

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

DENIS MARC AUDET, MICHAEL  
PFEIFFER, DEAN ALLEN SHINNERS, and  
JASON VARGAS, Individually and on Behalf  
of All Others Similarly Situated,

Plaintiffs,

vs.

STUART A. FRASER, GAW MINERS, LLC,  
and ZENMINER, LLC, (d/b/a ZEN CLOUD),

Defendants.

Case 3:16-cv-00940

Hon. Michael P. Shea  
Courtroom 2

ECF Case

CLASS ACTION

FEBRUARY 27, 2023

**UNOPPOSED MOTION TO AMEND PRELIMINARY APPROVAL ORDER**

Pursuant to Federal Rule of Civil Procedure 60, Plaintiffs respectfully request that the Court amend its February 21, 2023 order granting Plaintiffs' Motion for Preliminary Approval of Settlement ("Preliminary Approval Order," ECF No. 385) to include a deadline for Settlement Class Members<sup>1</sup> to submit a claim form. To accommodate that change, Plaintiffs also request that the Court re-set the deadlines ordered in the February 21, 2023 order and approve the form and content of amended versions of the Long-Form Notice and Short-Form Notice which specify the claim form submission deadline for Settlement Class Members.

On December 16, 2022, Plaintiffs D. Allen Shinners, Michael Pfeiffer, and Denis Marc Audet, on behalf of themselves and the Settlement Class, filed a motion for preliminary approval of the Joint Stipulation and Settlement Agreement ("Settlement") along with a proposed order. ECF No. 383, 383-11. On February 21, 2023, the Court entered an order granting preliminary

---

<sup>1</sup> Unless otherwise noted, all Capitalized Terms mean the same as in the Settlement Agreement. See ECF No. 383-4.

approval to the Settlement. ECF No. 385. The order also established deadlines for the Settlement Administrator to effectuate notice; for Class Counsel to file a motion for an award of attorney's fees, expenses, and incentive awards; for Settlement Class Members to file objections; and for Class Counsel to file a motion for final approval of the Settlement. ECF No. 385 at 3-5.

Plaintiffs' motion and proposed order inadvertently neglected to include a deadline for Settlement Class Members to submit a claim form to the Settlement Administrator. *See* ECF No. 383-7 (copy of the Proof of Claim form). For that reason, Plaintiffs move the Court to amend its order to require Settlement Class Members to submit a claim form no later than two weeks after the date of the Fairness Hearing. Attached as Exhibit A to this motion is a redline version showing proposed changes to the Preliminary Approval Order. Attached as Exhibit B is a clean version of the proposed Amended Preliminary Approval Order.

Plaintiffs further request that the Court re-set the deadlines in the Preliminary Approval Order to run from the date the Court rules upon this motion, as reflected in the proposed Amended Preliminary Approval Order. Counsel for Plaintiffs are informed by the Settlement Administrator that it will be infeasible to meet the existing notice deadline in the Preliminary Approval Order—March 8, 2023—if it does not have finalized notice materials by February 27, 2023. Given the proximity of that date, Plaintiffs respectfully submit that re-setting the deadlines in the Preliminary Approval Order is appropriate.<sup>2</sup>

Finally, Plaintiffs request that the Court approve amended versions of the Long-Form Notice and Short-Form Notice which specify the claim form submission deadline for Settlement

---

<sup>2</sup> Plaintiffs agree that in the event the Court grants this motion, in part or in its entirety, Defendant Stuart A. Fraser's obligation to make the first installment payment of the Settlement Fund (as defined in the Settlement Agreement) will also be reset and will run from the entry of the proposed Amended Preliminary Approval Order rather than the Court's February 21, 2023 Order (ECF No. 385).

Class Members. Attached as Exhibits C and D to this motion are redline and clean versions of the proposed Amended Long-Form Notice. Attached as Exhibits E and F are redline and clean versions of the proposed Amended Short-Form Notice. No changes have been made to the proposed forms except to specify the proposed deadline for submitting a claim form.

Counsel for Plaintiffs have conferred with counsel for Defendant Stuart A. Fraser, who does not oppose this motion.

Dated: February 27, 2023

Robert A. IZARD  
Craig A. Raabe  
Douglas P. Needham  
IZARD, KINDALL & RAABE, LLP  
29 S. Main St., Suite 305  
West Hartford, CT 06107  
Tel: (860) 493-6292  
[rizard@ikrlaw.com](mailto:rizard@ikrlaw.com)  
[craabe@ikrlaw.com](mailto:craabe@ikrlaw.com)  
[dneedham@ikrlaw.com](mailto:dneedham@ikrlaw.com)

Respectfully submitted,

/s/ Russell Rennie

Marc Seltzer  
Kathryn Hoek  
SUSMAN GODFREY L.L.P.  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067  
Tel: (310) 789-3100  
[mseltzer@susmangodfrey.com](mailto:mseltzer@susmangodfrey.com)  
[khoek@susmangodfrey.com](mailto:khoek@susmangodfrey.com)

Seth Ard  
Russell F. Rennie  
Jacob Buchdahl  
Geng Chen  
SUSMAN GODFREY L.L.P.  
1301 Avenue of the Americas, 32nd Floor  
New York, NY 10019-6022  
Tel: (212) 336-8330  
[sard@susmangodfrey.com](mailto:sard@susmangodfrey.com)  
[rrennie@susmangodfrey.com](mailto:rrennie@susmangodfrey.com)  
[jbuchdahl@susmangodfrey.com](mailto:jbuchdahl@susmangodfrey.com)  
[gchen@susmangodfrey.com](mailto:gchen@susmangodfrey.com)

Edgar Sargent  
SUSMAN GODFREY L.L.P.  
1201 Third Avenue, Suite 3800  
Seattle, WA 98101-3000  
Tel: (202) 516-3880  
[esargent@susmangodfrey.com](mailto:esargent@susmangodfrey.com)

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 27, 2023, I caused the foregoing document to be served via the Electronic Case Filing (ECF) system in the United States District Court for the District of Connecticut, on all parties registered for CM/ECF in the above-captioned matter.

Dated: February 27, 2023

/s/ Russell Rennie  
Russell Rennie

# EXHIBIT A

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

DENIS MARC AUDET, MICHAEL  
PFEIFFER, and DEAN ALLEN SHINNERS,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

vs.

STUART A. FRASER, GAW MINERS, LLC,  
and ZENMINER, LLC, (d/b/a ZEN CLOUD),

Defendants.

Case 3:16-cv-00940

Hon. Michael P. Shea  
Courtroom 23

ECF Case

CLASS ACTION

FEBRUARY 27, 2023

**[PROPOSED] AMENDED PRELIMINARY APPROVAL ORDER**

This matter having come before the Court by way of Plaintiffs' Motion for Preliminary Approval of Settlement (["Motion for Preliminary Approval"](#)), filed December 16, 2022, [see ECF No. 383](#), and Plaintiffs' Motion to Amend Preliminary Approval Order (["Motion to Amend"](#)), filed [February 27, 2023](#), and the Court having reviewed the [Motion to Amend and the ~~motion~~Motion for Preliminary Approval](#), its accompanying memorandum, the Declaration of Seth Ard in Support of Plaintiffs' Motion for Preliminary Approval of Settlement (["Ard Declaration"](#)) and exhibits thereto, ~~and~~ the Declaration of Nicholas Schmidt on Behalf of the Proposed Settlement Administrator, Epiq Class Action & Claims Solutions, Inc. in Support of Plaintiffs' Motion for Preliminary Approval (["Schmidt Declaration"](#)) and exhibits thereto, hereby ORDERS:

1. The ~~terms of the~~ settlement agreement, submitted to the Court as Exhibit 2 to the Ard Declaration (["Settlement Agreement"](#)), between Plaintiffs Denis Marc Audet, Michael Pfeiffer, and Dean Allen Shinners, and Defendant Stuart Fraser is hereby preliminarily approved as being fair, reasonable, and adequate to the Settlement Class, subject to the Fairness Hearing

described below. The Court finds that the Settlement Agreement was entered into at arm's-length by highly experienced counsel and is sufficiently within the range of reasonableness that notice of the Settlement Agreement should be given as provided in this Order.

2. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court certifies, solely for purposes of effectuating the Settlement set forth in the Settlement Agreement, the following Settlement Class, wherein "Opt Outs" refers to the seven persons who submitted valid and timely requests for exclusion from the previously certified litigation class, as identified in Exhibit B to the Declaration of Nicholas Schmidt:

All persons and entities who, between August 1, 2014 and January 19, 2015, (1) purchased Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC; or (2) acquired Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC, by converting, upgrading, or exchanging other products sold by GAW Miners, LLC and/or ZenMiner, LLC. Specifically excluded from the Settlement Class are the Opt Outs, any defendants, any parent, subsidiary, affiliate, or employee of any defendant, any co-conspirator, and any governmental agency.

3. The Court finds that the requirements of Rule 23 are satisfied for the purpose of effectuating the Settlement as follows:

- a. Pursuant to Rule 23(a)(1), the Court determines that the members of the Settlement Class are so numerous that their joinder before the Court would be impracticable;
- b. Pursuant to Rule 23(a)(2), the Court determines that Plaintiffs have alleged one or more questions of fact or law common to the Class;
- c. Pursuant to Rule 23(a)(3), the Court determines that Plaintiffs' claims are typical of the claims of the Class;
- d. Pursuant to Rule 23(a)(4), the Court determines that Plaintiffs will fairly and adequately protect the interests of the Class;

- e. Pursuant to Rule 23(b)(3), the Court determines that common questions of law and fact predominate over questions affecting only individual members; and
- f. Pursuant to Rule 23(b)(3), the Court determines that a class resolution is superior to other available methods for the fair and efficient adjudication of this action.

4. The proposed Plan of Distribution, as set forth in Exhibit 3 to the Ard Declaration, is preliminarily approved. The Court finds that the proposed Plan of Distribution is reasonable and rational and should be provided to Settlement Class Members for their review.

5. The Court approves the appointment of Epiq Class Actions & Claims Solutions, Inc. (“Epiq”) as the Settlement Administrator.

6. The Court finds that the proposed procedures and methods for providing notice to the Settlement Class (“Notice Program”), as described in the Schmidt Declaration, satisfy the requirements of Federal Rule of Civil Procedure 23(c)(2)(d) and due process in that it constitutes the best notice practicable under the circumstances. Accordingly:

- a. The form and content of the Amended Short-Form Notice and Amended Long-Form Notice, attached as Exhibits ~~C and D to the Schmidt Declaration~~ D and F to Plaintiffs’ Motion to Amend the Preliminary Approval Order, are approved.
- b. Within 15 days of this Order, Epiq shall cause individual notice, as described in the Schmidt Declaration, to be emailed to Settlement Class Members at the email addresses set forth in the records previously provided by Plaintiffs.



- c. Within 15 days of this order, Epiq shall commence publication of banner advertisements on websites including Coindesk, Facebook, Instagram, Reddit, and the Google Display Network, as well as purchase sponsored search ads on search engines including Google, Bing, and Yahoo!, as described in the Schmidt Declaration.
- d. Within 15 days of this order, Epiq shall cause notice to be transmitted over *PR Newswire*.
- e. Epiq shall maintain a Settlement Website at [www.GAWMinersclassaction.com](http://www.GAWMinersclassaction.com) and a toll-free number at (855) 964-0522 to respond to Settlement Class Members' inquiries, as described in the Schmidt Declaration.

7. Within 70 days of this Order, Class Counsel shall file a motion for an award of attorney's fees, reimbursement of expenses, and incentive awards for the class representatives.

8. Within 85 days of this Order, any Settlement Class Member objecting to the Settlement must file a written objection with the Court and serve any such written objection on counsel for the parties, as identified in the notice. Each objection must contain: (1) the full name, address, telephone number, and email address, if any, of the Settlement Class Member and of the Settlement Class Member's counsel, if any; (2) documentation of the Settlement Class Member's purchase or acquisition of Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC or ZenMiner, LLC between August 1, 2014 and January 19, 2015; (3) a written statement of all grounds for the objection accompanied by legal support for the objection (if any); (4) copies of any papers, briefs, or other documents upon which the objection is based; (5) a statement of whether the Settlement Class Member intends to appear at the Fairness Hearing, individually

and/or through counsel; and (6) the signature of the Settlement Class Member or his/her counsel. If an objecting Settlement Class Member retains counsel in connection with the obligation, after serving the objection, the Settlement Class Member shall promptly notify counsel for the respective parties.

9. Within 100 days of this Order, Class Counsel shall file a motion for final approval of the Settlement and any reply in support in the motion for an award of attorneys' fees, reimbursement of expenses, and incentive awards for the class representatives.

10. Within 115 days of this Order, Class Counsel shall file any reply in support of the motion for final approval of the Settlement.

~~10.11.~~ By no later than two weeks after the Fairness Hearing, any Settlement Class Member who wishes to seek payment under the Settlement shall submit a claim form to the Settlement Administrator. See ECF No. 383-7.

~~11.12.~~ A Fairness Hearing will be held on \_\_\_\_\_ in Courtroom ~~2-3~~ of the Abraham A. Ribicoff Federal Building, 450 Main Street, ~~Suite A012~~, Hartford, CT 06103.

IT IS SO ORDERED ON this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Hon. Michael P. Shea  
United States District Judge

# EXHIBIT B

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

DENIS MARC AUDET, MICHAEL  
PFEIFFER, and DEAN ALLEN SHINNERS,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

vs.

STUART A. FRASER, GAW MINERS, LLC,  
and ZENMINER, LLC, (d/b/a ZEN CLOUD),

Defendants.

Case 3:16-cv-00940

Hon. Michael P. Shea  
Courtroom 3

ECF Case

CLASS ACTION

FEBRUARY 27, 2023

**[PROPOSED] AMENDED PRELIMINARY APPROVAL ORDER**

This matter having come before the Court by way of Plaintiffs' Motion for Preliminary Approval of Settlement ("Motion for Preliminary Approval"), filed December 16, 2022, *see* ECF No. 383, and Plaintiffs' Motion to Amend Preliminary Approval Order ("Motion to Amend"), filed February 27, 2023, and the Court having reviewed the Motion to Amend and the Motion for Preliminary Approval, its accompanying memorandum, the Declaration of Seth Ard in Support of Plaintiffs' Motion for Preliminary Approval of Settlement ("Ard Declaration") and exhibits thereto, the Declaration of Nicholas Schmidt on Behalf of the Proposed Settlement Administrator, Epiq Class Action & Claims Solutions, Inc. in Support of Plaintiffs' Motion for Preliminary Approval ("Schmidt Declaration") and exhibits thereto, hereby ORDERS:

1. The settlement agreement, submitted to the Court as Exhibit 2 to the Ard Declaration ("Settlement Agreement"), between Plaintiffs Denis Marc Audet, Michael Pfeiffer, and Dean Allen Shinners, and Defendant Stuart Fraser is hereby preliminarily approved as being fair, reasonable, and adequate to the Settlement Class, subject to the Fairness Hearing described

below. The Court finds that the Settlement Agreement was entered into at arm's-length by highly experienced counsel and is sufficiently within the range of reasonableness that notice of the Settlement Agreement should be given as provided in this Order.

2. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court certifies, solely for purposes of effectuating the Settlement set forth in the Settlement Agreement, the following Settlement Class, wherein "Opt Outs" refers to the seven persons who submitted valid and timely requests for exclusion from the previously certified litigation class, as identified in Exhibit B to the Declaration of Nicholas Schmidt:

All persons and entities who, between August 1, 2014 and January 19, 2015, (1) purchased Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC; or (2) acquired Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC, by converting, upgrading, or exchanging other products sold by GAW Miners, LLC and/or ZenMiner, LLC. Specifically excluded from the Settlement Class are the Opt Outs, any defendants, any parent, subsidiary, affiliate, or employee of any defendant, any co-conspirator, and any governmental agency.

3. The Court finds that the requirements of Rule 23 are satisfied for the purpose of effectuating the Settlement as follows:

- a. Pursuant to Rule 23(a)(1), the Court determines that the members of the Settlement Class are so numerous that their joinder before the Court would be impracticable;
- b. Pursuant to Rule 23(a)(2), the Court determines that Plaintiffs have alleged one or more questions of fact or law common to the Class;
- c. Pursuant to Rule 23(a)(3), the Court determines that Plaintiffs' claims are typical of the claims of the Class;
- d. Pursuant to Rule 23(a)(4), the Court determines that Plaintiffs will fairly and adequately protect the interests of the Class;

- e. Pursuant to Rule 23(b)(3), the Court determines that common questions of law and fact predominate over questions affecting only individual members; and
- f. Pursuant to Rule 23(b)(3), the Court determines that a class resolution is superior to other available methods for the fair and efficient adjudication of this action.

4. The proposed Plan of Distribution, as set forth in Exhibit 3 to the Ard Declaration, is preliminarily approved. The Court finds that the proposed Plan of Distribution is reasonable and rational and should be provided to Settlement Class Members for their review.

5. The Court approves the appointment of Epiq Class Actions & Claims Solutions, Inc. (“Epiq”) as the Settlement Administrator.

6. The Court finds that the proposed procedures and methods for providing notice to the Settlement Class (“Notice Program”), as described in the Schmidt Declaration, satisfy the requirements of Federal Rule of Civil Procedure 23(c)(2)(d) and due process in that it constitutes the best notice practicable under the circumstances. Accordingly:

- a. The form and content of the Amended Short-Form Notice and Amended Long-Form Notice, attached as Exhibits D and F to Plaintiffs’ Motion to Amend the Preliminary Approval Order, are approved.
- b. Within 15 days of this Order, Epiq shall cause individual notice, as described in the Schmidt Declaration, to be emailed to Settlement Class Members at the email addresses set forth in the records previously provided by Plaintiffs.

- c. Within 15 days of this order, Epiq shall commence publication of banner advertisements on websites including Coindesk, Facebook, Instagram, Reddit, and the Google Display Network, as well as purchase sponsored search ads on search engines including Google, Bing, and Yahoo!, as described in the Schmidt Declaration.
- d. Within 15 days of this order, Epiq shall cause notice to be transmitted over *PR Newswire*.
- e. Epiq shall maintain a Settlement Website at [www.GAWMinersclassaction.com](http://www.GAWMinersclassaction.com) and a toll-free number at (855) 964-0522 to respond to Settlement Class Members' inquiries, as described in the Schmidt Declaration.

7. Within 70 days of this Order, Class Counsel shall file a motion for an award of attorney's fees, reimbursement of expenses, and incentive awards for the class representatives.

8. Within 85 days of this Order, any Settlement Class Member objecting to the Settlement must file a written objection with the Court and serve any such written objection on counsel for the parties, as identified in the notice. Each objection must contain: (1) the full name, address, telephone number, and email address, if any, of the Settlement Class Member and of the Settlement Class Member's counsel, if any; (2) documentation of the Settlement Class Member's purchase or acquisition of Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC or ZenMiner, LLC between August 1, 2014 and January 19, 2015; (3) a written statement of all grounds for the objection accompanied by legal support for the objection (if any); (4) copies of any papers, briefs, or other documents upon which the objection is based; (5) a statement of whether the Settlement Class Member intends to appear at the Fairness Hearing, individually

and/or through counsel; and (6) the signature of the Settlement Class Member or his/her counsel. If an objecting Settlement Class Member retains counsel in connection with the obligation, after serving the objection, the Settlement Class Member shall promptly notify counsel for the respective parties.

9. Within 100 days of this Order, Class Counsel shall file a motion for final approval of the Settlement and any reply in support in the motion for an award of attorneys' fees, reimbursement of expenses, and incentive awards for the class representatives.

10. Within 115 days of this Order, Class Counsel shall file any reply in support of the motion for final approval of the Settlement.

11. By no later than two weeks after the Fairness Hearing, any Settlement Class Member who wishes to seek payment under the Settlement shall submit a claim form to the Settlement Administrator. *See* ECF No. 383-7.

12. A Fairness Hearing will be held on \_\_\_\_\_ in Courtroom 3 of the Abraham A. Ribicoff Federal Building, 450 Main Street, Hartford, CT 06103.

IT IS SO ORDERED ON this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Hon. Michael P. Shea  
United States District Judge



# EXHIBIT C

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT  
AUDET, et al. v. FRASER, et al.  
No. 3:16-cv-0940 (MPS)

NOTICE OF CLASS ACTION SETTLEMENT

**If you purchased certain products from GAW Miners or ZenMiner between August 1, 2014 and January 19, 2015, your rights may be affected by a class action settlement**

*A Connecticut Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

**To: All persons or entities who, between August 1, 2014 and January 19, 2015, (1) purchased Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC; or (2) acquired Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC, by converting, upgrading, or exchanging other products sold by GAW Miners, LLC and/or ZenMiner, LLC.**

- A proposed settlement has been reached in a class action lawsuit called *Denis Marc Audet et al. v. Stuart Fraser et al.*, Case No. 16-CV-940 (MPS) (the “Settlement”).
- The lawsuit alleges that GAW Miners and ZenMiner (the “Companies”) made false and misleading statements to potential investors about defendants’ virtual currency mining operations. Plaintiffs allege that the Companies sold a progressive array of products and investment contracts to investors that they claimed would yield profits from mining or otherwise investing in virtual currency. Plaintiffs allege that, because the Companies sold far more computing power than they owned and dedicated to virtual currency mining, the Companies owed investors a return larger than any actual return the Companies were making on their limited mining operations. Plaintiffs allege that Mr. Fraser materially assisted the Companies and exercised control over them such that he is liable for any injuries caused by the misconduct allegedly perpetrated by the Companies described above. Mr. Fraser denies all allegations against him; however, both sides have agreed to the Settlement to avoid the cost of further litigation.
- If the Court approves the Settlement, Mr. Fraser will fund a cash settlement fund of \$3,500,000. Settlement Class Members will be eligible to receive payment from that cash fund, as further detailed in Questions 8-11.
- Your legal rights are affected whether or not you act. ***Please read this notice carefully.***

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>		
<b>SUBMIT A CLAIM</b>	<ul style="list-style-type: none"> <li>• Get certain benefits from the Settlement</li> <li>• Be bound by the Settlement</li> <li>• Give up any right to pursue a lawsuit against Stuart Fraser concerning or relating to the claims alleged in this case</li> </ul>	Filed by <b>DATE, 2023</b>
<b>DO NOTHING</b>	<ul style="list-style-type: none"> <li>• Be bound by the Settlement</li> <li>• Give up any right to pursue a lawsuit against Stuart Fraser concerning or relating to the claims alleged in this case</li> </ul>	
<b>OBJECT</b>	<ul style="list-style-type: none"> <li>• Tell the Court what you do not like about the Settlement — You will still be bound by the Settlement</li> </ul>	Filed and served by <b>DATE, <del>2022</del>2023</b>

- These rights and options—**and the deadlines to exercise them**—are explained in this notice. The deadlines may be moved, cancelled, or otherwise modified, so please check the Class Website, [www.gawminersclassaction.com](http://www.gawminersclassaction.com), regularly for updates and further details.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

**WHAT THIS NOTICE CONTAINS**

[TOC]

## **BASIC INFORMATION**

### **1. Why is there a notice?**

You have a right to know about a proposed settlement of a class action lawsuit, and about your rights and options, before the Court decides whether to approve the Settlement.

The Court in charge of this case is the United States District Court for the District of Connecticut (the “Court”), and the case is called *Denis Marc Audet et al. v. Stuart Fraser et al.*, Case No. 16-CV-940 (MPS) (the “Action”). The individuals who sued on behalf of the Class include Plaintiffs Denis Marc Audet, D. Allen Shinnars, and Michael Pfeiffer. The person they sued, Stuart Fraser, is called the Defendant.

### **2. What is this lawsuit about?**

The lawsuit alleges that GAW Miners and ZenMiner (the “Companies”) made false and misleading statements to potential investors about defendants’ virtual currency mining operations. Plaintiffs allege that the Companies sold a progressive array of products and investment contracts to investors that they claimed would yield profits from mining or otherwise investing in virtual currency. Plaintiffs allege that, because the Companies sold far more computing power than they owned and dedicated to virtual currency mining, the Companies owed investors a return larger than any actual return the Companies were making on their limited mining operations. Plaintiffs allege that Mr. Fraser materially assisted the Companies and exercised control over them such that he is liable for any injuries caused by the misconduct allegedly perpetrated by the Companies described above. Mr. Fraser denies all allegations against him; however, both sides have agreed to the Settlement to avoid the cost of further litigation.

### **3. Why is this a class action?**

In a class action, one or more people called Class Representatives sue on behalf of people who have similar claims. All these people are a class or class members. Bringing a case, such as this one, as a class action allows resolution of many similar claims of persons and entities that might be economically too small to bring in individual actions. One court resolves the issues for all class members, except for those who exclude themselves from the class.

### **4. Why is there a Settlement?**

Mr. Fraser denies that he did anything wrong. However, both sides, after many years of litigating the case (including a full trial before a jury), have agreed to the Settlement. Both sides want to avoid the cost and risk of further litigation. The Court has not decided in favor of the Plaintiffs or Mr. Fraser. Plaintiffs and their attorneys think the Settlement is in the best interests of the Settlement Class and is fair, reasonable, and adequate.

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

### **5. Am I part of the Settlement?**

The Settlement Class consists of all persons and entities who, between August 1, 2014 and January 19, 2015, (1) purchased Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC; or (2) acquired Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC, by converting, upgrading, or exchanging other products sold by GAW Miners, LLC and/or ZenMiner, LLC.

The Settlement Class **excludes** any person or entity who timely filed a request for exclusion from the Class after the Court certified the lawsuit to proceed as a class action; any defendants; any parent, subsidiary, affiliate, or employee of any defendant; any co-conspirator; and any governmental agency.

### **6. What if I am still not sure if I am included in the Settlement?**

If you are not sure whether you are a Settlement Class Member, or have any other questions about the Settlement, you should visit the Class Website, [www.gawminersclassaction.com](http://www.gawminersclassaction.com), or call the Settlement Administrator toll-free at 1-855-964-0522.

### **7. Can I remove myself from the Settlement and sue Mr. Fraser?**

If you filed a timely request for exclusion from the Class after the Court certified the lawsuit to proceed as a class action and Counsel issued notice of the Class Action, you are not part of the Settlement. Otherwise, you may not remove yourself from the Class at this point.

## **SETTLEMENT BENEFITS – WHAT SETTLEMENT CLASS MEMBERS GET**

### **8. What does the Settlement provide?**

The Settlement provides monetary compensation to Settlement Class Members. Mr. Fraser will fund \$3,500,000 to be distributed to Settlement Class Members (the “Settlement Fund”).

If you are a Settlement Class Member and you submit a valid and complete claim form for your claim, you may be entitled to receive a *pro rata* share of the Settlement Fund, after certain expenses have been deducted. Before being used to pay any Settlement Class Members, the Settlement Fund will first be used to pay: (1) all settlement administration expenses (excluding certain publication notice expenses); (2) any “Incentive Awards,” which are awards to compensate the named Plaintiffs for efforts they took on behalf of the entire Settlement Class in the litigation; and (3) any Class Counsel’s fees (which will not exceed one-third of the Settlement Fund) and expenses.

The remainder of the Settlement Fund (the “Net Settlement Fund”) will be used to pay the Settlement Class Members on a *pro rata* basis, based on each Settlement Class Member’s claim. A claimant’s *pro rata* share will be calculated as follows. First, your “stake” would be calculated by adding the amount you paid to GAW for the four Qualifying Products listed above (Hashlets, Hashpoints, HashStakers, or Paycoin) to the value of any Hashpoints you obtained through Hashpoint mining (valued at \$0.01 per Hashpoint),

then subtracting any value you received from GAW (e.g., in the form of Hashlet payouts) and any value you received from selling the Qualifying Products. Next, your stake would be divided by the combined total stakes of each claimant who submits a claim. Finally, the resulting percentage would be multiplied by the Net Settlement Fund to calculate your share of the Net Settlement Fund. However, a person whose share of the Net Settlement would be less than \$10 will not receive a share of the Settlement.

More details are in documents called the Settlement Agreement and Plan of Distribution, which is available at [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

## HOW TO GET A PAYMENT

### **9. How can I get a payment?**

In order to participate in the proposed settlement and receive a payment if you are eligible for payment, you must submit a claim form. The claim form informs Settlement Class Counsel that you wish to participate in the proposed settlement. Settlement Class Members will receive an email with a link to the claim form. The claim form is also available at [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

### **10. When would I get my payment?**

Payments will be transmitted to Settlement Class Members after the Court grants “final approval” to the Settlement and after all appeals are resolved. If the Court approves the Settlement, there may be appeals. It’s always uncertain whether these appeals can be resolved and resolving them can take time. Please be patient.

### **11. What am I giving up to get a payment in the Settlement?**

If you are a Settlement Class Member, you cannot sue Mr. Fraser, continue to sue, or be part of any other lawsuit against Mr. Fraser concerning or relating to the claims released in this Settlement. The Released Claims and Released Parties are defined in the Settlement Agreement. They describe the legal claims that you give up as a Settlement Class Member if the Settlement is approved. The Settlement Agreement is available at [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

## THE LAWYERS REPRESENTING YOU

### **12. Do I need to hire my own lawyer?**

No. The Court has appointed Susman Godfrey L.L.P and Izard, Kindall & Raabe, LLP as Class Counsel. You will not be charged for Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

### **13. How will the lawyers be paid?**

Class Counsel will file a motion seeking a fee award not to exceed one-third of the Settlement Fund, and reimbursement for all of the expenses they incurred or will incur. Class Counsel will also seek Incentive Awards for each of the named Plaintiffs, to compensate them for efforts they took on behalf of the entire Settlement Class in the litigation.

## **OBJECTING TO THE SETTLEMENT**

<b>14. How do I tell the Court if I do not like the Settlement?</b>
---

Any Settlement Class Member may object to the fairness, reasonableness, or adequacy of the proposed Settlement. Settlement Class Members who wish to object to any term of the Settlement must do so, in writing, by filing a written objection with the Court, and serving copies on Class Counsel and Counsel for Defendant.

The written objection must include:

- Your full name, address, telephone number, and email address (if any);
- A written statement of all grounds for the objection accompanied by any legal support for the objection (if any);
- Copies of any papers, briefs, or other documents upon which the objection is based;
- A list of all persons who will be called to testify in support of the objection (if any);
- A statement of whether you intend to appear at the Fairness Hearing;
- A list of any objections by you and/or your counsel in any class action settlement submitted to any state or federal court in the United States in the previous five years; and
- Your or your counsel's signature.

If you intend to appear at the Fairness Hearing through counsel, the written objection must also state the identity of all attorneys representing you who will appear at the Fairness Hearing.



Your objection, along with any supporting material you wish to submit, must be filed with the Office of the Court, with a copy served on Class Counsel and Counsel for Defendant by **[DATE]** at the following addresses:

Clerk of the Court	Class Counsel
<p>Office of the Clerk Abraham Ribicoff Federal Building United States Courthouse 450 Main St. Hartford, CT 06103</p>	<p>Seth Ard Jacob W. Buchdahl Geng Chen Russell F. Rennie <b>Susman Godfrey LLP</b> 1301 Avenue of the Americas, 32nd Floor New York, NY 10019 sard@susmangodfrey.com jbuchdahl@susmangodfrey.com gchen@susmangodfrey.com rrennie@susmangodfrey.com</p> <p>Robert A. IZard Doug Needham <b>IZARD, KINDALL &amp; RAABE, LLP</b> 29 S. Main St., Suite 305 West Hartford, CT 06107 rizard@ikrlaw.com dneedham@ikrlaw.com</p>
	Counsel for Defendant
	<p>Daniel H. Weiner Marc A. Weinstein Amina Hassan Hannah Miller One Battery Park Plaza New York, NY 10004-1482 daniel.weiner@hugheshubbard.com</p> <p>Rowena A. Moffett David R. Schaefer Sean M. Fisher <b>Brenner, Saltzman &amp; Wallman LLP</b> 271 Whitney Avenue New Haven, CT 06511 rmoffett@bswlaw.com</p>

## **THE COURT’S FAIRNESS HEARING**

### **15. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Fairness Hearing on [DATE] at [TIME] ET, at the Abraham Ribicoff Federal Building, United States Courthouse, 450 Main Street, Hartford, Connecticut 06103.

At the Fairness Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the application by Class Counsel for attorneys’ fees and reimbursement of expenses and reasonable Incentive Award payments for Plaintiffs. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

### **16. Do I have to come to the hearing?**

No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. If you submit an objection, you don’t have to come to Court to talk about it. As long as you filed and served your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it’s not necessary.

### **17. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your “Notice of Intent to Appear.” Your request must state your name, address, and telephone number, as well as the name, address, and telephone number of the person that will appear on your behalf. Your request must be filed with the Clerk of the Court and served on Class Counsel and Defendant’s Counsel no later than [DATE].

Only the Parties, Settlement Class Members, or their counsel may request to appear and be heard at the Fairness Hearing. Persons or entities that have opted out may not request to appear and be heard at the Fairness Hearing.

## **IF YOU DO NOTHING**

### **18. What happens if I do nothing at all?**

If you do nothing, you will be included in the Settlement Class, but you will not receive a monetary benefit even if the proposed settlement is approved. If the proposed settlement is approved, you cannot sue Mr. Fraser, continue to sue, or be part of any other lawsuit against Mr. Fraser concerning or relating to the claims released in this Settlement.

**GETTING MORE INFORMATION**

**19. How do I get more information?**

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement, available at the Class Website, [www.gawminersclassaction.com](http://www.gawminersclassaction.com). If you have additional questions, you can visit the Class Website or contact the Settlement Administrator:

Audet, et al. v. Garza, et al.  
Notice Administrator  
P.O. Box 3578  
Portland, OR 97208-3578

**PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE**

# EXHIBIT D

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT  
AUDET, et al. v. FRASER, et al.  
No. 3:16-cv-0940 (MPS)

NOTICE OF CLASS ACTION SETTLEMENT

**If you purchased certain products from GAW Miners or ZenMiner between August 1, 2014 and January 19, 2015, your rights may be affected by a class action settlement**

*A Connecticut Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

**To: All persons or entities who, between August 1, 2014 and January 19, 2015, (1) purchased Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC; or (2) acquired Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC, by converting, upgrading, or exchanging other products sold by GAW Miners, LLC and/or ZenMiner, LLC.**

- A proposed settlement has been reached in a class action lawsuit called *Denis Marc Audet et al. v. Stuart Fraser et al.*, Case No. 16-CV-940 (MPS) (the “Settlement”).
- The lawsuit alleges that GAW Miners and ZenMiner (the “Companies”) made false and misleading statements to potential investors about defendants’ virtual currency mining operations. Plaintiffs allege that the Companies sold a progressive array of products and investment contracts to investors that they claimed would yield profits from mining or otherwise investing in virtual currency. Plaintiffs allege that, because the Companies sold far more computing power than they owned and dedicated to virtual currency mining, the Companies owed investors a return larger than any actual return the Companies were making on their limited mining operations. Plaintiffs allege that Mr. Fraser materially assisted the Companies and exercised control over them such that he is liable for any injuries caused by the misconduct allegedly perpetrated by the Companies described above. Mr. Fraser denies all allegations against him; however, both sides have agreed to the Settlement to avoid the cost of further litigation.
- If the Court approves the Settlement, Mr. Fraser will fund a cash settlement fund of \$3,500,000. Settlement Class Members will be eligible to receive payment from that cash fund, as further detailed in Questions 8-11.
- Your legal rights are affected whether or not you act. ***Please read this notice carefully.***

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>		
<b>SUBMIT A CLAIM</b>	<ul style="list-style-type: none"> <li>• Get certain benefits from the Settlement</li> <li>• Be bound by the Settlement</li> <li>• Give up any right to pursue a lawsuit against Stuart Fraser concerning or relating to the claims alleged in this case</li> </ul>	Filed by <b>DATE, 2023</b>
<b>DO NOTHING</b>	<ul style="list-style-type: none"> <li>• Be bound by the Settlement</li> <li>• Give up any right to pursue a lawsuit against Stuart Fraser concerning or relating to the claims alleged in this case</li> </ul>	
<b>OBJECT</b>	<ul style="list-style-type: none"> <li>• Tell the Court what you do not like about the Settlement — You will still be bound by the Settlement</li> </ul>	Filed and served by <b>DATE, 2023</b>

- These rights and options—**and the deadlines to exercise them**—are explained in this notice. The deadlines may be moved, cancelled, or otherwise modified, so please check the Class Website, [www.gawminersclassaction.com](http://www.gawminersclassaction.com), regularly for updates and further details.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

**WHAT THIS NOTICE CONTAINS**

[TOC]

## **BASIC INFORMATION**

### **1. Why is there a notice?**

You have a right to know about a proposed settlement of a class action lawsuit, and about your rights and options, before the Court decides whether to approve the Settlement.

The Court in charge of this case is the United States District Court for the District of Connecticut (the “Court”), and the case is called *Denis Marc Audet et al. v. Stuart Fraser et al.*, Case No. 16-CV-940 (MPS) (the “Action”). The individuals who sued on behalf of the Class include Plaintiffs Denis Marc Audet, D. Allen Shinnars, and Michael Pfeiffer. The person they sued, Stuart Fraser, is called the Defendant.

### **2. What is this lawsuit about?**

The lawsuit alleges that GAW Miners and ZenMiner (the “Companies”) made false and misleading statements to potential investors about defendants’ virtual currency mining operations. Plaintiffs allege that the Companies sold a progressive array of products and investment contracts to investors that they claimed would yield profits from mining or otherwise investing in virtual currency. Plaintiffs allege that, because the Companies sold far more computing power than they owned and dedicated to virtual currency mining, the Companies owed investors a return larger than any actual return the Companies were making on their limited mining operations. Plaintiffs allege that Mr. Fraser materially assisted the Companies and exercised control over them such that he is liable for any injuries caused by the misconduct allegedly perpetrated by the Companies described above. Mr. Fraser denies all allegations against him; however, both sides have agreed to the Settlement to avoid the cost of further litigation.

### **3. Why is this a class action?**

In a class action, one or more people called Class Representatives sue on behalf of people who have similar claims. All these people are a class or class members. Bringing a case, such as this one, as a class action allows resolution of many similar claims of persons and entities that might be economically too small to bring in individual actions. One court resolves the issues for all class members, except for those who exclude themselves from the class.

### **4. Why is there a Settlement?**

Mr. Fraser denies that he did anything wrong. However, both sides, after many years of litigating the case (including a full trial before a jury), have agreed to the Settlement. Both sides want to avoid the cost and risk of further litigation. The Court has not decided in favor of the Plaintiffs or Mr. Fraser. Plaintiffs and their attorneys think the Settlement is in the best interests of the Settlement Class and is fair, reasonable, and adequate.



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

### **5. Am I part of the Settlement?**

The Settlement Class consists of all persons and entities who, between August 1, 2014 and January 19, 2015, (1) purchased Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC; or (2) acquired Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC, by converting, upgrading, or exchanging other products sold by GAW Miners, LLC and/or ZenMiner, LLC.

The Settlement Class **excludes** any person or entity who timely filed a request for exclusion from the Class after the Court certified the lawsuit to proceed as a class action; any defendants; any parent, subsidiary, affiliate, or employee of any defendant; any co-conspirator; and any governmental agency.

### **6. What if I am still not sure if I am included in the Settlement?**

If you are not sure whether you are a Settlement Class Member, or have any other questions about the Settlement, you should visit the Class Website, [www.gawminersclassaction.com](http://www.gawminersclassaction.com), or call the Settlement Administrator toll-free at 1-855-964-0522.

### **7. Can I remove myself from the Settlement and sue Mr. Fraser?**

If you filed a timely request for exclusion from the Class after the Court certified the lawsuit to proceed as a class action and Counsel issued notice of the Class Action, you are not part of the Settlement. Otherwise, you may not remove yourself from the Class at this point.

## **SETTLEMENT BENEFITS – WHAT SETTLEMENT CLASS MEMBERS GET**

### **8. What does the Settlement provide?**

The Settlement provides monetary compensation to Settlement Class Members. Mr. Fraser will fund \$3,500,000 to be distributed to Settlement Class Members (the “Settlement Fund”).

If you are a Settlement Class Member and you submit a valid and complete claim form for your claim, you may be entitled to receive a *pro rata* share of the Settlement Fund, after certain expenses have been deducted. Before being used to pay any Settlement Class Members, the Settlement Fund will first be used to pay: (1) all settlement administration expenses (excluding certain publication notice expenses); (2) any “Incentive Awards,” which are awards to compensate the named Plaintiffs for efforts they took on behalf of the entire Settlement Class in the litigation; and (3) any Class Counsel’s fees (which will not exceed one-third of the Settlement Fund) and expenses.

The remainder of the Settlement Fund (the “Net Settlement Fund”) will be used to pay the Settlement Class Members on a *pro rata* basis, based on each Settlement Class Member’s claim. A claimant’s *pro rata* share will be calculated as follows. First, your “stake” would be calculated by adding the amount you paid to GAW for the four Qualifying Products listed above (Hashlets, Hashpoints, HashStakers, or Paycoin) to the value of any Hashpoints you obtained through Hashpoint mining (valued at \$0.01 per Hashpoint),

then subtracting any value you received from GAW (*e.g.*, in the form of Hashlet payouts) and any value you received from selling the Qualifying Products. Next, your stake would be divided by the combined total stakes of each claimant who submits a claim. Finally, the resulting percentage would be multiplied by the Net Settlement Fund to calculate your share of the Net Settlement Fund. However, a person whose share of the Net Settlement would be less than \$10 will not receive a share of the Settlement.

More details are in documents called the Settlement Agreement and Plan of Distribution, which is available at [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

## HOW TO GET A PAYMENT

### **9. How can I get a payment?**

In order to participate in the proposed settlement and receive a payment if you are eligible for payment, you must submit a claim form. The claim form informs Settlement Class Counsel that you wish to participate in the proposed settlement. Settlement Class Members will receive an email with a link to the claim form. The claim form is also available at [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

### **10. When would I get my payment?**

Payments will be transmitted to Settlement Class Members after the Court grants “final approval” to the Settlement and after all appeals are resolved. If the Court approves the Settlement, there may be appeals. It’s always uncertain whether these appeals can be resolved and resolving them can take time. Please be patient.

### **11. What am I giving up to get a payment in the Settlement?**

If you are a Settlement Class Member, you cannot sue Mr. Fraser, continue to sue, or be part of any other lawsuit against Mr. Fraser concerning or relating to the claims released in this Settlement. The Released Claims and Released Parties are defined in the Settlement Agreement. They describe the legal claims that you give up as a Settlement Class Member if the Settlement is approved. The Settlement Agreement is available at [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

## THE LAWYERS REPRESENTING YOU

### **12. Do I need to hire my own lawyer?**

No. The Court has appointed Susman Godfrey L.L.P and Izard, Kindall & Raabe, LLP as Class Counsel. You will not be charged for Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

### **13. How will the lawyers be paid?**

Class Counsel will file a motion seeking a fee award not to exceed one-third of the Settlement Fund, and reimbursement for all of the expenses they incurred or will incur. Class Counsel will also seek Incentive Awards for each of the named Plaintiffs, to compensate them for efforts they took on behalf of the entire Settlement Class in the litigation.

## **OBJECTING TO THE SETTLEMENT**

<b>14. How do I tell the Court if I do not like the Settlement?</b>
---

Any Settlement Class Member may object to the fairness, reasonableness, or adequacy of the proposed Settlement. Settlement Class Members who wish to object to any term of the Settlement must do so, in writing, by filing a written objection with the Court, and serving copies on Class Counsel and Counsel for Defendant.

The written objection must include:

- Your full name, address, telephone number, and email address (if any);
- A written statement of all grounds for the objection accompanied by any legal support for the objection (if any);
- Copies of any papers, briefs, or other documents upon which the objection is based;
- A list of all persons who will be called to testify in support of the objection (if any);
- A statement of whether you intend to appear at the Fairness Hearing;
- A list of any objections by you and/or your counsel in any class action settlement submitted to any state or federal court in the United States in the previous five years; and
- Your or your counsel's signature.

If you intend to appear at the Fairness Hearing through counsel, the written objection must also state the identity of all attorneys representing you who will appear at the Fairness Hearing.

Your objection, along with any supporting material you wish to submit, must be filed with the Office of the Court, with a copy served on Class Counsel and Counsel for Defendant by **[DATE]** at the following addresses:

Clerk of the Court	Class Counsel
<p>Office of the Clerk                      Abraham Ribicoff                      Federal Building                      United States Courthouse                      450 Main St.                      Hartford, CT                      06103</p>	<p>Seth Ard                      Jacob W. Buchdahl                      Geng Chen                      Russell F. Rennie  <b>Susman Godfrey LLP</b>                      1301 Avenue of the Americas, 32nd                      Floor New York, NY 10019                      sard@susmangodfrey.com                      jbuchdahl@susmangodfrey.com                      gchen@susmangodfrey.com                      rrennie@susmangodfrey.com</p> <p>Robert A. IZard                      Doug Needham  <b>IZARD, KINDALL &amp; RAABE, LLP</b>                      29 S. Main St., Suite 305                      West Hartford, CT 06107                      rizard@ikrlaw.com                      dneedham@ikrlaw.com</p>
	Counsel for Defendant
	<p>Daniel H. Weiner                      Marc A. Weinstein                      Amina Hassan                      Hannah Miller                      One Battery Park Plaza                      New York, NY 10004-1482                      daniel.weiner@hugheshubbard.com</p> <p>Rowena A. Moffett                      David R. Schaefer                      Sean M. Fisher  <b>Brenner, Saltzman &amp; Wallman LLP</b>                      271 Whitney Avenue                      New Haven, CT 06511                      rmoffett@bswlaw.com</p>

## **THE COURT’S FAIRNESS HEARING**

### **15. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Fairness Hearing on [DATE] at [TIME] ET, at the Abraham Ribicoff Federal Building, United States Courthouse, 450 Main Street, Hartford, Connecticut 06103.

At the Fairness Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the application by Class Counsel for attorneys’ fees and reimbursement of expenses and reasonable Incentive Award payments for Plaintiffs. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

### **16. Do I have to come to the hearing?**

No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. If you submit an objection, you don’t have to come to Court to talk about it. As long as you filed and served your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it’s not necessary.

### **17. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your “Notice of Intent to Appear.” Your request must state your name, address, and telephone number, as well as the name, address, and telephone number of the person that will appear on your behalf. Your request must be filed with the Clerk of the Court and served on Class Counsel and Defendant’s Counsel no later than [DATE].

Only the Parties, Settlement Class Members, or their counsel may request to appear and be heard at the Fairness Hearing. Persons or entities that have opted out may not request to appear and be heard at the Fairness Hearing.

## **IF YOU DO NOTHING**

### **18. What happens if I do nothing at all?**

If you do nothing, you will be included in the Settlement Class, but you will not receive a monetary benefit even if the proposed settlement is approved. If the proposed settlement is approved, you cannot sue Mr. Fraser, continue to sue, or be part of any other lawsuit against Mr. Fraser concerning or relating to the claims released in this Settlement.

**GETTING MORE INFORMATION**

**19. How do I get more information?**

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement, available at the Class Website, [www.gawminersclassaction.com](http://www.gawminersclassaction.com). If you have additional questions, you can visit the Class Website or contact the Settlement Administrator:

Audet, et al. v. Garza, et al.  
Notice Administrator  
P.O. Box 3578  
Portland, OR 97208-3578

**PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE**

# EXHIBIT E

**If you purchased certain products from GAW Miners or ZenMiner between August 1, 2014 and January 19, 2015, your rights may be affected by a class action settlement.**

A proposed settlement has been reached in a class action lawsuit called *Denis Marc Audet et al. v. Stuart Fraser et al.*, Case No. 16-CV-940 (MPS) (the "Settlement"). This notice provides a summary of your rights and options. More details are available at <https://www.gawminersclassaction.com/>.

**What is this about?** The lawsuit alleges that GAW Miners and ZenMiner made false and misleading statements to potential investors about defendants' virtual currency mining operations. Plaintiffs allege that the Companies sold a progressive array of products and investment contracts to investors that they claimed would yield profits from mining or otherwise investing in virtual currency. Plaintiffs allege that, because the Companies sold far more computing power than they owned and dedicated to virtual currency mining, the Companies owed investors a return larger than any actual return the Companies were making on their limited mining operations. Plaintiffs allege that Mr. Fraser materially assisted the Companies and exercised control over them such that he is liable for any injuries caused by the misconduct allegedly perpetrated by the Companies described above. Mr. Fraser denies all allegations against him; however, both sides have agreed to the Settlement to avoid the cost of further litigation.

**Who is affected?** You are a Class Member if, between August 1, 2014 and January 19, 2015, you (1) purchased Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC; or (2) acquired Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC, by converting, upgrading, or exchanging other products sold by GAW Miners, LLC and/or ZenMiner, LLC.

**What does the Settlement provide?** The Settlement provides for cash payments that will be distributed on a pro rata basis from a fund of \$3,500,000. For more details, visit [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

**What are my options?** You can submit a claim form to participate in the Settlement, do nothing, or object to the Settlement.

**Submit a claim.** To participate in the proposed settlement and receive a payment if you are eligible for payment, you must submit a claim form **by DATE**. The claim form informs Settlement Class Counsel that you wish to participate in the proposed settlement. Class Members will receive an email with a link to the claim form. The claim form is also available at [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

**Do nothing.** If you do nothing, you will be included in the Settlement Class, but you will not receive a monetary benefit even if the proposed settlement is approved. If the proposed settlement is approved, you also will not be able to pursue any other lawsuit against Mr. Fraser concerning or relating to the claims alleged in this lawsuit.

**Object.** You may object or tell the Court what you don't like about the Settlement.

**What happens next?** The Court will hold a Fairness Hearing on **DATE** at **TIME** at the Abraham Ribicoff Federal Building, United States Courthouse, 450 Main St., Hartford, CT, 06103, to consider whether to approve the Settlement, Class Counsel's attorneys' fees and expenses (not to exceed 33% of the Settlement Fund), and Incentive Awards for three Plaintiffs for their service on behalf of the Class. The Court has appointed Susman Godfrey L.L.P. as Class Counsel. Class Counsel will answer any questions that the Court may have. You or your attorney may ask to speak at the hearing at your own expense, but you don't have to.

**How do I get more information?** For more information and to view the full notice, go to [www.gawminersclassaction.com](http://www.gawminersclassaction.com), or contact the Settlement Administrator by writing Audet, et al. v. Garza, et al. Notice Administrator, P.O. Box 3578, Portland, OR 97208, or calling 1-855-964-0522.

**Please do not contact the Court.**



# EXHIBIT F

**If you purchased certain products from GAW Miners or ZenMiner between August 1, 2014 and January 19, 2015, your rights may be affected by a class action settlement.**

A proposed settlement has been reached in a class action lawsuit called *Denis Marc Audet et al. v. Stuart Fraser et al.*, Case No. 16-CV-940 (MPS) (the "Settlement"). This notice provides a summary of your rights and options. More details are available at <https://www.gawminersclassaction.com/>.

**What is this about?** The lawsuit alleges that GAW Miners and ZenMiner made false and misleading statements to potential investors about defendants' virtual currency mining operations. Plaintiffs allege that the Companies sold a progressive array of products and investment contracts to investors that they claimed would yield profits from mining or otherwise investing in virtual currency. Plaintiffs allege that, because the Companies sold far more computing power than they owned and dedicated to virtual currency mining, the Companies owed investors a return larger than any actual return the Companies were making on their limited mining operations. Plaintiffs allege that Mr. Fraser materially assisted the Companies and exercised control over them such that he is liable for any injuries caused by the misconduct allegedly perpetrated by the Companies described above. Mr. Fraser denies all allegations against him; however, both sides have agreed to the Settlement to avoid the cost of further litigation.

**Who is affected?** You are a Class Member if, between August 1, 2014 and January 19, 2015, you (1) purchased Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC; or (2) acquired Hashlets, Hashpoints, HashStakers, or Paycoin from GAW Miners, LLC and/or ZenMiner, LLC, by converting, upgrading, or exchanging other products sold by GAW Miners, LLC and/or ZenMiner, LLC.

**What does the Settlement provide?** The Settlement provides for cash payments that will be distributed on a pro rata basis from a fund of \$3,500,000. For more details, visit [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

**What are my options?** You can submit a claim form to participate in the Settlement, do nothing, or object to the Settlement.

**Submit a claim.** To participate in the proposed settlement and receive a payment if you are eligible for payment, you must submit a claim form by **DATE**. The claim form informs Settlement Class Counsel that you wish to participate in the proposed settlement. Class Members will receive an email with a link to the claim form. The claim form is also available at [www.gawminersclassaction.com](http://www.gawminersclassaction.com).

**Do nothing.** If you do nothing, you will be included in the Settlement Class, but you will not receive a monetary benefit even if the proposed settlement is approved. If the proposed settlement is approved, you also will not be able to pursue any other lawsuit against Mr. Fraser concerning or relating to the claims alleged in this lawsuit.

**Object.** You may object or tell the Court what you don't like about the Settlement.

**What happens next?** The Court will hold a Fairness Hearing on **DATE** at **TIME** at the Abraham Ribicoff Federal Building, United States Courthouse, 450 Main St., Hartford, CT, 06103, to consider whether to approve the Settlement, Class Counsel's attorneys' fees and expenses (not to exceed 33% of the Settlement Fund), and Incentive Awards for three Plaintiffs for their service on behalf of the Class. The Court has appointed Susman Godfrey L.L.P. as Class Counsel. Class Counsel will answer any questions that the Court may have. You or your attorney may ask to speak at the hearing at your own expense, but you don't have to.

**How do I get more information?** For more information and to view the full notice, go to [www.gawminersclassaction.com](http://www.gawminersclassaction.com), or contact the Settlement Administrator by writing Audet, et al. v. Garza, et al. Notice Administrator, P.O. Box 3578, Portland, OR 97208, or calling 1-855-964-0522.

**Please do not contact the Court.**