

this Court to remove confidentiality designations from a number of records produced by Torres and the Sinn Parties in this case. There does not appear to be a controversy between the Parties, however, that some, if not all, of the records should be sealed following trial. Torres and the Sinn Parties have no desire to have any confidential or sensitive information of the Atlas Parties unnecessarily placed in public view, and it is hoped that the Atlas Parties would extend the same courtesy. Torres and the Sinn Parties have designated material confidential that discloses third parties' personal contact information, and material that discusses Mr. Sinn's residency in Puerto Rico. The materials designated by Torres and Sinn parties as confidential has little to no bearing on the case, and should remain confidential for purposes of protecting unrelated third parties' personal privacy.

SINN 000004-000200. These are the personal cellular phone billing and usage details for Mr. Sinn and Mr. Torres. These documents contain hundreds upon hundreds of cellular phone numbers of third parties who have nothing to do with this case, and whose personal information could be compromised by publicizing this record. Further, these records contain hundreds upon hundreds of telephone calls that, again, have nothing to do with this case and disclosure of this material would be senseless. There is no good reason to remove the designation of confidentiality on these records as they may still be used at trial, subject to any objections of the Parties, and be sealed by agreement.

SINN 000224-000232. These are text messages between Adam Sinn and his friends. There is no need to disclose these third parties' private cellular phone numbers and conversations. The only discernable purpose for Atlas Parties seeking to remove the confidential tag from these documents is apparently to seek to embarrass Mr. Sinn, which is not a justifiable reason for removing the designation.

Sinn deposition testimony of 09-02-2016. Despite Atlas Parties' contention that the Plaintiffs have raised Mr. Sinn's residency in Puerto Rico "for business reasons," they wholly

misstate the position taken by Plaintiffs for that of their own. Plaintiffs have asserted that Mr. Sinn lives in Puerto Rico, and that for purposes of residency requirements he has to be present in Puerto Rico a certain number of days. The “business purposes” argument was that Mr. Sinn is a trader and long plane rides without access to his trading platform during the heightened summer months could be extremely costly to Mr. Sinn:

Mr. Sinn is a resident of Puerto Rico, which includes residency requirements that he be in Puerto Rico for 200 days out of the year, thus, scheduling trips outside of Puerto Rico for Mr. Sinn is often difficult, and usually must serve a dual purpose. Furthermore, as Defendants are well aware, Mr. Sinn is an energy trader, and has an enormous amount of risk on during the summer months. Thus, a five-hour flight with no access to the internet exposes Mr. Sinn to the inability to conduct trades and exposes Mr. Sinn to potential loss in the millions. In fact, Mr. Sinn has gone as far as offered to pay for Defendants’ counsel’s airfare and hotel room in order to conduct the deposition in Puerto Rico, however Defendants have refused the offer. (Exh. I). Thus, not only is San Juan, Puerto

(Plfs.’ Resp. Mtn. Compel Depo. Of A. Sinn p.5). Neither one of those propositions needed to be declared “confidential.” Instead, it has been the Atlas Parties’ counsel who has made improper implications about the alleged potential purposes of Mr. Sinn’s Puerto Rican residency as some sort of unfounded threat, and deposition testimony regarding the same should remain confidential.

Mr. Sinn’s deposition also discusses his trading activity, as well as discusses the particulars of third parties and their personal telephone numbers. Again, there is no reason to remove the designation of confidential from this transcript. At very least, the sections in which the above mentioned topics should remain confidential. Subject to any applicable objections, Atlas Parties are free to use it at trial and the parties can agree to seal the records.

Torres deposition testimony of 03-06-2015. Mr. Torres’ first deposition transcript was

mistakenly marked as Highly Confidential as to its entirety. The only section that should be marked as highly confidential is the section beginning on page 62 and ending on page 64 that discusses the phone records discussed *infra*. For the same reasons as stated above, that section of the transcript should remain confidential.

WHEREFORE, Plaintiffs pray that the court deny the Defendants' Motion and First Supplemental Motion to Remove Designation of Confidentiality and For Expedited Ruling, allow the Parties to use the discovery materials in this case at trial and allow the Parties to agree to seal the records upon the completion thereof, and grant all relief to Torres and Sinn Parties as they may be entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this 27th day of October, 2016, a true and correct copy of this document was served on counsel of record in accordance with the Texas Rules of Civil Procedure.

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