

2nd Judicial District Court, Denver County, State of Colorado
Denver City & County Bldg
1437 Bannock Street, Room 256
Denver, CO 80202
(970) 494-3500

DATE FILED: October 7, 2021 4:40 PM
CASE NUMBER: 2021CV31527

**AgriSolar Solutions, Inc.,
a Colorado Corporation,**

Plaintiff,

v.

A Room With A View, Inc., a New Jersey Corporation, Adrian Neilan, individually, Allison Langer, individually, Arnold Goldblatt, individually, Barbara D. Gray, individually, Blaine Bush, individually, Brett Giakas, individually, Brian D. Jones, individually, Candace McNamara, individually, Chang Ean Free, individually, Chaowei Liang, individually, Robert James Wittenbrink, individually, Charles V. Banwart and Nancy S. Banwart, individually, Chen Jiang Hong, individually, Cheung Hoi Yam, individually, David Huebner, individually, Dawn Giakas, individually, DeCh'in Partners LLC, a Colorado Limited Liability Company, Deborah L. Culp, individually, Diane Levine, individually, Donald Strasburg, individually, Edwin Li, individually, Fuwaysun Technology Ltd., a Colorado Limited Company, Glenn Henricksen, individually, Grant Curtis, individually, H Leigh Severance, individually, Harold D. Pickett and Angelia C. Pickett individually, Jay Morren and Kathleen Morren, individually, Jiang Hui Dong, individually, Jiang Xiao Huan, individually, John D. Kucera, individually, John J. Horvat, individually, Kenneth Wickwar and Janet Wickwar, individually, Larry Melnick, individually, Leah Sadaoui and Stefano Sadaoui, individually, Liang Jian Zhong, individually, Lindell S. Herrick, individually, Louis Raya, individually, Lyons Capital LLC, a Florida Limited Liability Company, Maplehurst Investment Group LLC, a Florida Limited Liability Company, Michael J. Lee, individually, Michael P. Ward and Nicole C. Ward, individually, Michele Giakas, individually, Milton Datsopoulos, individually, Mitchell K. Johnson, individually, Gregory J. Erigero, individually, Odette Lichtman, individually, Peter Griffin, individually, Randy Heller and Carol Heller, individually, Guy J. Ossello, individually, Richard Burtneess, individually, Richard Granade, individually, Richard M. Wexler, individually, Richard Myerly and Tammy Eggers, individually, Ricky F. Bugarin, individually, Sandy Melnick, individually, Single Digit, LLC, a New Jersey Limited Liability Company, Stanley Battat, individually, Steve Clevett, individually, Sun Creek, LLC, a Nevada Limited Liability Company, Terry L. Neilson, individually, Theresa Davis, individually, Trout Trading Company, Inc., a Colorado Corporation, Victor J. Yosha, individually, William B. Conrad, individually, Zeng Qi Cheng, individually, Zeng Ri Biao, individually, and Zhou Yan Zhen, individually,

Defendants.

▲ COURT USE ONLY ▲

Case Number: 2021CV31527

Division:

Courtroom:

ORDER ENTERING FIRST OMNIBUS DEFAULT JUDGMENT

THIS MATTER having come before the Court on Plaintiff's 1st Omnibus Motion for Default Judgment and the Court having reviewed the Motion and being fully advised in the premises **FINDS**

1. Plaintiff filed its Complaint in this matter on May 14, 2021. The Complaint requests declaratory relief against purported shareholders who were improperly issued shares as part of a 2010 Merger Agreement with Fuwaysun Technology, Ltd. that was never consummated due to a lack of consideration.

2. Venue has been considered and is proper.

3. Plaintiff served the Summons and Complaint personally on the Defendants listed in its First Omnibus Motion for Default Judgment. Plaintiff conducted due diligence to determine the location of these Defendants. Affidavits concerning service on these Defendants have been filed with this Court.

4. An answer or other responsive pleading from each of these Defendants was due to the Court on a previous date pursuant to C.R.C.P. 12(a).

5. These Defendants failed to file an answer or other responsive pleading in this action.

6. The time allowed for filing an answer or other responsive pleading has expired for these Defendants.

7. These Defendants are in default under C.R.C.P. 55(a), and default has been entered by this Court as to each of these Defendants.

8. Entry of default establishes liability.

To begin, an entry of default establishes a party's liability. *Kwik Way Stores, Inc. v. Caldwell*, 745 P.2d 672, 678 (Colo.1987); *Snow v. Dist. Court*, 194 Colo. 335, 337, 572 P.2d 475, 476 (1977); *Singh*, 30 P.3d at 855. When a trial court enters default against a defendant, the defendant's liability is deemed admitted. *Singh*, 30 P.3d at

855. The allegations in the plaintiff's complaint are also deemed admitted. *People v. Richards*, 748 P.2d 341, 347–48 (Colo.1987).

Dickinson v. Lincoln Bldg. Corp., 2015 COA 170M, ¶¶ 22-24, 378 P.3d 797, 804, as modified (Dec. 17, 2015). These Defendants have defaulted and have in turn admitted all of the allegations in Plaintiff's Complaint. As such, the shares discussed in Plaintiff's Complaint as to each of these Defendants was not issued and any such purported shares are void. The proper remedy is to issue declaratory judgment in favor of Plaintiff to allow it to address issues in its shareholder records and protect the actual shareholders in the company.

9. Final judgment is being sought against less than all Defendants, and this Court determines that such is proper under C.R.C.P. 54(b). There is no just reason for delay. Entry of judgment against these Defendants should be rendered at this time and as such the Court hereby directs entry of judgment against these specific Defendants.

IT IS HEREBY ORDERED that default judgment is entered against the Defendants listed below pursuant to C.R.C.P. 55(b). It is hereby declared that:

- a. 32,550,000 shares of AgriSolar Solutions common stock issued to Defendant Chaowei Liang currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and
- b. These 32,550,000 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- c. 29,000 shares of AgriSolar Solutions common stock issued to Defendant Brett Giakas, currently listed in the transfer agent's shareholder registry for AgriSolar

Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and

- d. These 29,000 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- e. 3,000 shares of AgriSolar Solutions common stock issued to Defendant Candace McNamara, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and
- f. These 3,000 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- g. 1,722 shares of AgriSolar Solutions common stock issued to Defendant Robert James Wittenbrink, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and
- h. These 1,722 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- i. 80 shares of AgriSolar Solutions common stock issued to Defendants Charles Banwart and Nancy Banwart, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendants are declared as improperly issued, invalid, and void; and

- j. These 80 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- k. 283,500 shares of AgriSolar Solutions common stock issued to Defendants Jay Morren and Kathleen Morren, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendants are declared as improperly issued, invalid, and void; and
- l. These 283,500 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- m. 100,000 shares of AgriSolar Solutions common stock issued to Defendants Kenneth Wickwar and Janet Wickwar, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendants are declared as improperly issued, invalid, and void; and
- n. These 100,000 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- o. 29,000 shares of AgriSolar Solutions common stock issued to Defendant Michelle Giakas, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and

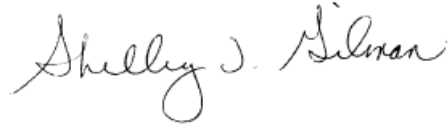
- p. These 29,000 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- q. 58,000 shares of AgriSolar Solutions common stock issued to Defendant Odette Lichtman, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and
- r. These 58,000 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- s. 100 shares of AgriSolar Solutions common stock issued to Defendants Randy Heller and Carol Heller, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendants are declared as improperly issued, invalid, and void; and
- t. These 100 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- u. 200 shares of AgriSolar Solutions common stock issued to Defendant Sandy Melnick, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and

- v. These 200 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- w. 87,000 shares of AgriSolar Solutions common stock issued to Defendant Single Digit, LLC currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and
- x. These 87,000 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- y. 400,000 shares of AgriSolar Solutions common stock issued to Defendant Sun Creek, LLC, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and
- z. These 400,000 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.
- aa. 3,000 shares of AgriSolar Solutions common stock issued to Defendant Terry Nielson, currently listed in the transfer agent's shareholder registry for AgriSolar Solutions as restricted shares of Defendant are declared as improperly issued, invalid, and void; and

bb. These 3,000 restricted shares are hereby cancelled and that the current stock transaction journal, shareholder registry, and records of the transfer agent for AgriSolar shall be corrected to reflect the cancellation.

DATED: October 7, 2021

BY THE COURT:

A handwritten signature in cursive script, reading "Shelley I. Gilman".

Shelley I. Gilman
District Court Judge