

CAUSE NO. 2014-40964

ERIC TORRES, ADAM SINN, XS CAPITAL	§	IN THE DISTRICT COURT OF
MANAGEMENT, L.P., and ASPIRE	§	
COMMODITIES, L.P.,	§	
Plaintiffs	§	
	§	HARRIS COUNTY, TEXAS
v.	§	
	§	
CRAIG TAYLOR and ATLAS	§	
COMMODITIES, L.L.C.,	§	
Defendants	§	157TH JUDICIAL DISTRICT

**DEFENDANTS' SUPPLEMENTAL MOTION TO COMPEL**

Defendants Craig Taylor (“Taylor”) and Atlas Commodities, LLC (“Atlas”) (collectively “Defendants”) file this supplement to their Motion to Compel filed on January 6, 2015 as follows:

On January 8, 2015, Defendants received Nonparty Paul Sarver’s (“Sarver”) Objections and Responses to Defendants’ Request for Production of Documents (Exhibit A), Nonparty Evan Caron’s (“Caron”) Objections and Responses to Defendants’ Request for Production of Documents (Exhibit B), and Nonparty David Schmidli’s (“Schmidli”) Objections and Responses to Defendants’ Request for Production of Documents (Exhibit C). Nonparties Sarver, Caron, and Schmidli objected on multiple non-specific grounds to each request for production and provided no responses whatsoever.

Defendants’ requests for production to Nonparties Sarver, Caron, and Schmidli seek communications that that mention, relate, or refer to Taylor or Atlas from December 15, 2013 to January 15, 2014 or that contain the photograph at issue in this lawsuit. Nonparties Sarver, Caron, and Schmidli all appeared in that photograph.

The requests for production to Nonparties Sarver, Caron, and Schmidli seek information already deemed discoverable and relevant to Defendants’ claims and defenses. On November 11,

2014, the Court ordered Plaintiffs Eric Torres, Adam Sinn, XS Capital Investments, LP, and Aspire Commodities, LP (collectively “Plaintiffs”) to produce “records of their communications to each other and third parties concerning Craig Taylor or Atlas Commodities, L.P. during the time frame December 15, 2013 to January 15, 2014.” Plaintiffs thus far have failed to do so. Because Plaintiffs have inexcusably refused to acknowledge and comply with their discovery obligations, Defendants are entitled to conduct this third party discovery to determine the extent to which Plaintiffs have altered, destroyed, or withheld evidence.

#### **CONCLUSION AND PRAYER**

For these reasons, Defendants Craig Taylor and Atlas Commodities, LLC respectfully request that the Court (1) overrule Nonparties Paul Sarver’s, Evan Caron’s, and David Schmidli’s objections to Defendants’ Requests for Production of Documents in their entirety, and (2) compel Nonparties Paul Sarver, Evan Caron, and David Schmidli to provide full and complete answers to Defendants’ Requests for Production of Documents, and any other and further relief to which they may be entitled.

Respectfully submitted,

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By:           /s/ Geoffrey Berg            
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ATTORNEYS FOR CRAIG TAYLOR AND  
ATLAS COMMODITIES, LLC

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument was served by electronic filing, certified mail, return receipt requested, email, and/or facsimile on January 8, 2015 as follows:

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\_\_\_\_\_/s/ **Geoffrey Berg**  
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