

# Exhibit C

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
PADUCAH DIVISION  
CASE NO. 5:21-cv-00068-BJB  
(Electronically Filed)

DANIEL MCNALLY,  
Individually and on behalf of  
all other similarly situated

PLAINTIFF

vs.

THE KINGDOM TRUST COMPANY

DEFENDANT

\*\*\*\*\*

**DECLARATION OF DANIEL MCNALLY**

I, Daniel McNally, hereby declare as follows:

1. I am one of the Plaintiffs in the above-captioned action (the “Action”). I submit this Declaration in support of (I) Plaintiffs’ Motion for Final Approval of the Proposed Settlement, and (II) Plaintiffs’ Motion for an Award of Attorneys’ Fees, Payment of Expenses and Service Awards to Plaintiffs.<sup>1</sup>

2. I live in the State of California and am now 74 years old. I worked as an accountant for 25 or so years, principally for property management and development companies, as well as a savings bank with a real estate portfolio. I left the employ of a formal company approximately in 2000 or so and decided to use my experience in real estate to purchase and manage residential real estate on my own. I purchased single family homes, duplexes, and one triplex across the country.

---

<sup>1</sup> Capitalized terms not defined here are defined in the Settlement Agreement dated November 7, 2025, attached as Exhibit 1 to the Declaration of Hugh D. Berkson and Alan L. Rosca in Support of Plaintiffs’ Motion for Preliminary Approval of Settlement. ECF 146.

I owned (and still own) homes in various locations in the country. I manage the properties, ensure they are maintained, ensure that they are producing cash flow, and sell houses on occasion. Some of my work managing the properties is done remotely, and some is hands-on.

3. At all relevant times to this matter, I have been an investor in the WJA Funds, and received statements from Kingdom Trust Company, the predecessor in interest to the Defendant in this case. I invested a total of \$450,000 in the WJA funds in between 2015 and 2016. My investment proceeds were transferred to the WJA Funds' Kingdom Trust accounts.

4. After I learned that WJA Funds were insolvent, and that there was fraud, I searched for, and found, legal counsel with Alan Rosca of Rosca Scarlato, LLP. At the time I hired Mr. Rosca and his colleagues to represent me, they were with another law firm. I spoke with Mr. Rosca about joining this Action as a class representative Plaintiff.

5. I have been involved with this Action as a Class plaintiff since the initial case was filed in California federal court in early 2020.<sup>2</sup> At the outset of our relationship, I had several email communications and phone calls with Mr. Rosca in connection with my WJA Fund investments. I provided WJA Fund-related records and information about my investment to Mr. Rosca and his colleagues, to assist them evaluate our potential legal options. These communications were thereafter expanded to include Hugh Berkson of McCarthy, Lebit, Crystal & Liffman Co., LPA, as co-counsel.

6. Following our email communications and telephone conversations, I hired Mr. Rosca and Mr. Berkson and their colleagues to represent me and the class in this case and seek compensation for our WJA Fund and Kingdom Trust related losses.

---

<sup>2</sup> The case was originally filed in California, but the California federal court declined to take it and my lawyers had to re-file it in Kentucky.

7. Thereafter, I spent a significant amount of time obtaining and sending to my lawyers records and information related to the WJA Funds and Kingdom Trust, and answering their questions about those entities. Also, I reviewed important case documents including the complaint filed in this case and Plaintiffs' mediation statement, and kept in touch with them periodically about the progress of the case.

8. In addition, I spoke and exchanged emails with my lawyers, Mr. Rosca and Mr. Berkson, on a regular basis to learn about the status of the case and any developments, and provide information that they and their colleagues needed.

9. I assisted my lawyers with discovery in the Action. In that regard, I met with my lawyers via Zoom and reviewed my records and information related to the WJA Funds and Kingdom Trust and the case documents to prepare for my deposition. I had my deposition taken via Zoom by counsel for Kingdom Trust and answered questions about my investments, my efforts to represent the Class and my duties as a Class Representative.

10. Throughout this entire matter, I conveyed my opinions to my lawyers about the important steps in the case, and I approved of their efforts to try and resolve the case. I traveled from California to Denver, Colorado, to attend the mediation in April 2025 in person along with my co-Plaintiff, Danny Bragar. I conferred with my attorneys and Mr. Bragar both before, during, and after the mediation, in an attempt to reach a resolution of this matter. While the mediation session in Denver was not successful, I continued to communicate with my attorneys as they worked to try and resolve the case through subsequent negotiations. Based on my understanding of the merits of this case, the relevant evidence, and the strength of our claims, I also approved of their negotiations and thereafter agreed to the proposed settlement.

11. I believe that the proposed settlement is fair, reasonable, and adequate, and should be approved. My support for the proposed settlement is based upon, among other things, my understanding of the allegations, defenses, and likelihood of success at trial based on the evidence collected in this case as explained to me by my lawyers and discussed at length with them.

12. I also support my attorneys' fee and expense reimbursement request. My attorneys worked diligently in this action since early 2020 without pay and spent their own money for case expenses, in order to achieve this settlement that confers financial benefits to the class members, which benefits they would not have received absent this action and settlement. My attorneys routinely discussed the progress of the litigation with me and kept me informed regarding every stage of the litigation. In my opinion, my attorneys deserve the fee and expense reimbursement award they are seeking.

13. My attorneys are seeking an award of \$15,000 for the time and effort I spent through the course of approximately five years helping to investigate the claims alleged in this Action, providing relevant records and information, and supervising and assisting my attorneys in this litigation, including (1) helping my lawyers collect evidence regarding WJA's and Kingdom Trust's conduct, (2) communicating extensively with my counsel relating to their investigation, strategy and actions in the litigation, including the investigation, initiation, progress, status, and direction of the litigation and extensive settlement negotiations; (3) reviewing documents filed with the Court by both parties and other information provided by my attorneys in conjunction with this action; (4) searching for and retrieving documents and information to be produced in discovery; (5) preparing for and appearing for a Zoom deposition; (6) preparing for, traveling to Colorado, and attending the in-person mediation, and conferring with my counsel during the subsequent settlement discussions.

14. From my initial interactions with attorney Rosca in early 2020 through today, I estimate that I have spent approximately 127 hours performing my duties as a class representative to help vindicate the rights of the WJA Fund investors whose monies were custodied at Kingdom Trust. The time I spent on this matter – including preparing and appearing for deposition and preparing for and attending the mediation – while certainly important, took me away from managing my real estate business.

15. I have not received, been promised or offered, and will not accept any form of compensation, directly or indirectly, for prosecuting or serving as a Plaintiff in this action except any service award that the Court may grant in recognition of the time and effort I spent in the prosecution of this action and my contribution to achieving the benefits to be conferred on the class of WJA Fund investors whose monies were custodied with Kingdom Trust.

16. I do not have any claim or interest that is adverse to other WJA Fund investors.

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

Executed on this 29 day of March, 2026.

Daniel McNally  
Daniel McNally (Mar 29, 2026 10:41:20 PDT)

---

Daniel McNally