

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW ADKISSON, an individual,

Plaintiff,

v.

EPIK HOLDINGS, INC., a Washington
Corporation; EPIK INC., a Washington
Corporation; MASTERBUCKS LLC, a
Wyoming company; ROBERT W.
MONSTER, an individual; and BRIAN
ROYCE, an individual,

Defendants.

No. 2:23-cv-00495 MJP

DECLARATION OF MATTHEW
ADKISSON

I, Matthew Adkisson, declare as follows:

1. I am the plaintiff in this lawsuit and make this declaration on personal knowledge.
2. On May 11, 2022, I contacted Robert Monster, the owner of various Epik companies, to engage Epik's services in acquiring a domain name, <www.nourish.com> that was listed for sale on Epik.com.
3. Mr. Monster informed me that to complete the sale, I would need to use Epik's escrow services. Mr. Monster assured me that Epik's "escrow service is #1 in the industry" and that he and Epik would be able to "protect buyer and seller" as the escrow agent. A copy of this correspondence with Mr. Monster is attached to this declaration as **Exhibit A**.

ADKISSON DECLARATION ISO MOT. FOR
TRO (NO. 2:23-CV-00495 MJP) – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 4. Based on Mr. Monster's representations regarding Epik's escrow services, I
2
3 agreed to use Epik's escrow services. That same day, May 11, I used the Epik Escrow services
4
5 through Epik.com to wire \$327,000 to Epik to be held in escrow (the "Escrow Funds"). A receipt
6
7 I received for the escrow transaction is attached as **Exhibit B**.

8
9 5. According to Epik's website at the time and my experience with escrow
10
11 transactions, how the Epik Escrow process should have worked is that I would place the Escrow
12
13 Funds into an escrow account controlled by Epik. If the seller of the domain name agreed to
14
15 complete the transaction, they would transfer the domain name to an escrow account to be held
16
17 by Epik. Then, Epik would release the Escrow Funds to the domain name seller, and the domain
18
19 name to me. If the transaction could not be completed for any reason, the Escrow Funds would
20
21 be returned to me.

22
23 6. I later discovered that neither Epik nor Mr. Monster were licensed to provide
24
25 escrow services.

26
27 7. Over the course of the next several months after I wired the Escrow Funds to
28
29 Epik, Mr. Monster and Epik claimed to be working on securing the domain name I had
30
31 purchased. After nearly six months with no results, on November 14, 2022, I requested the
32
33 return of my Escrow Funds. Brian Royce, who I understood to be Epik's Chief Executive
34
35 Officer at the time, emailed me and promised that he would continue working to secure the
36
37 domain name, and expressly promised "if [that] does not work then we of course will return the
38
39 funds." A copy of those emails with Mr. Royce are attached as **Exhibit C**.

40
41 8. On December 2, 2022, I still had not received the domain name and my Escrow
42
43 Funds had not been returned, so I informed Royce and Defendants that I was ending the domain
44
45 name purchase transaction and again requested that the Escrow Funds be returned to me. *See*
46
47 **Exhibit C**. After several delays, on December 6, 2022, Mr. Royce sent me a text message again
48
49 promising to return my funds "in short order." A copy of my text conversation with Mr. Royce
50
51 is attached as **Exhibit D**.

9. During those months and the next two months, Epik, Royce, and Monster continued to make promises that they would return the Escrow Funds to me. Although I was apprehensive, each time Defendants promised to return my Escrow Funds, I trusted them to follow through and relied on their statements, refraining from reporting Epik or taking other legal action to recover my Escrow Funds for several months.

10. On January 11, 2023, Epik, through counsel, sent my counsel a letter via email promising to return my Escrow Funds in full by no later than January 31, 2023. A copy of the January 11, 2023 letter is attached as **Exhibit E**. I accepted that proposal, and believed and relied on Epik making the payment they promised. Unfortunately, they failed to do so.


11. On January 12, 2023, I received a wire transfer of \$20,000 from Mr. Monster. However, no further payments were made despite Epik's promises.

12. Despite that each of Monster, Royce and Epik have acknowledged the debt owed to me, none of the those defendants have made any additional payments to me.

13. I have been forced to expend significant resources in legal fees in order to recover my Escrow Funds which Monster, Royce and Epik each admit I am owed.

**I declare under penalty of perjury that the foregoing
is true and correct.**

EXECUTED this 31st day of May 2023

DocuSigned by:

7A5D50509EA040D...

Matthew Adkisson

Exhibit A

From: [Matt Adkisson](#)
To: [Perez, David A. \(SEA\)](#)
Subject: Fwd: nourish.com domain
Date: Wednesday, December 14, 2022 11:01:00 PM
Attachments: [26D8EF08-3EB8-499C-BAD0-3AA185D0EA43.png](#)
[b0a1cff5f51176a5_0.1.1](#)
[b0a1cff5f51176a5_0.1.3](#)
[b0a1cff5f51176a5_0.1.2](#)

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

From: **Matt Adkisson** <madkisso@gmail.com>
Date: Wed, May 11, 2022 at 3:51 PM
Subject: Re: [nourish.com](#) domain
To: Rob Monster <rob@epik.com>
Cc: Tony Blessed <tony@epik.com>

Funding will be USD wire, if that works

On Wednesday, May 11, 2022, Rob Monster <rob@epik.com> wrote:

Hi Matt,

Your guys can fund anytime, but yes we are requesting the domain transfer from the registrant.

What is the funding method?

Regards,
Rob



Rob Monster | Founder and CEO

Epik Holdings Inc.

Telegram: robmonster | Website: <http://www.epik.com/>

Mobile: 1.425-765-0077 | WeChat: robmonster

Skype: robertmonster | Twitter: robmonster

On May 11, 2022 at 11:46:02 AM, Matt Adkisson (madkisso@gmail.com) wrote:

Ok, I created an account on the system. It looks like the next step is for the seller to transfer the domain to Epik. Let me know if there's anything I need to do in the meantime.

Matt

On Wed, May 11, 2022 at 10:25 AM Rob Monster <rob@epik.com> wrote:

Matt,

Confirmed- transaction is initiated now.

Regards,
Rob



Rob Monster | Founder and CEO

Epik Holdings Inc.

Telegram: robmonster | Website: <http://www.epik.com/>

Mobile: 1.425-765-0077 | WeChat: robmonster

Skype: robertmonster | Twitter: robmonster

On May 11, 2022 at 10:07:00 AM, Matt Adkisson (madkisso@gmail.com) wrote:

Just checked and they want me to handle the transaction since they are less familiar with the process and somewhat slower/old school, so you can use my email and I'll function as the buyer so I can review and sign any docs. The wire will come from my account and I'll true it up with them on the back end.

Matt

On Wed, May 11, 2022 at 9:49 AM Rob Monster <rob@epik.com> wrote:

Matt,

What is the buyer's email address? We will initiate the escrow transaction and route it accordingly.

Our escrow service is #1 in the industry - 4.9 stars on TrustPilot. We are also an accredited registrar which is the other way we protect buyer and seller as we take actual delivery of the domain, unlike Sedo or [Escrow.com](https://www.escrow.com).

Regards,
Rob



Rob Monster | Founder and CEO

Epik Holdings Inc.

Telegram: robmonster | Website: <http://www.epik.com/>

Mobile: 1.425-765-0077 | WeChat: robmonster

Skype: robertmonster | Twitter: robmonster

On May 11, 2022 at 9:10:37 AM, Matt Adkisson (madkisso@gmail.com) wrote:

Hi Rob -

Ok, we can make \$327K gross work. Go ahead and set up escrow. What info do you need from our side - signature block for the purchasing entity? Do you have a standard escrow agreement we could get a jump on reviewing? I assume Epik offers the same type of escrow services as Sedo and others where you'd take custody of the domain prior to release of funds.

Matt

On Wed, May 11, 2022 at 7:55 AM Rob Monster <rob@epik.com> wrote:

Hi Matt,

Yes, we are authorized to sell it for \$300K net to seller, which means \$327K gross at our 9% commission. If that is approved, we can get it done for you today.

In case not aware, the seller has a unique situation which requires clearing through Epik. He changes his mind often so if you want to get this done, now is your chance. Please confirm and will set up escrow.

Also, due to the seller's extreme privacy concerns, Epik will be the seller in this case. The transaction will have buyer assurance throughout.

Check in anytime.

Regards,
Rob



Rob Monster | Founder and CEO

Epik Holdings Inc.

Telegram: robmonster | Website: <http://www.epik.com/>

Mobile: 1.425-765-0077 | WeChat: robmonster

Skype: robertmonster | Twitter: robmonster

On May 11, 2022 at 7:30:13 AM, Matt Adkisson
(madkisso@gmail.com) wrote:

Hi Rob,

I was helping a friend/client of mine purchase Nourish.com earlier this year. We'd been working with Negar at Sedo but then Sedo banned Russian sellers from the platform which left us in a bit of a bind. It looks like the domain has been re-listed with Epik. If you have a way to handle the logistics of a transaction, we'd be interested in re-engaging to see if we can make it work. Let me know if you have a few minutes to discuss.

Thanks,
Matt
617-875-8641

Exhibit B

From: **Epik Registrar** <support@epik.com>
Date: Wed, May 11, 2022 at 1:19 PM
Subject: #48913 Escrow transaction started for Nourish.com
To: <madkisso@gmail.com>

Legendary Customer Support: 206-826-2345

Hello,

This confirms that a transaction has begun for the following domain asset:

Domain	Purchase Price
Nourish.com	327,000.00 USD
Total:	\$327,000.00

- The buyer: madkisso@gmail.com payment currency: USD
- The seller: rob@epik.com payment currency: USD
- The broker: N/A

The escrow fee will be paid by: Seller.

The buyer should confirm their payment method and the timing of funding.

To accept the transaction click on the link below:

[https://escrow.epik.com/tr-
status/YToyOntzOjI6ImkljtZjQ0TEZlztZjQ0U6ImVtYWwsljtZjE4OiJtYWRraXNzb0BnbWFPbC5jb20iO30](https://escrow.epik.com/tr-status/YToyOntzOjI6ImkljtZjQ0TEZlztZjQ0U6ImVtYWwsljtZjE4OiJtYWRraXNzb0BnbWFPbC5jb20iO30)



Email: support@epik.com
Website: www.epik.com
Tel: 206-826-2345

To ensure delivery to your inbox, please add newsletter@epik.com to your address book.

Exhibit C

From: [Matt Adkisson](#)
To: [Perez, David A. \(SEA\)](#); [Marcelo, Christian W. \(SEA\)](#)
Subject: Fwd: Nourish.com transaction
Date: Monday, March 6, 2023 10:09:26 AM

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

From: **Matt Adkisson** <madkisso@gmail.com>
Date: Friday, December 2, 2022
Subject: Nourish.com transaction
To: Brian Royce <brian@epik.com>
Cc: Brian Royce <brianroyce@epik.com>, Chris Marston <cmarston@exemplarcompanies.com>, Eric Geppert <egeppert@exemplarlaw.com>, "Perez, David A. (Perkins Coie)" <DPerez@perkinscoie.com>

Hey Brian, hope all is well. I assume no luck with the seller, unfortunately.

We appreciate the multiple attempts that Epik has made on this. At this point the direction from my side is to call it a day and move on. Let me know what information you need from us to return the funds held in escrow.

Matt

On Tue, Nov 22, 2022 at 5:05 PM Brian Royce <brian@epik.com> wrote:

Actually I am trying to get him to take 20btc but we will see at this time he has not responded. But I will continue to press. I am hoping I will have an answer before the end of the week.

On Nov 21, 2022, at 2:43 PM, Matt Adkisson <madkisso@gmail.com> wrote:

Hey Brian - thanks for the update. Any luck with the seller last week?

Matt

On Mon, Nov 14, 2022 at 1:51 PM Brian Royce <brian@epik.com> wrote:

Hello Matt,

I can not deliver cash to Russia that is not possible so I will discuss another option with our client and hopefully that works if it does not work then we of course will return the funds. I will talk to you this week about that and get the timing dialed in.

On Nov 14, 2022, at 9:09 AM, Matt Adkisson <madkisso@gmail.com> wrote:

Hi Brian,

Thanks for making the time to meet up with Negar for lunch on Friday. I just wanted to follow up and confirm that we want to withdraw the full

amount of funds in escrow (\$327k) for Nourish.com. I appreciate Rob's efforts but given the latest geopolitical challenges in Russia it looks like it's best for us to pursue the closing via another payment channel.

The incoming wire to Epik was sent from our Chase account on 5/27/2022.

Please wire the funds back to this Bank of America account:

Name: Matt Adkisson

Address: [REDACTED]

<image.png>

I can be reached at [REDACTED] to voice verify the information as needed. Let us know if there are any other forms we need to fill out.

Thanks,
Matt

Exhibit D

< 1099

BR

RM



2 People >

iMessage
Tue, Oct 18, 10:23 AM

Rob Monster

Connecting Brian Royce and Matt Adkisson via sms to coordinate nourish.com offshore purchase closing mechanics.

RM

Tue, Oct 18, 12:48 PM

Brian Royce

Hello

BR

Matt we need to talk

Hey Brian! Yes- when are you free?

Brian Royce

BR

Not at this moment on a call

Ok ping me when free, I'm flexible most of the day

Wed, Oct 19, 12:16 PM

Hey Brian, let me know whenever you are free to sync for 5 mins...I'm open most of today until late



iMessage



< 1099

BR

RM



2 People >

Hey Brian, let me know whenever you are free to sync for 5 mins...I'm open most of today until late

Mon, Oct 24, 4:49 PM

Hey Brian, can we sync whenever you have 15 minutes free this week?

Tue, Oct 25, 2:52 PM

Brian Royce

Hello Matt - I am getting 40+ text messages per day

I am free later today if you want to talk

BR

Tue, Oct 25, 4:08 PM

Yikes - thanks for getting back to me. I'm on a plane until 4pm pst but could talk any time after that or any time tomorrow, just let me know what works. Should just take a few minutes



iMessage



< 1099

BR

RM



2 People >

Thu, Nov 3, 2:58 PM

Hey Brian, any chance we can carve out 5-10 mins to quickly sync tonight or tomorrow or this weekend? I know you're probably still swamped - let me know any time and I'll accommodate

We still have the \$327k in escrow @ Epik and I'm starting to field more intense questions about status from my side

Tue, Dec 6, 1:43 PM

Hey Brian - just wanted to make sure you saw my email last Friday about return of escrow.

Tue, Dec 6, 3:20 PM

Brian Royce



BR
Yes Matt we are getting things sorted out and your funds will be returned uim short order

Thanks - much appreciated



iMessage



Exhibit E



January 11, 2023

David A. Perez
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Email: DPerez@perkinscoie.com.

Re: Matthew Adkisson

Dear Mr. Perez:

On behalf of Epik Holdings, Inc., Epik shall pay the debt owed to Mr. Adkisson in two installments, one on January 12, 2023, in the amount of \$20,000, and the other no later than January 31, 2023, in the amount of \$307,000. If this is acceptable to Mr. Adkisson, please let me know as soon as possible so the wire transfer of the first installment can be finalized and sent tomorrow.

Sincerely,

Exemplar Law, LLC



Eric J. Geppert
Managing Director
Corporate & Transactions

cc: Brian Royce
Rob Monster
Jonathan Stevens, Esq.