

XIANT TECHNOLOGIES, INC.'S POSITION STATEMENT

BACKGROUND

Issues at Stake in this Lawsuit

Plaintiff sued Xiant in 2018 for a commission on a “massive equity deal”—a [REDACTED] [REDACTED] between Xiant and [REDACTED]. Xiant moved to dismiss the Complaint because Plaintiff sought a commission on a securities agreement without a broker’s license. In response Plaintiff amended his Complaint to claim that the [REDACTED] purchase price secretly included license fees and equipment purchases. (Doc. 53, ¶ 50). But Plaintiff has always sought a commission on the same “[REDACTED] Agreement” that was:

- Documented with a [REDACTED] [REDACTED] in (Doc. 53, ¶¶ 32, 40-42, 46-50, 54-57);
- Provided for an equity investment “generating \$ [REDACTED] in revenue” (Doc. 53, ¶ 55).

Correspondingly, Plaintiff claims entitlement to “a 5% commission on this transaction, the amount of \$225,000” [REDACTED] [REDACTED]. (Doc. 53, ¶ 56).

Plaintiff bases his claim on Xiant’s communications with Plaintiff. Plaintiff’s initial contact at Xiant was Jason Suntych. Throughout the entire time period at issue in Plaintiff’s Second Amended Complaint, Jason was Plaintiff’s primary if not exclusive contact at Xiant. The parties have produced emails and text messages between Plaintiff and Xiant, all of which are to or from Jason. Likewise, Jason was Xiant’s primary point of contact with [REDACTED]. He is the Xiant representative with the most knowledge of any facet of Plaintiff’s claims and Xiant’s defenses. In most cases, he is the only person with first-hand knowledge.

The Jason Suntych Deposition

Xiant is a small company with few employees and Jason’s services are vital to Xiant’s business. His schedule is overbooked with Xiant’s business and he has almost no time for his