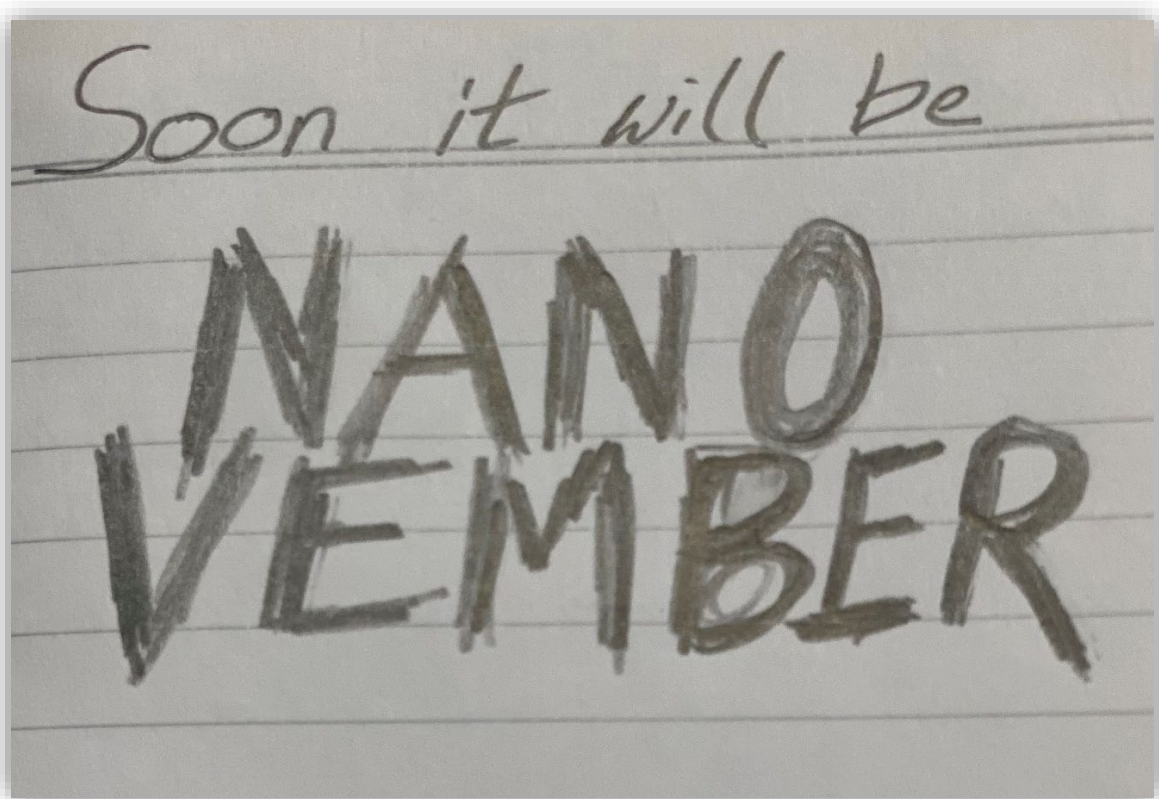


Texas High School Mock Trial Competition



2024 Case Materials

The Aquatic Center for Exploration
v.
Alex Churn Eubanks



THE AQUATIC CENTER FOR EXPLORATION, Plaintiff, v. ALEX CHURN EUBANKS, Defendant.	§ § § § § § § § § § § §	IN THE CIVIL DISTRICT COURT OF LANDRY COUNTY, TEXOMA
-----------------------------------------------------------------------------------------------------------------	----------------------------------------------------------	------------------------------------------------------------------------------------

CASE MATERIALS

PREPARED BY:

Stephen W. Gwinn, Esq.
Co-Chair, Mock Trial Committee

Taylor Rex Robertson, Esq.
Co-Chair, Mock Trial Committee

Fred Moss, Esq.
Mock Trial Committee

Don Wiley, Esq.
Co-Vice Chair, Mock Trial Committee

Jessica Alexander, Esq.
Co-Vice Chair, Mock Trial Committee

Allison Reppond, Esq.
Co-Vice Chair, Mock Trial Committee

Kevin Anders, Esq.
Co-Vice Chair Mock Trial Committee

<p>THE AQUATIC CENTER FOR EXPLORATION,</p> <p>Plaintiff,</p> <p>v.</p> <p>ALEX CHURN EUBANKS,</p> <p>Defendant.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE CIVIL DISTRICT COURT</p> <p>OF</p> <p>LANDRY COUNTY, TEXOMA</p>
---------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------

STIPULATIONS OF THE PARTIES

The parties agree and stipulate as to the following:

I.

This is a civil trial that will be tried before a jury. Plaintiff, the Aquatic Center for Exploration (the “Aquatic Center” or “Plaintiff”), has filed an application to probate the holographic (handwritten) will (the “Holographic Will”) of Nano D’Sign (“Nano”).¹ Plaintiff alleges that it is the intended beneficiary of Nano’s estate (the “Nano Estate”) according to the terms of the Holographic Will. The Nano Estate is valued at approximately \$14.2 billion. The Holographic Will is Exhibit 1G.

Defendant Alex Churn Eubanks (“Eubanks” or “Defendant”) has filed a response in which Eubanks asserts that Nano lacked sufficient testamentary capacity at the time he signed the Holographic Will, which renders the Holographic Will invalid. Alternatively, Eubanks contends that if the Holographic Will is valid, then Eubanks is the intended beneficiary of the Nano Estate according to the terms of the Holographic Will.

Under Texoma law, when a party challenges the validity and/or the intended beneficiary of a holographic will, the case converts to an adversary proceeding with the proponent and challenger styled as the plaintiff and defendant, respectively.

II.

The court has both subject matter and *in personam* jurisdiction over the parties. All questions of fact will be submitted to a jury. Questions of law will be decided by the court.

¹ While the Court generally abbreviates a party by their last name in the case of an individual party, the notoriety of the deceased all but demands this particular exception.

III.

This is a bifurcated trial solely on the questions of: (1) whether Nano had sufficient testamentary capacity at the time he signed the Holographic Will—and, if and only if Nano had sufficient capacity, (2) whether the Aquatic Center or Eubanks is the intended beneficiary of the Nano Estate according to the terms of the Holographic Will.

If the jury finds that Nano did not have sufficient testamentary capacity at the time he executed the Holographic Will, the jury will not decide who is the intended beneficiary of the Holographic Will and a previously existing Last Will and Testament signed by Nano on or about October 15, 2022 (the “Prior Will”) will be probated at a later proceeding, including any challenges to the validity of the Prior Will. The Prior Will contains numerous provisions, schedules, and exhibits regarding the distribution of the Nano Estate upon Nano’s death, including but not limited to living, testamentary, revocable, and irrevocable trusts.

The Prior Will is not at issue in this trial and any testimony or argument about the Prior Will is limited to the following:

- The Prior Will includes provisions and instructions related to a revocable trust that Nano established in 2020 and funded with \$900 million in cash, which is referred to as the “Charity Trust.”
- Upon Nano’s death, the Prior Will provides that the Charity Trust shall be distributed according to a list of beneficiaries in a document titled “List of Beneficiaries and Percentages – Charity Trust,” which was attached to and included in the Prior Will. The List of Beneficiaries and Percentages – Charity Trust” is Exhibit 5.
- If the Holographic Will is invalid and the Prior Will is later found to be valid, the \$900 million in the Charity Trust will be distributed according to Exhibit 5 at some future date.

IV.

Under Texoma law, the proponent of a holographic will bears the burden to prove by a preponderance of the evidence that the testator had sufficient testamentary capacity. Here, that is the Aquatic Center. To prove Nano had sufficient testamentary capacity, the Aquatic Center must establish the following elements by a preponderance of the evidence:

At the time the Holographic Will was executed—

1. Nano understood that he was making a will;
2. Nano understood the effect of making the will;
3. Nano understood the general nature and extent of his property; and,
4. Nano knew the natural objects of his bounty, that is, the persons to whom he meant to devise and bequeath his property.

Each element may be proven by direct and/or circumstantial evidence.

STIPULATIONS

V.

Under Texoma law, if a party contends that it is an intended beneficiary of a holographic will, that party bears the burden to prove the same by a preponderance of the evidence. Here, if the Holographic Will is valid, both parties contend they are the intended beneficiary referred to as “ACE” in Exhibit 1G. The parties may rely on direct and/or circumstantial evidence to prove who is the intended beneficiary of the Holographic Will.

VI.

All exhibits included in the case materials are authentic and are accurate copies of the originals. No objections to the authenticity of the exhibits will be entertained. The only exhibits to be used at trial are those included in the case packet.

All of the witness statements were written and signed on the dates indicated in each statement. The Addenda are signed on the day of trial, and no continuances have been granted in this case. The signatures on the witness statements, Addenda, and on all other documents are authentic.

VII.

Chris LeClear, Terry Clothe, and Jackie Lung must testify on behalf of the Plaintiff. They may not testify for or be called on behalf of Defendant. Alex Churn Eubanks, Dr. Max Northshire, and Wilton I. Handlit are to testify on behalf of Defendant. They may not testify for or be called on behalf of the Plaintiff.

VIII.

The parties agree to the following summary of facts:

On November 1, 2022, a submersible known as the “Toutou” commenced an underwater dive approximately 300 miles southeast off the Texoma Coast, a deep part of the ocean known as the Texoma Trench. The Toutou was designed, manufactured, and operated by the Aquatic Center. It was transported to the dive site by a command ship, Bravo, which was also operated by the Aquatic Center. Two people were on board the Toutou for the dive: Nano D’Sign and Jesse Watkins, a submersible captain employed by the Aquatic Center.

The Toutou was performing a test dive at a depth of 6,000 meters (approximately 20,000 feet), which was the intended maximum operating depth of the Toutou. This test dive was the last of five tests required to obtain a Texoma Maritime Excursion Certificate (“TMEC”); the Toutou had passed the prior four tests at 500 meters; 1,500 meters; 3,000 meters; and 4,500 meters. Under Texoma law, a TMEC is required for any maritime vessel that sells services to the public.

The dive to 6,000 meters was estimated to take approximately 16 hours—6 hours to dive from the surface to the ocean floor, 4 hours near the ocean floor, and 6 hours to return to the ocean surface. For this particular dive, the Toutou was equipped with an oxygen supply that was estimated to last 48 hours for two adult male passengers.

Approximately three hours into the dive, command ship Bravo lost communication contact with

the Toutou and sent a distress call to the Texoma Navy. The Navy was dispatched to the area and arrived at approximately 6:00 p.m. on November 3, 2022. Early on November 7, 2022, the Navy located the Toutou on the ocean surface approximately two miles north from the original dive site. The hatch of the submersible was opened at 3:53 p.m. on November 7, 2022. Nano and Watkins were both dead. Autopsy results would later confirm they died of hypoxia, or a lack of oxygen.

A member of the Texoma Navy who entered the submersible observed a small red notebook in Nano’s right hand, which was collected with other contents inside the submersible (the “Red Notebook”). A picture of the cover of the Red Notebook is Exhibit 1A. There were six pages inside the notebook with handwriting, and those pages comprise Exhibits 1B to 1G. The parties agree that all six pages in Exhibit 1B to 1G were written by Nano. There was also a single page found in Jesse Wakins’ hand, a photocopy of which is Exhibit 12. The parties agree that Exhibit 12 was written by Watkins and had been torn out from the Red Notebook.

IX.

Exhibit 1 contains photocopies of six pages from the Red Notebook (Exhibit 1B to 1G) and a picture of the front cover of the Red Notebook (Exhibit 1A). Exhibit 1B to 1G are the only pages found inside the Red Notebook that contained any handwriting or markings. Other than Exhibit 1B to 1G and Exhibit 12 (described herein), no other pages from the Red Notebook—whether attached or detached—were found inside the Toutou by the Texoma Navy.

Everything contained in Exhibit 1B to 1G was written by Nano in 2022 on or about the month and day(s) indicated on each page. Based on analysis of the Red Notebook, four pages had been torn out prior to its discovery by the Texoma Navy. The missing pages would have appeared between Exhibit 1C and 1D.

Exhibit 1G is the Holographic Will at issue in this trial. The parties stipulate—and the Court agrees—that if the jury finds Nano had sufficient mental competency at the time he executed the Holographic Will, then the Holographic Will is a valid holographic will under Texoma law.

Exhibits 1A, 1B, 1C, 1D, 1E, 1F, and 1G are admitted.

X.

Because Exhibit 1 contains handwritten pages, the parties have agreed to the following transcription of the pages contained in Exhibit 1B to 1G. The parties and witnesses are bound to the letters, words, numbers, and symbols contained in the transcription below. For clarity, no party or witness may testify, argue, suggest, or imply that the letters, words, or symbols in Exhibit 1B to 1G are anything other than what is stipulated below. However, the parties and witnesses are not bound by the capitalization, punctuation, spacing, formatting, font size, or alignment in the transcription below—Exhibits 1B to 1G speaks for themselves on those matters.

Exhibit 1A

SOON IT WIL BE
NANO
VEMBER

STIPULATIONS

Exhibit 1B

SEPTEMBER 29
LECLEAR AT THE CENTER! FINALLY CAVES
VIDEO CALL SUCCESS / 100M NOV. 1!
NANOVEMBER ELLIE
CRYSTAL CHANDELIER AGREES
MORON WANTS BROAD RELEASE OK
JACKIE NAVY DIVER
STORY A3 = SCUBA, DEEP
1 ON 1 ASSESS OCT 1 HARBOR
DIVE & SURVIVE N. PIER
DOC TERRY NEED PHYSICAL
STORY SAME CALL 11:11P
SCARED SILLY SILLY DOCTOR
OCT. 2 ON NANO 29
TO DO NANO
1. RESEARCH TOUTOU CAPTAIN JESSE
2. REDO CHARITY TRUST WITH WT
10. EMERGE

Exhibit 1C

OCT. 1 (30 DAYS TO NANOVEMBER)
LUNG DIVE & SURVIVE (N. PIER)
OK FACILITY ; OK MANAGEMENT
JACKIE HAS SKILLS TO LEARN
EAZY ASSESSMENT, INSULT
SECURED NAVY SEAL TRAINING
→GET BREATHING / AIR TRICKS
FROM JACKIE
ACEGIKO (RHYMES WITH
BDFHJL ELLIE)
OCT. 2 PHYSICAL DAY WITH DOC
I'VE LOST WEIGHT, GAINED FAT, DESPITE EXERCISE
TERRY BELIEVED ME / NO WHEEZE, COUGH
FEEL TIRED SAD WITHOUT ELLIE
SO ASHAMED ABOUT TREADMILL
I FALL THEN. WEAK, LIKE WIL
NO ONE WILL TELL THOUGH
NANOVEMBER

STIPULATIONS

Exhibit 1D

OCTOBER 4
SEAL TRAIN GREAT JACKIE GOOD
NANO STRONG
BREATHE WATER OCEAN
OCT 5 – GOOD
6 – GOOD
7 – BIG GOOD
8 – TIRED SKIP
9 – SKIP
10 – REFRESH GOOD
11 – BEST YET
12 – DAY OFF NANO
13 –
15 – C TRUST CHANGE
THE HANDLE WILTON
ELLIE SOON

Exhibit 1E

NANOVEMBER 1
0745 – ON BOARD FINAL CHECKS SUNSHINE
0830 – BELOW OCEAN SURFACE PROPELLERS ACTIVE
0909 – 500M SYSTEMS FULL GO CALM SILENCE
1010 – 1000M TINY ADJUST JESSE TYPES ON MACHINE
1029 – COLD ALREADY I SHIVER JESSE COUGH, COUGH
10 UNKNOWN FLASH LIGHT BLUE
11 I FEEL HIGH RISK, NANO DANGER
12 NO BALLAST YES LIGHTS NO TEXTS
23 NANO FUTURE DARK SINKING JESSE SCARED
1013 LIGHT OUT JUST CLOCK ZEBRA
1604 CLOCK JESSE SLEEPY, WANTS PAGE
JESSE ASLEEP BREATH WAIT NO
0101 LONELY NANO S'DIGN
BANGING BUBBLE MAYBE WHALE
MEMORIES TRAITORS
BYE

Exhibit 1F

NOV 3
NAME 23:45
NANO D'SIGN
I LEAVE
ALL I HAVE
TO ACE
I FORGIVE YOU
NANO D'SIGN

STIPULATIONS

XI.

Exhibit 2 is a diagram of the Toutou submersible that was designed, manufactured, and operated by the Aquatic Center. Exhibit 2 also includes certain specifications and/or details about the Toutou provided by the Aquatic Center, and Exhibit 2 contains the logo for the Aquatic Center in the lower left corner. Exhibit 2 is admissible once it is identified by a witness.

XII.

Exhibit 3 is an email thread beginning with a wire confirmation sent by the Aquatic Center's bank to Chris LeClear's email address, which LeClear forwarded internally to Jesse Watkins. Exhibit 3 contains the logo for the Aquatic Center in LeClear's signature block.

XIII.

Exhibit 4 is a transcription of the text messages between the Toutou and command ship Bravo or anyone else on November 1, 2022. The text message system reflected in Exhibit 4 was the only method of communication between the Toutou and the command ship once the Toutou was underwater. The parties agree that Exhibit 4 is an accurate transcription of the text message communications between the command ship and the Toutou on November 1, 2022. No party or witness may argue, suggest, or imply that any of the words in the transcription are inaccurate or incomplete.

XIV.

Exhibit 5 is the List of Beneficiaries and Percentages – Charity Trust that was attached and incorporated with the Prior Will executed by Nano on October 15, 2022.

XV.

Exhibit 6 contains handwritten notes and observations by Terry Clothe related to medical examination of Nano on October 2, 2022.

XVI.

Exhibit 7 is a newspaper article from the Texoma Journal, a national news organization.

XVII.

Exhibit 8 is a print-out of direct messages between Jacki Lung and Sidley Jung, employees of Dive & Survive Scuba Diving Company, on a company GroupChat account between October 1 and November 10, 2022. The parties agree that Exhibit 8 contains any and all direct messages between Lung and Jung on Dive & Survive's GroupChat account between this time period.

XVIII.

Exhibit 9 is a short-form autopsy report from the Texoma Medical Examiner's Office for the autopsy of Nano D'Sign, which was performed at the Medical Examiner's Office on November 10, 2022. The parties agree that all relevant information related to the autopsy of Nano is contained in Exhibit 9, and that no relevant information has been omitted from Exhibit 9. Exhibit 9 is admissible.

XIX.

Exhibit 10 is a map of the general area of the Texoma Harbor, including the general location where the Toutou dive commenced as depicted by a red X. The red line shows the general path that the command ship Bravo, which was transporting the Toutou, took from the South Pier to the dive location marked by the red X. Exhibit 10 is not to scale, but the parties agree it is a representative diagram of the areas depicted. Exhibit 10 is admissible.

XX.

Exhibit 11 is a catalogue of floors at Nano Tower as well as floor diagrams for the top three floors, Floor 28 to 30. Exhibit 11 is not to scale.

XXI.

Exhibit 12 is a page from the Red Notebook found in Jesse Watkins' left hand when the Navy discovered Watkins' body inside the Toutou on November 7, 2022. The parties agree that Exhibit 12 is a page torn out of the same Red Notebook found in Nano's hand, which contained the pages in Exhibit 1B to 1G. Prior to being torn out of the red notebook, the page reflected in Exhibit 12 was located directly after Exhibit 1G. Exhibit 12 is admitted.

XXII.

No party or witness may argue, allege, or suggest in any way that any witness at any time had a romantic or sexual relationship with Nano.

XXIII.

Taylor Deboss has moved to Taiwan and is beyond the subpoena power of this Court. Deboss may be considered an unavailable witness under the Federal Rules of Evidence.

XXIV.

A root cause analysis was performed on the Toutou by an independent third party after it returned to the ocean surface and the deceased passengers were removed. The parties agree that the following list are the only relevant and admissible facts from the root cause analysis:

- The Toutou's communication systems experienced a catastrophic failure when a critical internal switch circuit became compromised by the ocean pressure;

- The circuit failure had no direct or cross-over effect on a separate electrical system that powered the Toutou’s oxygen supply / carbon dioxide scrubber, internal LED lights, propeller power, and ballast release. All of these systems appeared functional.
- The tanks of compressed oxygen for the Toutou were completely empty.
- The ballasts were released from the Toutou at an undetermined time after communications had been lost with command ship Bravo. Evidence was inconclusive on whether ballasts were released by the internal release lever.

XXV.

The Charge of the Court and the Jury Questions are accurate and complete in all respects, and no objections to them will be entertained.

XXVI.

The Court’s Charge to the Jury:

The Plaintiff, the Aquatic Center for Exploration, has alleged that it is the intended beneficiary in Nano D’Sign’s holographic, or handwritten, will. As the proponent of that will, the Plaintiff bears the burden to first prove by a preponderance of the evidence that Nano D’Sign had testamentary capacity on the day he signed the holographic will.

To prove Nano D’Sign had testamentary capacity at the time he wrote and signed the holographic will, the Aquatic Center must establish the following elements by a preponderance of the evidence:

At the time the Holographic Will was executed—

1. Nano understood that he was making a will;
2. Nano understood the effect of making the will;
3. Nano understood the general nature and extent of his property; and,
4. Nano knew the natural objects of his bounty, that is, the persons to whom he meant to devise and bequeath his property.

“Preponderance of the evidence” means the greater weight and degree of credible evidence admitted in this case.

“Persons” includes natural persons, business entities, and organizations.

If, and only if, you find that Nano D’Sign had testamentary capacity on the day he signed the holographic will, then you must determine if either party proved by a preponderance of the evidence that they are the intended beneficiary “ACE” in Nano D’Sigs holographic will.

XXVII.

The following questions will be presented for the jury's unanimous decision:

Please answer the following questions "YES" or "NO." Do you find by a preponderance of the credible evidence that:

1. Nano D'Sign had sufficient testamentary capacity on the day he wrote and signed his holographic will?

YES _____
NO _____

If you answered YES to Question No 1, and only then, you must answer the following question:

2. Who did Nano D'Sign intend as the beneficiary of his holographic will when he used the name "ACE" in that holographic will?

Indicate your decision with an X on one and only one of the lines below:

_____ THE AQUATIC CENTER FOR EXPLORATION

_____ ALEX CHURN EUBANKS

FOREPERSON: Sign and return this verdict form to the court's bailiff.

Foreperson

Date

Respectfully submitted,

/s/ Jasmine Lucerne

Attorney for the Plaintiff

/s/ Lance T. Williams

Attorney for the Defendant

STIPULATIONS

FACT STATEMENT OF CHRIS LECLEAR

1
2
3 G'day, mates. My name's Chris LeClear, and I'm the Chief Executive Officer and Managing
4 Director of Testing Compliance for the Aquatic Center for Exploration. I know that name is a bit
5 of a mouthful, so please just call us "ACE," mate. Everyone else does. Heck, it's practically our
6 logo! You see, I drew it many years ago on the back of a napkin, and it just stuck. You can see it
7 on the Toutou diagram in Exhibit 2 and in my signature block on Exhibit 3 – "ACE," it's right
8 there, mate. I still can't believe Nano left everything to us after everything that happened.

9
10 Let's start at the beginning. I'm 47 years old and have devoted my entire life to the sea. It is my
11 one true love; unlike Nano, the sea never forgives, mate. I got no need for family, just the sea. I
12 grew up in Sydney, Australia, and spent every minute that I could at the beach. From surfing and
13 snorkeling to sailing and scuba diving, I was always exploring all the mysteries the ocean had to
14 offer. After I graduated from secondary school, I attended the University of Sydney where I earned
15 a degree in Aquatic Engineering. Perfect for me, right mate? I also have a Master of Business
16 Administration from the University of Sydney, and I hold several certifications in Maritime
17 Operations that allow me to operate and captain commercial seafaring vessels, such as ships and
18 submersibles.

19
20 Before joining ACE, I worked for a smaller sea exploration company, also in Sydney, called Mills
21 Maritime Machines ("MMM"). I started in 2002 as a captain of one of their vessels, the Stingray.
22 Golly, I probably captained a hundred deep-sea expeditions during my time there. After about ten
23 years spending almost all my time at sea, I reckon I should take a chance at the business side of
24 aquatic exploration. So, in 2014, I became the Director of Operations and transferred to MMM's
25 research and development department. There, I helped design and develop new video and camera
26 technology for our exploration vessels.

27
28 You could say that aquatic exploration has become a bit of a specialty for me. Okay, I'm quite
29 good at it, if we're dropping the modesty, and I think that put me on ACE's radar. ACE started
30 recruiting me to become its CEO and Managing Director in 2016. After several interviews and
31 my own personal research about the innovative work that ACE was doing, I accepted their formal
32 offer—and I packed my bags, jumped on a plane to Texoma, and never looked back. There was
33 no one I even had to say goodbye to. LeClear disappear.

34
35 ACE gave me the chance to explore a whole new world off the coast of Texoma and beyond. It's
36 much, much larger than MMM—ACE has nearly nine thousand team members spread all over the
37 globe. I used the word "team" when it comes to ACE because it is a company that is truly owned
38 and operated by the people who work here. As CEO, I am technically the majority owner of ACE
39 and own 10% of the company. But the other 90% of the company is owned by ACE's
40 approximately 9,000 team members.

41
42 At ACE, we consider ourselves at the forefront of deep-sea exploration. When you think "deep-
43 sea exploration," you might think that all we do search for marine life. Crickey, not so! Sure, our
44 vessels explore the oceans far and wide, and our team records all manner of aquatic life. But did
45 you know that less than 10% of the ocean has been observed by human eyes? ACE is dedicated
46 to closing that gap by observing and mapping—and recording—as much of the ocean as possible.

1 That is why I love what we do. We have the opportunity to discover previously-unknown ocean
2 life, new underwater geographical features, and so much more—and capture it for the world to
3 see. ACE’s work is also crucial to conserving the world’s oceans, which has a massive impact on
4 all you land-lovers. We regularly partner with government agencies and private companies around
5 the world to develop climate models and improve weather predications based on the data that our
6 explorers record while at sea. Yes, we have even found a shipwreck site or two!

7
8 Part of my work at ACE was a continuation of my time in research and development at MMM.
9 One of our most-recent projects here at ACE involved designing and building smaller submersibles
10 that would allow us to send a small crew, say three to four people, right to the ocean floor. When
11 you think of a submersible, you should not compare it to a submarine. Unlike a submarine, a
12 submersible must be transported and supported by a service vessel, like a ship, which we call the
13 “command ship” in the field. Submarines, by comparison, are self-supporting and can be operated
14 independently. Most submersibles out there are not operated by humans who are actually on board,
15 so ACE wanted to be a part of developing technology to create more human-occupied submersibles
16 with high quality video feeds to capture the journey for further study and to share, of course!

17
18 I was personally involved in designing a new, experimental underwater submersible that we
19 eventually named the “Toutou.” Our French engineer, Jérôme, came up with the name when he
20 noticed the Toutou looked a little bit like a dog; apparently “Toutou” means a dog of some sort. I
21 created the initial design of the Toutou, oversaw the development and creation of the final vessel
22 through every step of the process, and was on board the Toutou for the first two “test” dives. I
23 know it may sound strange in light of why we’re here today, but I was—and still am—truly proud
24 of the Toutou. Our team worked tirelessly to create a submersible unlike anyone had created
25 before, and it had incredible potential to make the important work ACE does even more effective.
26 Exhibit 2 shows a general diagram of the Toutou. I provided the specifications at the bottom of
27 Exhibit 2, and I can confirm they are correct.

28
29 I think it would be very helpful to the jury to explain a little bit about Exhibit 2. The diagram at
30 the top of Exhibit 2 is a simplified sketch of the Toutou with descriptions of some, but not all, of
31 the aspects and equipment of the Toutou. For example, you can see the beacon light at the top of
32 the sub (which flickers underwater every thirty seconds), the flood light (which helps illuminate
33 the ocean or ocean floor for the video camera, which you can also see), and the focus lights (which
34 are higher-powered but narrower lights for viewing). The sphere of the Toutou is basically the
35 cabin for the passengers, which you can see on the diagram with the three humans drawn in there.
36 While there is a stairway leading up to the top of the Toutou where you get on and off the sub,
37 access from the sphere to the stairwell is locked and sealed once the dive starts because the
38 personnel sphere has to be pressurized during the dive.

39
40 Finally, I should mention the ballasts on the Toutou, which are basically very heavy weights that
41 help the Toutou dive to the ocean surface along with the propeller at the back, or right-hand side,
42 of the diagram. The Toutou is equipped with a ballast release that can be activated from inside the
43 personnel sphere. The purpose of the release is to shed the weight if there is trouble and the Toutou
44 needs to return to the surface. While releasing the ballasts would make the Toutou light enough
45 to return to the surface, it would be a very slow process – approximately 50 meters an hour.

1 But, during the design process, all of the information and even the existence of the Toutou was
2 kept super-secret. The intellectual property that goes into a submersible like the Toutou is
3 enormous and extremely valuable, so we keep that information locked up tight. Employees sign
4 non-disclosure agreements, and their electronic communications are monitored at all times by our
5 data security team. Just one of those sacrifices when you join the ACE family, but you get to own
6 a part of it in return. We also have a robust cyber security and monitoring system. In my tenure
7 as CEO, I'm not aware of a single successful security breach of any kind – and I'm still not. At
8 least no one has found any evidence of a successful breach. And there are a dozen infiltration
9 attempts per day!

10
11 That's why I was floored to receive a call from Nano D'Sign at exactly 9:25 p.m. on September
12 25, 2023. First, I was obviously floored to get a call from the Nano. I've seen him on the news.
13 Everyone has, right? The billionaire who was a little standoffish until he got into that verbal spat
14 with that other billionaire, Kuron Wyatt. They supposed to fight or something. Anyway, even
15 though we'd never spoken before, Nano knew everything about our sub. Everything. I couldn't
16 wrap me head around it because I was in so much shock. Nano just kept reading parts of our
17 schematics as if he had them memorized, stuff that's way more detailed and technical than the
18 information on Exhibit 2. We're talking details from a blueprint. Then he asked if the sub was
19 ready. I stammered a bit and confessed it was almost ready. It had to pass six underwater pressure
20 tests, at increasingly deeper depths, before it could be considered certified by TMEC (the Texoma
21 Maritime Excursion Certificate) for civilian passengers. And there was one more test to go, the
22 deepest, six thousand meters, or about 20,000 feet.

23
24 I should mention a few other aspects of the Toutou that are not reflected in the diagram or
25 specifications in Exhibit 2. On board, there is a small toilet near the sealed access leading back to
26 the stairwell, an air system that provides oxygen and removes carbon dioxide, and an independent
27 electrical system that powers internal LED lights, an LED digital clock, and a small heater. You
28 see, at the bottom of the ocean, it can be close to freezing – and thus it can be rather uncomfortable
29 on board if there is no heater – or if the heater malfunctions. We also typically include a few
30 power bars or granola bars just in case someone gets a little hungry, but there's nothing more than
31 that besides a couple steel water bottles. I also should address the porthole that you can see on
32 Exhibit 2 – while someone can certainly see out of the porthole, it's not used for navigating the
33 submersible.

34
35 Nano told me that the Texoma Trench would be the perfect location for us to perform a test dive
36 at that six thousand meter depth. "Us," he said. I repeated that we, the Center, couldn't let
37 someone onto the sub until it was fully tested. Normally, I would have also said that person would
38 need to fork up at least ten million bucks too, but that didn't seem necessary all things considered.
39 Nano was insistent, rude even, until I said there was simply nothing I could do. But Nano just kept
40 calling. Everyday, for almost a week.

41
42 On September 29, 2022, I was at my computer when a video popped up on my screen. It was
43 Nano. I didn't accept any video call – Nano was just there on my screen. He told me that we were
44 taking the Toutou to the Texoma Trench on November 1. He gave me this speech about a
45 shipwreck called the Ellie, which I had heard of – but most people consider it purely folklore.

1 Here's the basics on the legend of the Ellie. The Ellie was a famous 19th century ship
2 commissioned by the French Emperor Napoleon. It was supposed to be impenetrable, unsinkable.
3 You've heard that one before, right? While no one know for certain why or how the Ellie sank,
4 one story is that the ship sank after a lightning strike. If we discovered the Ellie, we could
5 potentially unlock endless secrets previously lost in time or some valuable and historical artifacts.
6 Something related to Napoleon?! People would pay top dollar for something like that. Nano
7 claimed that some prior explorations had helped narrow down the location of the Ellie – one of
8 which said the Ellie was in a particular spot in the Texoma Trench.

9
10 At the end of his story, I didn't know what to say. I was a little afraid of saying no, again, because
11 I thought Nano might suddenly be standing behind me, like one of those horror movies. So I tried
12 to throw up as many roadblocks as I could. We would have to lie to the Texoma Guard—you will,
13 he said. We would need him to sign the biggest waiver and release in human history—draft it up,
14 he said. And we would need at least \$50 million and at least four weeks to get it all ready—I'll
15 give you \$100 million and you'll be ready by November 1, he said. I guess I agreed, but who the
16 heck knows. I do know he made me promise to keep the entire plan secret – except from those
17 who absolutely needed to know about his presence on the Toutou for the dive. In total, I think ten
18 total people who worked at the Center were read into the secret project: Jesse, the seven-member
19 crew on command ship Bravo, and three engineers involved in preparing for the dive. I've seen
20 the page in Nano's notebook marked as Exhibit 1C and how Nano described me. But I can't tell
21 you why Nano wrote that, and I guess we never will. Near the bottom, I see that Nano seemed to
22 know that Jesse would be the captain of the Toutou. But I'm certain that I didn't tell Nano that
23 during any of our calls. I hadn't really even made that decision yet. Sure, there was no way it
24 would be anyone other than Jesse, but I'm still shocked that Nano somehow knew that.

25
26 It was such a whirlwind after that. I went into overdrive finalizing the testing plan with my ten-
27 person team. Normally, a test dive would include two or three crew members, but Nano demanded
28 there be just him and one crew member. I was tired of arguing at that point, so I didn't fight it.
29 Plus, it was one less person that knew about the secret dive while we were still planning it. I also
30 had our lawyers draft up a really broad and comprehensive release, where Nano would release
31 ACE from any liability related to the Toutou dive, and Nano signed that.

32
33 I wanted to make sure that Nano was physically prepared for the dive. Late on September 30,
34 2022, I got an email notifying me that \$100 million had been deposited in our bank account. I just
35 stared at the screen for maybe an hour. Then the phone rang, and it was Nano. "In one month,
36 it'll be Nanovember," he said in a deep ominous voice. I had no idea what he was talking about,
37 but I said we had to make sure he was fit for the dive. I asked him to get a physical from his
38 personal doctor too, just to be safe – even though we had the release. Nano said he would get
39 physical in a few days and that he had also set up some scuba diving training, which he said would
40 start he next day. I found the scuba training a little unnecessary, but it couldn't hurt.

41
42 The next I saw Nano was in late October – I think it was October 23, 2022. Nano came to our
43 facility in the Texoma harbor in the South Pier area where the Toutou was dry-docked for the final
44 preparation. He came by to spend some time inside the Toutou to get accustomed to the space,
45 and to meet the captain, Jesse Watkins. Jesse and Nano were the only two people who would be
46 on board the Toutou, and they seemed to get along during that session and another one a few days

1 later. Nano let Jesse do all the controls and just observed everything very studiously. He had a
2 notebook and was writing some things down too from time to time. But, frankly, he was sort of a
3 massive jerk to everyone but Jesse, and I guess Alex.

4
5 Even still, I never saw anything that made me think that Nano was losing his mind or unable to
6 understand what was going on around him. Sure, Nano was a weird guy – a really weird guy, yes.
7 But he always seemed like he knew what he was doing. I mean, you don't build an empire worth
8 \$14 billion by accident. Even lotteries don't go that high. Yes, Nano called me the wrong name
9 a few times during those training sessions with Jesse, but who am I compared to the great Nano?
10 Why would he remember me of all people? And, yes, I do recall Nano calling me "crystal
11 chandelier" a few times, but he wasn't forgetting my name – he was trying a lame nickname.

12
13 On October 30, I drove the two hours from our headquarters to Texoma Harbor to see off command
14 ship Bravo, the Toutou, and the crew. It was the same spot in the harbor where Nano spent some
15 time with Jesse about a week earlier. The journey from the coast to the spot where the dive would
16 take place was estimated to take about 20 to 24 hours because you have to go south around the
17 Foster Islands. The commercial shipping lanes are to the north, and it's too tricky navigating
18 through the Sophia Strait, so you have to go south. You can check out the map in Exhibit 10.

19
20 The command ship had seven employees on board to transport the Toutou to the dive site and
21 manage the dive from the ocean surface, and I wished each one of them good luck. Nano arrived
22 in his typical limousine and bolted out of the door before his valet, Alex, could even get out of the
23 car. Nano looked really pumped up for the journey, and then Alex started yelling something after
24 him, but I couldn't hear what. Nano stopped, just before stepping on board of command ship
25 Bravo, swung around and yelled at Alex: "Brutus!" I knew what "Brutus" probably meant, a
26 traitor. Then Nano disappeared somewhere into the command ship. Alex left right after Nano
27 called them "Brutus," so we didn't speak that day. After I said goodbye to Jesse, I watched
28 command ship Bravo set sail out of the port at around 10 a.m. and stayed there until the ship was
29 completely out of view.

30
31 Back at HQ the next morning, October 31, I coordinated with our team on command ship Bravo
32 as they prepared the Toutou for the dive, which was scheduled for the next morning. Everything
33 went smoothly on October 31 in preparation for the dive. Same for the final checks on the morning
34 of November 1. Exhibit 4 is a text-message log of the communication between the Toutou and
35 command ship Bravo. You see, radio doesn't work deep underwater, so the ship and sub
36 communicate with a text-message-type of log. While the submersible has cameras and a porthole,
37 those aren't there for steering. Instead, the submersible dives and it pings its location back up to
38 the command ship. The command ship checks the sub's location against the final destination and
39 pre-planned path, and then it messages back to the sub if it needs to course correct. The sub has
40 propellers and thrusters that guide it toward the bottom of the ocean, and some high-powered
41 exterior lights too, but the ocean is very dark and it's easy to get completely disoriented in your
42 direction. Like driving in a white-out snowstorm, if you've ever experienced that.

43
44 Of course, I was also listening on the radio call between everyone on the command ship – from
45 the time the dive process started to the 1000-meter mark, around 10 a.m. I then took a break to
46 watch some television. I got a call on my cell reporting of the lost communication with the Toutou.

1 It was about 11:30 a.m. on November 1, 2022 – just a few hours into the dive. I initially assumed
2 the communication issue had to be a minor glitch because the sub was just barely below 5,000 feet
3 – a depth it had passed on three prior dives. This one was supposed to be 20,000 feet, so the sub
4 was only three hours into its 16-hour total dive. As a standard precaution, we included triple the
5 amount of oxygen that the total number of passengers would need for the expected dive time. In
6 this case, that was 48 hours’ worth of oxygen for two adults. There was a lot of activity that came
7 next. Frantic attempts to make contact, distress calls to the Texoma Navy, avoiding calls from the
8 media, and hoping we figured out what was wrong before they ran out of oxygen.

9
10 You can see on Exhibit 4 that we still tried to communicate with the Toutou after we lost
11 communications. But just because we never received a response after we lost contact, that doesn’t
12 mean that everything on board the Toutou suddenly stopped working. There are a bunch of
13 systems inside the sub that operate on a different power system than the communications system,
14 including the oxygen supply, carbon dioxide scrubber, lights, and remote-control steering and
15 thrusters. The ballast release system would have also not have been affected by an issue with the
16 power supply to the communications system. There was also nothing in the Toutou that would
17 have given off a blue light. Some of the systems have green and red lights, but none are blue.

18
19 I was very encouraged when our command ship and the Texoma Navy picked up sonar pings from
20 the vicinity of the Toutou. We were pretty certain it was someone on board banging something
21 metal inside the sub, a standard practice if communication is lost underwater. That was November
22 3, 2022, in the morning. I’m certain of that. That was after the air supply should have technically
23 run out on the Toutou, so I wasn’t sure what to think – I just wanted to get the sub to the surface.

24
25 I will be honest, I still held out hope that Nano and Jesse were alive when the Toutou finally
26 surfaced on November 7, even though it was a week after the dive began and physically impossible
27 to have survived given the oxygen supply. I started to cry when the call came over the radio:
28 confirmed, two deceased. A few minutes later, another voice reported that Nano had a small red
29 notebook in his right hand. I remember seeing Nano with a notebook exactly like Exhibit 1A
30 during his visits to get used to the Toutou. And, thinking back, I do remember him taking some
31 notes in the notebook when Jesse was answering some questions. The voice on the other end of
32 the line was Bostwick from our command ship. I told Bostwick to make sure the Navy collected
33 the notebook, and anything else on board, and I’ve been told that happened. A few days later,
34 when I saw copies of the pages inside the notebook, I immediately called a bunch of lawyers
35 because I knew things were about to get crazy – from the publicity, of course. We quietly filed to
36 probate the handwritten will in Nano’s notebook (Exhibit 1G) on November 9, 2022. And we
37 were right to do that.

38
39 Nano says he forgives us and everything. I can’t believe he did that, but I think we can all agree
40 we, the Center, had some blame. So that’s what Nano is forgiving us for. It’s obvious. In fact,
41 there is a big logo of our company inside the Toutou – one that says in big block letters “ACE.”
42 Looking at Exhibit 2, that logo would be right at the person’s knees who is looking out of the
43 porthole – the person drawn on the far left inside the personnel bubble. I understand why Alex
44 Eubanks is trying to get Nano’s money, but that doesn’t mean Alex is right. I met Alex four times.
45 Never once did I hear Nano refer to Alex as “Ace.” Always “Alex.”

1 As for what may have gone on inside the sub after communications were lost, I can only imagine.
2 Jesse likely would have known there was a problem with the communications system when he did
3 not receive any messages back for more than thirty minutes. So, I'm still baffled why Jesse didn't
4 use the ballast release to shed the weights that helped the Toutou dive. That likely would have got
5 the Toutou back to the surface before the oxygen ran out. But I'll leave it to the doctors and experts
6 to talk about what Nano's mental status and capacity might have been inside the sub during the
7 dive, but I certainly don't see anything in those writings or otherwise that proves he lacked mental
8 capacity to write a will.
9

10 In any event, there should be no question about his mental capacity prior to the dive. He was a
11 shrewd negotiator just to get on the Toutou to begin with, he trained diligently in advance of the
12 dive, and set up his own physical to check his health. As I understand it, Alex Eubanks always
13 did that type of thing, scheduling and the other mundane tasks of life. But Nano had the sense to
14 do it himself. Doesn't sound like a demented person to me; it sounds like a generous and brilliant
15 man. I am humbled that Nano's final wish was to leave his fortune to ACE to continue our crucial
16 aquatic exploration work. We plan to honor Nano by continuing to explore the depths of the
17 oceans on his behalf. Hopefully, one day we will find the Ellie and dedicate the discovery to Nano
18 and his generosity.
19

20 I swear under penalty of perjury that the foregoing statement is true and correct.
21

22 Chris LeClear

23 CHRIS LECLEAR
24

25 **SIGNED AND SWORN TO** on this the 15th day of January 2023.
26
27

1 **ADDENDUM TO FACT STATEMENT OF CHRIS LECLEAR**
2

3 Since the November 1, 2022 accident on the Toutou, ACE has unfortunately been involved in two
4 lawsuits. One was brought by Jesse’s family for negligence and wrongful death. A root cause
5 analysis of the Toutou was performed as a part of that litigation, and it concluded that the
6 communications failure was likely the result of a failure in a small circuit board. My personal
7 design, no less. I’ve been told that most of the root cause analysis for the Toutou is not at issue in
8 this case, but I wanted to make a few things clear. The analysis showed that there were no issues
9 with the internal power or electrical system on board the Toutou, meaning the air system supplying
10 oxygen and removing carbon dioxide was working even after we lost communications. That also
11 means Jesse should have been able to manually steer the submersible, so it’s still a nagging mystery
12 to me why he didn’t direct the Toutou back to the surface once communications had been lost. I
13 also don’t know why no one released the ballasts at some point shortly after communications were
14 lost. That’s standard procedure, and the root cause analysis determined there were no issues with
15 the ballast release – which makes sense since the ballasts were eventually released at some point.
16 No one has been able to figure out when or why. We just know the Navy spotted the Toutou on
17 the surface early on November 7, 2022.

18
19 I have seen the note that Jesse wrote to his family that’s Exhibit 12. It’s heartbreaking to read,
20 every time that I see it, especially given how shaky the handwriting seems. Jesse’s wife’s name is
21 Donna, not Dorothy, so I can’t explain that either but he obviously meant Donna. We are not
22 aware of anyone named Dorothy that Jesse knew. I also can’t explain why Jesse appears to have
23 signed the note with his last name, Watkins, instead of his first name. But, regardless of all that,
24 Exhibit 12 is in Jesse’s handwriting, that’s for sure. While ACE does not believe it is at fault for
25 the accident, ACE did resolve claims brought by Jesse Watkins’ family in an out-of-court and
26 confidential settlement.

27
28 All I’m allowed to say is that we admitted no fault and paid \$25 million to Jesse’s family plus \$5
29 million in attorney’s fees, ours and Jesse’s. The company’s balance sheet as of today shows a cash
30 balance of \$54.6 million, total liabilities of \$7.4 million, and we are running a cash deficit of \$6.7
31 million per month. That cash deficit includes our global payroll, ongoing business expenses,
32 contractual obligations, and professional fees—including our attorneys in this case. I will be
33 completely candid. ACE will likely go bankrupt in a few months if we lose this case. I just hope
34 the jury does the right thing, for me, our employees, and the oceans.

35
36 I was made aware of the specific finding in the autopsy report in Exhibit 9 that Nano had evidence
37 of paper from his red notebook in his mouth and stomach. I cannot explain why Nano ate some
38 of the pages out of his notebook. Maybe he had some notes in there he never wanted anyone to
39 see. Maybe he wrote a few other wills first before deciding on the one leaving it all to us. Heck,
40 if anything, I would say that shows he was perfectly lucid and logical. But we’ll never know. And
41 while I’ve seen that list in Exhibit 5 related to this Charity Trust that was part of Nano’s prior will,
42 the handwritten will in Exhibit 1G replaced everything related to Nano’s prior will. So, nothing
43 in Exhibit 5 is relevant if you ask me. As for that second lawsuit, yes, Nano’s estate did briefly
44 sue the Aquatic Center for wrongful death. But once our attorneys filed a copy of the super broad
45 release that Nano signed, which released the Center from any liability related in any way to the
46 Toutou dive, the case was dismissed pretty quickly by the judge.

1 I swear under penalty of perjury that the foregoing statement is true and correct.
2

3 **Chris LeClear**

4 **CHRIS LECLEAR**

5
6 **SIGNED AND SWORN TO** at 7:00 a.m. on this the day of trial.
7
8
9

FACT STATEMENT OF TERRY CLOTHE

1
2
3 Hello, I am Terry Clothe, and I was a medical doctor—a general practitioner—for about eight
4 years. I’ll get to that in a bit. As an aside, my last name is pronounced like “cloth.” I am 39 years
5 old, unmarried, and live here in Texoma City with my mother and her many cats. I like cats – they
6 are non-conformists, like me. They don’t take orders. They don’t follow “the rules.” They don’t
7 care what you think of them or what they do. Unlike dogs, you have to earn a cat’s loyalty and
8 affection, such as it is.
9

10 When I was a general practitioner, I diagnosed and treated basically any ailment or injury that
11 didn’t need to be treated by one of those fat-cat specialists with overly expensive equipment and
12 stingy insurance coverage. I graduated from Texoma University with a degree in biology because
13 I always wanted to be a doctor. As a child, I treated all sorts of animals: our pets, my friends’ pets,
14 and stray animals. Always minor things, though. I wasn’t performing open surgery on my porch
15 or anything. But I did treat a few broken bones, ear infections, and minor wounds. I also treated
16 at least a dozen animals for fleas and ticks using a special cream that I created from a bunch of
17 random leftover medicine. Maybe I could have packaged that into some animal medication, who
18 knows. The local vet told me several times that they were impressed with my work on such a wide
19 range of animals. They even let me work there over a few summers when I was in middle school.
20

21 By the time I finished college, in the middle of my class, I knew that I wanted to be a doctor for
22 people. I struggled to find a good medical school at an affordable price, but I eventually nabbed a
23 50% scholarship at the Granada Medical School located on the island of Granada. After graduating
24 there, this time in the top quarter of my class, I took an internship at the small Muscle Shoals
25 Municipal Hospital in Alabama. Thereafter, I completed my residency at the Deadman Medical
26 Center in Dallas, Texas. I was then hired as an associate physician at a small medical practice
27 owned by six doctors who had three clinics in Texoma City and operated under the name “Walk-
28 In Medics.” I practiced “general medicine” there, which basically meant I treated anything that
29 walked through the door. We made a decent living billing Medicare, and I’m proud to say that I
30 personally was never convicted of any Medicare fraud—even though the government charged me
31 five separate times during my four years at the clinic.
32

33 Growing up in Texoma City, I actually went to high school with Nano D’Sign, believe it or not.
34 My mom wanted me to attend pre-first, a grade between kindergarten and first grade, because she
35 had worked in education and wanted me to be one of the older kids in my class. So that happened.
36 A few years later, there was some big lawsuit against the company where my dad worked, and we
37 had to move to Wisconsin temporarily because that’s where the case had been filed. That was
38 during my sixth-grade year. Not good memories. With all the travel, the stress of the case, and
39 starting at a new school, I basically learned nothing that year. Fortunately, the lawsuit settled right
40 around the end of the school year, and we soon moved back to Texoma where I just restarted sixth
41 grade. Falling back again wasn’t fun, but it paid off when I met Nano a few years later during
42 freshmen orientation at Texoma Central High. I was two years older than most of my classmates—
43 but I was five years older than Nano because he had skipped a bunch of grades. Wicked smart kid.
44

45 We hung with the non-conformist group. You know, the students who refused to dress like “the
46 socials” demanded or to act the way “the socials” approved. We usually dressed in all black and

1 hung out in the parking lot, avoiding basically any type of school-sponsored extra-curricular
2 activity. We refused to be teen-sheep. Anyhow, since Nano was something of a genius, he was
3 always working on things related to computers. I think he was the only student who could write
4 actual computer code. He also hated writing things by hand. Nano threw a couple of fits during
5 freshman year, and the school eventually let him take all of his tests on a computer.

6
7 It was clear way back then that Nano was destined to be some sort of super-computer engineer,
8 and he went off to some prestigious university – M.I.T. or Cal Tech – and graduated with honors,
9 I’m told. We lost touch after high school graduation, but I casually followed what Nano was up
10 to since he was often in the news. Apparently, shortly after graduating college, Nano got fed up
11 with whatever job he had in industry. I think it was with Orange Computers, but I am not sure,
12 and he swapped working for “the man” to being the man. No big surprise there. Nobody could
13 give orders to Nano.

14
15 This brought him back to Texoma City where he set up his business in his parent’s garage. At
16 least that’s what Chester MacDougall said in one of his articles. I read everything MacDougall
17 writes in the Texoma Journal. Ultimately, Nano created a bunch of computer code, products, and
18 services using nanotechnology – almost like that was what he was destined to do from birth since
19 it was his name. I couldn’t tell you exactly what Nano’s company did or made, but I know it was
20 computer stuff.

21
22 We reconnected at our 15-year high school reunion in 2018 and rekindled our friendship. When
23 Nano realized that I was pretty unhappy with my job at the clinic, he offered me the job of being
24 his personal physician. You see, Nano didn’t trust the medical profession that much. I guess he
25 trusted me. So I jumped at the opportunity. Nano paid me very, very well: \$250,000 a year plus
26 reimbursement of all expenses, which was almost triple my prior salary. He was very generous,
27 and very rich, and my new role meant that I did not have to take on any other patients. All I had
28 to do was perform a moderate check-up and physical once per week, take some bloodwork once a
29 month, and perform a more extensive physical and cognition test once per quarter. I also had to
30 be “on call” if anything came up outside our scheduled visits. Frankly, it was the best gig in the
31 entire world.

32
33 I only had five “after hours” calls in the five-ish years that I worked as Nano’s personal doctor.
34 One time was for a moderately bad fall in 2019. Nano had a pretty big bruise on his left knee and
35 left shin, but was otherwise fine. Just a little sore for a while, and I gave him a few days’ supply
36 of some mild painkillers when he wouldn’t stop complaining about his left leg aching. Another
37 was for a deep but clean laceration to his left hand. He had been playing with a samurai sword.
38 That’s what he said, honest truth. It was in late 2020; probably pure COVID boredom. The other
39 three times were for cuts, bruises, and some muscle issues when he was training for that MMA
40 cage match against that other billionaire, which obviously will never happen now. I prescribed
41 some pain killers and gave him a months’ supply of muscle relaxants. That was late August 2022.

42
43 Nano’s empire was enormous, and he employed probably thousands of people, but I only
44 interacted with one on a regular basis: Alex Churn Eubanks. Alex. From what I know and saw,
45 Alex did everything for Nano other than the business stuff. The business side was handled by
46 Taylor Deboss, Nano’s business manager. I know there were a bunch of CEOs who ran all the

1 different business lines in Nano’s empire and they reported to Deboss. Anytime I saw Deboss, she
2 was on the phone with one of those CEOs barking about the business.

3
4 Alex managed Nano’s calendar and schedule, drove or flew Nano to appearances and events,
5 shopped for clothes and picked up dry cleaning, and cooked all of Nano’s meals. Alex did a lot,
6 and I’ll admit Alex and Nano seemed pretty close. But I also thought Alex came across as a little
7 suspicious, like someone cooking up a scheme or planning a heist, you know? One of those people
8 you can tell are up to no good but you’re not exactly sure why—like Iago from Othello. Just a
9 spidey sense, I guess. Now I know that I was onto something: Alex is trying to steal Nano’s
10 fortune! And Alex was playing the long-con the entire time. Despicable.

11
12 I saw Nano and Alex interact many times when I was at Nano’s home—well, his Tower—for our
13 routine visits. Nano lived in this huge building downtown, and Nano’s private residence was
14 basically the entire top floor. The 30th floor. But I never got to see that floor. The floor below
15 the residence, twenty-nine, was where Nano met with his advisors, doctors, lawyers, and
16 employees. And that’s where I would always meet up with Nano. There was a specific room, a
17 pretty big one, with all the standard medical equipment one might need outside of an emergency
18 or surgery room, including a CT Scan, X-Ray, and treadmill. That’s where I would examine Nano,
19 put him through a standard physical, and check all of his vital signs and other metrics. I would
20 send anything off that needed to be tested in a lab, like bloodwork, but we had a lab on call that
21 could complete almost any test within 24 hours. Alex was always present during those
22 examinations, and sometimes one or two people would drop by during with questions or
23 documents for Nano to sign. I’ve seen Exhibit 11, which is a layout of Nano Tower and the top
24 three floors. I can confirm Floor 29 looks correct based on what I know—that I get off the elevator
25 and go left to the medical room—but I can’t say anything more than that as to this exhibit.

26
27 During these examinations, Nano always referred to Alex as “Alex.” I never heard Nano call Alex
28 “Ace” or anything close to that. Not once. I do recall one check-up in early September 2022
29 around September 5 or 6 where Nano had trouble finding some of his words, and he “Alex” and
30 “Ace” in the same sentence. I remember the sentence being: “Alex is taking me to Ace.” It
31 certainly was not anything like: “Alex, who I also call Ace” or “Alex, aka Ace.” In fact, I would
32 estimate I heard Nano refer to Alex as “Alex” close to a thousand times.

33
34 On September 31, 2022, I got a call directly from Nano – which had never happened before. I
35 literally almost fainted. Nano told me to come to Nano Tower and give him a full physical. I
36 asked, “right now?” He said no, so then I asked why, and Nano said it was for a deep-sea scuba
37 dive. As far as I knew, Nano had never been on any scuba dives in the past – in fact, he hated
38 water, at least so I thought. After one mountain climb back in 2020, Nano did come back with
39 some breathing issues – but those subsided after a couple days with Nano using a couple tanks of
40 oxygen. There were no lingering effects from that, so I did not anticipate any issues for a scuba
41 dive. But, of course, I agreed to give Nano the physical he requested on October 2 even though I
42 would be at a concert the night before. Not ideal, but better than telling Nano “no.”

43
44 I gave Nano the “extensive dive physical” on October 2 in the medical room on the 29th floor at
45 Nano Tower, which is summarized in Exhibit 6. To briefly summarize the examination overall,
46 because I do remember it quite well: I recorded Nano’s weight and vital signs, including his blood

1 pressure and resting heart rate. All normal. I physically examined all of his head canals; the nose,
2 mouth, throat, and ears. Nothing remarkable. I also tested his lung capacity. While that came
3 back lower than ideal, it was still technically within normal ranges. There was supposed to a CT
4 Scan and some blood tests, but those never happened after the treadmill snafu.

5
6 I should explain what happened during the stress test on the treadmill, which is referred to as the
7 Stress ECG in Exhibit 6. For this test, a patient is asked to walk at increasing speeds and incline
8 on a treadmill while a machine monitors the patient's heart rate and blood pressure. A device is
9 attached to the patient's chest and it has at least a dozen cords that connect back to another device.
10 So you have to be mindful when you are walking during the test. I've seen several patients before
11 that have disconnected the cords or gotten tangled while swinging their arms during the walk, but
12 I had not seen anyone trip as hard as I saw Nano. I'm still not sure how it happened, but Nano was
13 doing well as the treadmill increased its incline, and he got all kinds of tangled in the cords and
14 zipped backwards off the end of the treadmill. He hit the floor rather hard but somehow didn't
15 have any cuts or bruises. He was almost 10 minutes into the test at that point, and everything up
16 to that point was perfectly normal, so I didn't see any need to make Nano retake the test. While
17 his time on the test would technically put him in the "poor" category, he didn't stop due to fatigue
18 – he stopped because he fell.

19
20 I have also learned about the so-called Charity Trust list that's in Exhibit 5, which I understand
21 was part of Nano's prior will. I agree that list in Exhibit 5 leaves a hefty sum to Alex Eubanks
22 (among other people and companies), and, yes, I also agree that Exhibit 5 left nothing to the
23 Aquatic Center or myself. But I'm not sure why that matters. This case is about Exhibit 1E.

24
25 I know that people have commented in this case about the handwriting of Nano on the pages from
26 the red notebook, which makes up Exhibit 1B to 1G. There's nothing in those that shows to me
27 that Nano was having any mental problems whatsoever. It looks exactly like what I would imagine
28 a brilliant man's journal would look like. His writing is in short-hand some of the time, and it's
29 not very neat, but it makes logical sense. And Nano hardly ever wrote anything by hand. In fact,
30 I'm not aware of anything Nano has written by hand in the last five years other than in one of his
31 little notebooks. I sure haven't seen anything like that in this case. As for the "neatness" of the
32 handwritten will, are we forgetting that Nano was writing that in a cramped submersible likely in
33 darkness as he plummeted to the ocean floor? Seems spectacularly neat when you consider those
34 circumstances.

35
36 Back to my medical career. After Nano's death, I decided I was ready to retire from the practice
37 of medicine. Because of Nano's fame and how he died, the Texoma Medical Review Board
38 contacted me about starting an inquiry into my care of Nano. They were just curious because of
39 the fame. I never did anything that would have come close to medical malpractice or anything
40 illegal. But when I explained that I was retiring from practicing medicine and would be
41 surrendering my medical license to just move on, they closed the investigation. I never heard
42 anything more on that front.

43
44 I have no opinion on whom Nano was referring when he wrote, "A.C.E." That's for the jury to
45 decide. He was close to Alex for a long time, but he was also personally and deeply committed to
46 the work of the Aquatic Center and its use of Nano's breakthrough AI technology to further its

1 critical oceanographic research. At least that's what Chris LeClear told me. And I don't really
2 dispute anything in Exhibit 9. I wasn't there and clearly didn't perform the autopsy, so I'm not
3 sure how I could dispute anything in there – other than his height, eye and hair color, and the like.
4 The presence of paper in his stomach is hard to explain, but Nano was often hard to explain.

5
6 There was a routine checkup scheduled with Nano for mid-October 2022, but Nano never showed
7 up for it. I didn't really mind. I had to be there anyway to hook up the replacement cords and
8 parts for the stress test equipment that were damaged when Nano fell a few weeks earlier. And I
9 had already given him the medical clearance for the scuba dive, or what he told me was a scuba
10 dive. Would I have changed my opinion if I knew that he was going on an underwater submersible
11 dive? Maybe – but mostly because that's just a really dangerous thing to do, even more so since
12 the sub had not been tested at that depth.

13
14 But I did see Nano that day, October 17, 2022. In fact, it was the last time I saw him before the
15 dive. I was standing in the reception area of the 29th floor after finishing up in the medical exam
16 room, chatting with the receptionist on that floor, and the elevator door opened. Nano came out
17 wearing a red T-shirt and dark jeans, I think. He walked toward the formal guest dining room, on
18 the same left side as my medical room, without saying a word – just humming to himself. I don't
19 even think he noticed me standing there. The receptionist sort of shrugged her shoulders and said
20 something like, "that's Nano." So I didn't think anything of it really.

21
22 I swear under penalty of perjury that the foregoing statement is true and correct.
23

24 *Terry Clothe*

25 **TERRY CLOTH**

26
27 **SIGNED AND SWORN TO** on this the 27th day of January 2023.
28
29

ADDENDUM TO FACT STATEMENT OF TERRY CLOTHE

1
2
3 I feel like I should go back and clarify my statement about Medicare fraud during my time at the
4 clinic. During my time there, only one doctor was actually convicted for Medicare fraud. She got
5 a year in federal prison, but it sounded awful even if it was more of a white-collar, “Club Fed,”
6 minimum security type of thing. I just couldn’t imagine being locked down like that. I’m far too
7 claustrophobic. I get chills just thinking about Nano spending the last days of his life in a plastic
8 bubble at the bottom of the ocean. Anyways, I wanted to clear that up in case it looked like we
9 were running a questionable clinic. Any doctor will tell you: if you bill Medicare for any part of
10 your practice, you’ll inevitably get investigated for fraud. Happens to everyone.

11
12 Since my original statement, I’ve seen the statement prepared by Dr. Northshire. Dr. Northshire
13 mischaracterizes almost everything that Nano wrote in that book, which isn’t surprising given the
14 fact that the good doctor never even met Nano. Nope, not once. Me, on the other hand, I personally
15 examined Nano probably 100 times. I’m also not buying into this forensic handwriting baloney.
16 Everyone agrees that Nano hated writing things by hand and almost never did. Why are we
17 surprised that his handwriting is messy and similar to a child’s? He was also smarter than probably
18 all of us combined, so who are we to try and interpret what he wrote in that book?

19
20 And how convenient is the defense theory? If Nano was sane when he wrote the handwritten will,
21 then ACE has to mean Alex Eubanks. If Nano meant the Aquatic Center when he said “ACE,”
22 oh, then Nano must have been insane and we go to the previous will—which, surprise, leaves a
23 huge chunk to Alex?! Eubanks wins either way. The whole thing is hypocritical, and you don’t
24 need an active medical license to see that.

25
26 I’ve also had a chance to read all the other witness statements submitted in this case. I don’t have
27 any specific responses to those statements that I haven’t already addressed, either in this addendum
28 or my original fact statement. But I want to be truthful and state that I’ve never heard of
29 intermittent hypoxic training, hypoxic endurance, or anything like that. Sure, I know the meaning
30 of the word hypoxic – but all that seems a little “snake oil” to me. I also don’t remember Alex
31 calling me on October 1 about the examination the next day.

32
33 I’ve been asked about Nano’s prior medical records. Since I was Nano’s personal physician, I
34 stored all of his medical records in a secure server that Nano created. Basically, I converted any
35 handwritten notes or other records into digital files and then saved those on the server. Then I
36 would destroy the originals to protect Nano’s private medical information. That server apparently
37 locked down after Nano’s death, and I don’t have the password – nor am I aware of anyone who
38 does. The only reason I have the notes in Exhibit 6 is that I never uploaded those – since I planned
39 to finish the examination once Nano returned from the dive.

40
41 I should also explain a little more about the cognition tests that I gave Nano once a year. While
42 there are several tests out there to screen for dementia or other cognitive impairment, I use the
43 Mini-Mental State Examination, or MMSE. It is the most common test, consists of 11 questions
44 or tasks that measure seven cognitive “domains,” and can be completed in approximately ten to
45 fifteen minutes. The maximum score is 30, and the scores are based on a medical professionals
46 direct observations; in this case, that would be me. A score of 20 to 24 indicates mild dementia,

1 13 to 20 showing moderate dementia, and severe dementia for any score below 13. An example
2 of one of the task would be memorizing a few objects or things, and then being able to repeat the
3 list back later. Other tasks include correctly identifying where you are, the day of the week, the
4 month, the season, and the year. I've also had Nano copy a drawing or write a short sentence that
5 is grammatically correct, such as "The limo is parked in the garage." Nano struggled with those
6 but only because he wrote or drew by hand so seldomly.

7
8 But the point is not to measure the neatness or English skills of someone. It is to screen for signs
9 of dementia, such as: (1) forgetting whether a close family member is still alive; (2) depression;
10 (3) difficulty with once-familiar tasks; (4) forgetting information that you once knew well; (5)
11 forgetting important events or appointments; (6) falling down or having balance problems; (7)
12 becoming disoriented with names or one's own neighborhood; and, sometimes, (8) personality
13 changes. A few of these certainly doesn't automatically mean someone has dementia. Everyone
14 forgets a name or an appointment once in a while. I don't recall Nano getting below a score of 25
15 on any MMSE exam I gave him.

16
17 I'm relieved this trial is starting today. I'm ready to move on from Nano and this circus.

18
19 I swear under penalty of perjury that the foregoing statement is true and correct.
20

21 *Terry Clothe*

22 TERRY CLOTHE

23
24 **SIGNED AND SWORN TO** at 7:00 a.m. on this the day of trial.

1 **FACT STATEMENT OF JACKIE LUNG**

2 Hello, my name is Jackie Lung, and I'm 50 years old (one of the greatest SNL bits of all time).
3 The best way to describe me is that I'm a sea dog. I need to smell the salty air. I'm a proud Navy
4 veteran, lifelong Texoma resident, small business owner, unmarried, but I'm on all the apps. I live
5 just outside of Texoma City right on the Texoma Coast on a 45-foot pontoon boat docked in North
6 Pier. Let me tell you, it's the life.

7 As a kid, I grew up watching the boats go in and out of the Texoma Coast harbor, right where I
8 live now, in the North Pier part of the harbor. It's a perfect view. The harbor is made up of a bunch
9 of docks, piers, and buildings. You have the Texoma Navy there and the Texoma Guard. All the
10 commercial shipping conglomerates have docks on the north end, where all the commercial
11 shipping goes in and out in an east-to-west direction.

12 When I was a kid, I loved the Navy ships the most, big and small. The Coast Guard had some cool
13 ships but they were nothing like the Navy. I always wanted to be in the Navy. Growing up, I spent
14 my summers working for my dad who was the captain of chartered day-long deep-sea fishing tours
15 out in the Gulf of Texoma, and I was a deckhand for him. The best fishing was tucked into these
16 areas between the Foster Islands. By the time I graduated high school, I had worked my way up
17 from cleaning the equipment all the way to co-captain. If you're new around here, you can check
18 out the general map of that area in Exhibit 10. Not to scale, but it's accurate enough.

19 After graduating high school, I went straight into the Navy and graduated from the Naval Academy,
20 in the bottom 5% of my class. You see, I liked spending my time on the water instead of the library.
21 I thought the Navy was about being on the water! Normally, I wouldn't have had much of a chance
22 of doing anything exciting with those grades. But my dad was the top charter fishing tour guide
23 in the North and South Pier, and he had taken Navy executive officers (that's the XO – no, that
24 does not mean hugs and kisses) out fishing for years. After all, the Navy had a yard right there.
25 They knew him, and they knew me. Long story short, it's not what you know, it's who you know.
26 That was the biggest lesson I learned from my time in the Navy.

27 After the Academy, I worked on Navy submarines all over the world. I specialized in sonar
28 technology—the eyes and ears of a submarine. After a couple of years, I eventually applied to join
29 the Naval Special Forces and was accepted on my fourth try – again, it's not what you know, it's
30 who you know. In the special forces, we trained in a bunch of classified things, but my favorite
31 was underwater demolition, which included using incendiary devices in all conditions and depths
32 of water. If there's water, I was trained to dive and deal with explosives in it. Of course, we
33 received training with all types of sea vessels; ships, submarines, submersibles, canoes, you name
34 it. That and the usual SEAL training involving survival skills you've probably seen in the movies.

35 All of this training culminated for me in a big event that used to be completely classified. But, I
36 guess enough time has passed or there was a change in the administration, and so I've been
37 authorized to give the meat-and-bones of the story we call "Code Lazarus." During one
38 engagement, I slipped in the water in full stealth diving gear, swam to an enemy warship's stern
39 (that's the back of the boat), and set an explosive charge that exploded and disabled all steering
40 capabilities. I covertly headed back to my ship and then I woke up in a military hospital. The

1 doctors said that I had been legally dead for just over two minutes – even though my oxygen tank
2 had run out about five minutes before that. Go figure. I don't remember any issues with oxygen
3 tank; in fact, I don't remember anything after the successful explosion. In any event, my mission
4 was successful, and I later got a Medal of Valor for what I did. But that whole experience got me
5 interested in how humans perform in low oxygen environments. I studied training regimens and
6 scientific studies surrounding marathon runners and football players when competing in high
7 altitude environments, where there is lower oxygen in the air.

8 After retiring from the military four years ago, I became the lead dive instructor for the Dive &
9 Survive Scuba Diving Company. We have a dock and several facilities in North Pier of the Texoma
10 harbor, and the main building is about 300 paces from where my pontoon is docked in the harbor.
11 The commute is brilliant. After a hard career in the military, it was an easy gig teaching the rich
12 and famous how to scuba dive. We have had movie stars, athletes, and CEOs come to Dive &
13 Survive. They come to me with varying levels of knowledge and ability for swimming and diving,
14 and I train them to be the best scuba divers they can be. Over the last four years, I've never lost a
15 customer or had a customer get any severe injuries during that time. And scuba is dangerous –
16 very dangerous, unless you are properly trained.

17 It was October 1, 2022, when I first met Nano face-to-face. We had spoken over the phone on
18 September 29 when he called and asked me for some private one-on-one training in preparation
19 for what he said was a deep-sea scuba dive. Honestly, I didn't who he was in that moment. He
20 paid the deposit right after we got off the phone, so I looked him up and realized he was the
21 billionaire from the news. Wasn't he the one that was going to fight some other dorky billionaire?
22 Whatever happened to that? Guess it'll never happen now.

23 Nano was not too different from most of my clients, you know – rich, bored, and with too much
24 time on their hands. I first put Nano through a diving assessment to get a sense of him and whatever
25 experience he had. See, rich people love to over-sell their abilities, so I always have to test folks
26 myself before I figure out what type of training they need. But Nano, he passed with flying colors.
27 Definitely had a ton of diving experience. After the two-hour assessment, I told Nano that I was
28 happy to give him the standard training, but that he likely knew everything already from that
29 program. You see, I'm always a straight shooter. And I did find it odd that someone with so much
30 experience was looking for “basic” scuba dive training, but then again – you can never have too
31 much training.

32 Nano said, “Fine, then give me something unique, something different. Special forces and
33 breathing techniques.” I must have audibly scoffed when he said “special forces” because it set
34 Nano off, and he demanded to be put through the ringer. So, I said I would need to put him through
35 a more rigorous assessment to make sure that he could handle that level of training. Nano
36 demanded the assessment right then. I was almost giddy to put a rich geek to some real work, so
37 I made Nano sign a long waiver and release, just in case anything happened—then or in the
38 future—and so I couldn't get in trouble if I pushed him past his limit. I also said I would need
39 \$300,000 for the three weeks of “special” training. Nano agreed instantly. He aced the more
40 strenuous assessment and left about 2 or 3 p.m. The money hit my bank account ten minutes after
41 he left. I was so stoked.

1 We started the special training regimen on October 4, 2022. I had Nano meet me at a Texoma
2 Navy training facility located in Texoma Navy Yard. Just me and Nano inside; my rules. I think
3 his assistant valet person, Alex, wanted to stay and observe – but I wasn’t comfortable with
4 someone watching over my shoulder. Plus, I think Nano was the type of guy who worked better
5 with people one-on-one. I think Alex stayed in the car in the parking lot nearby during the training
6 sessions with Nano, but I can’t be sure. Yes, the facility was in the same general area as the Navy
7 yard on the map in Exhibit 10. I still had good contacts at the Navy, and I reached an agreement
8 to rent out the facility for \$2,500 per day, which I was told was the standard rate for any non-Navy
9 use. On the first day at the new facility, I told Nano that we could use the facility for free that day.
10 And, if he liked it, we could continue using it – but he would have to cover the extra cost. His
11 choice. You have to let rich folks think they are in charge sometimes.

12 Nano then barked something out loud, his phone pinged or dinged or something, and a few minutes
13 later there was a knock. Alex, the assistant, had made out a check to the Navy for \$52,000 – which
14 Nano signed and handed me. Somehow, Nano knew the Navy required a written check; no crypto
15 or wire transfers. Maybe he had dealt with government payments before, but I thought it was
16 weird he was so many steps ahead of me. And that he was ready to pre-pay the three weeks’
17 expense before using it a single day. I did notice something when Nano signed the check. He
18 didn’t seem comfortable signing his name. I didn’t think anything of it at the time, but I know his
19 handwriting is at issue in this trial. So, I wanted to mention it.

20 Alex then left, and we got started. The type of training / assessment that I gave Nano was fairly
21 similar to what the Navy might use for its most elite diving units. Part of elite dive training
22 involves putting candidates in extremely stressful underwater situations. I did some of this with
23 Nano. I’ve never seen anyone handle some of these tests better than Nano did—including during
24 my time in the Navy. Seriously. It was so unexpected, like he was literally thinking his way out
25 of the problems.

26 One time, I took him down about 120 feet, spun him around a couple of times to simulate
27 disorientation, and let him try to find his way back to the surface. For this particular test, I made
28 sure that by the time we got down to 120 feet under the surface he would run out of oxygen in his
29 tank. It’s designed to be a sudden shock to the diver – no warning about the oxygen – and it’s
30 brutal for even the most experienced divers. Nano never panicked. It was crazy. He calmly
31 figured out which way was up, and easily made it back to the surface in less than two minutes.
32 Total pro. We also simulated “dark diving” where I put Nano in a blacked-out eye mask so he
33 couldn’t see anything but had plenty of oxygen in his tank. I took him down below 30 or 40 feet
34 and then tried to make him panic—knocking his air tube out of his mouth, removing both of his
35 flippers, and even smacking him pretty hard on the body and the head. Still no panic from Nano;
36 he always recovered.

37 After the physical diving tests each day, we practiced intermittent hypoxic training (IHT).
38 Basically, it’s exposing your body to low-oxygen environments in a way to promote health
39 benefits, including athletic and cognitive performance. We used isolation chambers with slightly
40 lower oxygen than normal air and practiced slow, deep breathing. On days with lighter work in
41 the water, I sometimes had Nano get on an exercise bike and bike for about an hour at standard

1 resistance. And I would have him wear a mask that fed him a low-oxygen air mixture. All of these
2 methods were trying to train Nano's body to essentially consume a slightly smaller amount of
3 oxygen to achieve the same results. The techniques also allow someone to conserve oxygen in
4 situations where oxygen might be limited, such as your tank running low during a dive. In simple
5 terms, it's a method of focusing inwardly on your breathing, then your heart rate, then your pulse.
6 It also minimizes the chance you will panic or go into shock.

7 While we were supposed to train together for three weeks, we never made it that far. Nano just
8 stopped showing up. I think our last training together was on October 15. I had put Nano through
9 the blacked-out mask training again that day, which again he did quite well in, and Nano was
10 asking me a bunch of questions about hypoxic endurance as he was resting at the end of the session.
11 He was writing things down in this little red notebook that day, which looked exactly like Exhibit
12 1A. Writing down some of my answers, I think, based on when he would write verses when he
13 would talk. I remember that and Nano calling me Zacky a few times. The first time I thought I
14 misheard it, but I definitely heard it with a Z the second time. Nano didn't say it like that again.
15 We were talking about hypoxic endurance, which is basically a measure of how well someone
16 responds to low oxygen (hypoxic) environments. And Nano was very intrigued.

17 Nano never showed up again after that day. I tried calling Nano's assistant but never got through.
18 I kept showing up at the Navy facility for that final week and change, just in case Nano showed
19 up, but he never did. Good thing I was pre-paid. I was not aware that Nano was going on a
20 submersible dive as opposed to scuba dive, until I heard about the dive on the news on November
21 1, 2022. There had been some reports about communication being lost with a submersible near
22 the Texoma Trench, which is a very deep part of the ocean. I'm not sure if it was that news report
23 or another one, but I soon learned Nano was aboard the sub – and I remember being very shocked.

24 While scuba training wouldn't hurt someone going on a deep submersible dive, it wasn't really the
25 most productive use of his time, at least in my opinion. I suppose the breathing training would've
26 helped maintain composure in the sub, but it would have been impossible to make the oxygen
27 supply last long enough for a rescue from the bottom of the ocean. As far as I know, Nano didn't
28 have to do anything on that sub other than look through the porthole or the camera feed on the
29 monitor since there was a captain on board, but I'm not sure. I was saddened but not shocked to
30 hear that Nano and the captain were found dead when the sub was finally found on the ocean
31 surface on November 7.

32 And then I sort of forgot about the whole thing—until I was contacted by lawyers representing the
33 Aquatic Center for Exploration. I was familiar with the Center from some of my prior work and
34 had seen some of their vessels in and around the harbor, but I had not worked directly with or for
35 them prior to this. The lawyers asked me what I thought about Nano's mental status leading up to
36 the dive. They also asked me if I could provide an opinion about what it would have been like
37 inside the sub as the oxygen supply was running out. I agreed – so long I was able to write my
38 entire statement or report without any edits from the lawyers. They agreed to that condition.

39 First, as to Nano's mental state leading up to the dive, my exposure was limited to the phone
40 conversations related to the dive training, and the trainings themselves. During those times, I did

1 not see or hear anything that gave me a reason to question Nano’s mental stability or sanity. He
2 was aloof at times, and even snapped at me once, but I just figured he was hyper focused.

3 Now let’s discuss the oxygen situation on the Toutou. I have never operated the exact model of
4 submersible that the Toutou—namely because it was a proprietary design by the Center—but I do
5 have training with lots of types of submersibles, including many that were very similar to the
6 diagram in Exhibit 2. I was also provided some background facts and exhibits related to the air
7 supply issue on the Toutou.

8 Based on what I have read and examined, it is my opinion that the 48-hour supply of oxygen lasted
9 much longer than 48 hours. First, we know there were only two people on board, so the oxygen
10 uptake would have been slower than if there were three passengers – and the concentration of
11 carbon dioxide would have been less within the personnel sphere. That’s just a start. Next, after
12 talking about the situation with my colleagues at the other major scuba schools in Texoma, I know
13 that the other passenger, Jesse, received their scuba training in Texoma. All of my colleagues teach
14 the same slow breathing techniques that I taught Nano during his training. With their breathing
15 techniques combined, Nano and Jesse could have extended the oxygen perhaps 30 to 50 percent
16 longer. Meaning the oxygen on the Toutou could have lasted up to 70 hours or more, over three
17 full days. This is even more true if Mr. Watkins passed away, or fell unconscious, much earlier
18 than Nano – as it seems to be indicated in Exhibit 1F and Exhibit 12, frankly.

19 Based on the extended time of oxygen and my understanding of the timeline of events, there would
20 have been plenty of oxygen at the time Nano signed the holographic will based on the time and
21 date Nano indicated on the will. We obviously have to rely on that. Now, that is not to say that
22 things would have been easy or pleasant for Nano at the time. Once the Toutou lost internal power,
23 the prospect of survival would have plummeted and would have been obvious to both passengers.
24 The mental strain of knowing death is certain is probably the most traumatic mental experience.
25 Fear of death has caused the strongest and bravest soldiers to falter.

26 The other thing we should probably mention is the temperature on board the Toutou. I understand
27 that the Toutou had a small heating system and that there’s no evidence the heating system failed
28 during the dive. Either way, the temperature near the ocean floor is approximately 35 degrees
29 Fahrenheit, and so it can be extremely cold on board a submersible like the Toutou. The cold
30 creates a risk of hypothermia, which can exacerbate the effects of dwindling oxygen, but I did not
31 see any evidence or reports that either passenger showed signs of hypothermia.

32 In any event, the basic tasks of thinking about drafting a holographic will, picking up a pen,
33 grabbing something to write on, and then writing the words on the page—it would not have taken
34 a great degree of mental focus by Nano. And it could be done in a cramped, dark, and cold place
35 like the Toutou. Nano was intimately familiar with his business and knew, probably better than
36 most company executives, the general status of his business.

37 We should still discuss the effect on the human body when it is deprived of oxygen—hypoxia. But
38 I prefer to call it running out of air. At some point as oxygen gets very depleted, impaired judgment
39 and muscle confusion do set in, which makes it difficult for someone to have rational thought or
40 make rational and controlled movement. While the muscle coordination involved in signing a

1 handwritten will is relatively small compared to, say, navigating underwater in dark conditions,
2 the environment in the sub would not have made writing that will very easy. The space was
3 cramped, it was possibly dark save for the digital clock, and it's not like there was a desk for Nano
4 to write on. And yet the handwritten will is remarkably neat all things considered. After all, I did
5 specifically teach Nano how to maintain composure in a stressful underwater situation, just like
6 running out of oxygen, and it's clear to me that he took that instruction to heart in writing out his
7 last will in Exhibit 1G. And let's not forget one critical thing. The knowledge of impending death
8 is not always a detriment to mental function. Studies and experience have shown many examples
9 where people find remarkable clarity when they are close to death. Enlightenment, lucid moments,
10 whatever you want to call it. Plus it seems Nano had quite a long time to consider his affairs while
11 he was inside the Toutou – and for a conscious choice about who he wanted to leave his estate to.

12 Based on what I've seen, there's nothing to suggest that Nano was insane or incapable of
13 understanding the effect of writing a handwritten will on the Toutou. He had been involved with
14 managing his estate for years through his attorney, Wilton Handlit, and had signed new wills on
15 nearly a weekly basis. He clearly knew the requirements for a handwritten will. This should be a
16 case about who is "Ace." Plain and simple. As for who is "Ace," or at least who Nano meant
17 when he wrote "Ace"? I never heard Nano call anyone Ace. Not Alex Churn Eubanks; not the
18 Aquatic Center for Exploration. But I do think it's important to note that the Center's logo was
19 right below the porthole on the Toutou, and it's a big "ACE" type of design. There were marks on
20 that logo from what was probably the banging sounds picked up by the sonar equipment during
21 the search and rescue. Just saying. It was right there in front of him. And it's a pretty cool design,
22 if you ask me. Check it out in the email in Exhibit 3.

23 Lastly, while I'm not a medical doctor and I don't have any formal training from a medical school,
24 I do have extensive experience with medical issues related to diving, oxygen deprivation, and
25 generally the effects on the human body when it is under water from my time in the Navy and
26 beyond. I have reviewed the autopsy report in Exhibit 9, and it looks pretty standard to me. In
27 fact, I've resuscitated two divers during trainings who lost consciousness. In looking at Exhibit 9,
28 there's nothing there that indicates to me that Nano's mental abilities were compromised before
29 he died on the Toutou. I would expect to see physical injuries, bruises or scratches, if someone
30 started to have a mental breakdown inside a closed space like the personnel sphere on the Toutou.
31 Nano continued to write while he was on board, as the oxygen supply decreased, and his writings
32 still make enough sense for someone who did not write by hand very often. Sure, the bit about
33 paper pulp being in Nano's stomach is a bit odd, but can we really say for certain that came from
34 him eating pages out of the red notebook? I'm not saying that didn't happen; I'm just saying there
35 could be another explanation, even though I'm not sure what that would be.

36
37 I swear under penalty of perjury that the foregoing statement is true and correct.
38

39 *Jackie Lung*

40 JACKIE LUNG

41
42 **SIGNED AND SWORN TO** on this the 11th day of March 2023.

1 ADDENDUM TO FACT STATEMENT OF JACKIE LUNG

2 Since my original statement, I have been provided and had a chance to review the report and
3 statement by Dr. Max Northshire. I'm not sure what reality Dr. Northshire is living in. I didn't
4 see any signs that Nano was having mental problems of any kind during our trainings. I saw Nano
5 nearly every day in early to mid-October, and he was focused and responsive to every task during
6 our training. He wasn't the most talkative person, mostly listening when I would debrief him at
7 the end of each session. But he wasn't drooling or staring off into space. I think all that is a big,
8 big reach by a greedy expert.
9

10 I also strongly resent any suggestion that my IHT (intermittent hypoxic training) could have caused
11 or exacerbated any respiratory or cognitive issues—if any existed—with Nano. I was constantly
12 monitoring Nano's heart rate, blood pressure, breathing, and a host of other metrics during our
13 trainings. I never saw anything other than a very healthy, very well-conditioned mid-thirties male
14 with optimal lung capacity and oxygen consumption. Oh, sure, I saw the notes from Doctor Clothe
15 in Exhibit 6. My guess is that Clothe didn't use the spirometry test correctly. After all, the notes
16 make clear that Nano asked about it several times. Nano probably realized something wasn't right.
17 Yes, the fall on the treadmill might raise some alarm upon first glance, but it makes complete sense
18 that someone might get tied up in those stress test cords and lose their balance. Would I have
19 continued with the exam – or sought to finish it before giving the medical approval? I think I
20 would have, but maybe that's just the benefit of hindsight.
21

22 I'm not being paid for any of my time in this case. I'm here to tell the truth. So, I want to disclose
23 that I've signed on to make a documentary about Nano's final months, including his time on the
24 Toutou. I've been paid \$500,000 in advance, and I will get 5% of the net proceeds from the film.
25 The money and the documentary have no impact on my testimony.
26

27 Finally, I see that the Defense has dug up a random inter-company message I made about Nano.
28 That message system is only for ACE employees; it's a quick way to communicate during the day
29 but maintain security. Admittedly, we also use it on a more casual level. Exhibit 8 is merely me
30 making fun of Nano to a colleague. It wasn't the kindest thing to do, sure, but it was just me joking
31 around. I never meant to insinuate Nano was crazy or a lunatic or anything like that. That's taking
32 what I said way out of context and just reading the words on the page.
33

34 I swear under penalty of perjury that the foregoing statement is true and correct.
35

36 *Jackie Lung*

37 JACKIE LUNG
38

39 SIGNED AND SWORN TO at 7:00 a.m. on this the day of trial.
40

1 **FACT STATEMENT OF ALEX CHURN EUBANKS**

2
3 Good day, great citizens of Texoma. My name is Alex Churn Eubanks, and it's sad we are here
4 for all this. I'm 37 years old and live in Texoma City, Texoma. I have a 13-year-old daughter,
5 Claire, who is the most wonderful thing in this world. I never married Claire's other parent, but
6 we amicably share custody of her, living just a few blocks away from each other so Claire can go
7 back and forth easily. That arrangement has been great for Claire, and it was especially useful
8 when I was "on call" with Nano D'Sign, my boss. Well, my former boss, I guess. I'm currently
9 employed by Nano's estate while this lawsuit is pending – still managing the estate. I have
10 organized a bunch of files, catalogued all of Nano's personal property, and coordinated the
11 continued care of Nano Tower where Nano used to live.

12
13 I first met Nano in college at M.I.T. in 2010. Nano was just brilliant; the smartest person I have
14 ever met – and that's saying something at a place like M.I.T. We were assigned to the same
15 freshman dorm with about 100 other young men and woman just starting their college journey.
16 But Nano was so smart that he basically bypassed every core course that the rest of us had to take.
17 He wasn't the kind to brag about that, though. Instead, he just hammered away on his computer
18 in his room but kept his door open so that anybody who needed help could come in. Sometimes
19 you'd have to wait a minute for him to notice you, but he never got mad at the interruptions – as
20 long as you let him get to a stopping point. I think he just had a hard time focusing sometimes,
21 like his mind was moving faster than his body could execute. But I'm not a doctor. And sure,
22 sometimes Nano could say things that seemed hurtful, but he never really seemed to mean it. He
23 was just a straight shooter, candid and frank. No time for the run-around.

24
25 One time, when Nano needed a Kleenex and couldn't find one nearby, I let him borrow one of my
26 handkerchiefs. You see, my grandma was so proud of me for getting into such a good school that
27 she had these fancy handkerchiefs made, like what fancy people in those older movies would use.
28 They were all monogrammed with my initials, A.C.E., and I had about six of them. Nano thanked
29 me for being "on the spot" and said: "You are an Ace!" when he saw the initials. He followed up
30 with his iconic hearty laugh: "Ha, he, he, ha." We became close friends thereafter. It's sad. I will
31 never hear him laugh again – all thanks to the Aquatic Center and their defective submersible.
32 What a catastrophic shame.

33
34 When I started college, I thought I wanted to be a computer engineer – but I struggled with the
35 higher-level math classes. I eventually realized that engineering just wasn't for me, especially in
36 comparison to people like Nano who just "got it" without any effort. I went back and forth over
37 whether to change my major and eventually settled on Executive Hospitality Management. It's a
38 major for people who want to own and operate top-rate hotels and restaurants. Nano didn't really
39 understand the courses I was taking – it was probably just too simple for him – but he never judged
40 me for it. Instead, he encouraged me to look beyond just hotels and restaurants. "Be unique," he
41 would always say. I guess he wanted to make sure I always had options.

42
43 Nano and I became quite close during our time at M.I.T. I was one of the few people to really
44 understand what a good guy Nano was. You see, of all people, Nano was the one who was truly
45 "unique." Despite his brilliance, he was a macro-level guy – never one for the mundane details.
46 And he sometimes had a hard time communicating with people. For example, one time he was

1 eating lunch in one of the lounge areas of the dorm and couldn't find a paper towel or napkin. And
2 he had an absolute meltdown. A freak-out. That was the second time I loaned him one of my
3 handkerchiefs. It did well to calm him down. A lot of other students sort of shunned Nano after
4 that, but not me – we just clicked. There's a fine line between being a weirdo and a genius, right?
5

6 And then I started as his personal assistant slash valet (how the British use that word, not just a car
7 driver). I wasn't doing anything that I needed to be paid for necessarily, just little things – like
8 picking up groceries, restocking his toiletries, and making runs to the dry cleaners. But I was
9 already doing that for myself, so I just added Nano's stuff to help him out. He paid for his end but
10 eventually—I'm not sure when exactly, probably sophomore year—he started paying for both of
11 our stuff. I told Nano that wasn't necessary, but he insisted. Who was I to argue. We eventually
12 ended up in a three-bedroom house off campus, second semester sophomore year, and Nano ended
13 up paying for the rent, the utilities, and the groceries. We each had our own huge bedroom on
14 opposite sides of the house, and Nano used the third bedroom for all his computers.
15

16 Nano and I graduated after our senior year: me with my bachelor's, and him with three advanced
17 degrees. It seemed right that he would need someone to keep helping him, so I offered to basically
18 keep doing what I was doing, permanently. It was right after our graduation ceremony because I
19 remember standing in my robe with all those cords. Nano said yes. We were best friends, after all.
20

21 As Nano's personal assistant slash valet in the professional world, I pretty much did everything
22 for Nano other than business: handling his schedule, driving or flying him to appointments (yes, I
23 got my pilot's license five years ago and am fully qualified to fly Nano's jet), managing the
24 household staff, shopping and selecting Nano's wardrobe. Basically anything and everything that
25 wasn't computers or his business. Taylor DeBoss handled the business side of Nano's empire.
26 But to be clear, Nano dressed and bathed himself – he was an adult after all. Nano lived on the
27 entire 30th floor of Nano Tower, the penthouse, in downtown Texoma. I, and the rest of the staff,
28 worked on the floors below. I could access Nano's room slash floor only if he was not there or if
29 he allowed me onto the floor. I spent most of my time on the 28th and 29th floor. You can see
30 the layouts of those three floors, 28 to 30, on Exhibit 11. It's not to scale, but the set-up is right.
31

32 Thankfully, Nano had very few medical issues we had to worry about – at least before all this
33 started. There were a few medications, but Doctor Terry, well, former doctor, took care of all of
34 that. Nano also had different types of routine medical checkups with Terry. Simple ones every
35 week or so, and more thorough examinations every month or quarter. According to Terry, Nano
36 was fit as a dolphin. I soon started to doubt that opinion, especially after I recalled some serious
37 breathing issues that Nano had after coming back from a mountain climb somewhere in South
38 America. That was back in 2020. Nano had to be on an oxygen tank for nearly a week, and he
39 was really weak during that time.
40

41 And while I'm not a doctor, I do firmly believe that Nano was suffering from a few mental health
42 problems that Terry completely overlooked. Nano was constantly anxious, would really struggle
43 focusing on his work at times, and seemed to swing between a manic and depressive state. No, I
44 didn't ask Terry to prescribe anything based on those observations. I trusted Terry as the doctor,
45 and I wasn't about to speak for Nano when it came to his personal health.
46

1 I distinctly remember September 15, 2022. Nano had a meeting at this fancy cigar bar around dusk
2 in downtown Texoma. He was meeting some insurance broker who sold life insurance to the super
3 wealthy. Nano was never one to think a lot about his death, and I told him to be careful with
4 insurance folks. I seem to recall reading about the company, Seascapes something or other. I
5 waited in the car for about three hours while Nano was inside with the insurance broker. When he
6 came out, reeking of cigar smoke, he told me to take him home – and the whole ride, Nano couldn't
7 stop talking about this shipwreck he had learned about. The Ellie, supposedly commissioned by
8 Napoleon or Nero or something, and it was miles off the Texoma coast in this super deep crevice
9 of the ocean called the Texoma Trench. I could barely keep up. Nano was talking a thousand
10 miles a minute. Then he paused. "I'm gonna go," he said to someone off in space. I didn't
11 respond. Nano hated the ocean. At least he used to.

12
13 But once we were back at the Tower garage, Nano said he didn't recognize where he was and
14 demanded that I take him home, back to the Tower. I tried to explain at least three times that we
15 were home, in the private garage of the Tower, just like we always came in. But Nano just
16 screamed at me to take him home. I didn't know what else to do, so I left the Tower garage, drove
17 Nano around for about an hour, and then went back to the same spot in the garage. I opened the
18 door, Nano got out, and acted like nothing had happened. I just figured he was obsessing over the
19 Ellie story. He could get obsessed with an idea and let it consume him, usually for a short period.
20 I had seen that a bunch of times in the past.

21
22 But the next morning, September 16, Nano refused to come down from his floor. No one could
23 get in if he didn't authorize it. He didn't respond to messages, but he did eat all of the food we
24 sent up on the dumb waiter. He stayed up there two full weeks without saying a word to anyone;
25 just eating his food and leaving dirty clothes in the elevator for laundry.

26
27 Finally, late on September 30, 2022, Nano appeared in the elevator on the 29th floor and came into
28 the central meeting area called the situation room. He saw me and said we were going to the
29 "Center," just the "Center" without any context – other than it was a building near the Texoma
30 harbor. And we were going the next morning. I was just happy to see him, so I didn't query
31 further. We left for the harbor the next morning, October 1, to find this Center. Once we were in
32 the North Pier area of the Texoma Harbor, which you can see on Exhibit 10, Nano said we were
33 looking for a scuba diving company called Dive and Survive. I tried to clarify that I thought we
34 were looking for a "Center," but Nano snapped at me – something he rarely ever did. I eventually
35 found the dive shop and dropped Nano off at the front door about 9:45 a.m. I asked if he wanted
36 me to accompany him inside, but Nano just walked off without saying a word.

37
38 Nano came out of the dive shop around 2:30 p.m. He looked physically worn out, like he had just
39 run a marathon or something, so I assumed he had been doing some dive practice inside. I got out
40 of the limo and opened the car door for him. As he was getting inside, Nano told me to send
41 \$300,000 to a bank account associated with Dive & Survive, which he said was a pre-payment for
42 personal diving training. I coordinated that payment before we left the parking lot. One we were
43 back at the Tower, Nano went straight up to the 30th floor and stayed there for the rest of the night.
44 I went to the 28th floor to catch up on some work. In addition to chauffeuring Nano around, I was
45 also responsible for all of the activity on the 28th and 29th floor, including any appointments and
46 meetings Nano may have. At some point after we got back, I learned that Nano had a meeting set

1 for the next morning—October 2, 2022—with Terry Clothe for a physical. I had not set that
2 meeting, so I called Terry to confirm. In a rather short tone, Terry told me over the phone that
3 Nano had called directly to set up the meeting. And then Terry hung up. There was so much
4 music and noise in the background, it sounded like Terry was inside a nightclub or something.
5

6 Nano met with Clothe the next morning in the medical exam room on the 29th floor of Nano
7 Tower. It started like normal. Clothe took Nano’s vital signs and checked his ears, nose, and
8 throat. There was also the lung capacity test, called a spirometry I think. I didn’t see the test
9 results at that moment, but I remember that Nano started coughing after trying to breathe out all
10 his air. He seemed to recover pretty quickly, but I remember thinking that I had not heard such a
11 raspy cough from Nano in all my years with him. Next was supposed to be a stress test physical
12 where Nano walked on an inclined treadmill and a bunch of machines measured his heart rate and
13 blood pressure until he couldn’t walk anymore. In the past, Nano has done very well on the
14 treadmill part, often lasting more than 30 minutes before reaching exhaustion.
15

16 On October 2, though, something was amiss. During the test, Nano has to wear this clunky device
17 around his chest that is connected to a larger machine by about two dozen cords. It has never been
18 a problem before, but Nano lost his balance, got his feet tied up, and fell off the back of the
19 treadmill hard onto the floor. Cords and wires went everywhere. Clothe and I checked on Nano
20 who seemed fine, just incredibly embarrassed. Nano yelled at Clothe about how rudimentary the
21 machine was with all these wires and cords, and that if he had one day, then he could invent a
22 better machine that was wireless. I think we all realized that Nano wasn’t in the mood for any
23 more tests, so that was basically the end of the examination. Clothe still gave Nano a medical
24 sign-off.
25

26 After that, just about every day, I shuttled Nano from the Tower to the Texoma Harbor at 7:00
27 a.m. – and then shuttled him home whenever he was finished. There may have been a two-day
28 stretch where Nano didn’t go to the harbor, but we basically were there every day. Most of the
29 time, I dropped him off at this Navy facility but sometimes we went to another location, about a
30 quarter mile away, that had the Aquatic Center logo on the outside. Yes, the same logo in Chris
31 LeClear’s signature block in Exhibit 3. We never went back to the Dive and Survive shop after
32 that first visit on October 1, 2022. During most of these trips, I tried to ask what he was doing or
33 planning, but Nano would just say that he was preparing for his greatest journey. “Ellie, Center,
34 Nanovember.” He said that on more than one occasion. I did notice that Nano seemed to be
35 getting in really good shape. He had workout equipment on the 30th floor, and he had been getting
36 into better shape after he announced that silly cage fight thing, but it looked to me as if Nano had
37 been working out for hours every day up on the 30th floor.
38

39 At some point in mid-October, pretty sure it was October 17, 2022, Nano suddenly decided he
40 didn’t want to go back to the South Pier anymore. He came to my office on the 28th floor and
41 instructed me not to answer any calls from Jackie Lung or anyone else; he—Nano—would handle
42 all his scheduling until the dive. I ignored a few calls from Jackie over the next few days, but I
43 couldn’t stop thinking about all these changes in Nano’s behavior. I was also really bothered by
44 his clothes that day. Nano was wearing a red T-shirt and what appeared to be tuxedo pants, like
45 the kind with a shiny dark stripe down the pantleg. And no shoes. He seemed really out of it even
46 though he had looked so great the past few days, especially on October 15.

1 I was driving to work maybe two days later when the whole plan became clear. Nano was going
2 to try to search for the Ellie with the help of the Center and all the Navy training. But it didn't
3 make sense why Nano wouldn't have told me, and why there was all this secrecy. At the same
4 time, it's not like I could have stopped him. Maybe Nano just enjoyed the secret, or maybe he was
5 really losing it. Becoming paranoid.

6
7 Later that night, October 17, 2022, I huddled with my two assistants asked them to look into the
8 Center and the addresses where I had been taking Nano, especially anything to do with submarines
9 or deep-sea diving or shipwrecks. They eventually figured out that the Center was the Aquatic
10 Center for Exploration – and it had a few submersibles that could be used to search for an
11 underwater shipwreck, including a new one named the Toutou that had been in confidential design
12 and production for some time. One assistant was able to confirm that the Texoma Trench was a
13 common place where shipwrecks were believed to be. That was our best lead, and then we found
14 the smoking gun: the Ellie wasn't certified for civilian passengers. It had one more test to go, yet
15 they were letting Nano join apparently. Or, more likely, Nano had talked himself onboard.

16
17 I paced all over my office on the twenty-ninth floor trying to decide what to do. If I brought it up
18 with Nano, it could look like I was questioning him – and you never did that. It would also reveal
19 that I went behind his back to spy on him, or at least spy on what he was up to. Still, I was getting
20 more and more worried about his mental state during late October 2022. He was lethargic all the
21 time and non-responsive when I tried to talk to him at Nano Tower. So, I meditated on it, and
22 finally decided it had to be done. On October 29, I contacted Nano's personal estate lawyer, Wilton
23 Handlit, to privately discuss my concerns about Nano's mental state. I was very careful to make
24 sure that Nano couldn't find out that I was meeting with Wilton because that would certainly raise
25 questions. Handlit was the same estate lawyer who was at Nano Tower on October 15 – when
26 Nano was reviewing and signing his most recent will.

27
28 When I spoke to Wilton on October 29 at Nano Tower, I could see that my concerns were
29 appreciated – and Wilton definitely agreed with me about Nano's decline. But we decided it would
30 be near impossible to stop Nano from going on the dive—which he was leaving for the very next
31 morning—unless we physically restrained him, but I figured that was illegal. Wilton said we
32 should wait until Nano gets back from the dive and see what he was like at that point. Wilton
33 figured that Nano might snap out of whatever funk he was in. I couldn't really push it any further.
34 Admittedly, it was a huge request – and one that basically broke the circle of trust between me and
35 Nano. You see, Nano had told me numerous times that he would never lose his mental abilities.
36 Even if he could no longer walk or feed himself, Nano believed his mind would endure forever –
37 and he told me no one should ever question his mind – to do so would be considered the gravest
38 sin. But I knew something was wrong, so I was compelled to act. And I had this horribly bad
39 feeling about the submersible dive. Sure, there was no law against Nano agreeing on his own free
40 will to attend that dive, I think, but all the secrecy made me super suspicious.

41
42 Still, I had no choice but to drive him to the harbor early on October 30, 2022. We pulled into the
43 parking lot and Nano was out of the limo before I even put it in the park. He looked so excited,
44 almost manic, for the trip and nearly jumped his way onto the command ship. I tried to say
45 goodbye, I guess, and when he ignored me I actually yelled at him – that he was making a dumb
46 mistake going on an uncertified dive. I am horrified that I did that. Nano was just about on board

1 the command ship when I said that. He froze, turned back toward me, and had rage behind his
2 eyes. I felt like I was about to melt. Nano pointed right at me and called me “Brutus.” A traitor!
3 I hadn’t done anything but care about Nano’s welfare! And it turns out I was exactly right. He
4 never should have trusted the Aquatic Center. I wasn’t about to respond to Nano after he screamed
5 at me, so I rushed back to the limo and drove back to Texoma. I will concede that I cried a bit
6 during that drive back. I was so embarrassed to have let Nano down. And that our last conversation
7 was me calling him dumb, and him calling me a traitor.

8
9 I had planned to take a vacation while Nano was on the dive since he would be gone a few days.
10 I was in Florida, in a beach house overlooking the water, when I heard on the news about some
11 trouble with a submersible someone in the ocean. I knew instantly it had to be Nano. And I wanted
12 to get back, but there was a pilot strike – the one you probably remember from the news – and that
13 grounded all the planes for a couple of days. I was crushed as each day passed without good news
14 or seemingly any progress once they lost communications. I cried for a long time when I heard
15 that Nano was dead. At least they were able to recover the body so he could get a proper funeral.
16 Turns out, Nano got an autopsy first.

17
18 A few days after they found Nano, I learned from Wilton that the Center had filed something in
19 court to inherit all of Nano’s estate. I nearly fell out of my hammock at the Florida beach house I
20 was still renting. Wilton said that the Navy found a little red notebook in Nano’s hand when they
21 found him, and the other guy, in the sub. I had seen that notebook of course, just like you see on
22 Exhibit 1A, but never what was inside. Nano always carried a little notebook; it was the only thing
23 he ever wrote in, and no one saw it but him. He didn’t text; he didn’t email. Just verbal instructions
24 and his own person notebook. But a handwritten will, inside that private notebook, leaving
25 everything to the Center? There was simply no way that was true.

26
27 Once I finally saw the pages from the notebook, I thought they might be a forgery, especially
28 because the Center never reported the will until they filed their court papers. Seemed rather
29 suspicious to me, so I hired a law firm, and they hired an expert to review the notebook. A few
30 pages had been torn out for some reason, but our expert, Max Northshire, was able to confirm the
31 remaining pages were in fact Nano’s handwriting. As for the missing pages, it appears that these
32 were removed by Nano and possibly explains why the coroner found evidence of paper in Nano’s
33 stomach during the autopsy. Nano ate the pages out of his notebook? Either he had some super
34 deep dark secret in there, or he truly was going crazy in that sub. Heck, maybe both.

35
36 I believe there is no question that Nano lacked mental capacity when he signed that will inside the
37 Toutou, and I think the will should be invalid. But if it’s not, then I respect the jury’s decision and
38 insist that the only logical interpretation of the word “Ace” is me. The Center made him a coffin,
39 for goodness sake. It makes no sense. I spoke to Nano every day for probably the last 12 years.
40 Never once have I heard him refer to the Aquatic Center as “Ace.” But I have heard him call me
41 that when we were in private – “my ace valet” or “you are an ace.” And it’s on my handkerchiefs,
42 the ones I gave Nano to start our friendship. How does “Ace” refer to anyone but me?

43
44 I know that Exhibit 5 contains a list of beneficiaries of the Charity Trust, and that includes me.
45 Nano revised that list nearly every week, and sometimes would tinker with other parts of his
46 voluminous will too. I was never directly part of those discussions though. I am a bit shocked

1 that Nano left nothing to Taylor Deboss in Exhibit 5, and even went so far as to include Taylor's
2 name with a zero percentage. Ouch. I understand that Taylor has fled the country and is
3 unreachable. I have tried every number and contact that I have, and have given the same to the
4 police, but no one has been able to find Taylor. I suppose I would be pretty upset and angry if
5 Nano didn't leave me anything, but, hey, that was all Nano's decision. But he did leave me such
6 a generous amount. It just shows you that Nano intended to leave me part of his estate. You don't
7 see the Aquatic Center in Exhibit 5, do you? Nope.

8
9 I also looked at Exhibit 8. I'm sure that Nano probably was a pretty good scuba diver. Once Nano
10 set his mind to something, he wanted to be the best in the world at it – and he'd spend untold
11 energy and money to get there. You can also see Jackie has the same thoughts on Nano's
12 personality. But the biggest takeaway from these messages is Jackie admitting that Nano forgot
13 their name. That's a key symptom of someone starting to show signs of dementia, at least from
14 everything I've read in this case. Jackie was also right about one more thing – a circus certainly
15 followed Nano's death. A circus created by a greedy marine company who literally killed Nano.

16
17 I swear under penalty of perjury that the foregoing statement is true and correct.
18

19 *Alex Churn Eubanks*

20 **ALEX CHURN EUBANKS**

21
22 **SIGNED AND SWORN TO** on this the 25th day of February 2023.
23
24

1 **ADDENDUM TO STATEMENT OF ALEX CHURN EUBANKS**
2

3 Well, you certainly learn how people really think when they fill out statements under oath. I
4 categorically deny doing anything that put my interests above Nano's. I have been a faithful
5 employee for years, and dear friends. I always looked out for Nano, first and only.
6

7 I've seen Exhibit 2 since I wrote my original statement. I saw the Toutou in the dry dock a few
8 times when Nano was there getting comfortable inside the sub. I guess Exhibit 2 looks like the
9 Toutou, but I'm probably not the best person to ask. But someone should certainly ask LeClear
10 why the ballast release didn't work. I've been told that would have brought the Toutou back to
11 the submersible within hours – with plenty of oxygen left. I've also seen the text message log in
12 Exhibit 4, but I'm not sure what to make of all of that. I do not have any idea what "blue light" is
13 being referenced in Exhibit 4.
14

15 I saw Jackie Lung mention the handwritten check for the Navy facility. I remember Nano
16 summoning me back inside that first day and asking for a checkbook. I don't remember Nano
17 having any specific issues with his handwriting at that moment, but there were plenty of other
18 signs before and to come. I didn't know at the time was the checkbook was for on October 4,
19 2022, but I could have guessed – either way, Nano requests, Alex delivers like an Ace.
20

21 I am also obviously the one who Nano is forgiving in Exhibit 1G. He obviously figured out I
22 talked to Wilton and had been snooping on his plan. He obviously would have considered it the
23 worst of betrayals, Brutus or Judas, just like he called me at the harbor. And I obviously have no
24 idea how Nano would have figured that out, but Nano could do a lot of things you never would
25 have expected him to be able to do. In any event, that is clearly what Nano means when he
26 references forgiving me in his handwritten will. I just hate that something so bad is what makes it
27 so clear that I am Ace.
28

29 Nevertheless, I still think that Nano was losing it mentally before he went on that dive, and I do
30 believe Nano completely lacked mental capacity when he signed that handwritten will on the
31 Toutou. There is a pile of evidence that he was having mental troubles. I say all that knowing that
32 I would receive more from Nano if the handwritten will in Exhibit 1G is valid and leaves
33 everything to me. But I'm here for the truth. After all, since no one on board the Toutou survived
34 the ordeal, how we will never know what was really going on in Nano's head.
35

36 If the jury thinks that Nano had mental capacity on the sub, then I will respect that decision. All
37 the evidence in that case makes clear that I am clearly who Nano meant when he left everything
38 to "ACE." It just can't be the Aquatic Center. That would be the most absurd result. This company
39 builds a defect sub, takes a boatload of money from a curious billionaire, kills him, and then tries
40 to rob his grave with a claim for his entire estate? Just think about that.
41

42 After reading Terry Clothe's statement, I do not remember Clothe coming to Nano Tower to install
43 new equipment in the medical room on October 17, 2022 – the day Nano was set for a routine
44 physical. From what Nano told me around that time, Nano had cancelled the meeting directly with
45 Clothe because he already had what he needed from the dive physical. I can't say whether they
46 saw each other or not on a different floor, but it sounds unlikely to me.

1 I swear under penalty of perjury that the foregoing statement is true and correct.

2

3

Alex Churn Eubanks

4

ALEX CHURN EUBANKS

5

6

SIGNED AND SWORN TO at 7:00 a.m. on this the day of trial.

FACT STATEMENT OF DR. MAX NORTHSHIRE

1
2
3 Greetings, my name is Dr. Max Northshire. I am an expert in cognitive neuroscience, which
4 focuses on the biological processes and aspects underlying human cognition, as well as forensic
5 handwriting analysis related to diagnosing a patient’s state of mind. I specialize in studying the
6 neural connections within the human brain during mental processing – that is, using the brain to
7 think in ways that are manifested through body language, behavior, and verbal and written
8 expressions. I am 45 years old, and I have two exceptional children: Bo, aged 14, and Sam, aged
9 16. They are both in the top 3% of their class at the prestigious, and incredibly competitive, High
10 Range Private School.

11
12 I graduated from Yale University in 1999 with a triple major in psychology, neuroscience, and
13 forensics. What can I say, I loved to study. Four years later, in 2004, I obtained my Ph.D. from
14 Harvard in cognitive neuroscience. After I graduated from Yale, I joined the Texoma Bureau of
15 Investigation in their Behavioral Analysis Unit. Yes, that job is a real thing – and, no, it’s not like
16 the TV show. I started as a junior analyst while I continued my Ph.D. studies, and then I became
17 a field agent, but I was more comfortable in the lab than in the field. I worked with the TBI for 12
18 years until, sadly, my spouse was killed by a suspect who the TBI had been chasing for about a
19 year. One night, the shooter—Diabolical Diane or DiaDia, as the media called her—took a sniper
20 shot at me because I was the lead handwriting analyst on the case. And I had recently cracked
21 DiaDia’s code. Not so lucky for me.

22
23 DiaDia was sort of like the Zodiac Killer, taunting law enforcement with cryptic notes and clues.
24 But I had cracked it, and somehow she figured it out. Anyway, she was aiming at me with a sniper
25 rifled, missed, and killed my spouse. I was a wreck after that. I quit the TBI about a month after
26 the funeral, and I took about a year off work after that, tending to my kids, and writing a terrible
27 novel that somehow sold over a million copies. Sometime in early 2016, I consulted on a case and
28 ended up testifying as an expert on the behavior of the alleged defendant, including analyzing
29 several notes and letters written by the defendant. We won the case. Soon I started my own expert
30 consulting firm, Northshire Expertise.

31
32 I was initially hired by Alex Eubanks’ attorneys to confirm the pages in the small red notebook
33 were in fact written by Nano D’Sign. This was more difficult than normal since Nano was not
34 known to have written many things by hand, save for his signature on business and legal
35 documents. I understand that Nano never sent text messages or emails, and that small notebooks
36 like the red one at issue were likely the only place that Nano ever wrote anything by hand.
37 Nevertheless, I was able to compare the writings in the red notebook against approximately 100
38 signatures by Nano D’Sign after carefully removing the pages from the notebook for photocopy
39 and analysis. I concluded each page was in fact written by Nano. I also prepared the transcript
40 of each page in Exhibits 1B to 1G, and I understand that both parties agree with the letters,
41 numbers, and symbols contained in that all-capital-letters transcript. That is to be expected.

42
43 Prior to removing the pages for analysis, I analyzed the internal spine and binding and discovered
44 that three physical pages were missing from the notebook – between the pages identified as Exhibit
45 1C and 1D. This means that six total note pages have been removed from the notebook since Nano
46 would have written on both sides of each page. Based on the dates on some of the pages, it appears

1 that the removed pages would have covered October 15 to October 31, 2022. I understand that all
2 parties agree with these assessments, which is to be expected. There was also one page removed
3 from the red notebook that was recovered from inside the Toutou. Exhibit 12 was found in Jesse
4 Watkins’s hand. I confirmed Exhibit 12 was written by Jesse Watkins based on an analysis of his
5 prior writings, and I further confirmed that Exhibit 12 was on the page sequentially after Exhibit
6 1G in the notebook, before it was torn out, presumably by Nano and handed to Jesse.

7
8 From there, I was also asked to provide an expert opinion as to Nano’s mental status based on
9 evidence of his behavior, medical and observation reports about Nano, and the writings in Exhibit
10 1B to 1G. Before I get to my conclusions on that subject, it will help if I first give a background
11 of cognitive neuroscience.

12
13 Cognitive neuroscience can essentially be broken down into two parts: cognition and neuroscience.
14 In short, cognition is how your brain works—the mental processes of both acquiring and
15 understanding knowledge. Acquiring knowledge involves the scientific processes of perception,
16 attention, and memory. The brain’s understanding of knowledge is manifested through
17 imagination, intelligence, judgment, evaluation, and reasoning. All of these processes work in
18 tandem to form the overarching concept of cognition and comprehension. Neuroscience is the
19 study of biological principles as they are applied to human (and sometimes animal) behavior. In
20 this case: biological principles applied to human cognition. Adding forensic handwriting analysis
21 to this, I look for clues in the subject’s handwriting that may be symptomatic of certain mental
22 deficiencies – and can be further explored with cognitive neuroscience.

23
24 In this case, I believe that Nano was exhibiting clear signs that his mental abilities may have
25 become impaired beginning in the September to October 2022 timeframe. Nano showed many of
26 the hallmark symptoms of general dementia. After apparently learning about the Ellie shipwreck,
27 I believe Nano had a minor psychotic break leading him to retreat to his penthouse floor for two
28 full weeks. We all know that he in fact did this. While we also know now that he phoned a few
29 people towards the end of his hermit period, no one knows what Nano was doing up there for more
30 than two weeks. Obsessing, it seems.

31
32 We do know, however, that Nano started to forget people’s names and did not recognize places he
33 had been numerous times before like the incident in the Tower garage on September 15 before the
34 questionable hermit period. These are quintessential symptoms of the onset of dementia and
35 should have been enough for any half-decent doctor to recognize and conclude further analysis
36 and testing was warranted. This is true even if someone appears physically capable – mental status
37 is separate and distinct from physical abilities. There was no evidence Nano attained some lucid
38 moment of awakening just prior to him signing the will—in fact, the evidence shows the exact
39 opposite: a moderate pace of mental decline with conspicuous external signs.

40
41 Second, as referenced above, there was significant corroborating evidence during the submersible
42 dive that Nano lacked capacity to compose and comprehend a holographic will. While no one here
43 was inside the sub during that fateful voyage, we can piece together plenty of circumstantial
44 evidence to conclude Nano lacked capacity at the moment he signed the will. We should first
45 consider the medical and scientific angle. There is a hierarchy within the body in terms of how
46 long different tissues can withstand being deprived of oxygen. There are some tissues in human

1 extremities that can be deprived of blood flow (and thus oxygen) for more than 30 minutes without
2 suffering any damage. By contrast, the central nervous system—and specifically those portions
3 of the nervous system involved in consciousness—will not continue to function for more than a
4 few seconds without oxygen. Disrupting cell metabolism in these tissues, and the accumulation
5 of toxic by-products from the absence of oxygen and metabolism, results in patho-physiological
6 consequences, including tissue necrosis (tissue death), loss of consciousness (such as a coma), and
7 death.

8
9 Most people forget that the air around us is not made up of mostly oxygen. Normal room air, like
10 the kind in your house or your office, is comprised of only about 20-21% oxygen. The vast
11 majority of air is composed of nitrogen (75-78%) with the remaining approximately 1-2%
12 composed of a long list of gases at very small levels, including carbon dioxide, argon, and water
13 vapor. Depending on the air temperature, though, water vapor can make up as much as 5% of the
14 air. The Toutou was equipped with an oxygen supply and a machine to regulate the distribution
15 of the compressed oxygen and to remove carbon dioxide, which can be toxic to humans if there is
16 too much in the air. The oxygen distribution machine constantly measured the percentage of
17 oxygen and carbon dioxide in the air inside the Toutou, and then it would release additional oxygen
18 to maintain a 20% composition – as well as constantly removing carbon dioxide to prevent it from
19 reaching more than .075% of the air.

20
21 Based on my investigation, and those of others, it appears that the oxygen equipment on the Toutou
22 worked properly throughout the dive, even after the submersible lost communications and
23 ultimately its central power system. The oxygen system had its own closed-loop power feed and
24 thus appears to have continued to run throughout the dive until it ran out of the supply of the
25 compressed oxygen carried onboard.

26
27 Because the oxygen was slowly released throughout the dive, it would not have been immediately
28 apparent to the passengers when exactly the supply of compressed oxygen was completely empty.
29 It was not as if the tanks hit zero and both passengers suddenly gasped for air. Fortunately, if you
30 can call it that, running out of oxygen in an enclosed space like the Toutou is less drastic and
31 painful than, say, drowning in water. It still would not have been pleasant though.

32
33 Cognitive and motor functions of the human body can become impaired as early as when the
34 concentration of oxygen falls to 15% of the air. There is a loss of consciousness at levels of less
35 than 10%, and death usually occurs at a concentration of less than 8%. While hypoxic endurance
36 can certainly vary among the population—that is, some people would survive longer at a certain
37 concentration of oxygen than most other people—it has been scientifically proven that an average
38 person will lose consciousness in 40 seconds and die within a few minutes thereafter if the ambient
39 oxygen levels are approximately 6%.

40
41 So, if you take all of that into consideration, the effects of the dwindling oxygen would have been
42 somewhat gradual on the Toutou and likely unknown to Nano as it was happening. The theory
43 that Nano somehow slowed his breathing enough to multiply or ration the oxygen supply is rather
44 ludicrous. First, even if Nano could create any effect on the oxygen rate, there's simply no way
45 he could have maintained that pace for two or three straight days. Especially in a cramped, cold,
46 dark place like the Toutou with knowledge of your imminent death. And, to be honest, the

1 intermittent breathing training that Jackie Lung talks about probably hastened Nano’s death rather
2 than extend it down there in the submersible. All that breathing stress likely exacerbated a clear
3 underlying asthma issue that Nano had, as exemplified after his mountain climb and underscored
4 by his low lung capacity in Exhibit 6.

5
6 With all that said, we can look at Exhibit 1 to get a sense of Nano’s cognitive and motor functions
7 during the dive on the Toutou. The writing style, syntax, and word choice starts to clearly degrade,
8 which is a clear indication that Nano’s motor functions and cognitive abilities had been
9 compromised. Exhibit 1C shows Nano rambling and confusing upper and lower case. Exhibit 1D
10 shows some random letters, the word “easy” is misspelled, and specific notes about being sad,
11 ashamed, weak, and likely depressed. Exhibit 1E shows Nano seemingly withdrawn and detached,
12 with cryptic and truncated notes. Nano himself also appears to have timestamped this decline in
13 the second day on board as the degraded writing style continues onto Exhibit 1G, which of course
14 is the will this trial is all about. You can see that Nano’s handwriting all but collapses here, like
15 written from a woozy child, and it stands out when compared to pages closer to October 1. I should
16 note that we do not have those missing pages between Exhibit 1B and 1C, so no one can say—one
17 way or the other—what was on those pages.

18
19 Finally, the autopsy report mentions the presence of paper in Nano’s stomach – meaning Nano, at
20 some point during the dive, decided to eat some of the pages from his notebook. To me, there is
21 no clearer sign that Nano had lost his cognitive functions prior to signing the will in Exhibit 1G.
22 Nano was succumbing to traumatic mental stress brought on by the dwindling oxygen and the
23 realization that he would soon suffocate inside the Toutou. If we accept the date and time on that
24 document as true, then Nano would have signed Exhibit 1G more than 60 hours into the dive, well
25 past the estimated oxygen supply of 48 hours on board. Even if Nano was able to make the oxygen
26 supply last with special “breathing techniques,” it is scientifically impossible for him to have made
27 the supply last 25% longer than its intended use. Jackie’s point on this matter is purely speculation.

28
29 I am being paid for my expert opinion and review in this case. I charge \$625 per hour, regardless
30 whether it is writing reports, preparing for a deposition, attending trial. It’s just easier that way
31 and I think my clients appreciate it. I also require a \$20,000 retainer before I will begin work. In
32 this case, the defense has paid all of my invoices to date, which totals just over \$24,000.

33
34 Finally, I should be truthful about an incident that happened during my last year with the TBI.
35 About two months before my spouse was shot by Diabolical Diane, the TBI started a formal
36 inquiry into some testimony I provided in a case where a young woman was seeking a protective
37 order from her abusive boyfriend. The woman was a confidential source that the TBI had used in
38 the past, and I felt compelled to do everything I could to help her. But my quest to protect her got
39 the best of me, and I exaggerated some of my testimony that led to the restraining order being
40 granted. The inquiry didn’t go anywhere because I left the TBI a few months later after burying
41 my spouse, at least that’s what I presume. Even with the restraining order, sadly, the woman was
42 beaten and assaulted really badly by the boyfriend sometime after I left the TBI. I only learned
43 about it later, and by that point some of my former colleagues had put the women in witness
44 protection and moved her away. I do not know her current status.

1 We should also talk about the note that Jesse Watkins wrote in Exhibit 12. First, there is no
2 evidence that Watkins had any trouble writing things by hand – but the handwriting here is just
3 atrocious and indicative of the declining mental faculties of everyone on board. That alone raises
4 serious concerns about the mental health of the writer. But worse, Jesse calls his wife by the wrong
5 name in the first line. Jesse’s wife’s name was Donna, but he addressed the letter to Dorothy, and
6 as far as I’m aware there was no one named Dorothy in Jesse’s life.
7

8 The phrase “Nano strong” is curious to say the least, and seems to indicate that Jesse’s cognitive
9 functions were quickly deteriorating. The phrase “sleep now” is likely impulsive – he knew that
10 he was losing consciousness and rushed to sign his name, his last name only, and even then without
11 the last S. The most logical explanation is that Jesse actually passed out mid signature and likely
12 why Nano wrote that Jesse was sleeping now in Exhibit 1F. And if the Aquatic Center’s theory is
13 that Nano signed his will many hours after Jesse evidently passed out, that raises serious concerns
14 about Nano’s own mental capacity. We should presume that Nano would have been affected by
15 the lack of oxygen at close to the same rate as Jesse since there is no evidence to suggest one had
16 greater hypoxic endurance than the other. Jackie Lung’s handful of trainings did not and could
17 not have transformed Nano into an oxygen consuming marvel, especially given his preexisting low
18 lung capacity.
19

20 I swear under penalty of perjury that the foregoing statement is true and correct.
21

22 *Dr. Max Northshire*

23 **DR. MAX NORTHSHIRE**

24 **SIGNED AND SWORN TO** on this the 1st day of April 2022.
25
26
27

1 **ADDENDUM TO FACT STATEMENT OF DR. MAX NORTHSHIRE**

2
3 Let's be clear: all of this talk about Nano possibly staying alive longer on the Toutou than expected
4 based on the oxygen supply on board only further proves Nano lacked mental capacity. The longer
5 Nano sat on the ocean floor, staring death in the face, the worse his mental condition would have
6 gotten. With each hour in that cold, dark, cramped bubble under the sea, Nano would have lost
7 even more of his senses. There's a reason that people use solitary confinement, darkness, and
8 sensory deprivation as means of punishment and torture. They are not pleasant.

9
10 I didn't mention the name of my novel in my original statement because I didn't find it appropriate,
11 lest it look like I was merely trying to get more book sales. But the lawyers have asked, and I
12 guess the jury might be curious, so I'm happy to oblige. The thriller was called "All Nuance Lost."
13 As of today, I have sold 4.28 million copies of the book and received approximately \$5.25 million
14 in royalties. Almost every dime of that has been put in a trust for my kids and family. That part,
15 Nano definitely understood.

16
17 I have no opinion on who Nano may have meant by the word Ace in Exhibit 1G. What I can say
18 is that there are no clues in Exhibits 1B to 1F that sheds any light on who Ace might be – based
19 on Nano's handwriting and word choice. But, in my expert opinion, there's no need to even decide
20 that question. There is substantial evidence that Nano's mental abilities were compromised before
21 and during the time he executed the holographic will. It's also the Aquatic Center's burden to
22 show it's more likely than not that Nano had sufficient mental capacity, not Alex Eubank's to
23 disprove the same, and in my opinion the Center does not even come close. I also understand that
24 former doctor Clothe disputes my analysis and opinion about Nano's mental condition. No
25 surprise there. Clothe is only protecting themselves – after all, they were the one who gave the
26 medical sign-off for Nano to go on an unlicensed and secretive deep sea dive. Second, Clothe
27 misses a litany of signs warranting investigation into Nano's mental state. Clothe did none. Nano
28 became disoriented in a familiar place as evidenced by the parking garage incident the night after
29 learning about the Ellie. Clothe did nothing. Every time, Clothe did nothing.

30
31 Nano's personality changed dramatically in October 2022. Nano acted even stranger than he had
32 before, and everyone seemed to recognize it – they were just too scared of Nano to raise it. Nano
33 clearly struggled with remembering people's names, and repeated falling and balance problems
34 are a key symptom of mental compromise. The treadmill incident during the physical is a perfect
35 example. While a fall like this would not have been definitive, any good doctor would have
36 performed further tests. Yet Clothe not only cut the physical short, there was no follow-up in the
37 three weeks leading up to the dive – despite even seeing Nano at the Tower near the medical exam
38 room.

39
40 I swear under penalty of perjury that the foregoing statement is true and correct.

41
42 *Dr. Max Northshire*

43 **DR. MAX NORTHSHIRE**

44
45 **SIGNED AND SWORN TO** at 7:00 a.m. on this the day of trial.

1 **FACT STATEMENT OF WILTON I. HANDLIT**

2
3 I, Wilton I. Handlit, 34-year-old resident of Texoma City, attorney and officer of the court, Texoma
4 bar number 241151, hereby provide the following sworn statement.

5
6 First, that’s my name: Wil I. Handlit. Yep, I’m the same lawyer you see on TV as the “Texoma
7 Handle.” I don’t just get it done; I get it HANDLED. That’s how I have always approached
8 things. Some lawyers do just what you ask. They don’t get it. At our firm, we Handlit. We ask
9 you to do just two things: (1) bring us your problems and (2) pay your bill. Wil can handle the
10 rest. Wil I? You betcha! That’s right, I wrote the script for all my commercials and web ads. It
11 saved a load of cash and, well, who knows the Handle better than the one and only? Y’all can
12 laugh; I can handle it.

13
14 But we are not here to talk about me, at least not entirely. I am here to tell you about my very best
15 client, Nano D’Sign – he called me “Wil.” We first met by complete accident, both sitting in first
16 class on a flight from Texoma to New York City several years ago. And, let me tell you, I handled
17 tying down Nano as a client! I had just passed the bar, three days earlier, and there was this
18 billionaire sitting right next to me on a four-hour flight. That was six years ago but it feels like it
19 was handled yesterday.

20
21 I’ll tell you all that I can to the extent I can – attorney-client privilege, you know. Nano was
22 someone who meant the world to me, as a friend and as someone who I was with every step of the
23 way as Nano built the electronics, digital and artificial intelligence empire that you know today.
24 Well, I wasn’t there every step of the way; Nano had built a strong empire before that serendipitous
25 flight to NYC, but I handled getting it to where it is now. Who do you think helped make sure
26 Nano was protected all along the way? Wil. When all the money folks came knocking, wanting
27 to pay billions for Nano’s ideas, who do you think Nano turned to? Wil - the Handle. What did
28 Nano say? Did Nano ask a bunch of questions or give detailed instructions? Not on your life!
29 Nano would look at me and smile and say “Wil, can you handle it?” I’d smile and say, “you know,
30 Nano, that’s what I was born to do,” and then, by golly, Handlit would. Would what? Would
31 handle it.

32
33 As I said, Nano engaged me as his estate lawyer back in 2017 right after I graduated from Stanford
34 Law. We first started with his will and changed that a few times until we got it right. Perfect
35 succession plans for each of the 57 business units Nano controlled at the time of his death. He
36 wanted to make sure his legacy continued without even a hiccup should he cease to be with us.
37 But there was one thing related to his will that he changed all the time – the list of beneficiaries
38 to the “Charity Trust.” A revocable trust that he funded with \$900 million, in cash – yes, cash –
39 with strict instructions on how to divvy it all up after Nano’s death. That list of beneficiaries – the
40 lucky sons’ of, ya know – became what’s known as the List.

41
42 And who did Nano come to every time Nano wanted a new List? The Handle! At some point in
43 2020, we decided on just setting a weekly meeting at Nano Tower, a check-in to see if Nano wanted
44 to make any changes to his List that week. He had all the business parts worked out, and that never
45 seemed to change, but we did tweak some of the other parts of the will from time to time, you
46 betcha’. That list though changed all the time, well it would change in spurts. Nano would go a

1 month and change it every single week. Then he would leave it for three straight months. It was
2 unpredictable, but I showed up at that Nano Tower each week just in case.

3
4 I dunno if that was just Nano being indecisive or stickin' his licked finger in the wind, but I was
5 there to handle any changes he wanted! The last List Nano wanted me to prepare, before all this
6 sub and diving mess, was on October 15, 2022. I came by the Tower. Nano told me the names
7 and numbers, and I printed it for him to review and sign, which he did. That new Charity Trust
8 list, the one that's part of that will, is Exhibit 5. I can confirm that I prepared Exhibit 5, provided
9 Nano the opportunity to review it, watched Nano review the entire will in detail, and then observed
10 Nano sign everything. You can even see the pen marks from Nano as he was going through the
11 bulleted list before signing at the bottom. Nano understood the will process probably better than
12 any of my other clients. No, strike that, definitely better than all of my other clients. And I'd
13 imagine better than most CEOs.

14
15 Over the years, whenever he found something new that he thought 'loved', he usually started
16 revising that Charity Trust list. Nano would throw in a new person or two or three, depending on
17 how Nano felt about them at the time. Nano usually thought of those who were closest first, then
18 would start rambling on about how this or that group could save the whole world if they just had
19 the budget. As for the ones in Exhibit 5, I can't really say why they were included and for how
20 much. Nano would just tell me, and I would get it printed for him to sign. I do see Taylor with a
21 zero percentage. I know that looks weird, but Nano would ask me to do that from time to time. I
22 have no idea why. But I did watch him stare at that first line for a good twenty or thirty seconds,
23 then nod his head and move through the rest of the list before signing at the bottom.

24
25 That particular day, October 15, Nano said: "Wil, you know that saying about real estate and them
26 not making any more of it? Well, they are wrong. With this AI and metaverse stuff, I am making
27 dirt. I am building not just new land but new galaxies." And so we set up a new entity, a new
28 trust, and updated his last will and testament. Usually, Nano would say he wanted to leave a chunk
29 of his empire to some new charity he felt bad, or guilty, for, and that led to revising the schedule
30 with new or different names and new or different percentages. That all relates to the Charity Trust
31 and the list. At one time, Nano was gonna leave half a billion to some foundation to save the snail
32 darter fish, but California took care of that. That foundation was off the schedule the very next
33 turn.

34
35 Then came a whole list of do-good things: ChatBots for Tots (250 million), a foundation to help
36 re-freeze glaciers (550 million), and a machine developed by some hippie in California that
37 allegedly would create rain out of thin air (100 million). Let me tell ya, a lot of those on the list
38 were really out there. But very few lasted more than one or two revisions to the will. Nano was
39 sharp as a tack that day, let me tell ya. He was riffing with the Handle; and Wil was in the game.

40
41 Anywho, Nano's valet, Alex Churn Eubanks, was consistently included in Nan's ever-changin'
42 Lists. Sure, I heard Nano call Alex "Ace" from time to time. Heck, that was based on Alex's
43 initials, like the ones I've seen on those monogrammed handkerchiefs Alex is always totin' about.
44 I also think Nano considered Alex a wise and trusted confident, an "Ace in the hole," know what
45 I mean? For certain, I heard Nano tell Alex: "you're my ace valet, Alex." So Nano was talking
46 Ace and Alex in the same sentence bunches of times, I definitely heard that, for sure.

1 As to the others included on prior lists, doctor Terry was in the beneficiary rotation a time or two.
2 I remember Nano added an old teacher from elementary school once, a Mr. Gwinn – because Nano
3 had been a troublemaker in his class. Gwinn may even still be in there in Exhibit 5. The funniest
4 one was the guy at the doughnut shop, Frosty Moss, who would say “Nan-Oh! Nan-Oh! Nan-Oh!
5 Nan-Oh!” and hold up doughnuts (get it, Nano – O!). At one time. Nano had me put him in for
6 “Nine 0 Nine 0 Nine 0 Nine 0.” Yeppers, Ninety Million Nine Hundred Nine Thousand Ninety
7 Dollars (\$90,909,090.00). It sounds crazy. Some folks might say Nano never really took his
8 money seriously. I learned to listen and get the details later. Generally, I’d say Nano was generous.
9

10 For some unknown reason, I never made that list. Had Nano said: “Wil, I want to leave you
11 something in my will”, I’d have told Nano how much I appreciated his thoughtfulness - and I’d
12 refer her/him to another lawyer because it’s unethical for a lawyer to prepare a will for a client in
13 which he is a designated beneficiary. It could indicate undue influence by the lawyer. I don’t
14 know why, but that never came up with Nan. He never even asked. I just wish he had.
15

16 Was I surprised I was not ever named? Well, yeah, I was surprised. Maybe surprised isn’t the
17 only word I’ve ever thought of, if I am being whole-truth-nothing-but-the-truth-so-help-me-God
18 honest. There were times I was resentful, perhaps a bit envious – OK, yes, I got pissed off and
19 threw things, OK? Why did Nano not ever think of the one who was there the whole dang time?
20 The one who helped put it all together! The one who put out the fires! The one Nano always ran
21 to – WIL! I helped build the whole thing – Nano may have conceived it, but Wil Handlit is the
22 one who handled it – Yeah, Wil I. Handlit damn sure did.
23

24 Sorry – that was unprofessional of me. Back to Nano: Dadgummit, I sure wish ol’ Nano had come
25 to see me before climbing into that silver tube. I didn’t know anything ‘bout it ‘till it was streaming
26 all over the news. Never once had I heard of the Aquatic Center for Exploration, or the Aquatic
27 Center, and heck any ol’ Center from Nano. They certainly hadn’t be in any beneficiary list for
28 the Charity Trust, I can guarantee that. So, I’d gone down to Cabo to play some golf and watch
29 some whales. I’m no Jacques Cousteau, but you’d never catch me in that swimmin’ bomb shelter.
30 And there was the news; they called it the ‘Tou Tou’ – they should have called it the ‘Too Bad’.
31

32 Seems like such a foolish move now to have gone on that sub. He was a goofball, no doubt ‘bout
33 that one bit, but he was still always in control. In fact, based on my lifetime relationship with
34 Nano, my professional experience and the note he left, I think Nano was thinking completely clear
35 on that sub. Sure, he might have been rattled by the prospect of death, but I think Nano wasn’t
36 thinking about Nano, nosireebob. Nano was thinking of his last minutes on Earth and how he
37 could look after all those ‘Nano’ people – who would be the best steward for that? ACE - Alex
38 Churn Eubanks was the only logical, sensible and emotional choice for Nano to make in his
39 greatest moment of need. Nano had mentioned it several times over the years – the idea of leaving
40 everything to one person. I always advised against it – too crazy and complicated for one person
41 – but I would often ask outta curiosity who he’d pick. One time back in early 2022 he answered.
42 Nano said Alex.
43

44 I remember Alex mentioning a concern about Nano’s mental state, I think a day or two before the
45 dive because Alex made me come up to Nano Tower. And yeah, I let Alex talk and talk and talk,
46 but I never really believed that Nano was having any problems. People just kept forgettin’ what

1 Nano was really about. He was being Nano. Weird don't mean crazy, last time I checked. So,
2 while I respect Alex and thinking Nano may not have had all the plates in the cupboard, if you like
3 what I'm dishing out, Nano was just fine. Brilliant, working out, managing his business. He was
4 fully aware of what he was doing on October 15 when he reviewed – in detail – every part of his
5 will, including Exhibit 5. And I got no reason to think he was any different on the sub when he
6 wrote that handwritten will in Exhibit 1G, which leaves everything to Alex. The Aquatic Center
7 is stretching things past the breaking point.

8
9 There's no way Nano leaves his empire to the people who caused his death. Nano held grudges,
10 believe you me, and I can't see him forgiving the Center. But forgivin' his ace in the hole, Alex?
11 Absolutely. Nano has eyes and ears everywhere in Nano Tower. It's why I get outta there as fast
12 as I can after meeting with Alex before the dive. Love the genius, not a fan of big brother. So I'm
13 sure Nano knew about Alex asking me to come down there on October 29. Heck, the savant was
14 probably listening the whole time. Plus, Nano says "YOU" about the forgiveness. I'm not an
15 English expert, but that sure sounds like he's referring to a person (like Alex) as opposed to a
16 company or business (like the Center). Nano's forgiveness of Alex is most likely Nano figuring
17 out on the ocean floor that all Alex wanted was to keep him safe. It wasn't some betrayal, it was
18 pure adoration.

19
20 As for any other clues and interpretations I can give you from Exhibit 1, let me see. I don't see
21 much in Exhibit 1C – some truncated writing but readable and seems logical. Exhibit 1D is the
22 same, maybe a doodle here and there, but still makes sense. Exhibit 1F just shows how focused
23 and busy Nano was in the lead up to the dive. He wasn't there to document it in his little notebook,
24 he was training to see the ocean floor and the Ellie with his own eyes. That was Nano, I'm telling
25 ya. And then we get to Exhibit 1F. The detail at the top is very lucid and clear. The spacing and
26 neatness do loose as you go from the top to the bottom of the page, but we can't forget that this
27 was probably a scary experience for a little bit. I know deep down in my heart that Nano eventually
28 reached that calmness and peace you see in his handwritten will, leaving his entire kingdom to his
29 loyal assistant Ace. It doesn't look like Nano took many notes after Jesse may have fallen asleep,
30 possibly 4 p.m. on November 2. I think Nano was meditating. Thinking through who he should
31 leave everything too if they found his body later on. I know I am going against the grain a bit with
32 Dr. Northshire, but I'm an officer of this court, and I'm here to tell the truth no matter who it helps
33 and who it hurts. The doc gets to have an opinion, and so does the Handle. This fact statement;
34 it's be handled.

35
36 I swear under penalty of perjury that the foregoing statement is true and correct.
37

38 Wil I. Handlit

39 WIL I. HANDLE

40
41 **SIGNED AND SWORN TO** on this the 5th day of April 2022.
42
43

1 ADDENDUM TO FACT STATEMENT OF WIL I. HANDLE

2
3 I should make clear that I stayed on as one of the estate lawyers after Nano died, and I took part in
4 the decision to file a lawsuit against the Aquatic Center for wrongful death. We had outside
5 counsel who handled the filings and hearings, but I was a strong proponent of suing the Center
6 despite the release. Frankly, I thought the release was so broad that it wouldn't hold up in court,
7 but I was wrong – good thing I was never a litigator. Just a crocodile! Once the case was dismissed,
8 I moved on from representing Nano. In fact, I took a break from law altogether while this case
9 has been going on. I'm not sure whether I will go back after this trial ends. I'm not sure what I
10 will do. I guess the world is my oyster.

11
12 I think everyone agrees, but as the estate lawyer for Nano, I should make clear what happens under
13 the two wills in question. If the handwritten will is invalid because Nano lacked mental capacity,
14 then we revert to the last will and testament that Nano signed earlier that year. Nano's business
15 empire has 57 unique business units that actually work almost completely independent from each
16 other. So they don't really depend on each other, if you know what I mean. So each of those units
17 has a specific provision in Nano's will where ownership transfers from Nano into a separate trust,
18 one for each unit, and that trust will ultimately run those businesses, managing the cash, and all
19 that. Nano's personal assets, those not distributed in one of those 57 trusts I just described – those
20 were in basically one of two baskets. The first is the Charity Trust, which we've talked all about
21 but I'll repeat because lawyers love to talk. The Charity Trust has \$900 million in cash or cash
22 equivalents. That money is divided up according to a list reviewed and signed by Nano. In this
23 case, that is Exhibit 5. The rest of Nano's personal assets are transferred into a family trust that
24 will provide for probably ten generations of the D'Sign family. Odds are, they'll be bums.

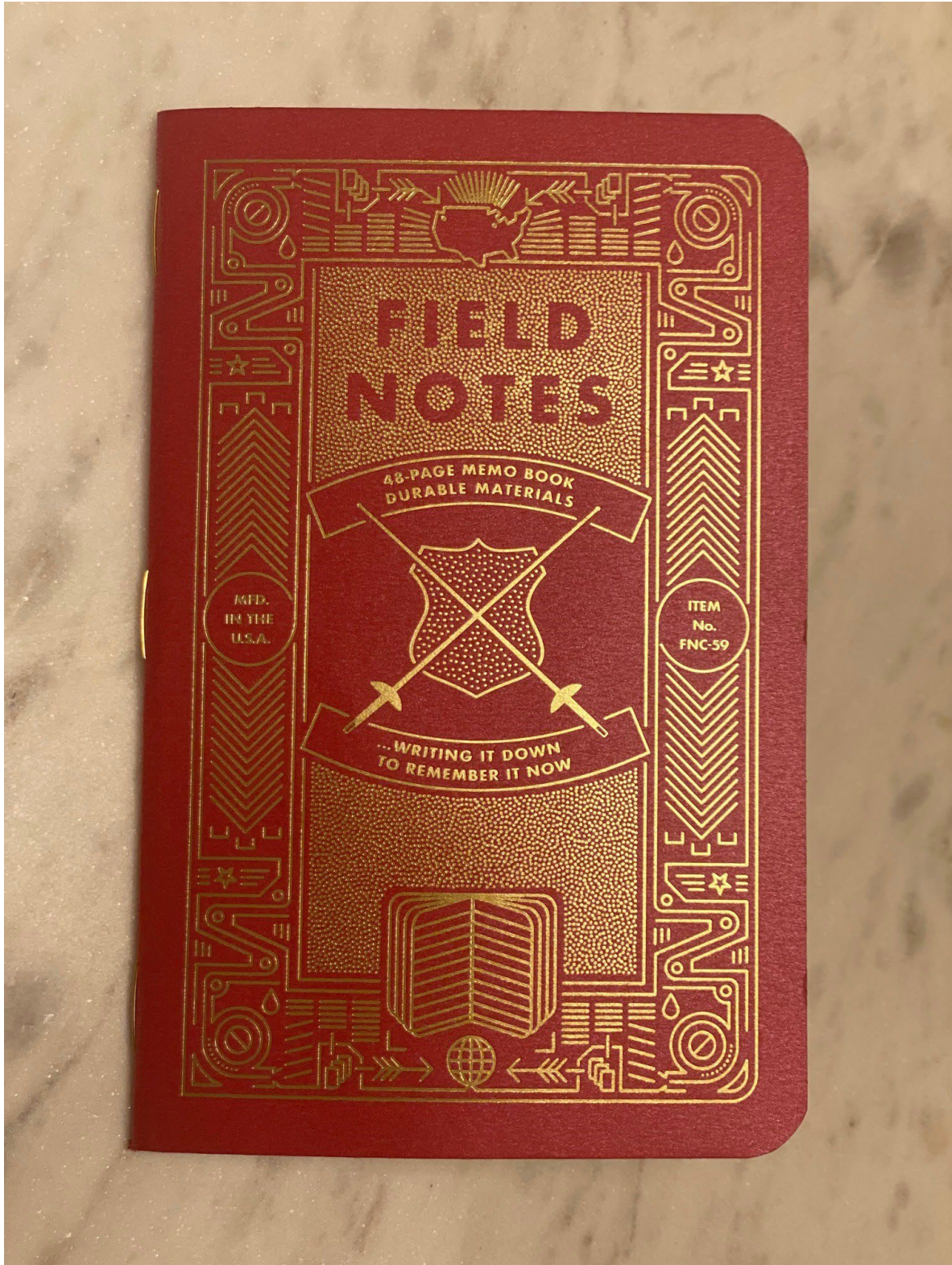
25
26 So, with all that said, since Nano's estate will be distributed to one single person – Alex via Exhibit
27 1G, I'm just saying it's gonna be an absolute nightmare to deal with. Impossible frankly. Good
28 luck Alex! I'm glad that's not going to fall on me! You know what, I've decided – I'm going to
29 Rome. I've always wanted to go, and I'm going to buy a ticket on my phone the moment the jury
30 comes back with a verdict. Because if the handwritten will is invalid, there's gonna be a whole
31 'nother fight over the prior will, including Exhibit 5, and I gotta get a whole bunch of rest before
32 that. I hear Doc Terry may be going on a vacation too.

33
34 I swear under penalty of perjury that the foregoing statement is true and correct.
35

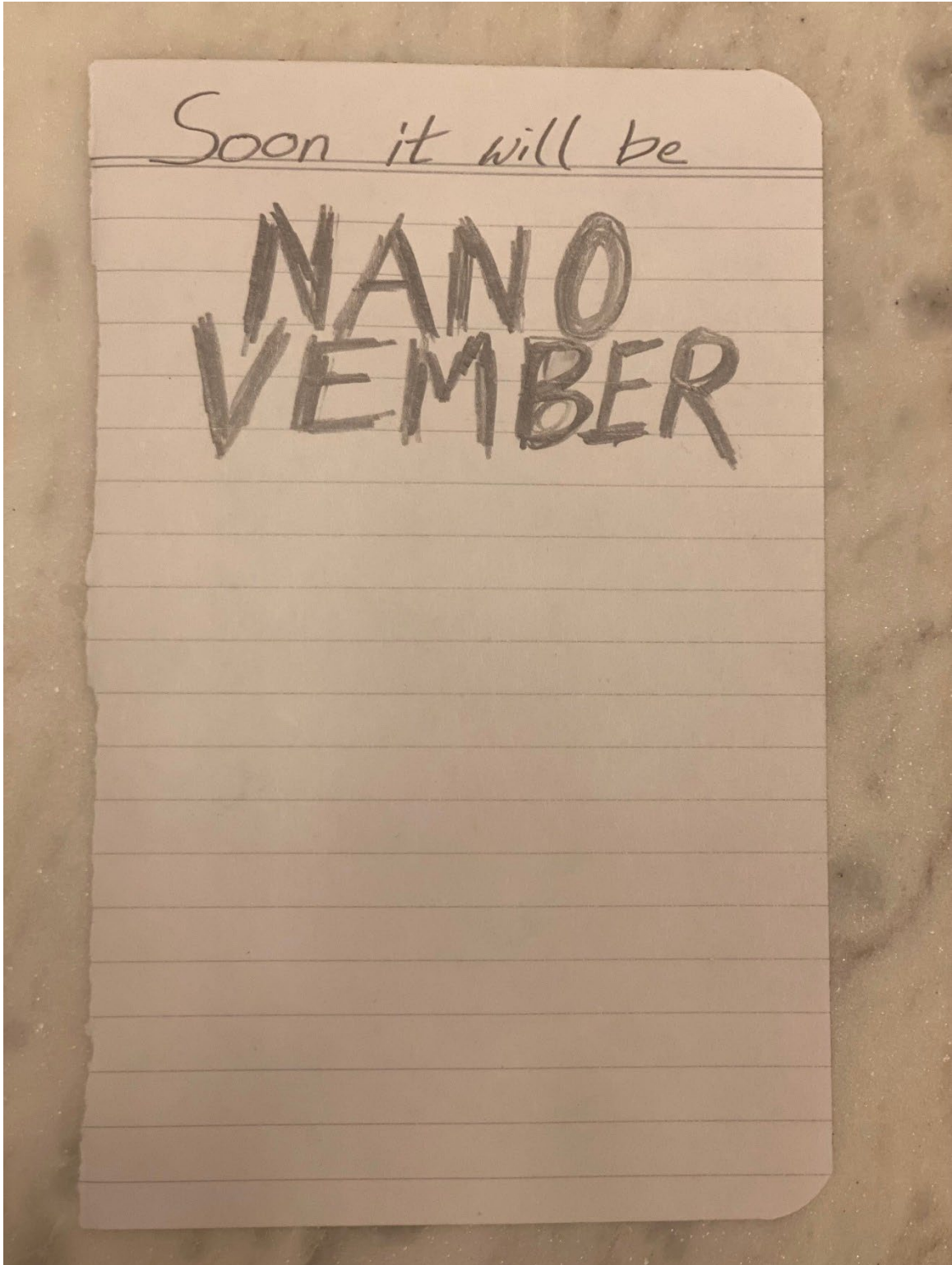
36 Wil I. Handlit

37 WIL I. HANDLE

38
39 SIGNED AND SWORN TO at 7:00 a.m. on this the day of trial.
40
41



Cover of Nano's Red Notebook (3.5 inches x 5.5 inches)



Page 1 of Notebook

September 29
LeClear at the CENTER! finally Cakes
... Video CALL SUCCEES / 100M Nov. 2!
NANOVEMBER ELLIE
Crystal chandelier agrees
Moron want (BROAD) release OK
JACKIE Navy River
Story A3 = Sabra, deep
1 on 1 Assess Oct 1 Harbor
Dive & Surf Fire No Pier
Doc Terry need Physical
Story SAME call 11:11 P
Scared SILLY SILLY Doctor
Oct. 2 on Nano 29

To Do Nano
1. Research Toulan Captain Jesse
2. Redo Charity Trust with WT
10. EMERGE

Page 2 of Notebook (back side of Page 1)

Oct. 1 (30 days to NANOVEMBER)

Lung Dive & Survive (N. Pier)

OK Facility; OK Management

Jackie has skills to learn

Easy Assessment, Insult

Secured Navy Seal Training

→ Get Weathering/Air Tricks
From JACKIE

ACEGIKO

(Rhymes with

BDFHJL

ELLIE)

Oct. 2 PHYSICAL Day with Dol

I've lost weight, gained fat, despite Exercise

Terry believed me / No wheeze, cough

Feel TIRED SAD without ELLEE

So ASHAMED about treadmill

I fall then. Weak, like WIL

No one will TELL THOUGH

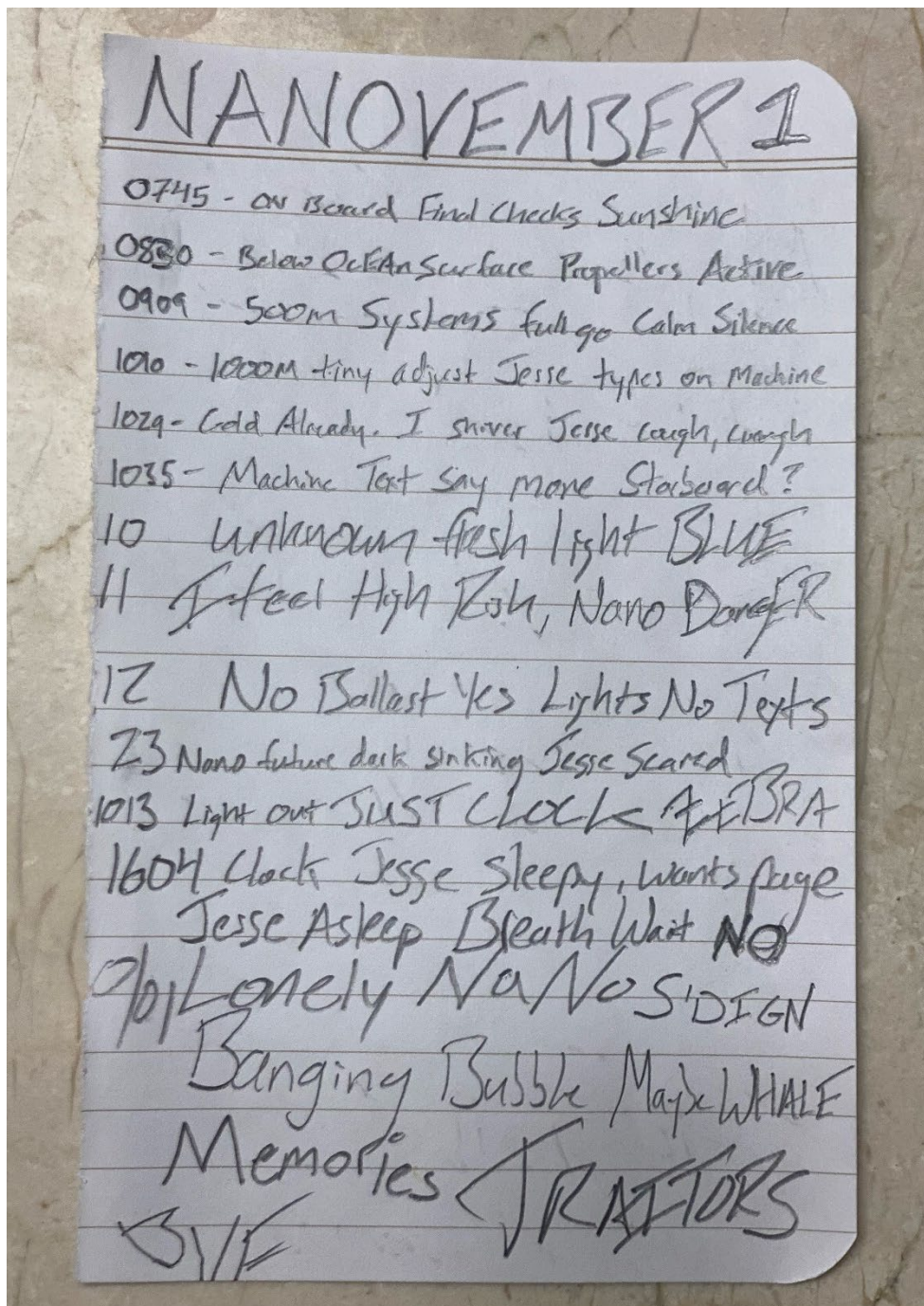
NANOVEMBER

October 4
Seal Train Great Jackie Good
Nano Strong
Breathe Water CLEAN

Oct 5 - Good
6 - Good
7 - Big Good
8 - Tired skip
9 - skip
10 - Refresh Good
11 - Best yet
12 - day off Nano
13 -

15 - Trust Change
The Handle Witten
Eh... soon

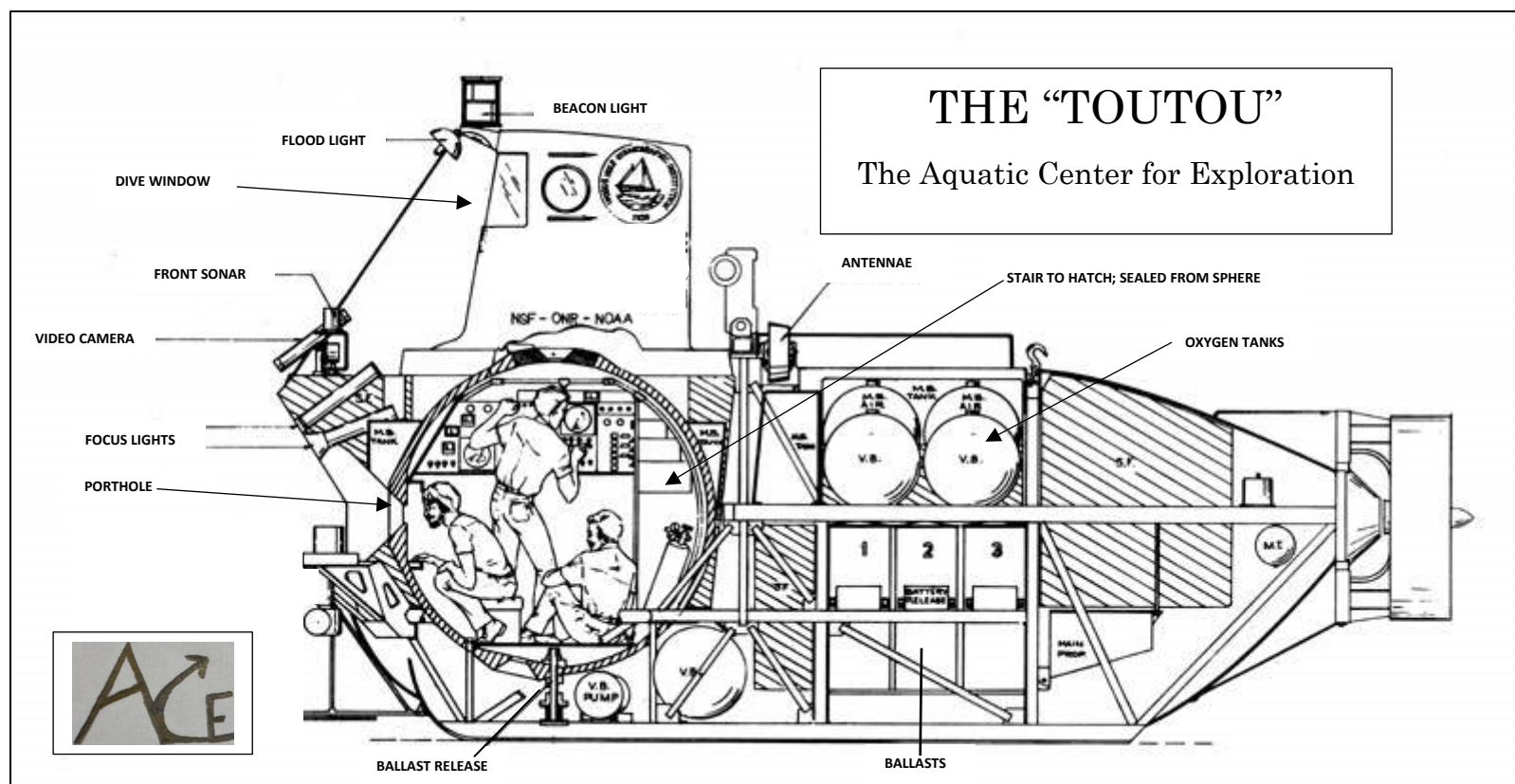
Page 10 of Notebook (back side of Page 9)



Page 11 of the Notebook

Name Vov 3
23:45
Nano Design
I leave
All I have
to ACE
I forgive you
Nano Design

Page 12 of Notebook (back side of Page 11)



Specifications:

- Length: 23.1 feet (7 meters)
- Breadth: 8.4 feet (2.6 meters)
- Height: 12.1 feet (3.68 meters)
- Operating depth: 19,685 feet (6,000 meters)
- Gross weight: 45,000 pounds (20.4 metric tons)
- Personnel sphere: 179.59 cubic feet (7-ft diameter)
- Dive speed: 500-750 meters per hour
- Surface speed: 30-60 meters per hour (no ballast)
- Max. oxygen: 48 hours (for 3 average size adults)
- Independent Internal Power Systems for:
 - Internal LED Lighting
 - Oxygen Supply and Carbon Dioxide scrubber
 - Heating
 - Ballast Release
 - Focus Lights, Flood Light, Beacon Light
- SubChat Text Communications (v. 3.18 or newer)

To: WatkinsJ@AqCenter.com
From: LeClearC@AqCenter.com
Date: October 1, 2022 6:24 a.m. TST
Re: FWD: Successful Wire Deposit – NanoTechnologies

Jesse – see below. Can you even believe it?! Round up our core team, our ELITE EIGHT, and set a meeting at location Bravo for a meeting. Today, 11am. Recall anyone on PTO. You have to be the captain. Also, have Christie look into the word “Nanovember” to see if that has any hits on our intelligence. Nano called last night and was mumbling that word a few times – so let’s be sure we get in on any social media or publicity around that theme. If there’s money to be made, we need to make sure we get a share. But otherwise keep this top secret. Even the Navy cannot find out about this.

Talk soon.

Chris LeClear
Chief Executive Officer
Managing Director of Testing Compliance



THE AQUATIC CENTER FOR EXPLORATION

To: LeClear@AqCenter.com
From: AutoNotice@TexomaBank.com
Date: September 30, 2022 8:14:30 p.m. TST
Re: Successful Wire Deposit – NanoTechnologies

Dear Valued Customer:

This is an automated email from an unmonitored inbox. Please do not respond to this email. If you have questions, please contact us using the information on our website.

Texoma Bank confirms that an incoming wire transfer has been successfully deposited into your account, account name: ACE OPER ACCT, account number: xxx-44918:

WIRE TRANSFER AND DEPOSIT CONFIRMATION
\$100,000,000.00 Sender: NanoTechnologies, LLC

As a result of the following deposit, the current balance of your account as of the time of this automated message is: \$103,447,718.32.

Thank you again for your business. Please, again, do not respond to this email.

TEXT TRANSCRIPTION LOG – AQUATIC CENTER FOR EXPLORATION (AQC)

SUBMERSIBLE “TOUTOU” – TEST DIVE 5 – 2500 METERS

COMMAND SHIP “BRAVO”

BEGIN TRANSMISSION – NOV. 1, 2022; 0804 TST

BRAVO (0804): TEST MESSAGE THIS IS BRAVO
TOUTOU (0808): RECEIVED BRAVO. TESTING REPLY. THIS IS TOUTOU.
BRAVO (0810): REPLY CONFIRMED GOOD LUCK TOUTOU
BRAVO (0822): DIVE COMMENCED - 0821
TOUTOU (0902): 500 METERS. CHECK.
BRAVO (0909): GOOD MAINTAIN COURSE TOUTOU
TOUTOU (0956): 1000 METERS. CHECK.
BRAVO (0959): ADJUST 12 DEGREES STARBOARD. CONTINUE DESCENT
TOUTOU (1005): ADJUSTMENT CHECK.
BRAVO (1010): GOOD MAINTAIN COURSE TOUTOU
TOUTOU (1027): 1500 METERS. CHECK.
BRAVO (1030): ADJUST 2 DEGREES STARBOARD. 5 DEGREES DESCENT.
TOUTOU (1112): BLUELIGHTT
BRAVO (1114): SAY AGAIN TOUTOU. BLUE LIGHT?
BRAVO (1122): TOUTOU – COME IN
BRAVO (1214): TOUTOU – COME IN
BRAVO (1444): RELEASE BALLASTS IF IN DISTRESS
BRAVO (1610): TOUTOU COME IN
BRAVO (1851): TOUTOU COME IN – RELEASE BALLASTS IF IN DISTRESS
BRAVO (2125): TOUTOU COME IN
BRAVO (2146): LEVER TO RELEASE BALLASTS ON FLOOR
BRAVO (2237): TOUTOU COME IN
BRAVO (2345): NAVY EN ROUTE – GODSPEED TOUTOU HANG ON

List of Beneficiaries and Percentages - Charity Trust

I, Nano D'Sign, as part of my last will and testament executed this day, bequeath all the proceeds in the Charity Trust as of the day of my death to the persons listed below in the percentages listed next to each person's respective name.

<u>Beneficiary:</u>	<u>Percentage of Trust:</u>
1 Taylor DeBoss	0.0000% ✓
2 Mr. Stevie Guinn	0.1100% ✓
3 Mosquitos to Madagascar (Skeeters Go Mad)	7.7500% ✓
4 American Civil Liberties United	11.0000% ✓
5 Operation Kindness	12.5000%
6 Federal Mail Service Delivery Carrier	6.6660% ✓
7 Red Cross of Texoma	8.7000%
8 LaGuardia Airport - Lounge B Renovations	4.1400% ✓
9 Rexford Security	2.7600% ✓
10 Jacquile Lorando	2.5300% ✓
11 Alex Churn Eubanks	5.5000% ✓
12 Southeast Airlines	9.5000%
13 All Employees of Chirpster fired in 2022	8.0000% ✓
14 Save the Polar Bears Express Fund	1.9000% ✓
15 Martha's Vineyard Transporation Authority	2.2000% ✓
16 Little Nuns of South Sicily Outreach Union	0.7770% ✓
17 Musee d'Orso - Security Upgrades	0.0000% ✓
18 Moss Mainson Hotel	8.8000% ✓
19 Everyone with an office on the 15th floor of Nano Tower	2.7000% ✓
20 Rexford Solutions	1.9100% ✓
21 Texoma Bureau of Investigation - Aerial Surveillance	2.5570% ✓
	<hr/>
<u>Total %</u>	100.0000% ✓

Executed this day: *October 15, 2022*

By Nano D'Sign

Nano D'Sign

TERRANCE CLOTHE, M.D.

Examination Notes for Patient: Nano D'Sign (DOB Feb. 13, 1988)

Examination Date: October 2, 2022 (Nano Tower; 29th Floor Exam Room)

Physical Examination

Height - 71.5 inches; Weight - 187 lbs; Body Fat - 19% (within recommended range)

Well-developed, well-nourished 34-year-old male in no acute distress. Patient has an athletic build and reports significant recent exercise with attendant aches / sore

Heart Rate - 85 Blood Pressure - 138 / 92

Patient denies any tobacco use. Patient states he consumes per week approximately 15 glasses of red wine and approximately 20 cups of coffee per week.

Patient denies any unexplained weight gain or loss, night sweats, unexplained fatigue, fevers, or chills. Unable to recall length of last night's sleep.

Head and Neck - Head is normocephalic and atraumatic; Neck is supple without lymphadenopathy or thyromegaly. Salivary glands normal.

Eyes & ENT - Pupils equally round and reactive to light and accommodation. No ocular discharge. Tympanic membranes are clear bilaterally. Oropharynx is clear.

Thorax - Lungs - Bony thorax is normal. Lungs are clear to auscultation bilaterally with good air movement. Spirometry performed. Expected lung capacity of 4.76 Liters; Actual 4.01 (84%). Lower than prior tests but still within 80-100% normal range.

Patient denies breathing issues, cough, wheeze, etc. No concern - but to monitor

Abdomen - Soft with normal active bowel sounds. Non tender, nondistended.

Skeletal and Extremities - No evidence of bony tenderness or deformity. Full range of motion in all joints. Patient complains of soreness in right shoulder and left knee, attributable to exercise; still full range of motion. Patient denies arthritis / joint pain

Pulses - Peripheral pulses are 2+ symmetrical and bilateral

Neurologic - Cranial nerves II-XII are intact. Deep tendon reflexes are 2+ and symmetric. Motor and sensory function intact. Strength is 5/5 bilaterally. Gait slightly abnormal (exercise soreness). Asked about results spirometry three times, but Patient presents as distracted; unlikely cognitive link. No concern

Stress ECG - Resting ECG is 90. Patient exercised via modified BALKE at 3.3 mph; elevation for the 1st minute, 2% for 2nd minute, 1% for each additional minute to 25% - then speed increase of 0.2 mph/minute until exhaustion. Duration = 9:32 with peak heart rate of 208 and peak blood pressure of 192 / 84.

Exercise stopped after Patient fell on treadmill, appeared to get tangled in ECG cords. Minor bruises, minor confusion, but no evidence of latter after 5 minutes. Patient rather distressed and withdrawn after incident; likely embarrassment; appears to be in excellent shape and no concerns prior to fall. While technically considered Poor result, external factors are to be considered. No overall concern.

Assessment and Recommendation

Patient seeks medical approval for upcoming deep-sea scuba dive. Patient is in excellent shape and reports substantial experience with scuba diving. After physical examination and review of all reports and tests, it is my professional medical opinion that the Patient has no medical conditions or concerns that would advise against a scuba dive. Recommend routine follow-up examination, including spirometry and Stress ECG.

Signed: *Terrance Clothe, M.D.* October 3, 2022

THE TEXOMA JOURNAL**MYSTERY SOLVED:
JURY TO DECIDE FATE OF BILLIONAIRE
NANO D'SIGN'S HANDWRITTEN WILL**

BY CHESTER MACDOUGALL, SENIOR LEGAL & AQUATIC AFFAIRS

October 1, 2023

TEXOMA COURTHOUSE—The fate of the Nano D'Sign's \$14 billion estate will be decided by a Texoma jury in the coming months, according to a confidential source with knowledge of the case. Court filings and documents are set to be unsealed and released sometime next week, including perhaps the most important piece of paper in Texoma history—the handwritten will of Nano D'Sign.

Court proceedings have been shrouded in deep secrecy since the Aquatic Center for Exploration quietly filed an application in court to probate the then-unknown handwritten will of Nano D'Sign. Speculations have swirled, not the least because the Aquatic Center designed and built the same submersible where Nano took his last breath, deep under water in the Texoma Trench. But our source now confirms that a handwritten will was found in a small red notebook clutched in Nano's right hand when the Texoma Navy finally pulled the submersible to the surface and opened the hatch.

In early 2022, plenty of people had heard of Nano D'Sign, the thirty-something computer whiz who had amassed a \$14 billion empire based on nanotechnology. Nano attended a few technology events, but he never posted on social media or appeared in any news interviews. Rumors had it that Nano never wrote anything other than computer code—no emails, no letters, no text messages, nothing.

So, it was perplexing, to say the least, when Nano challenged fellow billionaire, Kuron Wyatt, to a mixed martial arts fight. The idea of a cage match between two tech nerds was humorous but hardly worth more than a single news cycle—until Kuron accepted. And then we endured the videos of them both working out, practicing jiu jitsu, and attempting terrible trash talk.

The fight was postponed a few times, by both of them, until they finally settled on a December 15 fight date in Las Vegas. Now we know that will never happen.

It was in late October when this news organization first got word that Nano D'Sign may be joining a deep-sea water dive on a submersible owned by the Aquatic Center. By the time we gathered enough information to make a report, Nano was already headed to the Texoma Harbor where he boarded the command ship with the submersible, which we know now as the Toutou (a colloquial French term for "dog"), before heading to the Texoma Trench for a dangerous dive to the ocean floor.

Rumor has it that Nano was searching for an ancient shipwreck, a ship known as the Ellie and purportedly commissioned by order of Napoleon. Folklore tells us that the ship went down somewhere near the Texoma Trench, struck by lightning from Zeus himself, that took down some of France's best naval soldiers.

By the time we were ready to report the potential dive, we received word that the command ship had lost communications with the Toutou just after it had started its dive. November 1 – what we've heard referred to as Nanovember. There was frenetic activity after that, but the Toutou ultimately was returned to the surface many days later. And the hatch was opened. Inside, two men were dead – Nano and the Captain, Jesse Watkins – both having died on board the Toutou after its oxygen supply ran out. Sounds a little fishy to this author, if you get my drift.

In any event, as best we can report at present, the handwritten will by Nano says something like this:

I LEAVE EVERYTHING TO ACE. I FORGIVE YOU.

So that brings us to the \$14 billion question: Who is "ACE"? Is it the Aquatic Center for Exploration – the company that designed and built the sub that malfunctioned and transformed into Nano's coffin? Or is it perhaps Alex Churn Eubanks, Nano's long-time personal assistant and valet? What horrible thing did Nano forgive them for doing?

Questions abound. Stay tuned for further coverage of the upcoming trial. This author will be in the front row.

Forensic Transcript Retrieval - GroupChat History

Company: Dive & Survive User(s): Jackie Lung (No. 14561) & Sidley Jung (No. 21018);
Search: Oct. 1 – Nov. 10, 2022

* * *

*****October 1, 2022**

Jackie Lung (4:14 p.m.): You won't believe who I'm going to be giving private lessons to...
ever hear of Nano?
[Emphasized by Sidley Jung (4:15 p.m.)]

Sidley Jung (4:15 p.m.): SHUT UP!!! Of course I've heard of him! What are you training him
for?

Jackie Lung (4:17 p.m.): Scuba Dive, so he says. I think he may just be looking for some
adrenaline rush. He's like a zombie, staring into space, and barely
speaks. But he listens and looks like a very strong diver after two
assessments I gave him today. Wants a Navy Seal type of routine. I
warned him and he still said yes, so should be fun.
[Liked by Sidley Jung (4:22 p.m.)]

*****October 4, 2022**

Jackie Lung (5:31 p.m.): So about Nano... He's a beast in the water. I think he could pass the
actual Navy Seal training; not joking. He'd probably get punched in
the face ten minutes in tho, got no personality or communication
skills, very off-putting. More than just a minor personality disorder, if
you ask me. Wouldn't want him flying my plane, right?

Sidley Jung (5:55 p.m.): LOLLOLOL! But I bet you'd take his cash!
[Liked by Jackie Lung (5:56 p.m.)]

*****October 7, 2022**

Jackie Lung (4:55 p.m.): Nano is a freaking machine. I think he's immune to the fear of dying.
I have to watch him so close because I'm afraid he'll push himself past
death. Forgot my name today too

Sidley Jung (4:56 p.m.): Woah! Well you got a waiver or something, right? And whatever he
called you, I'm sure you've been called worse.

Jackie Lung (4:59 p.m.): Yeah, of course, but I still don't need a dead billionaire on my hands.
Could you even imagine the circus that would follow?
[Disliked by Sidley Jung (6:12 p.m.)]

**Office of the Texoma Medical Examiner
45 Pam Drive
Texoma City, Texoma 01971**

SHORT-FORM AUTOPSY REPORT BY MEDICAL EXAMINER

DECEDENT: Nano D'Sign SEX: Male AGE: 34

HOME ADDRESS: 77 S. Main Street, Suite 3000, Downtown Texoma

OCCUPATION: Technology / Engineer

TYPE OF DEATH: Violent
Casualty
Suicide
Accident X - technical failure during submersible dive
Homicide
Found Dead X - inside submersible (TouTou)
Unexpected X
Suspicious

COMMENTS: Informed that decedent likely ran out of oxygen 1-3 days before discovery;
Informed likely had 48 hours of oxygen on board

INVESTIGATING AGENCY: Texoma Navy - Chain of Custody Documents Confirmed

REPORT DATE: November 10, 2022

DESCRIPTION OF BODY Clothed: X Unclothed: Partly Clothed:
Contents: Red notebook; approx 4 pages with writing
Clothes: Jeans, sheepskin boots, 2 Aq. Center Parkas

Eyes:	Blue	Bloodshot; petichiae
Hair:	Dark Brown	Dyed
Facial Hair:	Unshaven	
Weight:	184 lbs	Anemic; likely 10lb below normal
Height:	6 feet, 1 inch	
Body Temp:	70.1 F	Compromised by temp. in sub.

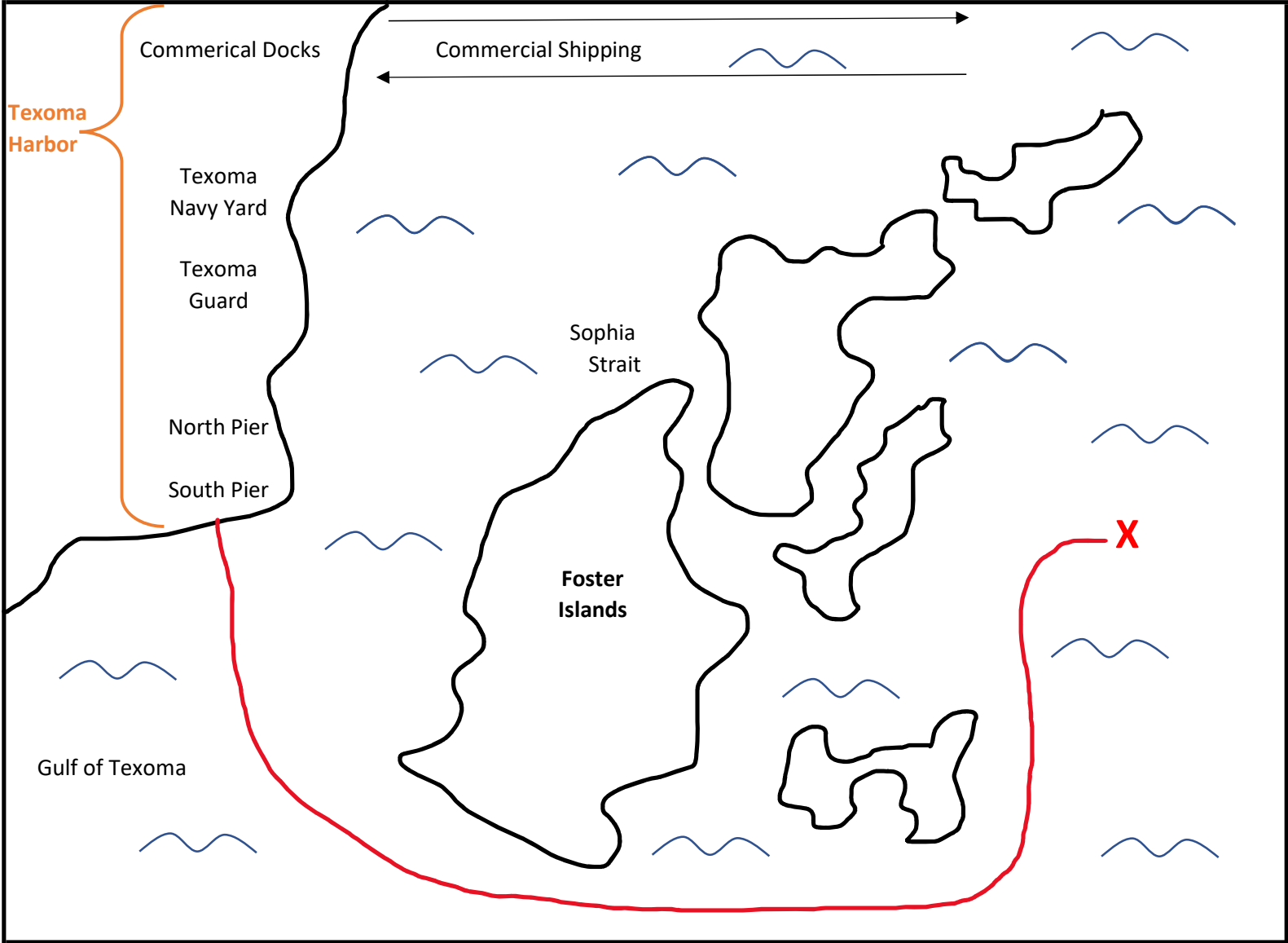
MARKS AND WOUNDS:

Decedent was discovered inside submersible that ran out of oxygen - all signs consistent with hypoxia
Sliver of paper found in mouth, consistent with red notebook; evidence of same in stomach contents
Dilation of venous blood vessels; petechiae, cyanosis; eyes, scalp, heart, other organs
Dark discoloration of skin, bluish and purplish in color
Unexpectedly low signs of bleeding in the lungs, but signs of mild pulmonary impairment

ADDITIONAL COMMENTS:

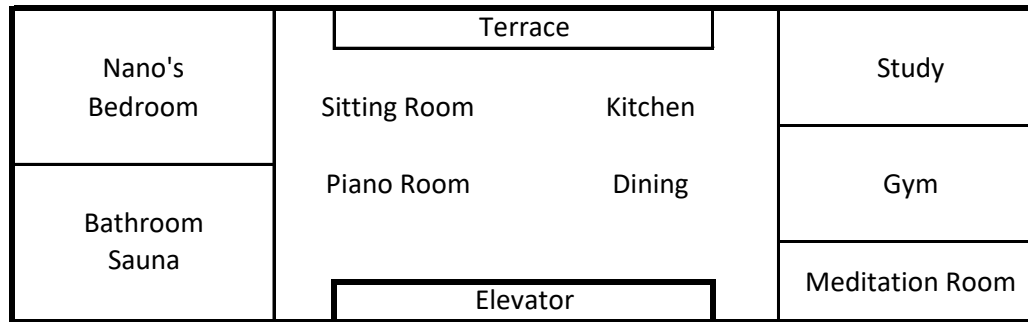
No evidence of contribution to cause of death: Approx time of death: 12pm Nov. 3 to 12pm Nov. 4, 2022
J. Watkins (also on sub) - consistent evidence of hypoxia

Signed: *Jonathan F. Redick, M.D.*

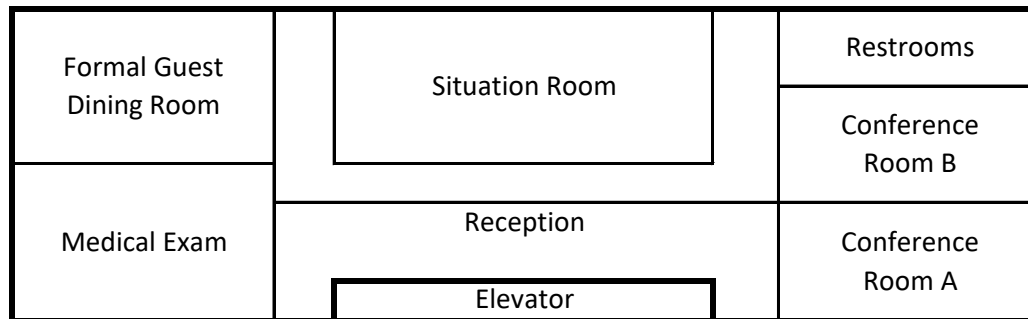


Floor No. NANO TOWER

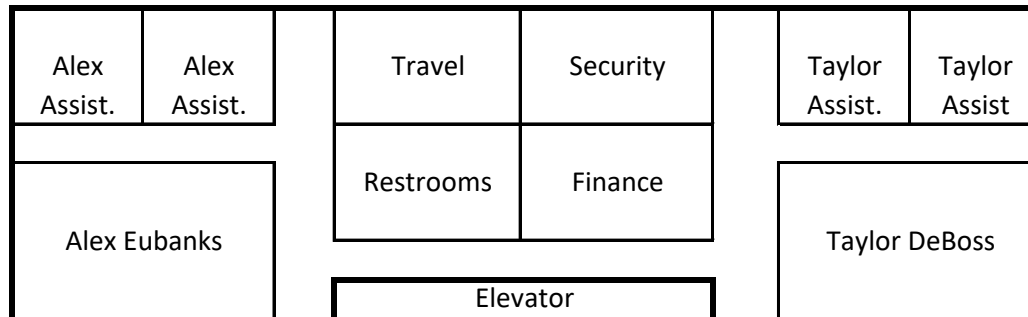
30	Penthouse
29	Nano Meeting Rooms
28	Nano Staff Offices
27	Catering
26	Executive Offices
25	Executive Offices
24	General Meeting Rooms
23	Human Resources
22	Development
21	Procurement
20	Legal
19	Tax
18	Accounting
17	Sales
16	Sales
15	Data Security
14	Cyber Security
12	Research
11	Research
10	Secure Servers
9	Secure Servers
8	Secure Servers
7	Secure Servers
6	User Service
5	User Service
4	User Service
3	User Service
1	Lobby / Reception



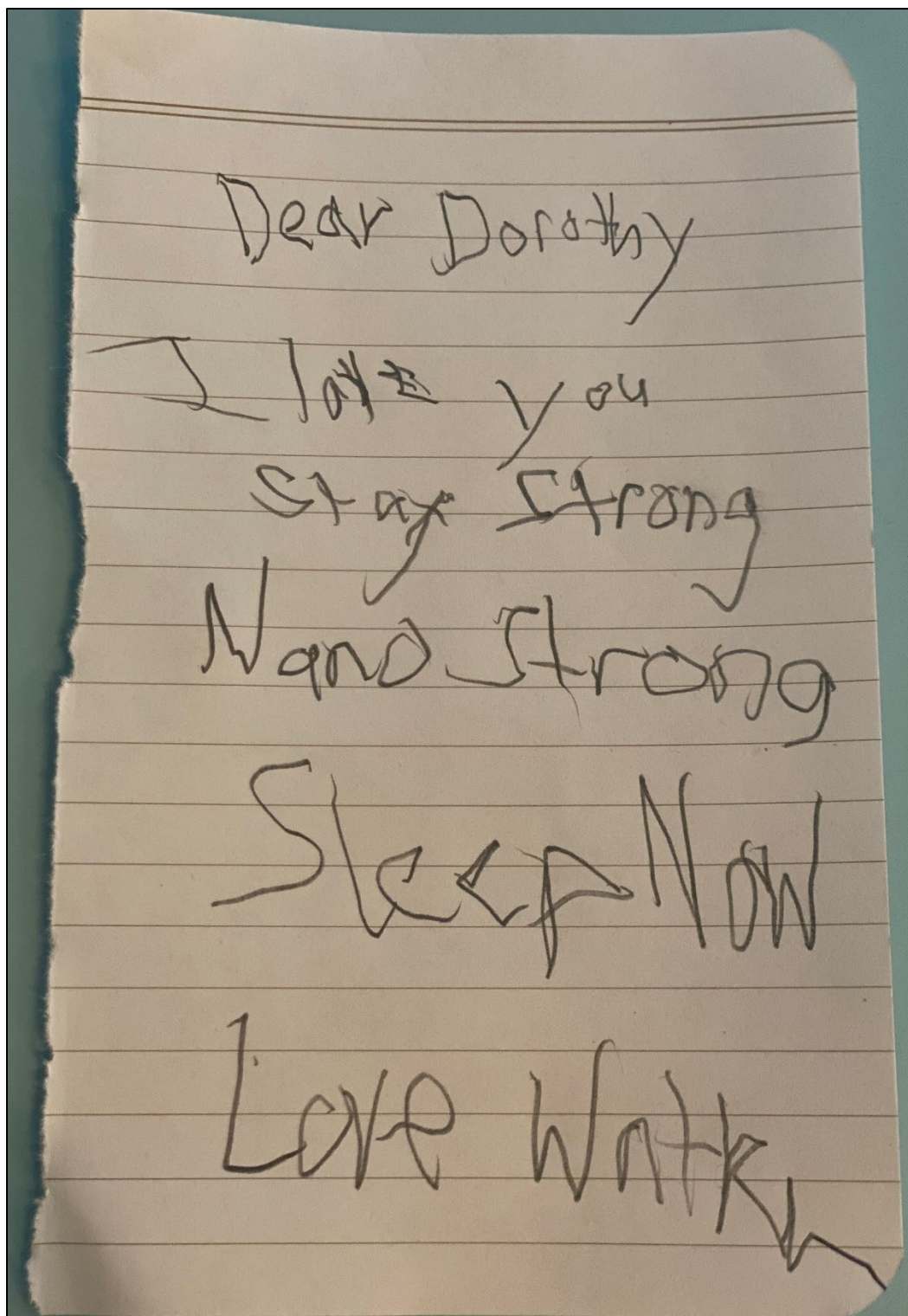
Floor 30 - Penthouse



Floor 29 - Nano Mtg Rooms



Floor 28 - Nano Staff Offices



Dear Dorothy
I love you
Stay Strong
Nand Strong
Sleep Now
Love Watkin

Page 13 of Notebook (back of page is blank)