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**DECLARATION OF THOMAS CETKOWSKI
PURSUANT TO 28 U.S.C. § 1746**

I, Thomas Cetkowski, hereby state that I have personal knowledge of the facts set forth below and am competent to testify about them. If called as a witness, I could and would testify as follows:

1. I am over 18 years old. I live in Titusville, New Jersey.
2. On or around June 16, 2013, after researching bitcoin mining on the Internet generally and the Butterfly Labs website specifically, I purchased from Butterfly Labs a bitcoin mining machine, the 50 GH/s Bitcoin Miner SKU BF0050G model for approximately \$2,547. Butterfly Labs charged that amount to my Paypal account.
3. From what I read on the Butterfly Labs website, I determined that this machine was a top of the line bitcoin mining machine. With bitcoin mining machines, delivery time is important because as more time passes, the calculations required to successfully mine a bitcoin become ever more difficult. Older mining machines become outdated as time goes by and more people become miners. Rival mining machines also become more complex and powerful. Butterfly Labs specified that this model would hash 50 gigahashes per second while drawing 360 watts of power. No other machine then on the market was comparable.
4. My research on the Butterfly Labs website led me to believe that the machine would be delivered within 2-4 months. I figured that given its specifications and that delivery time frame, the machine would pay for itself in bitcoins generated in its first month of operation.
5. However, when the machine had not come by October 11, 2013, I requested a refund from Butterfly Labs in an email on that date. A true and correct copy of my e-mail requesting a refund, and Butterfly Labs' response a week later turning down my refund request, along with a note to the FTC dated September 24, 2014 which enclosed the email string, is attached hereto as **Attachment A**.

6. I went online on the day I first requested a refund to calculate the possible return I would receive from the machine even if it was delivered that very day, almost four months after I ordered and paid for it. Using the available data about current mining difficulty, I saw that, given the machine's specifications, it would no longer be profitable. The machine was already too aged.

7. The reason Butterfly Labs gave in refusing to issue a refund was that all sales were final. Now I did not have the machine, nor my money back.

8. I demanded a refund three times, and three times Butterfly Labs refused to issue one.

9. Finally, on or around December 30, 2013, a bitcoin mining machine matching the specifications I had ordered arrived from Butterfly Labs more than six months after I ordered and paid for it. However, it proved to be defective and I returned it on or around January 3, 2014 for warranty repair.

10. Three weeks later Butterfly Labs sent the repaired machine back to me. I ran it continuously from that time until April 2014 when I shut it down at the point in time where it cost more in electricity to run the machine than the value it generated in bitcoins. That condition is still true today.

11. The machine was already obsolete when it arrived half a year after I ordered and paid for it.

12. In the time that I operated the machine, before it became too costly to run, it generated a total return of about \$300, accounting for the cost of electricity. This came nowhere near to even recouping my original investment of \$2,547.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of September, 2014, in Titusville, NJ.

/s/ Thomas Cetkowski

Thomas Cetkowski

Attachment A

Lamberton, Peter

From: Thomas M. Cetkowski, Jr. <tcetkowski@gmail.com>
Sent: Wednesday, September 24, 2014 10:00 AM
To: Lamberton, Peter
Subject: Fwd: please cancel my order

First refund request

Second refund request was via customer service phone number (left voicemail message)

----- Forwarded message -----

From: **ButterflyLabsINC** . <office@butterflylabs.com>
Date: Fri, Oct 18, 2013 at 2:14 PM
Subject: Re: please cancel my order
To: "Thomas M. Cetkowski, Jr." <tcetkowski@gmail.com>

Hi Thomas,

Thank you for contacting Butterfly Labs. According to the terms you agreed to on checkout, all sales are final. Now that shipping of orders has begun, refunds will not be processed.

For more information on our refund policy please visit our FAQ:
www.butterflylabs.com/faq

We are no longer able to make exceptions. You may want to consider selling your order, which is now available from your dashboard.

Thank you for your patience and understanding.

Sincerely,
Abbey
BF Labs, Inc.

For Jody's Customer Service Blog, and more, please visit our new BFL Forums at
<https://forums.butterflylabs.com/blogs/bfl_jody/>

On Fri, Oct 11, 2013 at 5:58 PM, Thomas M. Cetkowski, Jr. <tcetkowski@gmail.com> wrote:
Hello, my name is Thomas Mitchell Cetkowski. I would like to cancel my order of the 50 GH/s Bitcoin Miner SKU BF0050G Order #100067012
Thank you.