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10 Attorneys for Defendant  
11 WISE COMPANY, INC.

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 NICHOLAS MILLER and JEFFREY  
15 BORNEMAN, individually and on  
16 behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 WISE COMPANY, INC., and DOES 1  
20 through 10, inclusive,

21 Defendant.

CASE NO. RIC 1702659

**DECLARATION OF SCOTT WHITING  
IN SUPPORT OF NOTICE OF  
REMOVAL OF ACTION FROM STATE  
COURT BY DEFENDANT WISE  
COMPANY, INC.**

Action Filed: February 15, 2017  
Action Removed: March 30, 2017

**DECLARATION OF SCOTT WHITING**

I, Scott Whiting, declare and state:

1. Unless stated on information and belief, I have personal knowledge of the facts stated herein or personal knowledge of the relevant business records and, if called and sworn as a witness, I could testify completely with respect to these matters.

2. I am currently employed by Wise Company, Inc. ("Wise Company") as the Chief Financial Officer. I have been in this position since February, 2013.

3. Wise Company is a Utah corporation, with its principal place of business and headquarters in Salt Lake City, Utah. Wise Company's executive officers, senior management team, and corporate officers work out of the Utah headquarters and executive offices. Wise Company's corporate policies and procedures are set by its officers at the Utah offices, meeting of its board of directors are held in Utah, and the company's corporate records, including the corporate minutes, are maintained at its Utah offices. All Wise Company products are packaged and shipped from the production facilities in Utah.

4. I have reviewed the ordering and sales information for Wise Company's products for the past four (4) years. In that time, more than 99,405 Wise Company Long-Term and Emergency Food Kits have been shipped to various locations in California for retail sale, including products purchased directly by consumers on-line. In the past four years, more than 100 individuals have purchased on-line one or more of the Wise Company Long-Term Food Kits or Emergency Food Kits in California, without regard to the many more who purchased at retail.

5. The retail prices paid by consumers (on-line plus in-store purchases) in California for Wise Company's Long-Term Food Kits and Emergency Food Kits in the past four years is more than \$5 million.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. This declaration was executed on March 31, 2017 at Wise Corporate Offices.

DECLARATION OF SCOTT WHITING

1 Dated: March 30, 2017

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By:   
Scott Whiting

**PROOF OF SERVICE**  
*(Miller, et. al., v. Wise Company, Inc.)*  
**USDC Case No: 5:17-CV-00616**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is **1840 Century Park East, Suite 1900, CA 90067.**

On March 31, 2017, I served the document(s) titled:

**1. DECLARATION OF SCOTT WHITING IN SUPPORT OF NOTICE OF REMOVAL OF ACTION FROM STATE COURT BY DEFENDANT WISE COMPANY, INC.**

on the interested parties in this action by placing the true copy thereof, enclosed in a sealed envelope addressed as follows:

CHAVEZ & GERTLER LLP  
Mark A. Chavez  
Nance F. Becker  
42 Miller Ave.  
Mill Valley, California 94941  
Tel: (415) 381-5599 / Fax: (415) 381-5572

*Counsel for Plaintiff and the Proposed Class*

BRAUN LAW GROUP, P.C.  
Michael D. Braun  
1999 Avenue of the Stars, Ste. 1100  
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*Counsel for Plaintiff and the Proposed Class*

LAW OFFICES OF ANDREW KIERSTEAD  
Andrew S. Kierstead  
1001 SW 5th Avenue, Suite 1100  
Portland, Oregon 97204  
Tel: (508) 224-6246 / Fax: (508) 244-4356

*Counsel for Plaintiff and the Proposed Class*

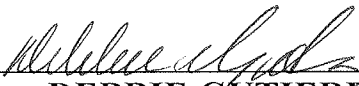
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**(BY MAIL)**

2  I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

3  I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of such business.

8 I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 31, 2017, at Los Angeles, California.

11   
12 **DEBBIE GUTIERREZ**

14 FTL 111193624v1