

1 Gregg A. Rapoport (SBN 136941)
2 GREGG A. RAPOPORT, APLC
3 444 S. Flower St. Suite 1700
4 Los Angeles, California 90071
5 Tel. 213-358-7220; Fax 213-478-0955
6 gar@garlaw.us

7 Attorney for Plaintiffs and Counterdefendants
8 MOSES CHOI and SOUTHEAST REGIONAL CENTER,
9 LLC and Counterdefendants SRC AJIN FUND I, LLC, SRC
10 AJIN FUND II, LLC, SRC AJIN FUND III, LLC, SRC AJIN-
11 WOOSHIN FUND IV, LLC and SRC AJIN-WOOSHIN
12 FUND V, LLC

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

15 MOSES CHOI, an individual; and
16 SOUTHEAST REGIONAL CENTER,
17 LLC, a Georgia limited liability
18 company,

19 Plaintiffs,

20 v.

21 8TH BRIDGE CAPITAL, INC., a
22 California corporation; YOUNG HUN
23 KIM, an individual; 8TH BRIDGE
24 CAPITAL, LLC, a California limited
25 liability company; MANHATTAN REAL
26 ESTATE FUND GP, LLC, a Delaware
27 limited liability company;
28 MANHATTAN REAL ESTATE FUND,
LP, a Delaware limited partnership;
MANHATTAN REAL ESTATE FUND
II, LP, a Delaware limited partnership;
MANHATTAN REAL ESTATE
EQUITY FUND, LP, a Delaware limited
partnership; and PATRICK JONGWON
CHANG, an individual.

Defendants.

AND RELATED COUNTER-CLAIMS

Case No. 2:17-cv-8958-CAS(AFMx)
Hon. Christina A. Snyder

**DECLARATION OF MOSES
CHOI IN SUPPORT OF MOTION
TO DISMISS COUNTERCLAIMS**

1 I, Moses Choi, declare as follows:

2 1. I am a defendant in this action. I have personal knowledge of the
3 following facts and could and would testify competently to them if called upon to
4 do so.

5 2. I am a resident of the State of Georgia, and am the sole Managing
6 Member of Southeast Regional Center, LLC (“SRC”), a Georgia limited liability
7 company with its principal place of business in the State of Georgia.

8 3. SRC serves as the Managing Member of each of the following five
9 limited liability companies that are named as Counterdefendants in this action:
10 SRC AJIN FUND I, LLC, SRC AJIN FUND II, LLC, SRC AJIN FUND III, LLC,
11 SRC AJIN-WOOSHIN FUND IV, LLC and SRC AJIN-WOOSHIN FUND V,
12 LLC (collectively, the “AJIN LLCs”).

13 4. The AJIN LLCs were each formed for a single purpose, to hold the
14 investment funds of their respective foreign investors, and to use those funds for a
15 specific project created under the federal “EB-5 Program” and “EB-5 Immigrant
16 Investor Program,” administered by the U.S. Citizenship and Immigration Services
17 (“USCIS”).

18 5. The EB-5 Program was created by Congress in 1990 to stimulate the
19 economy through job creation and capital investment by foreign investors. The
20 term “EB-5” is an acronym for the 10,000 “Employment-Based Fifth Preference”
21 visas that USCIS grants each year to program participants and their spouses and
22 unmarried children, enabling them to apply for permanent residency in the United
23 States. Under federal law, to obtain an EB-5 visa, foreign investors must invest a
24 minimum of \$1,000,000 in capital in a USCIS-approved new commercial
25 enterprise, or a minimum of \$500,000 in capital in an approved new enterprise
26 within a high-unemployment or rural area, known as a “Targeted Employment
27 Area” (or “TEA”). The enterprise may be formed to conduct any lawful for-profit
28 business, but must directly create full-time jobs for at least ten qualifying
employees.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. The EB-5 Immigrant Investor Program was established in 1992 to set aside EB-5 visas for EB-5 Program participants who invest in commercial enterprises associated with “regional centers,” which are for-profit entities approved by USCIS to pool investment capital based on specific project proposals located within the regional center’s geographic territory. SRC is an EB-5 Regional Center.

7. Each of the AJIN LLCs was formed as a limited liability company under either Georgia or Alabama law, for the purpose of investing in an approved EB-5 project located in Alabama. The principal place of business for each of the AJIN LLCs has always been located in Georgia.

8. None of the AJIN LLCs has ever made sales, solicited or engaged in business in California, served the state’s markets, designated an agent for service of process, held a license, or been registered to do business in California. None of the AJIN LLCs has ever owned or held assets, employed persons, or brought suit in California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 24, 2018, at Duluth, Georgia.



Moses Choi

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Gregg A. Rapoport, am over the age of 18 years and am not a party to this action. Upon my oath, I hereby state that on the date set forth below, I caused the foregoing document to be filed electronically, and notice hereof will automatically be sent to all counsel of record that participate in electronic filing, by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system. In addition, if any attorneys are not participating in electronic filing, they are identified below and have been mailed, via first-class postage, notice hereof on the date this document is being electronically filed.

Dated: April 25, 2018

By: s/ Gregg A. Rapoport
Gregg A. Rapoport