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CHINA FORTUNE LAND DEVELOPMENT
and GLOBAL INDUSTRIAL INVESTMENT LTD.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHINA FORTUNE LAND DEVELOPMENT
and GLOBAL INDUSTRIAL INVESTMENT
LTD.,

Plaintiffs,

v.

1955 CAPITAL FUND I GP LLC and 1955
CAPITAL CHINA FUND GP LLC,

Defendants.

Case No. 19-cv-07043-VC

**DECLARATION OF KELLEN G.
RESSMEYER IN SUPPORT OF PETITION
TO VACATE**

Judge: Hon. Vince Chhabria

Date:

Time:

Place:

Action Filed: October 28, 2019

I, Kellen G. Ressmeyer, declare as follows:

1. I am a partner with the law firm of Oberdier Ressmeyer LLP, counsel for Petitioners and Arbitration-Respondents China Fortune Land Development (“**CFLD**”) and Global Industrial Investment Ltd. (“**GIL**”) (jointly, “**CFLD/GIL**”).

2. I represented CFLD and GIL in connection with the underlying arbitration against Respondents and Arbitration Claimants 1955 Capital Fund I GP LLC and 1955 Capital China Fund GP LLC (jointly, the “**GPs**”), captioned *1955 Capital Fund I GP LLC, et ano. v. China Fortune Land Development, et ano.*, Case No. 01-17-0004-4839 (ICDR filed July 28, 2017) (the “**Arbitration**”), and my application for admission *pro hac vice* as counsel of record in this case is forthcoming. I have personal knowledge of the following facts and, if called as a witness, I could and would testify competently as set forth herein.

3. Annexed hereto are true and correct copies of the following submissions in the Arbitration:

Exhibit No.	Description
1	The Final Award, dated June 26, 2019.
2	The Disposition of Applications for Interpretation or Correction of Award, dated August 20, 2019.
3	Partial Final Award, dated August 1, 2018.
4	Email from the Arbitrator re: Matters Arising from 15 December 2017 Conference Call, dated December 15, 2017.
5	Procedural Order No. 1, dated December 31, 2017.
6	Procedural Order No. 2, dated January 9, 2018.
7	Procedural Order No. 3, dated July 13, 2018.
8	Procedural Order No. 4, dated September 23, 2018.
9	Procedural Order No. 5, dated October 26, 2018.
10	Arbitrator's Issues for Counsel to Address in Post-Hearing Briefs

Exhibit No.	Description
	(PHBs), dated November 12, 2018.
11	Post-Hearing Procedural Order No. 1, dated May 25, 2019.
12	Stipulated Protective Order, dated 30 April 2018.
13	Respondents/Arbitration Claimants' Demand for Arbitration, dated July 28, 2017, without its exhibits (the " Demand ").
14	The Agreement to Subscribe For Interests 1955 Capital China Fund LP, dated 23 November 2015, between 1955 Capital China Fund GP LLC and GILL, as attached as "Exhibit A" to the Demand.
15	The Agreement to Subscribe For Interests 1955 Capital China Fund LP, dated 23 November 2015, between 1955 Capital China Fund GP LLC and GILL, as attached as "Exhibit B" to the Demand.
16	1955 Capital China Fund I LP Amended and Restated Limited Partnership Agreement, dated 1 December 2015, between 1955 Capital Fund I GP LLC and GILL, as attached as "Exhibit C" to the Demand.
17	The 1955 Capital China Fund LP Amended and Restated Limited Partnership Agreement, dated 1 December 2015, between 1955 Capital China Fund GP LLC and GILL, as attached as "Exhibit D" to the Demand.
18	The 1955 Capital China Fund LP – Escrow Arrangement, dated 23 November 2015, between 1955 Capital China Fund GP LLC and GILL, as attached as "Exhibit E" to the Demand.
19	The 1955 Capital Fund I LP – Escrow Arrangement, dated 23 November 2015, between 1955 Capital Fund I GP LLC and GILL, as attached as "Exhibit F" to the Demand.
20	Petitioners/Arbitration Respondents' Answering Statement, Counterclaims and Objections to Jurisdiction, dated September 5, 2017, without its exhibits (the " Answering Statement ").
21	Respondents/Arbitration Claimants' Answering Statement in Response to Respondents' Counterclaims, dated October 5, 2017.
22	Respondents/Arbitration Claimants' First Submission of Fact and Law, dated March 22, 2018.

Exhibit No.	Description
23	Witness Statement of Andrew Chung, dated March 22, 2018.
24	Petitioners/Arbitration Respondents' First Submission of Fact and Law, dated March 22, 2018.
25	Witness Statement of Cheng Tao, dated March 22, 2018.
26	Witness Statement of Xu Shaoyi, dated March 22, 2018.
27	Respondents/Arbitration Claimants' Fourth Submission of Fact and Law, dated October 15, 2018.
28	Witness Statement of Andrew Chung, dated October 15, 2018.
29	Petitioners/Arbitration Respondents' Third Submission of Fact and Law, dated August 15, 2018.
30	Petitioners/Arbitration Respondents' Fourth Submission of Facts and Law, dated October 15, 2018.
31	Condensed Transcript of Proceedings of the Final Hearing, dated November 5-9, 2019.
32	Petitioners/Arbitration Respondents' Submissions of Fact and Law in Support of Respondents/Counterclaimants' Post-Hearing Submission, dated December 21, 2018, together with Appendices A & B.
33	Petitioners/Arbitration Respondents' Second Post-Hearing Brief, dated January 22, 2019.
34	Respondents/Arbitration Claimants' Post-Hearing Brief, dated December 21, 2018.
35	Respondents/Arbitration Claimants' Responsive Post-Hearing Brief, dated January 21, 2019.
36	Respondents/Arbitration Claimants' Response to Respondents' Application to Interpret or Correct the Final Award, and Request for Additional Clarification or Correction, dated 25, July 2019.
37	Email from Mr. Ahmedani to Messrs. Chung and Xu, dated November 12, 2015, as attached as "Exhibit C22" to Respondents/Arbitration Claimants' First Submission of Fact and Law, dated March 22, 2018.

Exhibit No.	Description
38	Email chain between Andrew Chung and MOFO (Re: Re: 1955 Capital China Fund – Investor Packet), dated November 10-11, 2015, as attached as “Exhibit R245” to Petitioners/Arbitration Respondents’ Fourth Submission of Facts and Law, dated October 15, 2018.
39	Emails between Sean Park and Andrew Chung (Re: A few items), dated May 25, 2016.
40	Petitioners/Arbitration Respondents’ Answering Statement, Ex. G (“Appendix 1”).

4. In addition to being attached to the GPs’ Arbitration Demand, portions of Exhibits 14-15, Exhibits 16-19 in their entirety, and Exhibit 40 in its entirety were also attached to CFLD/GIIL’s Answering Statement in the Arbitration, as follows:

Exhibit No.	Description
Exhibit 14, pages 1-10	Attached as Exhibit A to CFLD/GIIL’s Answering Statement
Exhibit 15, pages 1-10	Attached as Exhibit B to CFLD/GIIL’s Answering Statement
Exhibit 16	Attached as Exhibit C to CFLD/GIIL’s Answering Statement
Exhibit 17	Attached as Exhibit D to CFLD/GIIL’s Answering Statement
Exhibit 18	Attached as Exhibit E to CFLD/GIIL’s Answering Statement
Exhibit 19	Attached as Exhibit F to CFLD/GIIL’s Answering Statement
Exhibit 40	Attached as Exhibit G to CFLD/GIIL’s Answering Statement

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct and that this declaration is executed on November 14, 2019, in New York, New York.

By: 
Kellen G. Ressmeyer