

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:19-cv-3268-CMA-KMT

JUANITA RAMOS, individually and derivatively on behalf of defendant WHOLE HEMP COMPANY LLC d/b/a FOLIUM BIOSCIENCES,

Plaintiff,

v.

WHOLE HEMP COMPANY LLC d/b/a FOLIUM BIOSCIENCES, FOLIUM EQUITY HOLDING LLC, KASHIF SHAN, and QUAN NGUYEN,

Defendants.

And

WHOLE HEMP COMPANY LLC d/b/a FOLIUM BIOSCIENCES, FOLIUM EQUITY HOLDING LLC, KASHIF SHAN, and QUAN NGUYEN,

Counterclaim-Plaintiffs,

v.

JUANITA RAMOS,

Counterclaim Defendant.

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**DECLARATION OF DAVID OLSKY IN SUPPORT OF PLAINTIFF JUANITA RAMOS'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS RESPONSIVE TO HER FIRST REQUESTS FOR PRODUCTION**

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I, David Olsky, declare under penalty of perjury that I have personal knowledge of the following and that it is true:

1. I am a member of Fortis Law Partners LLC, which represents Plaintiff Juanita Ramos in this litigation.
2. Exhibit 1 to this Declaration is a true and correct copy of Ramos' First Requests for Production (the "Requests"), which were served on February 18, 2020.
3. Exhibit 2 to this Declaration is a true and correct copy of the Defendants' written objections and responses to the Requests, which were served on March 19, 2020.
4. By April 2, 2020 – almost four months ago -- the Parties had agreed on all but a few of the email terms and custodians to be searched. Exhibit 3 to this Declaration is a true and correct copy of my email chain dated April 2, 2020 with Justin Bailey (counsel for Defendants), in which we reached agreement on nearly all email terms and custodians to be searched.
5. On April 6, 2020, I spoke with Mr. Bailey about the areas of disagreement concerning the Requests and possible resolutions of those disagreements. In a nutshell, the result was that (a) with respect to email, the parties agreed on all but three of the terms and three of the custodians to be searched; and (b) Defendants' counsel pledged to follow up on his clients' response to the Requests that are the subject of the Motion.
6. Exhibit 4 to this Declaration is a true and correct copy of my April 14, 2014 email chain with Mr. Bailey concerning the discussions and follow-up from the April 6, 2020 conference.
7. Exhibit 5 to this Declaration is a true and correct copy of a May 5, 2020 email in which I sent a proposed ESI production protocol to Mr. Bailey, as he requested. This ESI production protocol concerns the formatting of the production (such as the use of

TIFF or PDF files, bates numbering of attachments, the format of redacted documents, and similar mechanical issues).

8. On May 15, 2020 – more than a month after the parties had agreed on the vast majority of search terms and custodians – Plaintiff’s counsel asked for the status of the production. In follow-up emails and a call on May 18, 2020, Defendants’ counsel said that he planned to start a rolling production in June. Exhibit 6 to this Declaration is a true and correct copy of my email chain between summarizing the discussions between May 15, 2020 and May 18, 2020.

9. Following further emails and discussion, the ESI production protocol was finalized around June 25, 2020.

10. We have received documents from 5 Star Bank pursuant to subpoena.

11. Among the documents produced by 5 Star Bank are account opening documents for a limited liability company called “Folium Biosciences LLC” (as opposed to Whole Hemp Company LLC d/b/a Folium Biosciences). Exhibit 7 to this Declaration is a true and correct copy of an incomplete operating agreement for “Folium Biosciences LLC” produced by 5 Star Bank, which indicates that Ramos is also a member of that limited liability company.

12. Exhibit 8 to this declaration is a true and correct copy of an April 2019 bank statement for the account of Quan Nguyen that was produced by 5 Star Bank. My understanding from documents produced in other Folium-related litigation is that the members of the Dowty family are investors in Folium pursuant to a subscription.

13. Exhibit 9 to this Declaration is a true and correct copy of the December 11, 2019, press release by Australis Capital (“Australis”) and Folium announcing a reverse merger whereby Australis would purchase the outstanding equity of Folium that it did not already own, and Folium members would receive publicly-traded shares

14. Exhibit 10 to this Declaration is a true and correct copy of the January 17, 2020, announcement of Australis that it terminated its Chief Financial Officer, Mark Carlotti.

15. Exhibit 11 to this Declaration is a true and correct copy of the February 18, 2020 announcement by Australis that it had terminated the reverse merger with Folium, stating that Australis “recently discovered new relevant information with regard to Folium and, on that basis, AUSA has decided to not proceed with the merger.”

16. Defendants have produced an audio file in related litigation indicating that the termination of the merger was likely related to issues concerning due diligence on Folium’s books and records. Defendants’ counsel in the related litigation have objected to its use in this litigation.

I hereby declare that the above is true under penalty of perjury.

July 23, 2020

Denver, Colorado

/s/David Olsky  
David Olsky

**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2020, I electronically filed the foregoing **DECLARATION OF DAVID OLSKY IN SUPPORT OF PLAINTIFF JUANITA RAMOS'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS RESPONSIVE TO HER FIRST REQUESTS FOR PRODUCTION** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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