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CAUSE NO. 2014-40964

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

CAUSE NO. 2015-49014

ERIC TORRES,) IN THE DISTRICT COURT
Plaintiff)
VS.) HARRIS COUNTY, TEXAS
S. JAMES MARSHALL)
Defendant) 157TH JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF

EVAN CARON

August 22, 2016

Volume 1

ORAL AND VIDEOTAPED DEPOSITION OF EVAN CARON,
Volume 1, produced as a witness at the instance of the
Defendants Craig Taylor, Atlas Commodities, LLC, and

1 S. James Marshall, and duly sworn, was taken in the
2 above-styled and numbered cause on the 22nd of
3 August, 2016, from 4:56 p.m. to 7:28 p.m., before
4 Julie A. Jordan, CSR, RPR, in and for the State of
5 Texas, reported by machine shorthand, at Courtyard
6 Austin Airport, 7809 East Ben White Boulevard, Austin,
7 Texas 78741, pursuant to the Texas Rules of Civil
8 Procedure and any provisions stated on the record or
9 attached hereto.

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

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FOR THE DEFENDANTS CRAIG TAYLOR, ATLAS COMMODITIES, LLC,
AND S. JAMES MARSHALL:

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ALSO PRESENT:

Ms. Debra Austin, Videographer

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EXHIBITS

EXHIBIT	DESCRIPTION	PAGE
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Exhibit 2	Text messages..... (CONFIDENTIAL SINN 000230-000232)	81
Exhibit 3	List of calls and messages (SINN 000244-000245).....	82
Exhibit 4	List of calls and messages. (CONFIDENTIAL SINN 000225-0000229)	87
Exhibit 5	12/23/13 message log (ACL-TAYLOR000018.....	109

****Exhibit No. 2 and Exhibit No. 4 marked confidential
and bound under separate cover.

VIDEOTAPE(S)

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1 THE VIDEOGRAPHER: We're on the record at
2 4:56.

3 EVAN CARON,
4 having been first duly sworn, testified as follows:

5 EXAMINATION

6 BY MR. BERG:

7 Q. Will you state your name for the record.

8 A. Evan Caron.

9 Q. Okay. Mr. Caron, have you ever given a
10 deposition before?

11 A. No.

12 Q. Okay. This is a little bit different. So I'm
13 going to kind of set out a few guidelines -- general
14 guidelines.

15 It's not like a general conversation. You
16 have to wait for me to finish my question so the court
17 reporter can take down everything I say and then I'll
18 wait for you to finish your answer so she can take down
19 everything you say. All right?

20 A. Yes.

21 Q. Okay. And that's good. She's going to need
22 audible answers for everything. It's difficult for her
23 to record uh-huh, huh-uh, that type of thing.

24 So can you do audible answers?

25 A. Yes.

1 THE WITNESS: Okay.

2 A. So do I have to answer that?

3 Q. (BY MR. BERG) Yes. Occasionally your counsel
4 or Mr. Krock may make an objection --

5 A. Okay.

6 Q. -- as to the form of the question. But, yes,
7 after they make their objection, then you can answer.

8 A. Not -- not to -- not to my knowledge.

9 Q. In December of 2013, what kind of phone did
10 you have?

11 A. I don't -- I don't recall.

12 Q. Was it an iPhone?

13 A. No, I don't believe so.

14 Q. Was it a Galaxy?

15 A. Maybe it was a Samsung.

16 Q. Something like that?

17 A. Probably.

18 Q. And I understand that between December 24th,
19 2013, and the time that you received your subpoena, the
20 phone was damaged and replaced, is that right?

21 A. I -- I don't recall. I mean, the glass screen
22 phones break all the time.

23 Q. I'm asking about your phone specifically.

24 A. I don't recall. I -- I don't treat my phone
25 as a -- as a possession. It's something that is

1 replaceable. So I believe if that's what your records
2 show, then it's quite possible that it was replaced.

3 Q. Was there water damage to it?

4 A. I -- I don't recall.

5 Q. So you don't recall how this water damage
6 might have occurred?

7 A. I've had many phones over the -- over the last
8 year or two years. I mean, they break. They fall in
9 the toilet. I mean, I've had my phone fall in the
10 urinal multiple times. It's an embarrassing story, but
11 yeah. I've had my phone crack, drop. Phones break
12 pretty easily.

13 Q. So any texts that you have between, say,
14 August 2013 and March 2014 between you and Eric Torres
15 are no longer available, is that right?

16 A. Not -- not to me.

17 Q. Not available to you?

18 A. Yeah.

19 Q. Who are they available to, if you know?

20 MR. KROCK: Objection to form.

21 A. I would assume either AT&T or Verizon.

22 Q. (BY MR. BERG) And what about your texts
23 between yourself and Adam Sinn between August 2013 and
24 March 2014? Those are no longer available to you?

25 MR. KROCK: Objection, form.

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CHANGES AND SIGNATURE

WITNESS NAME: EVAN CARON

DATE OF DEPOSITION: AUGUST 22, 2016

PAGE LINE	CHANGE	REASON
-----------	--------	--------

1 I, EVAN CARON, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4

5

6

EVAN CARON

7

8 THE STATE OF _____)

9 COUNTY OF _____)

10

11 Before me, _____, on this day
12 personally appeared EVAN CARON, known to me (or proved
13 to me under oath or through _____)
14 (description of identity card or other document)) to be
15 the person whose name is subscribed to the foregoing
16 instrument and acknowledged to me that they executed the
17 same for the purposes and consideration therein
18 expressed.

19 Given under my hand and seal of office this
20 _____ day of _____, _____.

21

22

23

NOTARY PUBLIC IN AND FOR

24

THE STATE OF _____

25

COMMISSION EXPIRES: _____

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CAUSE NO. 2015-49014

ERIC TORRES,) IN THE DISTRICT COURT
Plaintiff)
VS.) HARRIS COUNTY, TEXAS
S. JAMES MARSHALL)
Defendant) 157TH JUDICIAL DISTRICT

REPORTER'S CERTIFICATION
ORAL AND VIDEOTAPED DEPOSITION OF
EVAN CARON
August 22, 2016
Volume 1

I, Julie A. Jordan, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, EVAN CARON, was duly sworn by the
officer and that the transcript of the oral deposition
is a true record of the testimony given by the witness;

1 That the deposition transcript was submitted on
2 _____ to Mr. Richard D. Weaver, attorney
3 for the witness, for examination, signature and return
4 to me by _____;

5 That the amount of time used by each party at the
6 deposition is as follows:

7 Mr. Kenneth M. Krock - 22 Minute(s)
8 Mr. Geoffrey Berg - 01 Hour(s):48 Minute(s)
9 Mr. Richard D. Weaver - NONE

10 That pursuant to information given to the
11 deposition officer at the time said testimony was taken,
12 the following includes counsel for all parties of
13 record:

14 Mr. Kenneth M. Krock, Attorney for Plaintiffs
15 Mr. Geoffrey Berg, Attorney for Defendants
16 Craig Taylor, Atlas Commodities, LLC, and
17 S. James Marshall
18 Mr. Richard D. Weaver, Attorney for witness

19 I further certify that I am neither counsel for,
20 related to, nor employed by any of the parties or
21 attorneys in the action in which this proceeding was
22 taken, and further that I am not financially or
23 otherwise interested in the outcome of the action.

24 Further certification requirements pursuant to
25 Rule 203 of TRCP will be certified to after they have
occurred.

1 Certified to by me this ____ day of _____, 2016.

2 

3 _____
4 Julie A. Jordan, Texas CSR 3203
5 Expiration Date: 12/31/17
6 U.S. LEGAL SUPPORT
7 Firm Registration No. 344
8 701 Brazos Street
9 Suite 380, Austin Centre
10 Austin, Texas 78701
11 (512) 292-4249
12 (512) 292-3866 (Fax)

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FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was/was not returned to the deposition officer on _____;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to Mr. Geoffrey Berg, Custodial Attorney;

That \$_____ is the deposition officer's charges to the Defendants Craig Taylor, Atlas Commodities, LLC, and S. James Marshall, for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on and filed with the Clerk.

Certified to by me this _____ day of

_____, _____.



Julie A. Jordan, Texas CSR 3203
Expiration Date: 12/31/17
U.S. LEGAL SUPPORT
Firm Registration No. 344
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