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15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF ARIZONA**

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19 *In re AudioEye, Inc. Sec. Litig.*

Case No: 4:15-cv-00163-DCB

**DECLARATION OF IRA M. PRESS
IN SUPPORT OF LEAD
PLAINTIFFS' MOTION TO
AUTHORIZE DISTRIBUTION OF
NET SETTLEMENT FUND AND TO
APPROVE THE PROPOSED
MODIFIED PLAN OF
ALLOCATION**

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**DECLARATION OF IRA M. PRESS IN SUPPORT OF LEAD PLAINTIFFS' MOTION TO
AUTHORIZE DISTRIBUTION OF NET SETTLEMENT FUND AND
TO APPROVE THE PROPOSED MODIFIED PLAN OF ALLOCATION**

1 I, Ira M. Press, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am a member of the law firm of Kirby McInerney LLP (“KM”), the
3 Court-appointed Lead Plaintiffs’ Counsel¹ for the plaintiffs in the above-captioned
4 securities class action lawsuit (the “Litigation”).

5 2. I have personal knowledge of the matters set forth herein based on my
6 active participation in the prosecution and settlement of this Litigation, and, if called as a
7 witness, could and would testify competently thereto.

8 3. I respectfully submit this declaration in support of Lead Plaintiffs’ motion
9 for an Order, pursuant to Rule 23 of the Federal Rules of Civil Procedure, authorizing,
10 *inter alia*, the distribution of the Net Settlement Fund established by the settlement of
11 this Action to Authorized Claimants.

12 4. Defendants caused the gross Settlement Amount to be wire-transferred to
13 an escrow account maintained by Lead Plaintiffs’ Counsel at Citibank, N.A. Consistent
14 with the Stipulation, Lead Plaintiffs’ Counsel caused the funds to be invested in United
15 States Treasuries. The balance of the Settlement fund as of February 5, 2018 is
16 \$934,805.26. The balance of the Settlement fund continues to accrue daily interest.

17 5. Annexed hereto as Exhibit 1 is a true and correct copy of the Affidavit of
18 Robert Cormio in Support of Lead Plaintiffs’ Motion to Authorize Distribution of the
19 Net Settlement Fund and to Approve the Proposed Modified Plan of Allocation dated
20 February 7, 2018, with Exhibits A-C.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed
22 on February 7, 2018 in New York, New York.

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25 /s/ Ira M. Press
Ira M. Press

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28 ¹ Unless otherwise defined, capitalized terms herein have the same meaning as the Stipulation of Settlement dated December 13, 2016 (the “Stipulation”). Docket Entry (“Dkt.”) No. 89-1.

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CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail notice list, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to any non-CM/ECF participants indicated on the Manual Notice list.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Ira M. Press