

**Exhibit A - Declaration of
Defendants' Military Service
Status**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:21-cv-23472-RNS

Ryan Birmingham, Roman Leonov, Steven Hansen,
Mitchell Parent, and Jonathan Zarley, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

Alex Doe, *et al.*,

Defendants.

/

DECLARATION OF DENNIS A. GONZÁLEZ

I, DENNIS A. GONZÁLEZ, declare under penalty of perjury as follows:

1. I am an attorney with the law firm of Holland & Knight LLP, counsel for Plaintiffs Ryan Birmingham, Roman Leonov, Mitchell Parent, Jonathan Zarley, and Steven Hansen (“Plaintiffs”) in the above-captioned proceeding.
2. I am licensed to practice law in Florida with Bar number 1032050.
3. Pursuant to 50 U.S.C. § 3931(b)(1)(A), Plaintiffs are required to file an affidavit or declaration under penalty of perjury, together with their Motion for Default Judgment, stating whether or not Defendants are in military service.
4. Plaintiffs may also state that they are unable to determine whether or not the defendant is in military service. 50 U.S.C. § 3931(b)(1)(B). I respectfully submit this Declaration in support.
5. Of the 26 Defendants affected by Plaintiffs Motion for Default Judgment, 10 are individuals and the others are companies. The 16 companies, intuitively, cannot be in the military service.

6. With regard to these 10 individual Defendants, I do not have personal knowledge of their service obligations, but I consulted third party sources that confirmed the following two Defendants are not in the military service of the United States of America within the purview of the Service Members Civil Relief Act, 50 U.S.C. § 3931:

- a. Borys Konovalenko filed a document with the Court on October 27, 2021, which included the spelling his name and date of birth. *See* ECF No. 33 at 4. I inputted his name and date of birth as written into the Department of Defense Manpower Data Center, and it returned that Mr. Konovalenko is not in military service. A copy of the Department of Defense and Manpower Data Center's response, with Mr. Konovalenko's birth month and day redacted to conform to Federal Rule of Civil Procedure 5.2 is attached below.
- b. Alla Skala is now represented by the law offices of David A. Frankel. *See* ECF No. 176. I contacted Mr. Frankel asking whether Ms. Skala is a military service member, and he confirmed that she is not.

7. Unfortunately for the following 8 Defendants (Dmytro Fokin, Ivan Hrechaniuk, Manuchar Daraselia, Peter Mohylny, Sergiy Prokopenko, Marina Garda, Olga Tielly, Olga Abrykosova), Plaintiffs have been unable to locate reliable dates of birth or social security numbers required to conduct a search in the Department of Defense and Manpower Data Center. Because they have failed to appear or otherwise answer in this action, I also have been unable to ask them directly. Therefore, for these 8 remaining Defendants, I am unable to determine whether or not the defendant is in military service. *See* 50 U.S.C. § 3931(b)(1)(B).

Pursuant to Section 1746 of Title 28 of the United States Code, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 27, 2022
Miami, Florida

/s/ Dennis A. González

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**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN:
 Birth Date: ██████-1979
 Last Name: KONOVALENKO
 First Name: BORYS
 Middle Name:
 Status As Of: Jun-27-2022
 Certificate ID: 6PLZM3FGHHJYZ6G

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.