

# **EXHIBIT E**

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

<b>FEDERAL TRADE COMMISSION,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 14-CV-0815-W-BCW</b>
	)	
<b>BF LABS INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DECLARATION OF RICARDO PENA**

I, Ricardo (“Rick”) Pena, hereby declare and state as follows:

1. I am a Glen Oaks, New York resident.
2. I am a securities trader and also own and manage several properties.
3. I first preordered a Jalepano product from BF Labs for \$308 dollars in May 2013.
4. The Jalapeno product was shipped to me on November 8, 2013.
5. I mined with the Jalapeno product for appoximately two months, making a solid profit, then later selling the Jalapeno product on eBay for over \$800 dollars.
6. Because of the success I had with BF Labs’ Jalapeno, I ordered a Single 50GH/s on December 1, 2013 for \$2567 dollars.
7. I was shipped the Single 50 GH/s on December 13, 2013.
8. I have been extremely happy with how fast I received these miners.
9. With regard to the Single 50GH/s, I also profited from my purchase and later sold the Single 50GH/s for a premium, months after mining with the device.

10. BF Labs has also provided excellent customer service as they repaired two of my devices after I had mined for two months and all I had to pay was my shipping costs.

11. I also preordered a Monarch on November 28, 2013 for \$3528.

12. The only issue I have with BF Labs is they took a little long to start shipping the Monarch product but I have preordered similar from other companies around the same time and have not received those products either because of delays in production industry-wide.

13. Because I had not received the Monarch, BF Labs was kind enough to provide for me free cloud mining until I received the Monarch.

14. The lawsuit from the Federal Trade Commission actually makes things worse for consumers like me as I want my Monarch now and understand that they began shipping Monarchs to customers when the Federal Trade Commission brought its claims against BF Labs.

15. In fact, I see no benefit to any consumer by the Federal Trade Commission's actions.

16. I also saw in the pleadings that the Federal Trade Commission is seeking to convert BF Labs' bitcoin to cash and that is very discouraging and ridiculous.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on the 11<sup>th</sup> of November, 2014.

*Ricardo Pena*  
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Ricardo Pena