

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>KYLE ALEXANDER, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 14-CV-2159-KHV-JPO</b>
	)	
<b>BF LABS INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**DECLARATION OF MICHAEL S. FOSTER**

I, Michael S. Foster, hereby declare and state as follows:

1. I am an associate at Polsinelli PC and one of the attorneys representing BF Labs Inc. in this action.
2. On October 2, 2014, the District Court for the Western District of Missouri (Wimes, J.) directed BF Labs to create a future business plan.
3. The business plan that BF Labs created on November 6, 2014 was not filed with the District Court for the Western District of Missouri, was not made public, and is considered confidential.
4. The business plan provided information to the Court, FTC, and Temporary Receiver about the possible future of the company's operations after the stipulated interim period expired.
5. The business plan contains highly confidential proprietary, trade secret, and other nonpublic information that is highly valuable to BF Labs (and its competitors).
6. The Court intended to address the feasibility of the future business plan assuming it granted the FTC a preliminary injunction.

7. The Court intended its review of the business plan to be conducted in camera and not in open court.

8. The Court-ordered business plan made hypothetical assumptions about the future of the business.

9. BF Labs has produced its historical files to Plaintiffs just as it has likewise produced those historical files to the FTC.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 20<sup>th</sup> day of May, 2015.

A handwritten signature in black ink, appearing to read 'MF', is written above a horizontal line.

Michael S. Foster