

ADAM SINN - April 08, 2015

Page 1

1 CAUSE NO. 2014-40964

2 ERIC TORRES, ADAM SINN, \* IN THE DISTRICT COURT OF

3 XS CAPITAL MANAGEMENT, \* L.P., and ASPIRE \*  
 4 COMMODITIES, L.P., \* Plaintiffs \*  
 5 v. \* HARRIS COUNTY, TEXAS \*  
 6 CRAIG TAYLOR and ATLAS \*  
 7 COMMODITIES, L.L.C., \* Defendants \* 157TH JUDICIAL DISTRICT

8

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10 ORAL AND VIDEOTAPED DEPOSITION OF

11 ADAM SINN

12 APRIL 8, 2015

13 \*\*\*\*\*

14

15 ORAL AND VIDEOTAPED DEPOSITION of ADAM SINN,

16 produced as a witness at the instance of the

17 Defendants, and duly sworn, was taken in the

18 above-styled and numbered cause on the 8th day of

19 April, 2015, from 8:43 a.m. to 11:16 a.m., before me,

20 Jodi Wells, CSR, in and for the State of Texas,

21 reported by machine shorthand, at the offices of

22 Rapp & Krock, PC, 3050 Post Oak Boulevard, Suite 1425,

23 Houston, Texas 77056, pursuant to the Texas Rules of

24 Civil Procedure and the provisions stated on the record

25 attached hereto.

Page 2

1 A P P E A R A N C E S

2

3 FOR THE PLAINTIFFS:

4 Mr. Matthew M. Buschi

5 Ms. Terri S. Morgan

6 Rapp & Krock, PC

7 3050 Post Oak Boulevard, Suite 1425

8 Houston, Texas 77056

9 Telephone: 713-759-9977

10 Facsimile: 713-759-9967

11 Email: Mbuschi@erk-lawfirm.com

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14 FOR THE DEFENDANTS:

15 Mr. Geoffrey Berg

16 Berg Feldman Johnson Bell, LLP

17 4203 Montrose Boulevard, Suite 150

18 Houston, Texas 77006

19 Telephone: 713-526-0200

20 Facsimile: 832-615-2665

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22

23 ALSO PRESENT:

24 Mr. Craig Taylor

25 Mr. Terry Harrison, Videographer

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1 EXAMINATION INDEX

2 WITNESS: ADAM SINN

3 EXAMINATION PAGE

4 BY MR. BERG 4

5 SIGNATURE PAGE 102

6 REPORTER'S CERTIFICATION 104

7

8 EXHIBIT INDEX

9 EXHIBIT NO. 1 PAGE

10 Copy of text message dated December 21, 25

11 2013 and December 31, 2014

12 EXHIBIT NO. 2 33

13 Settlement Agreement

14 EXHIBIT NO. 3 39

15 Photograph

16 EXHIBIT NO. 4 58

17 Mobile Phone Examiner Plus Report

18 MMS (1323 of 2658)

19 EXHIBIT NO. 5 88

20 Agreed Confidentiality and Protective Order

21

22

23

24

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Page 4

1 THE VIDEOGRAPHER: Good morning. Today

2 is April the 8th, 2015. We're on the record at 8:43.

3 ADAM SINN,

4 having been duly sworn, testified as follows:

5 EXAMINATION

6 BY MR. BERG:

7 Q. Good morning.

8 A. Good morning.

9 Q. Could you state your name for the record,

10 please?

11 A. Adam Sinn.

12 Q. Mr. Sinn, have you given a deposition before?

13 A. I have.

14 Q. Okay. How many times?

15 A. Just once.

16 Q. In which case?

17 A. A case involving work -- or an oil well

18 dispute.

19 Q. Okay. When was that?

20 A. Last fall.

21 Q. What was the caption of the case? Who were the

22 parties?

23 A. A company called Orca and a company called

24 Matador and then myself.

25 Q. Are you a plaintiff or a defendant in that



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<p style="text-align: right;">Page 21</p> <p>1 any market person. That's the way it's supposed to be 2 fair and equal. 3 Q. Is that -- is that why it's regulated or is 4 that sort of the underlying premise of the regulation? 5 MR. BUSCHI: Object to the form. 6 A. I mean, I think it's the foundation to any 7 market -- 8 Q. (By Mr. Berg) Okay. 9 A. -- any functioning -- well-functioning market 10 is that everyone should have an equal footing no matter 11 how big or small they are. 12 Q. Okay. So, that's how it's supposed to work? 13 A. Yeah. 14 Q. Now, you said you thought there was a way that 15 it actually did work. 16 A. Yeah. I mean, the way I -- the way I -- you 17 know, the way that -- like I just said a second ago, 18 the brokers are only making money when there is a 19 transaction being placed. So, you know, if you're 20 paying, you know, a significant amount of money to said 21 person or broker, like in everything else, money 22 influences people to do certain things. And, so, you 23 know, in our -- in our industry, you know, those -- 24 the -- there's certain relation -- there's certain 25 relationships with -- you know, there are -- what's the</p>	<p style="text-align: right;">Page 23</p> <p>1 did you see Craig Taylor there in December? 2 A. In Dorado? 3 Q. Yeah. 4 THE WITNESS: You? 5 Q. (By Mr. Berg) Craig Taylor, the -- yes, the 6 party in this lawsuit who's sitting right here. 7 A. No. 8 Q. You can't -- you can't ask him a question. 9 A. Oh. Sorry. No. No. 10 Q. Did you think you saw him there? 11 A. No. 12 Q. Okay. Have you ever loaned Eric Torres any 13 money? 14 A. I've invested in Eric Torres. 15 Q. What does that mean? 16 A. That I made a fin -- I made a financial 17 investment in Eric Torres or Eric Torres's business. 18 Q. Which business? 19 A. Titan Commodities. 20 Q. When was that investment made? 21 A. I think in the summer of 2011 or '12 or -- wait 22 a minute. No. Like around -- I'm guessing here, but 23 I'm guessing like September of 2011. 24 Q. Okay. And what was the amount of the 25 investment?</p>
<p style="text-align: right;">Page 22</p> <p>1 best way to say it? 2 There's -- you know, if you're giving financial 3 incentive to someone to get someone done, for example, 4 someone may pay two to three or four times more 5 commission rate -- a higher commission rate than the 6 next person. So, it's going to be in the broker's best 7 interest financially speaking to get that person done 8 because he might get paid two, three, four or five 9 times more than if he gets the other person done on a 10 transaction. 11 Q. Got it. And so -- okay. Well, let's sort of 12 move on. I think I got the picture. 13 I didn't catch the name of the town in Puerto 14 Rico you said you lived in. 15 A. Dorado. 16 Q. Dorado. Can you give your actual address? 17 A. 200 Dorado Beach Drive, Unit 3232, and then 18 it's Dorado 00646. 19 Q. Do you work there? 20 A. Yes. 21 Q. All right. So, you work out of your home? 22 A. That's correct. 23 Q. Trading? 24 A. Yes. 25 Q. All right. And, I mean, just -- did you see --</p>	<p style="text-align: right;">Page 24</p> <p>1 A. It was \$750,000. 2 Q. What was the purpose of the investment? 3 A. He was going to start his own broker shop. 4 Q. What did he use it for? 5 A. He ended up in -- he ended up starting his own 6 broker shop and buying into Atlas Commodities. 7 Q. Wasn't it \$850,000? 8 A. It was -- I think it was a 9 hundred-thousand-dollar loan maybe and a 750,000-dollar 10 investment. I'm not -- I don't remember specifically 11 how it was set up, but I think you're correct. 12 Q. The total was \$850,000? 13 A. Yeah. I think you're correct. Yes. 14 Q. Okay. Has he repaid any of it? 15 A. Some of it has been repaid. 16 Q. How much? 17 A. The -- I think roughly 250,000. 18 Q. Out of 850,000? 19 A. That's correct. 20 Q. So, the remainder remains owed? 21 A. That's correct. 22 Q. With interest? 23 A. I haven't discussed that. 24 Q. Well, have you executed any documents with him 25 that indicates that he owes interest on that money?</p>

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<p>1 MR. BUSCHI: Object to the form.</p> <p>2 Q. (By Mr. Berg) That litigation went on for some</p> <p>3 time and then was settled, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Do you remember the terms of that settlement?</p> <p>6 A. Not -- not the specific terms, no.</p> <p>7 Q. Do you recall that Torres was to return his</p> <p>8 share of Atlas Commodities?</p> <p>9 A. I believe so.</p> <p>10 Q. Do you recall that he had paid \$750,000 to</p> <p>11 Atlas Commodities in exchange for a share of that</p> <p>12 company?</p> <p>13 A. I believe -- I believe that's correct.</p> <p>14 Q. And do you recall that he had told Atlas</p> <p>15 Commodities that money came from him and his wife?</p> <p>16 A. That's what I recall.</p> <p>17 Q. Okay. That was your money, correct?</p> <p>18 A. Correct.</p> <p>19 Q. All right. So, in exchange for the settlement,</p> <p>20 Mr. Torres returned all his interest in Atlas, right?</p> <p>21 A. If I'm recalling properly.</p> <p>22 Q. Here, let me just attach the Settlement</p> <p>23 Agreement. It might make it easier.</p> <p>24 (Exhibit No. 2 marked.)</p> <p>25 Q. All right. I'm going to hand you what I've</p>	<p>1 want to turn to page 2, paragraph three.</p> <p>2 A. Yes. Thanks.</p> <p>3 Q. Sure.</p> <p>4 A. That's correct.</p> <p>5 Q. And there was a structure of that payout,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. The first \$250,000 to be made up front upon</p> <p>9 execution of the Settlement Agreement, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And that payment was made, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And then \$10,000 per month every month</p> <p>14 thereafter until \$250,000, 25 months?</p> <p>15 A. Correct.</p> <p>16 Q. All right. So, Atlas made that first</p> <p>17 250,000-dollar payment. Where did that go?</p> <p>18 A. To Susman Godfrey.</p> <p>19 Q. And what did Susman Godfrey do with it?</p> <p>20 A. They then distributed it out.</p> <p>21 Q. To whom?</p> <p>22 A. To myself.</p> <p>23 Q. Did Mr. Torres get any of it?</p> <p>24 A. No.</p> <p>25 Q. Okay. And then Atlas made payments of \$10,000</p>
<p>1 marked as Exhibit 2 to your deposition.</p> <p>2 A. Thanks.</p> <p>3 Q. Sure. You can take a minute to look at it.</p> <p>4 I'm just going to ask if you've seen it before.</p> <p>5 A. I mean, I recall -- I recall this from several</p> <p>6 years ago. Yeah.</p> <p>7 Q. This is the Settlement Agreement between Eric</p> <p>8 Torres, Craig Taylor, S. James Marshall, Atlas</p> <p>9 Commodities, L.L.C., Adam Sinn, XS Capital Management,</p> <p>10 L.P., and Aspire Commodities, L.P., correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And if you turn to the last three pages --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- those are signature pages for you, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. You signed this document?</p> <p>17 A. I did, sir.</p> <p>18 Q. It looks like it was notarized by Barrington</p> <p>19 Hammond, Jr., correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Who is he?</p> <p>22 A. My attorney.</p> <p>23 Q. All right. So, as part of this settlement,</p> <p>24 Atlas and -- well, Taylor, Marshall, and Atlas were to</p> <p>25 pay to Mr. Torres \$500,000, correct? You can -- if you</p>	<p>1 per month for four months, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And those payments also went to Susman Godfrey,</p> <p>4 right?</p> <p>5 A. They did.</p> <p>6 Q. Susman Godfrey was the law firm which</p> <p>7 represented you before you hired Rapp &amp; Krock, correct?</p> <p>8 A. Yes.</p> <p>9 Q. All right. And Susman Godfrey represented you</p> <p>10 in the lawsuit that was settled by this Settlement</p> <p>11 Agreement, right?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. So, \$10,000 a month for four months went</p> <p>14 to Susman Godfrey, right?</p> <p>15 A. Correct.</p> <p>16 Q. And what happened to each of those payments of</p> <p>17 \$10,000?</p> <p>18 A. They were distributed out to me.</p> <p>19 Q. Did Mr. Torres get any of those funds?</p> <p>20 A. No.</p> <p>21 Q. In fact, is he entitled to receive any of the</p> <p>22 settlement funds?</p> <p>23 MR. BUSCHI: Object to the form.</p> <p>24 A. At this time -- at this time, no.</p> <p>25 Q. (By Mr. Berg) Is there some point in time</p>

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<p style="text-align: right;">Page 37</p> <p>1 where he might be entitled to receive some of it?</p> <p>2 A. Most likely not.</p> <p>3 Q. So, there are some contingencies in which he</p> <p>4 might be able to receive it?</p> <p>5 A. Not under this structure.</p> <p>6 Q. Okay. So, let me see if I can ask it sort of</p> <p>7 more directly.</p> <p>8 If he found a bunch of money that would satisfy</p> <p>9 his debt to you, he could pay it to you. Then he would</p> <p>10 be able to receive these settlement funds, right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. You don't envision that happening?</p> <p>13 A. At this current time, I do not.</p> <p>14 Q. All right. That was really all I was asking.</p> <p>15 A. Okay.</p> <p>16 Q. Okay. So, you have an assignment from</p> <p>17 Mr. Torres giving to you the right to collect under the</p> <p>18 Settlement Agreement, correct?</p> <p>19 A. I don't recall.</p> <p>20 Q. Okay. Remember in Mr. Torres's deposition</p> <p>21 where he testified that there was an assignment that</p> <p>22 was signed?</p> <p>23 A. I honestly don't recall that, but if you -- if</p> <p>24 there is, then he said it.</p> <p>25 Q. Do you know who prepared that instrument?</p>	<p style="text-align: right;">Page 39</p> <p>1 A. I don't recall, but potentially we do.</p> <p>2 Q. Okay. Well, if it's not written, it's</p> <p>3 certainly oral, correct?</p> <p>4 A. Like, I literally don't recall. I mean, I know</p> <p>5 he said that, but I don't recall.</p> <p>6 Q. Okay.</p> <p>7 A. I don't recall what the specific structure --</p> <p>8 Q. Then let me -- let me put it this way. He</p> <p>9 says to you in one way or another, oral, written,</p> <p>10 whatever -- you leave open the possibility.</p> <p>11 A. Okay.</p> <p>12 Q. You just don't recall. He says: Hey, I owe</p> <p>13 you this money. Under the Settlement Agreement, it's</p> <p>14 \$500,000. It's yours. I assign it to you.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Is that right?</p> <p>17 A. Basically correct.</p> <p>18 Q. Right. Whether it's written or oral, you don't</p> <p>19 remember, but that's how it happened?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. That was -- that's it. Okay. Now, the</p> <p>22 picture.</p> <p>23 (Exhibit No. 3 marked.)</p> <p>24 Q. I'm going to show you what I have -- I'm</p> <p>25 actually going to cover up the exhibit label on here.</p>
<p style="text-align: right;">Page 38</p> <p>1 A. I do not.</p> <p>2 Q. I think he said it was your attorney. Would</p> <p>3 that have been Mr. Hammond?</p> <p>4 A. It would have been Chanler Langham.</p> <p>5 Q. Okay. That's -- Chanler was your lawyer at</p> <p>6 Susman Godfrey, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Now, there is -- this Settlement</p> <p>9 Agreement is for \$500,000 which does not bear interest,</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. So, that leaves a shortfall, if my calculation</p> <p>13 is correct, in the debt that Mr. Torres owes to you of</p> <p>14 \$350,000; is that right?</p> <p>15 A. That's correct.</p> <p>16 Q. Does he still owe that money to you, that extra</p> <p>17 \$350,000?</p> <p>18 A. He does.</p> <p>19 Q. And do you have some type of plan of payment?</p> <p>20 A. At this moment, we do not have a -- like, a</p> <p>21 written agreement.</p> <p>22 Q. On that 350,000?</p> <p>23 A. Correct.</p> <p>24 Q. But you do have a written agreement on the</p> <p>25 total of 500,000 under the Settlement Agreement?</p>	<p style="text-align: right;">Page 40</p> <p>1 I've marked this as Exhibit 3 to your deposition. I</p> <p>2 think you've seen this before. Exhibit 3 is a</p> <p>3 photograph, correct?</p> <p>4 A. Correct.</p> <p>5 Q. All right. If you could just put the other</p> <p>6 exhibits aside, I want to --</p> <p>7 A. Okay.</p> <p>8 Q. -- focus on this.</p> <p>9 All right. What is Exhibit 3 a photograph of?</p> <p>10 A. It's a photograph of myself and several of my</p> <p>11 friends.</p> <p>12 Q. Can you identify them, if you will, reading or</p> <p>13 identifying from left to right as you look at the</p> <p>14 picture?</p> <p>15 A. It's Sean Kelly, Evan Caron, Barry Hammond,</p> <p>16 Paul Sarver, Eric Torres, Adam Sinn.</p> <p>17 Q. Now, Barry Hammond is the person you identified</p> <p>18 earlier as your attorney, correct?</p> <p>19 A. Correct.</p> <p>20 Q. All right. And Eric Torres is the other party</p> <p>21 in this litigation, right?</p> <p>22 A. That's correct.</p> <p>23 Q. Okay. You sent that photograph with no text to</p> <p>24 Craig Taylor in December of 2013, correct?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">Page 53</p> <p>1 Q. Do you remember calling Craig Taylor a cock 2 blast?</p> <p>3 A. Not specifically.</p> <p>4 Q. Have you called him a cock blast?</p> <p>5 A. I mean, possibly.</p> <p>6 Q. What's a cock blast?</p> <p>7 A. I would have no idea. Probably something like 8 a dipshit.</p> <p>9 Q. Well, it's not good. It doesn't sound good, is 10 it?</p> <p>11 MR. BUSCHI: Object to the form.</p> <p>12 A. Yeah. It's probably not flattering.</p> <p>13 Q. (By Mr. Berg) Would you call a Christmas 14 miracle if Craig Taylor had a heart attack?</p> <p>15 A. Yeah. I think I jokingly -- jokingly said 16 that.</p> <p>17 Q. Do you know anyone who thinks you're funny?</p> <p>18 MR. BUSCHI: Object to the form.</p> <p>19 A. I'm not a comedian by trade. No.</p> <p>20 Q. (By Mr. Berg) So, establishing what you've 21 said about Craig Taylor and about Atlas, cock blast, 22 rag of a shop, fucking baby I think you've called him; 23 isn't that right?</p> <p>24 MR. BUSCHI: Object to the form.</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 55</p> <p>1 picture to Craig Taylor, was it?</p> <p>2 A. I don't recall.</p> <p>3 Q. Well, if you don't recall, then you don't know 4 whether it was an accident or not; is that right?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Could have been an accident, could have 7 been on purpose, right?</p> <p>8 A. I mean, I don't recall. It's just, you know, a 9 mistake when I was drunk.</p> <p>10 Q. Did you mean to send it to the other Craig 11 Taylor that we talked about earlier, the one you said 12 you knew from Lehman?</p> <p>13 A. I mean, I don't recall what was specifically 14 going through my head at that time.</p> <p>15 Q. Did you think it was funny?</p> <p>16 MR. BUSCHI: Object to the form.</p> <p>17 A. Now or then?</p> <p>18 Q. (By Mr. Berg) Then.</p> <p>19 A. I mean, I don't recall what I was thinking when 20 I sent it.</p> <p>21 Q. Well, when you got a response saying leave him 22 alone and apologize to him, did you think that was 23 funny?</p> <p>24 A. I thought the part of asking for people -- each 25 individual person in the photo to send an apology -- I</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. (By Mr. Berg) Is it still your testimony that 2 your conversation with Lisa Rich was not aimed directly 3 at Atlas?</p> <p>4 A. That's correct.</p> <p>5 Q. You want to stick with that story that --</p> <p>6 MR. BUSCHI: Object to the form.</p> <p>7 Q. -- when you were talking to Lisa Rich, said, 8 hey, better do a background check on Atlas, it wasn't 9 directed at Atlas?</p> <p>10 MR. BUSCHI: Object to the form.</p> <p>11 A. Like I said, I was generally speaking, do a 12 background check.</p> <p>13 Q. (By Mr. Berg) This is just wise advice from 14 Adam Sinn: Any time you apply at a corporation for a 15 job, make sure you do a background check?</p> <p>16 MR. BUSCHI: Object to the form.</p> <p>17 A. You can even ask the guys that work for me and 18 the guys I've interviewed. I say the same thing about 19 myself.</p> <p>20 Q. (By Mr. Berg) You didn't send that picture to 21 Craig Taylor by accident, did you?</p> <p>22 A. I sent it while I was intoxicated.</p> <p>23 MR. BERG: Objection; nonresponsive.</p> <p>24 Q. (By Mr. Berg) That wasn't my question. 25 It wasn't an accident that you sent that</p>	<p style="text-align: right;">Page 56</p> <p>1 thought that was a little bit over the top.</p> <p>2 Q. What about the request that you simply turn 3 over a list of who received the message and what the 4 message said? Did you think that was funny?</p> <p>5 A. I don't recall having an opinion about that one 6 way or the other.</p> <p>7 Q. So, you sent the picture in a group message to 8 Eric Torres, Barry Hammond, Sean Kelly, Evan Caron, 9 Dave Schmidli, Joon Park, and Paul Sarver; is that 10 correct?</p> <p>11 A. I believe so.</p> <p>12 Q. Is there anyone else you sent the message to?</p> <p>13 A. They were all listed in -- I think there was 14 maybe one other person I sent it to besides Chanler.</p> <p>15 Q. Who?</p> <p>16 A. I mean, I don't recall. It's on the production 17 list.</p> <p>18 Q. Dave Schmidli said, "Looks like a Christmas 19 card." And you said, "Funny shit. Hope he chokes on 20 his breakfast." You were talking about Craig Taylor?</p> <p>21 A. That moment in time, yes.</p> <p>22 Q. Why were you so angry at Craig Taylor?</p> <p>23 MR. BUSCHI: Object to the form.</p> <p>24 A. I wasn't. We were just, you know, making 25 jokes, trying to be funny guys.</p>

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1 THE VIDEOGRAPHER: Off the record. The  
 2 time is 11:15.  
 3 (Brief recess)  
 4 THE VIDEOGRAPHER: We are back on the  
 5 record, and the time is 11:16.  
 6 MR. BERG: Pass the witness. Thank you.  
 7 MR. BUSCHI: I reserve all my questions  
 8 for the time of trial.  
 9 THE VIDEOGRAPHER: Off the record at  
 10 11:16.  
 11 (Deposition adjourned at 11:16 a.m.)  
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1 WITNESS CORRECTIONS AND SIGNATURE  
 2 Please indicate changes on this sheet of paper,  
 3 giving the change, page number, line number and reason  
 4 for the change. Please sign each page of changes.  
 5 PAGE/LINE CORRECTION REASON FOR CHANGE  
 6 \_\_\_\_\_  
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 25 \_\_\_\_\_  
 ADAM SINN

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1 I, ADAM SINN, have read the foregoing  
 2 deposition and hereby affix my signature that same is  
 3 true and correct, except as noted on the previous  
 4 page(s), and that I am signing this before a Notary  
 5 Public.  
 6  
 7 \_\_\_\_\_  
 8 ADAM SINN  
 9  
 10  
 11 STATE OF T E X A S\*  
 12 COUNTY OF \_\_\_\_\_ \*  
 13  
 14 Before me, \_\_\_\_\_, on this  
 15 day personally appeared ADAM SINN, known to me to be  
 16 the person whose name is subscribed to the foregoing  
 17 instrument and acknowledged to me that they executed  
 18 the same for the purposes and consideration therein  
 19 expressed.  
 20 Given under my hand and seal of office on this  
 21 \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
 22  
 23 \_\_\_\_\_  
 24 NOTARY PUBLIC IN AND FOR  
 25 THE STATE OF TEXAS

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1 CAUSE NO. 2014-40964  
 2 ERIC TORRES, ADAM SINN, \* IN THE DISTRICT COURT OF  
 3 XS CAPITAL MANAGEMENT, \*  
 4 L.P., and ASPIRE \*  
 5 COMMODITIES, L.P., \*  
 6 Plaintiffs \*  
 7 v. \* HARRIS COUNTY, TEXAS  
 8 \*  
 9 CRAIG TAYLOR and ATLAS \*  
 10 COMMODITIES, L.L.C., \*  
 11 Defendants \* 157TH JUDICIAL DISTRICT  
 12 REPORTER'S CERTIFICATION  
 13 ORAL AND VIDEOTAPED DEPOSITION OF ADAM SINN  
 14 APRIL 8, 2015  
 15 I, Jodi Wells, a Certified Shorthand Reporter  
 16 in and for the State of Texas, hereby certify to the  
 17 following:  
 18 That the witness, ADAM SINN, was duly sworn by  
 19 the officer and that the transcript of the oral  
 20 deposition is a true record of the testimony given by  
 21 the witness;  
 22 That the deposition transcript was submitted on  
 23 \_\_\_\_\_, 2015, to the witness, or to the  
 24 attorney for the witness, for examination, signature  
 25 and return to me by \_\_\_\_\_, 2015;  
 That the amount of time used by each party at  
 the deposition is as follows:  
 MR. BERG - 02:01  
 That pursuant to information given to the  
 deposition officer at the time said testimony was

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1 taken, the following includes counsel for all parties  
2 of record:

- 3 MR. BUSCHI, Attorney for Plaintiffs
- MS. MORGAN, Attorney for Plaintiffs
- 4 MR. BERG, Attorney for Defendants

5 I further certify that I am neither counsel  
6 for, related to, nor employed by any of the parties or  
7 attorneys in the action in which this proceeding was  
8 taken, and further that I am not financially or  
9 otherwise interested in the outcome of the action.

10 Further certification requirements pursuant to  
11 Rule 203 of TRCP will be certified to after they have  
12 occurred.

13 Certified to by me this 21st day of April,  
14 2015.

*Jodi Wells*

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JODI WELLS, TEXAS CSR #6769  
Expiration Date: 12/31/15  
Firm Registration No. 62  
1225 North Loop West, Suite 327  
Houston, Texas 77008  
Telephone: (713) 626-2629

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was \_\_\_\_\_ was not \_\_\_\_\_  
3 returned to the deposition officer on \_\_\_\_\_,  
4 2015;

5 If returned, the attached Corrections and Signature  
6 page contains any changes and the reasons therefor;

7 If returned, the original deposition was delivered  
8 to MR. GEOFFREY BERG, Custodial Attorney;

9 That \$\_\_\_\_\_ is the deposition officer's  
10 charges to the Attorney for Defendants, GEOFFREY BERG,  
11 for preparing the original deposition transcript and  
12 any copies of exhibits;

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

17 Certified to by me this \_\_\_\_\_ day of  
18 \_\_\_\_\_, 2015.

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