

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

DENIS MARC AUDET, MICHAEL  
PFEIFFER, DEAN ALLEN SHINNERS,  
and JASON VARGAS, Individually and  
on Behalf of All Others Similarly  
Situated,

Plaintiffs,

v.

STUART A. FRASER, GAW MINERS,  
LLC, and ZENMINER, LLC, (d/b/a ZEN  
CLOUD),

Defendants.

Case No. 3:16-cv-00940-MPS

Hon. Michael P. Shea

March 21, 2017

**LIMITED OPPOSITION AND RESERVATION OF RIGHTS IN RESPONSE TO  
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND DEFAULT JUDGMENT**

Defendant STUART A. FRASER ("Fraser") submits this limited opposition and reservation of rights with respect to the relief sought by Plaintiffs Denis Marc Audet, Michael Pfeiffer, Dean Allen Shinners and Jason Vargas, individually and on behalf of all others similarly situated (collectively, "Plaintiffs"), in Plaintiffs' Motion for Class Certification and Default Judgment (ECF No. 69, the "Motion").

To the extent that the Motion seeks relief as to Defendants GAW Miners, LLC and ZenMiner, LLC, Fraser does not oppose that relief. However, Fraser's Motion to Dismiss the First Amended Complaint (ECF No. 61) is pending before the Court, and the automatic stay pursuant to the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b)(3)(B), remains in effect. Accordingly, it would be premature for the Court to make any findings

concerning the elements of class certification under Federal Rule of Civil Procedure 23 with respect to any of Plaintiffs' claims against Fraser. Fraser therefore reserves all of his rights to oppose and assert any defenses to class certification unless and until such time as Plaintiffs move to certify a class against him.

Attached as Exhibit A is a Revised Proposed Order with respect to the Motion to reflect Fraser's limited opposition and reservation of rights. Fraser's counsel shared the Revised Proposed Order with counsel for Plaintiffs and is authorized to inform the Court that Plaintiffs are in agreement with the revised language.

Respectfully submitted,

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