

CAUSE NO. 2014-40964

ERIC TORRES, ADAM SINN, XS	§	IN THE DISTRICT COURT OF
CAPITAL INVESTMENTS, L.P., AND	§	
ASPIRE COMMODITIES, L.P.,	§	
	§	
<i>Plaintiffs,</i>	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
CRAIG TAYLOR AND ATLAS	§	
COMMODITIES, L.L.C.,	§	
	§	
<i>Defendants.</i>	§	157TH JUDICIAL DISTRICT

Consolidated with
CAUSE NO. 2015-49014

ERIC TORRES,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
S. JAMES MARSHALL,	§	
	§	
<i>Defendant.</i>	§	157TH JUDICIAL DISTRICT

OPPOSITION TO PLAINTIFFS' MOTION TO SEAL COURT RECORDS

Patrick de Man ("Intervenor"), participating in this action by way of intervention pursuant to Rule 76a of the Texas Rules of Civil Procedure, files this "Opposition to Plaintiffs' Motion to Seal Court Records" and in support shows:

1. Intervenor is a resident of Dorado, Puerto Rico. He is a party who was recently sued by two entities controlled by Adam Sinn, one of the Plaintiffs/Movants, in cause number 2016-59771, styled *Raiden Commodities, LP vs. Patrick de Man* (the "Raiden Litigation"). On February 17, 2017, the court sustained Intervenor's Special Appearance to Contest Jurisdiction (the "Special Appearance"). The Court signed the order on March 7, 2017, and the Plaintiffs have since perfected an appeal.

2. Subparagraph 4 of Rule 76a provides that “[n]onparties may intervene as a matter of right for the limited purpose of participating in the proceedings, upon payment of the fee required for filing a plea in intervention.” Intervenor has paid the required fee.

3. Subparagraph 1 of Rule 76a sets the standard for the sealing of “court records,” and provides, in pertinent part, as follows:

No court order or opinion issued in the adjudication of a case may be sealed. Other court records, as defined in this rule, are presumed to be open to the general public and may be sealed only upon a showing of all of the following:

- (a) a specific, serious and substantial interest which clearly outweighs:
 - (1) this presumption of openness;
 - (2) any probable adverse effect that sealing will have upon the general public health or safety;
- (b) no less restrictive means than sealing records will adequately and effectively protect the specific interest asserted.

4. Plaintiffs’ Motion to Seal Court Records (the “Motion to Seal”) includes conclusory allegations that parrot the language of Rule 76a, but fails to offer any proof that would bring one or more of the “court records” within the ambit of the rule. Indeed, Plaintiffs make clear that they seek the order because the “documents contain highly sensitive and personal information and allege facts that could severely damage the reputation and business relationships among Plaintiffs, Defendants, and their respective clients.” Motion to Seal at 9. They further allege that they “desire to remove these details and facts from the public domain to avoid ongoing and future disclosure of this sensitive and private information.” *Id.*

5. Intervenor believes that Plaintiffs' filing of the Motion to Seal was prompted by his discovery of pleadings and exhibits on file in this case that he thereafter used to his advantage in securing an order that sustained his Special Appearance in the Raiden Litigation. Specifically, in response to a declaration made by Adam Sinn and submitted in support of Plaintiffs' opposition to the Special Appearance, Intervenor was able to direct the court to pleadings and exhibits *filed in this case* that demonstrated the documented history of prevarication by Adam Sinn in Harris County litigation. This no doubt stung, but it in no way serves as the basis for an order sealing the court records pursuant to Rule 76a.

Intervenor prays that the Court deny Plaintiffs' Motion to Seal Court Records and seeks such other and further relief to which he may show himself entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 25th day of April 2017, a true and correct copy of the foregoing instrument has been served upon counsel of record through the court's eservice filing system in accordance with the requirements of the Texas Rules of Civil Procedure, addressed as follows:

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