm PST

Dept: 304

Judge: Hon. Ethan P. Schulman

1 I, Jacob J. Kamenir, hereby declare as follows:

2 1. My name is Jacob J. Kamenir. I have personal knowledge of the matters stated herein,  
3 and I believe them to be true and accurate.

4 2. I am the Senior Director of Notice at Simpluris, Inc. (“Simpluris”). Simpluris is a  
5 national full-service class action notice and claims administrator and has been selected by counsel  
6 to serve as the class action Claims Administrator in this case.

7 3. Simpluris submits this second supplemental declaration in further support of  
8 Plaintiff’s motion for preliminary approval. I refer to, and incorporate herein, the Simpluris  
9 declarations in support of Plaintiff’s motion for preliminary approval, executed on April 17, 2023,  
10 and May 30, 2023, and filed in this case.

11 4. This second supplemental declaration is intended to address the issues raised in the  
12 Court’s order on preliminary approval of class action settlement, dated June 22, 2023 (the “Second  
13 Order”).

14 5. Attached hereto as **Exhibit Q** is a corrected press release that addresses the Court’s  
15 concerns expressed in Section I.A.1 of the Second Order, and conforms to the second amended  
16 Summary Notice attached to the *Second Supplemental Declaration of William R. Restis in Support*  
17 *of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement* (“Second Supplemental  
18 Restis Declaration”).

19 6. Specifically, the corrected press release now includes a definition of the “Net  
20 Settlement Fund” consistent with the definition thereof as provided in Section 1.22 of the May 29,  
21 2023 Amended Stipulation of Settlement, previously filed as Exhibit I to the May 30, 2023  
22 Supplemental Restis Declaration. The corrected press release also provides an estimate of the Net  
23 Settlement Fund of at least \$13 million, as provided to Simpluris by Plaintiff’s Counsel. The  
24 corrected press release also inserts language informing Class Members that “**The amount of your**  
25 **claim could be substantial.**”

26 7. Attached hereto as **Exhibit R** is a redline version of the corrected press release,  
27 reflecting all changes compared to the version previously submitted to the Court as Exhibit D to the  
28

1 May 30, 2023 Supplemental Simpluris Declaration.

2 8. Attached hereto as **Exhibit S** is a corrected downloadable and printable Proof of  
3 Claim, that address the Court’s concerns expressed in Section II of the Second Order.

4 9. Attached hereto as **Exhibit T** is a redline version of the corrected downloadable and  
5 printable Proof of Claim, reflecting all changes compared to the document previously submitted to  
6 the Court as Exhibit O to the May 30, 2023 Supplemental Simpluris Declaration.

7 10. In the previous version of the printable Proof of Claim form (Exhibit O), the heading  
8 that was cut off after “decimal” was due to a spacing/formatting issue. This has been resolved and  
9 is best visible in the clean version (as corrected spacing and formatting is not visible in the redline  
10 version).

11 11. With respect to the electronic Proof of Claim, the image previously provided as  
12 Exhibit N to the May 30, 2023 Supplemental Simpluris Declaration was a screenshot of a webpage  
13 in development, intended to provide the Court with a visual representation of the online claims  
14 process that would be seen by Class Members. In the final webpage, Simpluris will conform the  
15 website language to the paper Proof of Claim (or modify where applicable for digital vs. paper),  
16 using the language approved by the Court. Given that the webpage is still in development, Simpluris  
17 does not have a way to show redlines of the website updates.

18 12. In Section IV of the Second Order, the Court requested Simpluris to confirm that  
19 estimated Ethereum gas fees will not be required. Simpluris does not expect these fees to be required  
20 *unless* the Polygon network is unavailable to issue the NFT notice. The estimated Ethereum gas fees  
21 were included as a worst-case scenario, and there is no presently available information that the  
22 Polygon network will be unavailable to issue the NFT notice plan. As such, Simpluris does not  
23 presently anticipate that such gas fees will be incurred.

24 13. Also in Section IV of the Second Order, the Court inquired whether any *cy pres*  
25 distribution would be subject to an additional fee by Simpluris. Distribution of any *cy pres* was  
26 included in Simpluris’ estimate submitted to the Court as Exhibit O to the May 30, 2023  
27 Supplemental Simpluris Declaration. The (potential) payment to a *cy pres* beneficiary is not a  
28

1 separate line item and any work towards coordinating any *cy pres* payment is included as part of the  
2 account's last month reconciliation and maintenance and/or hourly billable time for our Distribution  
3 Manager. These charges, if any, should not be material.

4  
5 I declare under penalty of perjury under the laws of the State of California that the foregoing  
6 is true and correct.

7 Executed on June 26, 2023 in Albert Lea, Minnesota.

8 

9 \_\_\_\_\_  
10 Jacob J. Kamenir

# **EXHIBIT Q**

**If you purchased FEI or TRIBE tokens in the Genesis Event between March 31, 2021 and April 3, 2021, a class action settlement may affect your rights.**

*A court authorized this Notice. This is not a solicitation from a lawyer.*

COSTA MESA, Calif., **Month Day, Year** /PRNewswire/ -- Simpluris Inc. announces that a settlement has been proposed in a class action lawsuit concerning the sale of “FEI” or “TRIBE” tokens through the Fei Protocol in an initial sale conducted between March 31, 2021 and April 3, 2021, called the “Genesis Event.” The settlement will provide \$17,850,000.00 to pay claims to persons and entities who purchased FEI or TRIBE tokens in the Genesis Event. If you qualify, you can submit a Proof of Claim form to get your share of the settlement, exclude yourself from the settlement to retain your right to sue, or object to the settlement. **The amount of your claim could be substantial.**

The Superior Court of California for San Francisco County authorized this notice. Before any money is paid, the Court will have a hearing to decide whether to approve the settlement.

**WHO IS INCLUDED IN THE SETTLEMENT?**

You are a class member and could get a payment if you purchased the digital assets FEI or TRIBE in exchange for ETH in the Genesis Event conducted between March 31 and April 3, 2021, including if you “pre-swapped” your FEI token allocation for TRIBE.

If you are not sure if you are included, you can get more information, including a detailed notice and class definition, at **[www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com)** or by calling toll free **888-427-9229**.

**WHAT IS THIS LAWSUIT ABOUT?**

The lawsuit claims that the sale of FEI and TRIBE tokens in the Genesis Event was a sale of unregistered securities. The plaintiff claims that this entitles persons who purchased FEI and TRIBE tokens directly from the Fei Protocol in the Genesis Event to get compensation. The defendants deny any wrongdoing, and the Court has not found that any defendant has committed wrongdoing.

**WHAT DOES THE SETTLEMENT PROVIDE?**

The settlement creates a fund of \$17,850,000.00 (“Settlement Fund”) that will be used to pay class claims, settlement administration costs, taxes, attorneys’ fees and costs, and a potential service award to the plaintiff. The Net Settlement Fund, which is the amount left over after the Court approves any notice, claims and administration costs, taxes and tax expenses, attorneys’ fees and costs, a potential service award to the Plaintiff who brought the lawsuit, and other Court-approved deductions, will be divided *pro rata* among all class members who timely file a valid Proof of Claim form and do not exclude themselves from the settlement. The Net



Settlement Fund is estimated to be at least \$13 million, if the Court approves the payment of notice, claims and administration costs, attorneys' fees and costs, and a service award for Plaintiff in the full amounts sought.

Your share of the Net Settlement Fund will depend on the total number of valid claims submitted, the amount of FEI and TRIBE tokens you purchased, and the amount you recouped or could recoup from selling or surrendering the tokens. All of the \$17,850,000.00 fund will be paid out. Generally, if you bought more FEI and TRIBE tokens, and have more losses, you will receive a greater payment. If you bought fewer FEI and TRIBE tokens, and have fewer losses, you will receive a lesser payment.

#### **HOW DO YOU REQUEST A PAYMENT?**

To qualify for a payment, you must submit a valid Proof of Claim form and supporting documentation. You can download a paper version of the Proof of Claim form or submit one online at the Settlement Website [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com). **Proof of Claim forms are due by DATE.**

#### **WHAT ARE YOUR OTHER OPTIONS?**

If you do not want to be legally bound by the settlement, you must exclude yourself by **DATE**, or you will not be able to sue or continue to sue the defendants about the legal claims in this case. If you exclude yourself, you cannot get money from the settlement. If you remain in the class, you may object to the settlement by **DATE**. For further information about your rights to object or to request exclusion from the settlement, you may visit [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com), and in particular, the full Long Form Notice, which can be found at [www.FEITRIBESecuritiesSettlement.com/longformnotice](http://www.FEITRIBESecuritiesSettlement.com/longformnotice).

The Court will hold a hearing on **DATE and TIME** to consider whether to approve the settlement, and a request by the lawyers representing class members for approximately \$4,500,000.00 in attorneys' fees and costs for investigating the facts, litigating the case, and negotiating the settlement, as well as a service award of up to \$10,000.00 for plaintiff for litigating class members' claims. These requested fees, costs, and service award would represent approximately 25% of the settlement fund if approved. You may request to appear at the hearing, but you do not have to.

For more information, you may call toll free 888-427-9229, visit the website [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com), email [info@FEITRIBESecuritiesSettlement.com](mailto:info@FEITRIBESecuritiesSettlement.com), or write to *FEI TRIBE Securities Settlement*, P.O. Box 25243, Santa Ana, CA 92799.

## **EXHIBIT R**

**If you purchased FEI or TRIBE tokens in the Genesis Event between March 31, 2021 and April 3, 2021, a class action settlement may affect your rights.**

*A court authorized this Notice. This is not a solicitation from a lawyer.*

COSTA MESA, Calif., **Month Day, Year** /PRNewswire/ -- Simpluris Inc. announces that a settlement has been proposed in a class action lawsuit concerning the sale of “FEI” or “TRIBE” tokens through the Fei Protocol in an initial sale conducted between March 31, 2021 and April 3, 2021, called the “Genesis Event.” The Settlement will provide \$17,850,000.00 to pay claims to persons and entities who purchased FEI or TRIBE tokens in the Genesis Event. If you qualify, you can submit a Proof of Claim form to get your share of the settlement, exclude yourself from the settlement to retain your right to sue, or object to the settlement. **The amount of your claim could be substantial.**

The Superior Court of California for San Francisco County authorized this notice. Before any money is paid, the Court will have a hearing to decide whether to approve the settlement.

**WHO IS INCLUDED IN THE SETTLEMENT?**

You are a class member and could get a payment if you purchased the digital assets FEI or TRIBE in exchange for ETH in the Genesis Event conducted between March 31 and April 3, 2021, including if you “pre-swapped” your FEI token allocation for TRIBE.

If you are not sure if you are included, you can get more information, including a detailed notice and class definition, at **[www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com)** or by calling toll free **888-427-9229**.

**WHAT IS THIS LAWSUIT ABOUT?**

The lawsuit claims that the sale of FEI and TRIBE tokens in the Genesis Event was a sale of unregistered securities. The plaintiff claims that this entitles persons who purchased FEI and TRIBE tokens directly from the Fei Protocol in the Genesis Event to get compensation. The defendants deny any wrongdoing, and the Court has not found that any defendant has committed wrongdoing.

**WHAT DOES THE SETTLEMENT PROVIDE?**

The settlement creates a fund of \$17,850,000.00 (**“Settlement Fund”**) that will be used to pay class claims, settlement administration costs, taxes, attorneys’ fees and costs, and a potential service award to the plaintiff. The Net Settlement Fund, **which is the amount left over after the Court approved any notice, claims and administration costs, taxes and tax expenses, attorneys’ fees and costs, a potential service award to the Plaintiff who brought the lawsuit, and other Court-approved deductions,** will be divided *pro rata* among all class members who timely file a valid Proof of Claim form and do not exclude themselves from the Settlement. **The Net**

Settlement Fund is estimated to be at least \$13 million, if the Court approves the payment of notice, claims and administration costs, attorneys' fees and costs, and a service award for Plaintiff in the full amounts sought.

Your share of the Net Settlement Fund will depend on the total number of valid claims submitted, the amount of FEI and TRIBE tokens you purchased, and the amount you recouped or could recoup from selling or surrendering the tokens. All of the \$17,850,000.00 fund will be paid out. Generally, if you bought more FEI and TRIBE tokens, and have more losses, you will receive a greater payment. If you bought fewer FEI and TRIBE tokens, and have fewer losses, you will receive a lesser payment.

#### **HOW DO YOU REQUEST A PAYMENT?**

To qualify for a payment, you must submit a valid Proof of Claim form and supporting documentation. You can download a paper version of the Proof of Claim form or submit one online at the Settlement Website [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com). **Proof of Claim forms are due by DATE.**

#### **WHAT ARE YOUR OTHER OPTIONS?**

If you do not want to be legally bound by the settlement, you must exclude yourself by **DATE**, or you will not be able to sue or continue to sue the defendants about the legal claims in this case. If you exclude yourself, you cannot get money from the settlement. If you remain in the class, you may object to the settlement by **DATE**. For further information about your rights to object or to request exclusion from the settlement, you may visit [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com), and in particular, the full Long Form Notice, which can be found at [www.FEITRIBESecuritiesSettlement.com/longformnotice](http://www.FEITRIBESecuritiesSettlement.com/longformnotice).

The Court will hold a hearing on **DATE and TIME** to consider whether to approve the settlement, and a request by the lawyers representing class members for approximately \$4,500,000.00 in attorneys' fees and costs for investigating the facts, litigating the case, and negotiating the settlement, as well as a service award of up to \$10,000.00 for plaintiff for litigating class members' claims. These requested fees, costs, and service award would represent approximately 25% of the settlement fund if approved. You may request to appear at the hearing, but you do not have to.

For more information, you may call toll free 888-427-9229, visit the website [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com), email [info@FEITRIBESecuritiesSettlement.com](mailto:info@FEITRIBESecuritiesSettlement.com), or write to *FEI TRIBE Securities Settlement*, P.O. Box 25243, Santa Ana, CA 92799.

## **EXHIBIT S**

# PROOF OF CLAIM

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO  
*Shomroni v. Fei Labs, Inc., et al., Case No. CGC-22-598995*

*FEI TRIBE Securities Settlement*  
P.O. Box 25243  
Santa Ana, CA 92799

888-427-9229  
info@FEITRIBESecuritiesSettlement.com  
www.FEITRIBESecuritiesSettlement.com

TO BE ELIGIBLE TO RECEIVE A SHARE OF THE SETTLEMENT FUND, YOU MUST EITHER (A) COMPLETE AND SUBMIT A PROOF OF CLAIM THROUGH THE SETTLEMENT WEBSITE, WWW.FEITRIBESECURITIESSETTLEMENT.COM, **ON OR BEFORE DATE**; OR (B) MAIL THIS COMPLETED AND SIGNED PROOF OF CLAIM FORM VIA PREPAID, FIRST CLASS MAIL, **POSTMARKED ON OR BEFORE DATE** TO:

*FEI TRIBE Securities Settlement*  
P.O. Box 25243  
Santa Ana, CA 92799

FAILURE TO SUBMIT OR MAIL YOUR PROOF OF CLAIM FORM BY THE SPECIFIED DEADLINE WILL SUBJECT YOUR CLAIM TO REJECTION AND MAY PRECLUDE YOU FROM BEING ELIGIBLE TO RECEIVE ANY MONEY IN CONNECTION WITH THE PROPOSED SETTLEMENT.

DO NOT MAIL OR DELIVER YOUR CLAIM FORM TO THE COURT, THE PARTIES TO THE LITIGATION, OR THEIR COUNSEL. **SUBMIT YOUR CLAIM FORM ONLY TO THE CLAIMS ADMINISTRATOR THROUGH WWW.FEITRIBESECURITIESSETTLEMENT.COM OR AT THE ADDRESS SET FORTH ABOVE.**

## I. GENERAL INFORMATION

1. All the details about the proposed Settlement are available at [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com). The Settlement Website also explains how your share of the Net Settlement Fund will be calculated and distributed if the Settlement is approved by the Court.
2. **Only submit this form if you are a Class Member.** By submitting this Proof of Claim form, you will be making a request to share in the proceeds of the Settlement. **IF YOU ARE NOT A CLASS MEMBER, OR IF YOU SUBMITTED A REQUEST TO BE EXCLUDED, DO NOT SUBMIT A PROOF OF CLAIM FORM. YOU MAY NOT PARTICIPATE IN THE SETTLEMENT IF YOU ARE NOT A CLASS MEMBER.**
3. Submission of this Proof of Claim form does not guarantee that you will share in the proceeds of the Settlement. The distribution of the Net Settlement Fund will be governed by the Plan of Allocation, or another plan of allocation the Court might approve.
4. Use Section III of this form to declare your ownership of a wallet that participated in the Genesis Event and follow the instructions to verify your ownership or provide supporting documentation demonstrating your ownership of the wallet.

5. Use Section IV of this form to state your transactions in FEI and TRIBE tokens received directly from the Fei Protocol in the Genesis Event conducted between March 31, 2021 and April 3, 2021. Please closely follow the instructions and provide all requested information with respect to your transactions and holdings of these FEI and TRIBE tokens. Failure to report all transactions and holding information may result in the rejection of your claim.
6. Separate Proof of Claim forms should be submitted for each separate legal person or entity. Conversely, a single Proof of Claim form should be submitted on behalf of one legal person or entity including all transactions made by that person or entity on one Proof of Claim form, no matter how many separate wallets/accounts or transactions that person or entity has.
7. Agents, executors, administrators, guardians, and trustees must complete and sign the Proof of Claim form on behalf of persons represented by them, and they must:
  - (a) expressly state the capacity in which they are acting;
  - (b) identify the name, account number, Social Security Number (or taxpayer identification number), address and telephone number of the beneficial owner (or other person or entity on whose behalf they are acting) of the FEI and TRIBE tokens; and
  - (c) furnish evidence of their authority to bind the person or entity on whose behalf they are acting.
8. If the Court approves the Settlement, payments pursuant to the Plan of Allocation (or such other plan of allocation as the Court approves) will be made after any appeals are resolved, and after the completion of all claims processing. The claims process will take a substantial time to complete fully and fairly. Please be patient.
9. If you have questions concerning the Proof of Claim form, or need additional copies of the form or the Notice of Proposed Class Action Settlement, you may contact the Claims Administrator at the above address, by email at [info@FEITRIBESecuritiesSettlement.com](mailto:info@FEITRIBESecuritiesSettlement.com), by toll-free phone at 888-427-9229, or you can visit [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com), where copies of the Proof of Claim Form and Notice of Proposed Class Action Settlement are available to download.

**IMPORTANT: PLEASE NOTE**

**YOUR CLAIM IS NOT DEEMED FILED UNTIL YOU RECEIVE AN ACKNOWLEDGEMENT EMAIL. THE CLAIMS ADMINISTRATOR WILL ACKNOWLEDGE RECEIPT OF YOUR PROOF OF CLAIM BY EMAIL. IF YOU DO NOT RECEIVE AN ACKNOWLEDGEMENT EMAIL WITHIN 60 DAYS, PLEASE CALL THE CLAIMS ADMINISTRATOR TOLL FREE AT 888-427-9229.**

The Claims Administrator will use the information on this Proof of Claim form for all communications regarding this form. If the information changes, you **MUST** notify the Claims Administrator at the address above.

## **II. CLAIMANT IDENTIFICATION**

Please complete Part II in its entirety. The Claims Administrator will use this information for all communications regarding this Proof of Claim form. If this information changes, you **MUST** notify the Claims Administrator in writing at *FEI TRIBE Securities Settlement*, P.O. Box 25243, Santa Ana, CA 92799, or your portion of the Net Settlement Fund may never reach you.

Beneficial Owner's First Name

Grid for Beneficial Owner's First Name

MI

MI input box

Beneficial Owner's Last Name

Grid for Beneficial Owner's Last Name

Co-Beneficial Owner's First Name

Grid for Co-Beneficial Owner's First Name

MI

MI input box

Co-Beneficial Owner's Last Name

Grid for Co-Beneficial Owner's Last Name

Entity Name (if Beneficial Owner is not an individual)

Grid for Entity Name

Representative or Custodian Name (if different from Beneficial Owner)

Grid for Representative or Custodian Name

Last four digits of Social Security Number or Taxpayer Identification Number (if U.S. resident)

Grid for last four digits of SSN/TIN

Claimant Account Type (check appropriate box)

Individual(s)

Individual(s) checkbox

Corporation

Corporation checkbox

Other

(please specify)

Other checkbox

Input box for Other account type

Address 1 (street name and number)

Grid for Address 1

Address 2 (apartment, unit, or box number)

Grid for Address 2

City

State

ZIP Code

Grid for City

Grid for State

Grid for ZIP Code

Country

Grid for Country

Email Address

Grid for Email Address

Phone Number

Grid for Phone Number

### III. WALLET OWNERSHIP

Wallet address that contributed ETH in the Genesis Event (Required)

Input box for ETH wallet address

Wallet address that received FEI and/or TRIBE tokens in the Genesis Event (Required, if different than the above)

Input box for FEI/TRIBE wallet address





You are required to prove your ownership of the wallet(s) that participated in the Genesis Event. In order to do this, please:

1. Access the wallet and view the *Shomroni v. Fei Labs, Inc.* Summary Notice NFT airdropped to the wallet on **DATE**.
2. Follow the instructions provided with the *Shomroni v. Fei Labs, Inc.* Summary Notice NFT to verify your ownership of the wallet through the Settlement Website.
3. Once your wallet ownership is verified via the Settlement Website, you will be prompted to certify and/or list your contributions, token receipts, and/or token transactions relevant to this Settlement and complete an online Proof of Claim form. You may choose to submit either an online or paper Proof of Claim form, but we strongly encourage you to submit via the Settlement Website if possible.

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If you owned more than one contributing/receiving wallet (or set of wallets) that participated in the Genesis Event, please provide the Claims Administrator with details of your additional wallets, including proof of ownership, as an attachment to this Proof of Claim.

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If you are UNABLE to access the Ethereum wallet that participated in the Genesis Event, you must submit:

1. Genuine and best available documentation of proof of ownership of the wallet.
2. Genuine and best available documentation of all your transactions in and holdings of the FEI and TRIBE tokens that you received in the Genesis Event between March 31, 2021 and April 3, 2021. **YOU MUST OBTAIN COPIES OF RELEVANT DOCUMENTS FROM ANY EXCHANGES. FAILURE TO SUPPLY DOCUMENTATION MAY RESULT IN THE REJECTION OF YOUR CLAIM. DO NOT SEND ORIGINAL DOCUMENTS.** Please keep a copy of all documents that you send to the Claims Administrator. Also, please do not highlight any portion of the Proof of Claim form or any supporting documents.

**If you have special circumstances, such as documentation problems, sales at now defunct exchanges, or lost wallet credentials, please attach a signed letter describing the details of your circumstance, with as much supporting documentation as possible.**

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If you own an Ethereum wallet that did not participate in the Genesis Event, but you believe qualifies under the terms of this Settlement,

OR

If you own an Ethereum wallet that did participate in the Genesis Event, but you did not receive a *Shomroni v. Fei Labs, Inc.* Summary Notice NFT airdropped to the wallet on **DATE**,

Please email the Claims Administrator at [info@FEITRIBESecuritiesSettlement.com](mailto:info@FEITRIBESecuritiesSettlement.com) with the Ethereum wallet address, documentation of wallet ownership, and relevant transaction details. If determined to be potentially eligible, the Claims Administrator will arrange for ad hoc wallet ownership verification via NFT.

For information on how payments will be calculated, please visit the Settlement Website at [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com) and/or refer to the Notice of Proposed Class Action Settlement.

## IV. TRANSACTIONS

Determine how much value you received from selling your FEI or TRIBE tokens or redeeming your FEI or TRIBE tokens via the TRIBE DAO Final Redemption. **ONLY INCLUDE TRANSACTIONS INVOLVING FEI AND TRIBE TOKENS THAT YOU RECEIVED DIRECTLY THROUGH THE GENESIS EVENT.**

Note: For each FEI or TRIBE token sold, the sales price is the price expressed in U.S. dollars as reflected on your transaction documentation. In the absence of such documentation, the FEI or TRIBE closing price (in U.S. dollars) associated with the documented sales date found at [www.coinmarketcap.com](http://www.coinmarketcap.com) will be used.

**In the table provided on page 6, list all sales and/or redemptions (through Final Redemption).** Sales include complete relinquishment of your Genesis Event FEI or TRIBE tokens on exchanges and decentralized exchanges, but does not include staking or farming your tokens, where you could later recover them.

In addition to the listed sales and/or redemptions, you must also obtain copies of relevant documents demonstrating your transactions and holdings from any exchanges or wallets. Failure to provide sufficient documentation or report all transactions and holding information may result in the rejection of your claim.

**Go to Transactions Table on Page 6**

Date (MMDDYY)	Token (FEI / TRIBE)	Quantity of Tokens (up to four decimal places)	Action (Sale / Redeem)	Supporting Documents Enclosed?	
<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> .	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> .	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> .	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> .	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> .	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> .	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> .	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you require additional space to record your sale or redemption transactions, please provide the Claims Administrator with details of your additional transactions as an attachment to this Proof of Claim form.

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Below, list quantities of Genesis Event FEI and/or TRIBE tokens that you held as of January 27, 2023 (if applicable). Each FEI token held on January 27, 2023 will be valued at \$1.00 and each TRIBE token held on January 27, 2023 will be valued at \$0.25.

Total Genesis Event FEI tokens held as of January 27, 2023 (up to four decimal places)

								.				
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Total Genesis Event TRIBE tokens held as of January 27, 2023 (up to four decimal places)

								.				
--	--	--	--	--	--	--	--	---	--	--	--	--

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**If you have special circumstances, such as documentation problems, sales at now defunct exchanges, or lost wallet credentials, please attach a signed letter describing the details of your circumstance, with as much supporting documentation as possible.**

As a reminder, you may access an online version of this Proof of Claim form at [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com).

## **V. PAYMENT ELECTION**

Please select one (1) preferred method of payment by checking the associated box. If you fail to select any method of payment, you will be defaulted to a Check payment. If you select more than one method of payment, the Claims Administrator will either contact you for clarification or be authorized to default to a single method of payment.

### **Payment by Check**

Payments by Check will be made out to the account name(s) of the Beneficial Owner(s) and mailed to the address provided in Section III (“Claimant Information”) of this Proof of Claim form.

### **Payment by PayPal<sup>1</sup>**

Payments by PayPal will be made to the account associated with the Email Address and/or Phone Number listed below. If there is a discrepancy, or if the account is no longer active, the Claims Administrator will either contact you for clarification or be authorized to default to a Check payment.

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<sup>1</sup> If domestic or international payment limits apply to your payment, you may receive more than one transmission or you may be defaulted to a Check payment.

Email Address associated with your PayPal account

Grid for Email Address (36 boxes)

Phone Number associated with your PayPal account

Grid for Phone Number (3 boxes)

**Payment by Venmo<sup>2</sup>**

Payments by Venmo will be made to the account associated with the Email Address and/or Phone Number listed below. If there is a discrepancy, or if the account is no longer active, the Claims Administrator will either contact you for clarification or be authorized to default to a Check payment.

Email Address associated with your Venmo account

Grid for Email Address (36 boxes)

Phone Number associated with your Venmo account

Grid for Phone Number (3 boxes)

**Payment by Zelle<sup>3</sup>**

Payments by Zelle will be made to the account associated with the Email Address and/or Phone Number listed below. If there is a discrepancy, or if the account is no longer active, the Claims Administrator will have authorization to either contact you for clarification or default to a Check payment.

Email Address associated with your Zelle account

Grid for Email Address (36 boxes)

Phone Number associated with your Zelle account

Grid for Phone Number (3 boxes)

**Payment by ACH**

<sup>2</sup> Venmo payments cannot be made to accounts outside of the U.S. If domestic payment limits apply to your payment, you may receive more than one transmission or you may be defaulted to a Check payment.

<sup>3</sup> Zelle payments cannot be made to accounts outside of the U.S. If domestic payment limits apply to your payment, you may receive more than one transmission or you may be defaulted to a Check payment.

OR

**Payment by Wire Transfer**

Payments by ACH or Wire Transfer will be made to the account associated with the information listed below. The account name identified below should be the same as the name of the beneficial owner identified in Part II above. If there is a discrepancy, or if the account is no longer active, the Claims Administrator will either contact you for clarification or be authorized to default to a Check payment.

Bank Name

Bank Telephone Number

Bank ABA (Routing) Number

Account Name

Account Number

International Bank Account Number (IBAN) (if applicable)

SWIFT Code (if applicable)

For Further Credit (if any)

Intermediary Bank (if any)

Intermediary Bank ABA (Routing) Number or SWIFT Code

**VI. CERTIFICATION AND SIGNATURE**

By signing and submitting this Proof of Claim form, the Claimant(s) or the person(s) who represent(s) the Claimant(s) certifies (certify) as follows:

- 1. that the Claimant(s) is (are) a Class Member(s);



MM      DD      YY  
       

**IMPORTANT NOTE: If the Claimant is other than an individual, or is not the person completing this form, the following must also be provided:**

Capacity of person signing on behalf of Claimant (Beneficial Owner), if other than an individual, *e.g.*, executor, president, trustee, custodian, etc. (you must provide evidence of authority to act on behalf of Claimant)

Print Name of person signing on behalf of Claimant (Beneficial Owner)

Signature of person signing on behalf of Claimant (Beneficial Owner)

MM      DD      YY  
       

**VI. IMPORTANT REMINDERS**

1. It will take a significant amount of time to fully process all Proof of Claim forms. Thank you for your patience.
2. Be sure to sign and fully complete all applicable sections of this Proof of Claim.
3. Remember to attach copies of any applicable supporting documentation. Do not send original documents as they will not be returned.
4. Keep a copy of your Proof of Claim and all supporting documentation for your records.
5. Notify the Claims Administrator of any changes of address.

**THIS PROOF OF CLAIM MUST BE SUBMITTED ONLINE AT WWW.FEITRIBESECURITIESSETTLEMENT.COM OR MAILED AND POSTMARKED ON OR BEFORE DATE TO:**

*FEI TRIBE Securities Settlement*  
P.O. Box 25243  
Santa Ana, CA 92799

If you have any questions, please visit the Settlement website at [www.FEITRIBESecuritiesSettlement.com](http://www.FEITRIBESecuritiesSettlement.com) and/or contact the Claims Administrator by toll-free phone at **888-427-9229** or by email at [info@FEITRIBESecuritiesSettlement.com](mailto:info@FEITRIBESecuritiesSettlement.com).



# **EXHIBIT T**

# PROOF OF CLAIM

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO  
*Shomroni v. Fei Labs, Inc., et al., Case No. CGC-22-598995*

*FEI TRIBE Securities Settlement*

888-427-9229

P.O. Box 25243

info@[FEITRIBESecuritiesSettlementwebsite.com](http://FEITRIBESecuritiesSettlementwebsite.com)

Santa Ana, CA 92799

www.[FEITRIBESecuritiesSettlementwebsite.com](http://FEITRIBESecuritiesSettlementwebsite.com)

TO BE ELIGIBLE TO RECEIVE A SHARE OF THE SETTLEMENT FUND, YOU MUST EITHER (A) COMPLETE AND SUBMIT A PROOF OF CLAIM THROUGH THE SETTLEMENT WEBSITE, WWW.[FEITRIBESecuritiesSettlementwebsite.com](http://FEITRIBESecuritiesSettlementwebsite.com), **ON OR BEFORE DATE**; OR (B) MAIL THIS COMPLETED AND SIGNED PROOF OF CLAIM FORM VIA PREPAID, FIRST CLASS MAIL, **POSTMARKED ON OR BEFORE DATE** TO:

*FEI TRIBE Securities Settlement*

P.O. Box 25243

Santa Ana, CA 92799

FAILURE TO SUBMIT OR MAIL YOUR PROOF OF CLAIM FORM BY THE SPECIFIED DEADLINE WILL SUBJECT YOUR CLAIM TO REJECTION AND MAY PRECLUDE YOU FROM BEING ELIGIBLE TO RECEIVE ANY MONEY IN CONNECTION WITH THE PROPOSED SETTLEMENT.

DO NOT MAIL OR DELIVER YOUR CLAIM FORM TO THE COURT, THE PARTIES TO THE LITIGATION, OR THEIR COUNSEL. **SUBMIT YOUR CLAIM FORM ONLY TO THE CLAIMS ADMINISTRATOR THROUGH WWW.[FEITRIBESecuritiesSettlementwebsite.com](http://FEITRIBESecuritiesSettlementwebsite.com) OR AT THE ADDRESS SET FORTH ABOVE.**

## I. GENERAL INFORMATION

1. All the details about the proposed Settlement are available at [www.FEITRIBESecuritiesSettlementwebsite.com](http://www.FEITRIBESecuritiesSettlementwebsite.com). The Settlement Website also explains how your share of the Net Settlement Fund will be calculated and distributed if the Settlement is approved by the Court.
2. **Only submit this form if you are a Class Member.** By submitting this Proof of Claim form, you will be making a request to share in the proceeds of the Settlement. **IF YOU ARE NOT A CLASS MEMBER, OR IF YOU SUBMITTED A REQUEST TO BE EXCLUDED, DO NOT SUBMIT A PROOF OF CLAIM FORM. YOU MAY NOT PARTICIPATE IN THE SETTLEMENT IF YOU ARE NOT A CLASS MEMBER.**
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7. Agents, executors, administrators, guardians, and trustees must complete and sign the Proof of Claim form on behalf of persons represented by them, and they must:
  - (a) expressly state the capacity in which they are acting;
  - (b) identify the name, account number, Social Security Number (or taxpayer identification number), address and telephone number of the beneficial owner (or other person or entity on whose behalf they are acting) of the FEI and TRIBE tokens; and
  - (c) furnish evidence of their authority to bind the person or entity on whose behalf they are acting.
8. If the Court approves the Settlement, payments pursuant to the Plan of Allocation (or such other plan of allocation as the Court approves) will be made after any appeals are resolved, and after the completion of all claims processing. The claims process will take a substantial time to complete fully and fairly. Please be patient.
9. If you have questions concerning the Proof of Claim form, or need additional copies of the form or the Notice of Proposed Class Action Settlement, you may contact the Claims Administrator at the above address, by email at info@[FEITRIBESecuritiesSettlementWebsite.com](mailto:info@FEITRIBESecuritiesSettlementWebsite.com), by toll-free phone at 888-427-9229, or you can visit [www.FEITRIBESecuritiesSettlementWebsite.com](http://www.FEITRIBESecuritiesSettlementWebsite.com), where copies of the Proof of Claim Form and Notice of Proposed Class Action Settlement are available to download.

#### **IMPORTANT: PLEASE NOTE**

**YOUR CLAIM IS NOT DEEMED FILED UNTIL YOU RECEIVE AN ACKNOWLEDGEMENT EMAIL. THE CLAIMS ADMINISTRATOR WILL ACKNOWLEDGE RECEIPT OF YOUR PROOF OF CLAIM BY EMAIL. IF YOU DO NOT RECEIVE AN ACKNOWLEDGEMENT EMAIL WITHIN 60 DAYS, PLEASE CALL THE CLAIMS ADMINISTRATOR TOLL FREE AT 888-427-9229.**

The Claims Administrator will use the information on this Proof of Claim form for all communications regarding this form. If the information changes, you **MUST** notify the Claims Administrator at the address above.

## **II. CLAIMANT IDENTIFICATION**

Please complete Part II in its entirety. The Claims Administrator will use this information for all communications regarding this Proof of Claim form. If this information changes, you **MUST** notify the Claims Administrator in writing at *FEI TRIBE*

Securities Settlement, P.O. Box 25243, Santa Ana, CA 92799, or your portion of the Net Settlement Fund may never reach you.

Beneficial Owner's First Name	MI	Beneficial Owner's Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

Co-Beneficial Owner's First Name	MI	Co-Beneficial Owner's Last Name
<input type="text"/>	<input type="text"/>	<input type="text"/>

Entity Name (if Beneficial Owner is not an individual)

Representative or Custodian Name (if different from Beneficial Owner)

Last four digits of Social Security Number or Taxpayer Identification Number (if U.S. resident)

Claimant Account Type (check appropriate box)

Individual(s)	Corporation	Other (please specify)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="text"/>

Address 1 (street name and number)

Address 2 (apartment, unit, or box number)

City	State	ZIP Code
<input type="text"/>	<input type="text"/>	<input type="text"/>

Country

Email Address

~~Country~~

Phone Number

  

~~Email Address~~

### III. WALLET OWNERSHIP

Wallet address that contributed ETH in the Genesis Event (Required)

Wallet address that received FEI and/or TRIBE tokens in the Genesis Event (Required, if different than the above)

You are required to prove your ownership of the wallet(s) that participated in the Genesis Event. In order to do this, please:

1. Access the wallet and view the *Shomroni v. Fei Labs, Inc.* Summary Notice NFT airdropped to the wallet on **DATE**.
2. Follow the instructions provided with the *Shomroni v. Fei Labs, Inc.* Summary Notice NFT to verify your ownership of the wallet through the Settlement Website.
3. Once your wallet ownership is verified via the Settlement Website, you will be prompted to certify and/or list your contributions, token receipts, and/or token transactions relevant to this Settlement and complete an online Proof of Claim form. You may choose to submit either an online or paper Proof of Claim form, but we strongly encourage you to submit via the Settlement Website if possible.

If you owned more than one contributing/receiving wallet (or set of wallets) that participated in the Genesis Event, please provide the Claims Administrator with details of your additional wallets, including proof of ownership, as an attachment to this Proof of Claim.

If you are UNABLE to access the Ethereum wallet that participated in the Genesis Event, you must submit:

1. Genuine and best available documentation of proof of ownership of the wallet.
2. Genuine and best available documentation of all your transactions in and holdings of the FEI and TRIBE tokens that you received in the Genesis Event between March 31, ~~2001~~ 2021 and April 3, 2021. **YOU MUST OBTAIN COPIES OF RELEVANT DOCUMENTS FROM ANY EXCHANGES. FAILURE TO SUPPLY DOCUMENTATION MAY RESULT IN THE REJECTION OF YOUR CLAIM. DO NOT SEND ORIGINAL DOCUMENTS.** Please keep a copy of all documents that you send to the Claims Administrator. Also, please do not highlight any portion of the Proof of Claim form or any supporting documents.

**If you have special circumstances, such as documentation problems, sales at now defunct exchanges, or lost wallet credentials, please attach a signed letter describing the details of your circumstance, with as much supporting documentation as possible.**

If you own an Ethereum wallet that did not participate in the Genesis Event, but you believe qualifies under the terms of this Settlement,

OR

If you own an Ethereum wallet that did participate in the Genesis Event, but you did not receive a *Shomroni v. Fei Labs, Inc.* Summary Notice NFT airdropped to the wallet on **DATE**,

Please email the Claims Administrator at info@[FEITRIBESecuritiesSettlementWebsite.com](mailto:info@FEITRIBESecuritiesSettlementWebsite.com) with the Ethereum wallet address, documentation of wallet ownership, and relevant transaction details. If determined to be potentially eligible, the Claims Administrator will arrange for ad hoc wallet ownership verification via NFT.

For information on how payments will be calculated, please visit the Settlement Website at [www.FEITRIBESecuritiesSettlementWebsite.com](http://www.FEITRIBESecuritiesSettlementWebsite.com) and/or refer to the Notice of Proposed Class Action Settlement.

#### **IV. TRANSACTIONS**

Determine how much value you received from selling your FEI or TRIBE tokens or redeeming your FEI or TRIBE tokens via the TRIBE DAO Final Redemption ~~through website or website~~. **ONLY INCLUDE TRANSACTIONS INVOLVING FEI AND TRIBE TOKENS THAT YOU RECEIVED DIRECTLY THROUGH THE GENESIS EVENT.**

Note: For each FEI or TRIBE token sold, the sales price is the price expressed in U.S. dollars as reflected on your transaction documentation. In the absence of such documentation, the FEI or TRIBE closing price (in U.S. dollars) associated with the documented sales date found at [www.coinmarketcap.com](http://www.coinmarketcap.com) will be used.

**In the ~~below~~ table provided on page 6, list all sales and/or redemptions (through Final Redemption).** Sales include complete relinquishment of your Genesis Event FEI or TRIBE tokens on exchanges and decentralized exchanges, but does not include staking or farming your tokens, where you could later recover them.

In addition to the listed sales and/or redemptions, you must also obtain copies of relevant documents demonstrating your transactions and holdings from any exchanges or wallets. Failure to provide sufficient documentation or report all transactions and holding information may result in the rejection of your claim.

**[Go to Transactions Table on Page 6](#)**

**Date  
(MMDDYY)**


**Token  
(FEI /  
TRIBE)**


**Quantity of Tokens  
(up to four decimal places)**


<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Action (Sale / Redeem)</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<b>Supporting Documents Enclosed?</b>
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
N	N	N	N	N	N	N	N	N	N	N		

If you require additional space to record your sale or redemption transactions, please provide the Claims Administrator with details of your additional transactions as an attachment to this Proof of Claim form.

Below, list quantities of Genesis Event FEI and/or TRIBE tokens that you held as of January 27, 2023 (if applicable). Each FEI token held on January 27, 2023 will be valued at \$1.00 and each TRIBE token held on January 27, 2023 will be valued at \$0.25.

Total Genesis Event FEI tokens held as of January 27, 2023 (up to four decimal places)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Total Genesis Event TRIBE tokens held as of January 27, 2023 (up to four decimal places)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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If you have special circumstances, such as documentation problems, sales at now defunct exchanges, or lost wallet credentials, please attach a signed letter describing the details of your circumstance, with as much supporting documentation as possible.

As a reminder, you may access an online version of this Proof of Claim form at [www.FEITRIBESecuritiesSettlementWebsite.com](http://www.FEITRIBESecuritiesSettlementWebsite.com).

## V. PAYMENT ELECTION

Please select one (1) preferred method of payment by checking the associated box. If you fail to select any method of payment, you will be defaulted to a check payment. If you select more than one method of payment, the Claims Administrator will either contact you for clarification or be authorized to default to a single method of payment.

**Payment by Check**



Payments by Check will be made out to the account name(s) of the Beneficial Owner(s) and mailed to the address provided in Section III ("Claimant Information") of this Proof of Claim form.

**Payment by PayPal<sup>1</sup>**

Payments by PayPal will be made to the account associated with the Email Address and/or Phone Number listed below. If there is a discrepancy, or if the account is no longer active, the Claims Administrator will either contact you for clarification or be authorized to default to a Check payment.

Email Address associated with your PayPal account

Phone Number associated with your PayPal account

**Payment by Venmo<sup>2</sup>**

Payments by Venmo will be made to the account associated with the Email Address and/or Phone Number listed below. If there is a discrepancy, or if the account is no longer active, the Claims Administrator will either contact you for clarification or be authorized to default to a Check payment.

Email Address associated with your Venmo account

Phone Number associated with your Venmo account

**Payment by Zelle<sup>3</sup>**

<sup>1</sup> If domestic or international payment limits apply to your payment, you may receive more than one transmission or you may be defaulted to a Check payment.

<sup>2</sup> Venmo payments cannot be made to accounts outside of the U.S. If domestic payment limits apply to your payment, you may receive more than one transmission or you may be defaulted to a Check payment.

<sup>3</sup> Zelle payments cannot be made to accounts outside of the U.S. If domestic payment limits apply to your payment, you may receive more than one transmission or you may be defaulted to a Check payment.

Payments by Zelle will be made to the account associated with the Email Address and/or Phone Number listed below. If there is a discrepancy, or if the account is no longer active, the Claims Administrator will have authorization to either contact you for clarification or default to a Check payment.

Email Address associated with your Zelle account

Phone Number associated with your Zelle account

**Payment by ACH**

OR

**Payment by Wire Transfer**

Payments by ACH or Wire Transfer will be made to the account associated with the information listed below. The account name identified below should be the same as the name of the beneficial owner identified in Part II above. If there is a discrepancy, or if the account is no longer active, the Claims Administrator will either contact you for clarification or be authorized to default to a Check payment.

Bank Name

Bank Telephone Number

Bank ABA (Routing) Number

Account Name

Account Number

International Bank Account Number (IBAN) (if applicable)





3. Remember to attach copies of any applicable supporting documentation. Do not send original documents as they will not be returned.
4. Keep a copy of your Proof of Claim and all supporting documentation for your records.
5. Notify the Claims Administrator of any changes of address.

**THIS PROOF OF CLAIM MUST BE SUBMITTED ONLINE AT WWW.FEITRIBESECURITIESSETTLEMENT**website**.COM OR MAILED AND POSTMARKED ON OR BEFORE **DATE** TO:**

*FEI TRIBE Securities Settlement*  
P.O. Box 25243  
Santa Ana, CA 92799

If you have any questions, please visit the Settlement website at [www.FEITRIBESecuritiesSettlement\*\*website\*\*.com](http://www.FEITRIBESecuritiesSettlement<b>website</b>.com) and/or contact the Claims Administrator by toll-free phone at **888-427-9229** or by email at [info@FEITRIBESecuritiesSettlement\*\*website\*\*.com](mailto:info@FEITRIBESecuritiesSettlement<b>website</b>.com).