

ERIC TORRES - March 06, 2015  
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Page 1

1 CAUSE NO. 2014-40964

2 .....

3 ERIC TORRES, ADAM SINN, XS CAPITAL MANAGEMENT, L.P., and ASPIRE COMMODITIES, L.P.,  
4 Plaintiffs,

5 VS. HARRIS COUNTY, TEXAS

6 CRAIG TAYLOR and ATLAS  
7 COMMODITIES, L.L.C.,  
8 Defendants. 157TH JUDICIAL DISTRICT

9 .....

10 ORAL AND VIDEOTAPED DEPOSITION OF ERIC TORRES  
11 MARCH 6, 2015

12 .....

13 THIS TRANSCRIPT CONTAINS TESTIMONY DESIGNATED  
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15 ORAL AND VIDEOTAPED DEPOSITION OF ERIC TORRES,  
16 produced as a witness at the instance of the Defendants,  
17 and duly sworn, was taken in the above-styled and  
18 numbered cause on Friday, March 6, 2015, from 8:06 to  
19 10:56 a.m., before Mary C. Dopico, Certified Shorthand  
20 Reporter No. 463 and Notary Public in and for the State  
21 of Texas, reported by machine shorthand and audio/video  
22 recording at the offices of Rapp & Krock, P.C., 3050  
23 Post Oak Boulevard, Suite 1425, Houston, Texas, pursuant  
24 to Notice and the Texas Rules of Civil Procedure and the  
25 provisions stated on the record or attached hereto.

Page 2

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

2

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9 Examination, by Mr. Berg..... 7  
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10

11 QUESTIONS INSTRUCTED NOT TO ANSWER

12 Page 109, Line 18:

13 Q. Okay. So you're not going to explain why  
14 these were not verified?

15 Page 109, Line 23:

16 Q. (By Mr. Berg) Was it part of your litigation  
17 strategy just to ignore requests? Your strategy, not  
talking about your lawyers'?

18

19 Page 111, Line 3:

20 Q. (By Mr. Berg) Are you afraid to verify these  
21 answers?

22 Page 123, Line 3:

23 Q. (By Mr. Berg) You just really don't want to  
24 answer that question; do you?  
25

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1 TORRES EXHIBITS

2 Exhibit 1..... 18  
3 08-06-2012 6:43am e-mail to Craig Taylor, et al.,  
4 from Eric Torres, Re: Atlas Issues (Torres, Eric  
000044-000047)

5

6 Exhibit 2..... 30  
7 08-15-2013 Settlement Agreement (16 pages)

8

8 Exhibit 3..... 41  
9 Holiday party photograph

10

11 Exhibit 4..... 55  
12 Eric Torres' Responses to Defendants' First Set  
of Interrogatories and Requests for Production  
(16 pages)

13

14 Exhibit 5..... 60  
15 12-23-2013 9:26am e-mail to Melissa Moore and  
16 Chanler Langham from Geoffrey Berg, Subject:  
Atlas/Torres/Sinn settlement agreement violation

17

18 Exhibit 6..... 62  
19 Redacted Verizon Wireless detail for Eric Torres:  
20 281-546-0928 (HIGHLY CONFIDENTIAL ATTORNEYS' EYES  
ONLY SINN 000198-000200)

21

21 Exhibit 7..... 67  
22 3-page e-mail string, last message dated 12-24-2013  
2:46pm to Chanler Langham from Geoffrey Berg,  
23 Subject: Atlas/Torres/Sinn settlement agreement  
violation

24  
25



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<p style="text-align: right;">Page 9</p> <p>1 Q. So your opinion has changed since you had that  2 instant message conversation?  3 MR. KROCK: Object to the form of the  4 question.  5 A. <b>Opinion regarding what?</b>  6 Q. (By Mr. Berg) About whether I'm "dumb" or a  7 "douche."  8 A. <b>No. I still find you annoying, so...</b>  9 Q. What is it about me you find annoying?  10 A. <b>Well, I can't really put my finger on it.</b>  11 <b>Something.</b>  12 Q. Something unidentifiable?  13 A. <b>Yeah.</b>  14 Q. Do you usually make judgments like that about  15 people you don't know?  16 A. <b>Not all the time.</b>  17 MR. KROCK: Objection to the form of the  18 question.  19 Q. (By Mr. Berg) Have you produced any documents  20 in this case?  21 A. <b>I'm pretty sure I did. I don't recall exactly</b>  22 <b>what it was. I did produce my IM -- the IM</b>  23 <b>conversations, so that was production for me.</b>  24 <b>I think there was some Verizon phone</b>  25 <b>calls that I produced. That's all I recall at this</b></p>	<p style="text-align: right;">Page 11</p> <p>1 A. <b>Does no business.</b>  2 Q. Did it ever do any business?  3 A. <b>Never got to the point of me using it for</b>  4 <b>business, no.</b>  5 Q. Does it have a bank account?  6 A. <b>No longer does.</b>  7 Q. Okay. When was that terminated?  8 A. <b>Years ago. I don't remember the specific</b>  9 <b>date.</b>  10 Q. When was the last time that account had any  11 money in it?  12 A. <b>It was going to be around the same year that I</b>  13 <b>got into business with Craig Taylor.</b>  14 Q. Which would have been when?  15 A. <b>Years now. 2011, if I recall correctly.</b>  16 Q. What was the nature of your business with  17 Craig Taylor?  18 A. <b>I was a partner of Craig Taylor's.</b>  19 Q. How did you --  20 A. <b>Business partner.</b>  21 Q. How did you become -- Is that in Atlas  22 Commodities?  23 A. <b>Yes, correct.</b>  24 Q. How did you become a partner in Atlas  25 Commodities?</p>
<p style="text-align: right;">Page 10</p> <p>1 time.  2 Q. When you say "Verizon phone calls" --  3 A. <b>Uh-huh.</b>  4 Q. -- what were those documents?  5 A. <b>I think it was just a list of phone calls that</b>  6 <b>showed who I was calling or who called me over a certain</b>  7 <b>amount of time.</b>  8 Q. Phone records?  9 A. <b>Yeah. Correct.</b>  10 Q. Okay. What is Titan Futures Exchange, L.L.C.?  11 A. <b>Titan Futures Exchange is a company that I set</b>  12 <b>up with the intention of going into -- using for a</b>  13 <b>business that I was going to start.</b>  14 Q. What business was that?  15 A. <b>It was going to be a brokerage.</b>  16 Q. What kind of brokerage?  17 A. <b>Specifically for power in the United States,</b>  18 <b>potentially going into natural gas, you know, kind of</b>  19 <b>open-ended sort of thing but --</b>  20 Q. Does it still exist?  21 A. <b>No, not at this time.</b>  22 Q. Has it been wound up?  23 A. <b>For the most part, yeah. As far as I'm</b>  24 <b>concerned, it has been, yes.</b>  25 Q. Okay. It does no business.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. <b>I purchased a certain percentage of the</b>  2 <b>company for Craig Taylor.</b>  3 Q. For what price?  4 A. <b>At -- The price was \$750,000.</b>  5 Q. Where did that money come from?  6 A. <b>I borrowed that money from Mr. Sinn.</b>  7 Q. Adam Sinn?  8 A. <b>This is correct.</b>  9 Q. And did you disclose that that's where the  10 money came from to anyone at Atlas?  11 MR. KROCK: I'm going to object to the  12 form of the question on the prior case; but you can go  13 ahead and answer.  14 A. <b>I did not disclose, neither was asked.</b>  15 Q. (By Mr. Berg) Well, you were asked; weren't  16 you?  17 A. <b>Not at the time of -- Not early-on. I was</b>  18 <b>asked later on.</b>  19 Q. Right. Right.  20 A. <b>Right.</b>  21 Q. And you didn't disclose it because you know it  22 would have been a problem.  23 A. <b>It would have potentially been a problem be --</b>  24 <b>by the way Craig Taylor would have handled it. He tends</b>  25 <b>to be a little dramatic about things.</b></p>

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<p>1 Q. Right. So you lied about it.</p> <p>2 A. I --</p> <p>3 MR. KROCK: Object to the form of the</p> <p>4 question.</p> <p>5 A. I did not lie. I told them, as far as I'm</p> <p>6 concerned, I'm responsible for the money; and I left it</p> <p>7 at that. And that's when I basically left and got legal</p> <p>8 counsel.</p> <p>9 Q. (By Mr. Berg) You were asked point blank,</p> <p>10 "Did this money come from Adam Sinn?" And you looked</p> <p>11 at -- Excuse me. Let me finish my question.</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- you looked at Craig Taylor in the eye and</p> <p>14 you said, "No," didn't you?</p> <p>15 MR. KROCK: Objection, form.</p> <p>16 A. I don't recall if I looked Craig Taylor in the</p> <p>17 eye or not. What I don't know is it was -- They did</p> <p>18 not ask me if the money came from Adam Sinn. They asked</p> <p>19 me if the money came from one of six traders, basically,</p> <p>20 or five traders.</p> <p>21 Q. (By Mr. Berg) And you just said "No."</p> <p>22 A. At the time I said, "I'm responsible for that</p> <p>23 money," and I left it at that.</p> <p>24 MR. BERG: Objection, non-responsive.</p> <p>25 Q. (By Mr. Berg) Did you say yes or did you say</p>	<p>1 of the money until you were sued over it.</p> <p>2 MR. KROCK: Objection, form.</p> <p>3 A. You call it misleading. I call it protecting</p> <p>4 myself.</p> <p>5 Q. (By Mr. Berg) Okay. Sure. I can call it a</p> <p>6 lie, but you can call it saying something that you</p> <p>7 didn't want to reveal; right?</p> <p>8 A. I guess.</p> <p>9 MR. KROCK: Objection, form.</p> <p>10 Q. (By Mr. Berg) Right?</p> <p>11 A. You could call it what you want. I know I was</p> <p>12 protecting myself.</p> <p>13 Q. Before the lawsuit --</p> <p>14 A. Uh-huh.</p> <p>15 MR. KROCK: Which lawsuit?</p> <p>16 Q. (By Mr. Berg) The underlying lawsuit, the</p> <p>17 lawsuit over your lie about the source of that money --</p> <p>18 MR. KROCK: Objection, form.</p> <p>19 Q. (By Mr. Berg) -- you had been asked about it</p> <p>20 repeatedly and you had repeatedly refused to divulge the</p> <p>21 source of the money; correct?</p> <p>22 A. Asked about where they -- Well, I was asked</p> <p>23 about where I got the money from.</p> <p>24 Q. Uh-huh.</p> <p>25 A. And my consistent response was: It's -- It's</p>
Page 14	Page 16
<p>1 no?</p> <p>2 MR. KROCK: Objection. He's answered the</p> <p>3 question. Form of the question.</p> <p>4 Q. (By Mr. Berg) You can answer.</p> <p>5 A. I don't recall if I specifically said yes or</p> <p>6 no at the time we had the conversation. I do recall</p> <p>7 saying that "I'm responsible for that money."</p> <p>8 Q. Were you ever asked whether it came from Adam</p> <p>9 Sinn?</p> <p>10 A. Later on, if I recall correctly, yeah.</p> <p>11 Q. What time frame later on?</p> <p>12 A. In the course of the previous lawsuit at some</p> <p>13 point later on. I don't recall the time frame.</p> <p>14 I know initially they were thinking it</p> <p>15 was one of five different traders, and eventually it got</p> <p>16 narrowed down to two traders; and then eventually when</p> <p>17 we produced the documents, I think, for Titan Futures</p> <p>18 Exchange, is when that's -- that's when we disclosed</p> <p>19 this is...</p> <p>20 Q. Right. So it didn't -- You didn't disclose</p> <p>21 it until a lawsuit was actually filed.</p> <p>22 A. Correct.</p> <p>23 Q. Right.</p> <p>24 A. The actual documents, correct.</p> <p>25 Q. So you continued to mislead about the source</p>	<p>1 money that I am responsible for.</p> <p>2 Q. Well, that's not true; is it? In fact, your</p> <p>3 response was, "Here are my tax returns. You could see I</p> <p>4 could conceivably have enough money to finance this</p> <p>5 myself."</p> <p>6 A. Sure. I showed my tax returns, correct.</p> <p>7 Q. Because you wanted --</p> <p>8 A. Well, because they were asking for multiple</p> <p>9 documents.</p> <p>10 Q. And you wanted them to believe that that money</p> <p>11 was yours.</p> <p>12 A. Ultimately, it was money I was responsible</p> <p>13 for, so...</p> <p>14 MR. BERG: Objection, non-responsive.</p> <p>15 Q. (By Mr. Berg) I'm asking about what you</p> <p>16 wanted them to believe.</p> <p>17 MR. KROCK: Objection --</p> <p>18 Q. (By Mr. Berg) You wanted them -- You wanted</p> <p>19 them to believe that that money came from you and not</p> <p>20 from Adam Sinn --</p> <p>21 MR. KROCK: Objection --</p> <p>22 Q. -- isn't that true?</p> <p>23 MR. KROCK: Objection, form.</p> <p>24 A. I wanted to show them ultimately that I'm</p> <p>25 responsible for that money.</p>

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<p>1 Q. (By Mr. Berg) But that wasn't what you were 2 asked at the time.</p> <p>3 A. I don't recall exactly what I was asked at the 4 time. I know it happened very fast and I chose to 5 withdraw myself from the situation to protect myself.</p> <p>6 Q. Well, because you'd gotten caught; right?</p> <p>7 MR. KROCK: Objection, form.</p> <p>8 Q. (By Mr. Berg) Is that right?</p> <p>9 A. Caught in what regards?</p> <p>10 Q. Well, the jig was up. They knew that the 11 money wasn't yours. They knew that the money had 12 come --</p> <p>13 A. They didn't know anything. They were -- They 14 were thinking that. They were looking for a way to push 15 me out, essentially, is how I felt.</p> <p>16 Q. Oh, they were looking for an excuse to get rid 17 of you?</p> <p>18 A. That's how I felt. Because our business had 19 taken a big hit because the market became very, very 20 volatile.</p> <p>21 Q. So it didn't have anything to do with your 22 lie?</p> <p>23 MR. KROCK: Objection, form.</p> <p>24 A. I don't -- I don't know what their intentions 25 were. Ultimately, that's how I felt.</p>	<p>1 Q. Okay. This is an e-mail that you sent that 2 came from ericmtorres@gmail.com; correct?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Your e-mail address?</p> <p>5 A. That is mine.</p> <p>6 Q. So this is an e-mail that was written for you 7 by a lawyer; correct?</p> <p>8 A. This is an e-mail that I wrote myself.</p> <p>9 Q. You wrote it all -- every word of this 10 yourself?</p> <p>11 A. Yes.</p> <p>12 Q. Good. Let's turn to page 2.</p> <p>13 You see the paragraph that says: In 14 accordance with...?</p> <p>15 A. Uh-huh.</p> <p>16 Q. It says, "In accordance with conversations had 17 with Craig Taylor in setting up this partnership, I 18 provided my family's highly personal and confidential 19 W-2s in an effort to alleviate any concerns sparked by 20 unsubstantiated market rumors that were in no doubt 21 started by competing brokers."</p> <p>22 A. Uh-huh.</p> <p>23 Q. "In spite of the records alone demonstrating 24 the ability to provide the funds in question, I was 25 again asked for detailed and highly personal/</p>
Page 18	Page 20
<p>1 Q. (By Mr. Berg) That's how you felt. You felt 2 put upon.</p> <p>3 A. Well --</p> <p>4 MR. KROCK: Objection, form.</p> <p>5 A. -- I felt as though they were trying to push 6 me out, correct.</p> <p>7 Q. (By Mr. Berg) You felt attacked.</p> <p>8 A. Sure.</p> <p>9 Q. Wronged.</p> <p>10 A. Sure.</p> <p>11 Q. You had done nothing wrong.</p> <p>12 A. Ultimately I did nothing wrong. 13 (Torres Exb. No. 1 was marked.)</p> <p>14 Q. (By Mr. Berg) I'm going to hand you what I 15 have marked as Exhibit 1 to your deposition.</p> <p>16 A. Okay.</p> <p>17 Q. And ask if you recognize that document.</p> <p>18 A. Yes. This was a document that I sent to Craig 19 Taylor, James Marshall, Tejpal Singh when I decided to 20 pull myself from the situation.</p> <p>21 Q. Right. And this is dated Monday, August 6, 22 2012 --</p> <p>23 A. Uh-huh.</p> <p>24 Q. -- at 6:43 a.m.; correct?</p> <p>25 A. Correct.</p>	<p>1 confidential historical wire transfer information. Once 2 again, I decline as I will reiterate that my family's 3 privacy is more important than the need to satisfy 4 flimsy concerns by potentially a few traders who most 5 likely have no intention in dealing with our shop as 6 they have historically been known to coddle a select few 7 brokers they've had relationships with for 10 plus 8 years. What is becoming apparent now is that I have 9 been presented with a loose set of hearsay that the 10 other partners in Atlas may have chosen to believe and 11 may be using as a catalyst to minimize my stake in the 12 company and possibly force a favorable dissolution of 13 the partnership tilted in their favor. Over the past 14 month, James Marshall, Craig Taylor and Tejpal Singh 15 have retroactively and potentially with bias analyzed a 16 handful of my actions in an effort to erroneously and 17 maliciously paint a picture of defiance and deceit."</p> <p>18 Do you see that?</p> <p>19 A. Yes, I see that.</p> <p>20 Q. Did I read that correctly?</p> <p>21 A. Yes, you did.</p> <p>22 Q. The "unsubstantiated market rumors" were 23 regarding the source of the money you used to purchase a 24 stake in Atlas; correct?</p> <p>25 A. Ultimately, the initial concerns, I would say,</p>

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<p>1 were competing brokers just saying that my relationship  2 with Adam Sinn or a few other traders that I was close  3 to was going to be a problem.</p> <p>4 Q. No, because you providing W-2s wouldn't have  5 alleviated that problem. The concerns you're talking  6 about in this paragraph have --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- to do with you having been confronted with  9 the fact that the money you used to purchase a stake in  10 Atlas didn't come --</p> <p>11 A. Correct.</p> <p>12 Q. -- from you.</p> <p>13 A. Correct.</p> <p>14 Q. Okay. These concerns weren't really "flimsy,"  15 as you describe them, because they were in fact true;  16 weren't they?</p> <p>17 A. They were --</p> <p>18 MR. KROCK: Objection, form.</p> <p>19 A. -- true to the point of I took a loan from  20 Adam Sinn. Ultimately I did not show bias to Adam Sinn  21 in transaction.</p> <p>22 Q. (By Mr. Berg) The rumors were  23 unsubstantiated, you say; but, in fact, they were  24 substantiated. They were true; weren't they?</p> <p>25 A. I --</p>	<p>1 Q. What was Adam Sinn's view of it?</p> <p>2 A. He had no opinion of it. It was not something  3 I discussed with him.</p> <p>4 Q. He wasn't at a meeting where this was  5 discussed?</p> <p>6 A. A meeting, not that I can recall at this time.</p> <p>7 Q. Meeting with James Marshall, Craig Taylor, and  8 some others?</p> <p>9 A. At some point I -- I mean, I -- I think they  10 did meet at some point. I don't recall. I was not  11 there.</p> <p>12 Q. Then there's a lawsuit over that issue;  13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. You were the plaintiff in that lawsuit;  16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. You were represented by a lawyer named Melissa  19 Moore?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. Ultimately Adam Sinn, XS Capital, were  22 represented by Chanler Langham; correct?</p> <p>23 A. And I think he also had another attorney; but,  24 yes. Correct.</p> <p>25 Q. Barry Hammond?</p>
Page 22	Page 24
<p>1 MR. KROCK: Objection, form.</p> <p>2 A. Unsubstantiated in the sense of when Craig  3 Taylor, James Marshall and Tejpal Singh were coming to  4 me about it. They had no idea. They were just fishing.</p> <p>5 Q. (By Mr. Berg) How is your reputation for  6 honesty and truthfulness?</p> <p>7 A. You would have to ask others.</p> <p>8 Q. Are you familiar with your own reputation?</p> <p>9 A. It -- It is going to depend, depend on who  10 you ask. My friends and the people close to me will  11 trust every word that I say.</p> <p>12 Q. And others will call you a liar; right?</p> <p>13 A. I have enemies --</p> <p>14 MR. KROCK: Objection, form.</p> <p>15 A. -- in this world, just as most people do.</p> <p>16 Q. (By Mr. Berg) When your lie was uncovered,  17 you were offered the opportunity to have the money  18 simply given back and walk away; correct?</p> <p>19 MR. KROCK: Objection, form.</p> <p>20 A. At -- At one point that was offered to me,  21 correct.</p> <p>22 Q. (By Mr. Berg) Okay. And you declined.</p> <p>23 A. Yes, I did.</p> <p>24 Q. Adam Sinn declined.</p> <p>25 A. I declined.</p>	<p>1 A. Correct.</p> <p>2 Q. And that lawsuit went on for a while --</p> <p>3 A. (Nods head affirmatively.)</p> <p>4 Q. -- and was settled; is that right?</p> <p>5 A. Yes. It was settled, I think 2013, August.</p> <p>6 Q. Now, at the time that the case was settled,  7 you owed Adam Sinn \$850,000; correct?</p> <p>8 A. Correct.</p> <p>9 Q. Was that -- You call it a loan; right?</p> <p>10 A. Uh-huh. (Nods head affirmatively.)</p> <p>11 Q. Is that right?</p> <p>12 A. Correct.</p> <p>13 Q. It wasn't an investment by Adam Sinn?</p> <p>14 A. It was a loan that I took from Adam Sinn that  15 I intended on repaying in full.</p> <p>16 Q. Have you ever testified that that money was a  17 purchase of shares in Titan?</p> <p>18 MR. KROCK: Objection, form.</p> <p>19 A. Ultimately I -- I think that's how we set it  20 up. I don't recall the structure.</p> <p>21 I know that Adam was more concerned about  22 getting his money back and -- and wanted to protect  23 himself.</p> <p>24 MR. BERG: Objection, non-responsive.</p> <p>25 Q. (By Mr. Berg) Have you ever testified that</p>

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1 that money, that \$850,000 that came from XS Capital --	1 A. That was paid, if I recall, directly to
2 XS Capital is owned by Adam Sinn; right?	2 Chandler's law firm. That's -- I'm sure that's how we
3 A. Yes.	3 set it up. Yeah.
4 Q. That money that came from XS Capital went to	4 Q. Okay. \$250,000 went to Chanler's law firm
5 Titan.	5 Chanler Langham at Susman, Godfrey who represented Adam
6 A. Uh-huh.	6 Sinn and XS Capital.
7 Q. Have you ever testified that that was a	7 A. Correct.
8 purchase of Class A shares in Titan by Adam Sinn?	8 Q. So \$250,000 to Susman, Godfrey which then did
9 MR. KROCK: Objection, form.	9 what with it?
10 A. If I recall correctly, I did testify to it.	10 A. I'm -- I don't know exactly what they did
11 Q. (By Mr. Berg) Okay.	11 with it. I'm sure they gave -- gave it to Adam Sinn or
12 A. Yes.	12 they used part of it to pay for legal fees, gave it to
13 Q. And you're -- you're in the finance business;	13 Adam Sinn, I don't know; but I know some of it got to
14 right?	14 Adam Sinn.
15 A. I'm a commodities broker.	15 Q. None of it came to you.
16 Q. Which is --	16 A. Correct.
17 A. My specialty is finding buyers and sellers and	17 Q. Right. Then there were two payments made
18 matching them up, but --	18 following that payment under the settlement agreement;
19 Q. Do you know -- Do you know what the	19 correct?
20 difference between an investment and a loan is?	20 A. Was it only two? I thought it was four.
21 A. I have a general idea. I'm not a -- You know	21 Q. It could have been four. Let's say four.
22 I'm not a scholar at this, but I have a general idea.	22 A. Okay.
23 Q. What's the difference?	23 Q. We could both stand to be corrected.
24 A. I would say a loan is given to who a -- I	24 A. Sure.
25 mean, a loan is given to someone that they intend to pay	25 Q. Those payments went, under the terms of the
Page 26	Page 28
1 back. An investment could essentially be the same	1 settlement agreement, to Chanler Langham's law firm;
2 thing.	2 correct?
3 Q. So that lawsuit between you and Atlas	3 A. Correct.
4 Commodities, James Marshall and Craig Taylor was	4 Q. Okay. Ultimately Chanler's firm represented
5 ultimately settled after a mediation; correct?	5 you, but it didn't at that point; correct?
6 A. That's correct.	6 A. I was represented by Melissa Moore.
7 Q. And under the terms of that settlement, Atlas	7 Q. Right. Okay. So that money went to Susman,
8 and Taylor basically were going to pay \$500,000 to you;	8 Godfrey --
9 right?	9 A. Uh-huh.
10 A. Correct.	10 Q. -- which did what with it?
11 MR. KROCK: Objection, form.	11 A. I imagine they gave it to Adam Sinn, but I
12 Q. (By Mr. Berg) And you were returning your	12 don't know for sure.
13 shares of Atlas; correct?	13 Q. Okay. That money was going directly to Adam
14 A. Correct.	14 Sinn, or at least to his representative.
15 Q. Okay. You have in fact returned those shares;	15 A. Sure.
16 correct?	16 Q. None of it was going to you.
17 A. Correct.	17 A. No.
18 Q. Okay. An initial payment of \$250,000 was made	18 Q. And none of the remainder was going to you.
19 following the execution of the settlement agreement; is	19 A. Correct.
20 that right?	20 Q. It all goes to Adam Sinn, ultimately.
21 A. That's correct.	21 A. Ultimately, yes.
22 Q. And under the terms of the settlement	22 Q. Okay. Did you sign some agreement with Adam
23 agreement -- Well, strike that.	23 Sinn saying: All the money under this settlement
24 \$250,000 was paid under the terms of the	24 agreement is going to you?
25 settlement agreement. Where did that money go?	25 A. If I recall correctly, I did. I don't

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<p>1 remember the exact document; but I think after the  2 settlement day, between that until the actual final  3 agreement, there was a document that I signed where the  4 \$500,000 was to be paid to Adam Sinn, essentially --  5 Q. Okay.  6 A. -- to cut out the middleman, basically.  7 Q. Do you know if that document was produced in  8 this litigation?  9 A. I don't think so, no.  10 Q. Okay. So you have -- Let's just call it a  11 side agreement. I don't mean that disparaging in any  12 way; but just for familiarity, you've got a side  13 agreement -- or I'll try to identify it -- you had a  14 side agreement with Adam Sinn; correct?  15 A. Sure.  16 Q. Is it between Eric Torres and Adam Sinn or  17 Eric Torres, Adam Sinn, XS Capital, Titan --  18 A. I -- Honestly I don't recall at this time. I  19 would have to -- I would have to look at the document,  20 but it's been -- it's been a while. It's been almost  21 two years.  22 Q. Who drew up the document?  23 A. I think it was -- it was drawn up by Chanler's  24 law firm.  25 Q. Okay. Did you -- did you have Melissa Moore</p>	<p>1 address there.  2 A. Uh-huh.  3 Q. Is that right?  4 A. Yes, it does.  5 Q. Okay. It says notice to Atlas, Taylor and  6 Marshall shall be delivered to me.  7 A. Correct.  8 Q. Right?  9 A. That's what it says.  10 Q. Okay. Here it says Diamond McCarthy, which  11 was the law firm where I was at the time this was  12 executed.  13 I left, so I provided notice that --  14 Here's my new address and here's how to contact me.  15 A. Uh-huh.  16 Q. Did you ever provide notice that Melissa Moore  17 was no longer your lawyer.  18 A. I do not think I did, no.  19 Q. Well, you did at some point; but let's say --  20 let's choose a date range. Let's say between the date  21 of this document's execution by you, which was August  22 16th, 2013 and January 15th, 2014 -- No. Let's say  23 January 1st, 2014.  24 A. Uh-huh.  25 Q. Did you provide any notice that --</p>
Page 30	Page 32
<p>1 review it.  2 A. If I recall, I did; but I do not remember  3 exactly at this time.  4 Q. All right.  5 (Torres Exb. No. 2 was marked.)  6 Q. (By Mr. Berg) I'm going to hand you what I've  7 marked as Exhibit 2 to your deposition and ask if you  8 recognize that document?  9 A. Yes. This is the settlement agreement.  10 Q. The settlement agreement which settled the  11 underlying lawsuit?  12 A. Correct.  13 Q. And you signed and notarized that document;  14 right?  15 A. Uh-huh.  16 Q. Well, you didn't notarize it --  17 A. Yes.  18 Q. -- but it is in fact notarized.  19 A. Yep.  20 Q. In fact, that's your signature.  21 A. Yeah, right there.  22 Q. If you'll turn to page 7 of that document --  23 A. Uh-huh.  24 Q. -- it says "Notices to Torres shall be  25 delivered to" and it says Melissa Moore and has her</p>	<p>1 A. That's --  2 Q. Hold on. Let me -- Let me finish the  3 question.  4 A. Sure.  5 Q. Did you provide any notice that Melissa Moore  6 was no longer your counsel?  7 A. What were the -- What was the date range  8 again?  9 Q. August 16, 2013 to January 1st, 2014.  10 A. I don't recall the exact date, but I know  11 Melissa Moore told -- if I'm -- if I recall correctly,  12 it might have been you -- that she's no longer  13 representing me.  14 And I also recall sending you a direct  15 e-mail saying any future correspondence could be sent to  16 me directly.  17 Q. The latter is true. I have no knowledge of  18 the former. So --  19 A. Okay.  20 Q. -- if you are aware of a document from Melissa  21 Moore to me providing notice that she no longer  22 represents you --  23 A. I don't -- I don't know if there is a  24 document or if it was a phone conversation.  25 Q. Let's take a look at paragraph 19.</p>

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<p>1 A. Yes.</p> <p>2 Q. Paragraph 19 is entitled Non-Disparagement.</p> <p>3 Do you see that?</p> <p>4 A. Uh-huh.</p> <p>5 Q. And under this paragraph, the parties, that</p> <p>6 being those identified at the front, which is you, Eric</p> <p>7 Torres, Craig Taylor, James Marshall, Atlas Commodities,</p> <p>8 Adam Sinn, XS Capital and Aspire Commodities --</p> <p>9 Correct? Those are the parties?</p> <p>10 A. Let me take a quick look. (Whispered</p> <p>11 reading.) ...Adam Sinn, XS and Aspire... Yes. I see</p> <p>12 all those there.</p> <p>13 Q. Okay. Those parties shall not disparage one</p> <p>14 another. Do you see that?</p> <p>15 MR. KROCK: Object to the form of the</p> <p>16 question.</p> <p>17 A. Based on number nine -- or section 19 --</p> <p>18 Q. (By Mr. Berg) Uh-huh.</p> <p>19 A. -- yes.</p> <p>20 Q. Okay.</p> <p>21 A. It says it, directly or indirectly disparage,</p> <p>22 and it goes on from there.</p> <p>23 Q. And your signature on this is dated August</p> <p>24 16th.</p> <p>25 A. 16th of August, 2013.</p>	<p>1 then sure. I don't recall if I referred to Atlas. I</p> <p>2 know I had conversations about Craig Taylor.</p> <p>3 Q. Right. Who did you talk to -- to about Craig</p> <p>4 Taylor?</p> <p>5 A. Adam Sinn.</p> <p>6 Q. Who else?</p> <p>7 A. Adam Sinn is who I recall.</p> <p>8 Q. Dave Schmidli?</p> <p>9 A. Dave Schmidli? I don't recall if I did or</p> <p>10 didn't?</p> <p>11 I know I had conversations with Adam</p> <p>12 Sinn. I don't recall if I had with Dave Schmidli or</p> <p>13 not.</p> <p>14 Q. Joon Park?</p> <p>15 A. Joon Park, possibly, yeah.</p> <p>16 Q. Barry Hammond?</p> <p>17 A. Possibly, yeah.</p> <p>18 Q. Okay. And you called Craig Taylor an asshole;</p> <p>19 didn't you?</p> <p>20 A. I don't recall who I said that to. I know I</p> <p>21 definitely said that to Adam Sinn.</p> <p>22 Q. You said it to Dave Schmidli; didn't you?</p> <p>23 A. I don't recall that.</p> <p>24 Q. Possible that you did?</p> <p>25 A. I don't --</p>
Page 34	Page 36
<p>1 Q. Right. But the effective date, if you turn</p> <p>2 back to the first page, is August 15th. Do you see</p> <p>3 that?</p> <p>4 A. All rightie, okay.</p> <p>5 Q. Okay. Is that right?</p> <p>6 A. That's correct.</p> <p>7 Q. You don't like Craig Taylor very much; do you?</p> <p>8 A. Someone I have had a -- had legal issues with,</p> <p>9 you don't tend to have high opinions of that person.</p> <p>10 Q. Okay. And you've had conversations about</p> <p>11 him -- Let me put that a different way.</p> <p>12 You had conversations about him between</p> <p>13 August 15th and December 20th, 2013.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Correct?</p> <p>16 A. Conversations about him?</p> <p>17 Q. Yes.</p> <p>18 A. I remember a few.</p> <p>19 Q. Which at least referred to him.</p> <p>20 A. I remember a few.</p> <p>21 Q. Yes.</p> <p>22 A. Uh-huh.</p> <p>23 Q. And conversations which referred to Atlas.</p> <p>24 A. I don't recall if it was referred to Atlas,</p> <p>25 but... I mean if you have the document that shows that,</p>	<p>1 MR. KROCK: Objection, form.</p> <p>2 A. -- recall. No, I don't recall if I did or</p> <p>3 didn't.</p> <p>4 Q. (By Mr. Berg) Joon Park?</p> <p>5 A. I don't recall if I did or didn't to Joon</p> <p>6 Park.</p> <p>7 Q. Maybe I'm being too specific. If you don't</p> <p>8 recall using the phrase asshole, maybe it was words to</p> <p>9 that effect?</p> <p>10 A. Potentially. I remember having the</p> <p>11 conversation with Adam Sinn where I -- at -- to that</p> <p>12 effect, yes.</p> <p>13 Q. I'm not talking about Adam Sinn. I'm talking</p> <p>14 about those other people I just mentioned.</p> <p>15 A. I don't recall. I don't recall if I did or</p> <p>16 didn't.</p> <p>17 Q. Do you know whether -- Well, let me ask it</p> <p>18 this way. Who is Evan Caron?</p> <p>19 A. He's a trader in the industry, also a friend</p> <p>20 of mine.</p> <p>21 Q. And where does Evan Caron work now?</p> <p>22 A. Evan Caron works at TrailStone.</p> <p>23 Q. In Austin?</p> <p>24 A. Correct.</p> <p>25 Q. But he used to work in Houston; correct?</p>



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<p>1 I can hear you.</p> <p>2 MR. BUSCHI: Jesus Christ.</p> <p>3 MR. BERG: Jesus Christ?</p> <p>4 MR. BUSCHI: Yes.</p> <p>5 MR. BERG: Isn't that kind of offensive?</p> <p>6 MR. BUSCHI: Since the start.</p> <p>7 MR. KROCK: Yeah.</p> <p>8 MR. BUSCHI: Is it?</p> <p>9 MR. KROCK: Look --</p> <p>10 MR. BERG: To some it is.</p> <p>11 MR. BUSCHI: Do you want to argue with us</p> <p>12 or --</p> <p>13 MR. KROCK: Yeah. I mean, really.</p> <p>14 <b>A. Are we going to go on?</b></p> <p>15 MR. KROCK: What are you here for,</p> <p>16 Mr. Berg? Do you want to argue with me about this?</p> <p>17 Do you want to argue with me?</p> <p>18 MR. BERG: Really any time.</p> <p>19 MR. KROCK: Okay. All right. Then,</p> <p>20 please. Let's spend the day doing that.</p> <p>21 MR. BERG: I could. Believe me.</p> <p>22 Q. (By Mr. Berg) Where do you work now?</p> <p>23 <b>A. Choise Energy. The parent company is</b></p> <p>24 <b>OTC Global.</b></p> <p>25 Q. Do you use instant messaging at your current</p>	<p>1 MR. KROCK: I'm going to object to the</p> <p>2 form of the question. The judge has narrowed those</p> <p>3 requests, so...</p> <p>4 <b>A. Based on -- I'm pretty sure I did provide</b></p> <p>5 <b>some IM conversations I had.</b></p> <p>6 (Torres Exb. No. 4 was marked.)</p> <p>7 Q. (By Mr. Berg) I'm going to hand you what I've</p> <p>8 marked as Exhibit 4 to your deposition and ask if you</p> <p>9 recognize that document.</p> <p>10 <b>A. These are the interrogatories and requests for</b></p> <p>11 <b>production. Yes, I do recognize this.</b></p> <p>12 Q. Okay. Those are the responses to the requests</p> <p>13 for production and interrogatories that were served on</p> <p>14 you; correct?</p> <p>15 <b>A. Correct.</b></p> <p>16 Q. These are your answers to that.</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. And you'll see that there are a number of</p> <p>19 requests for production --</p> <p>20 <b>A. Uh-huh.</b></p> <p>21 Q. -- correct?</p> <p>22 <b>A. (Nods head affirmatively.)</b></p> <p>23 Q. And in response, you didn't produce a single</p> <p>24 document; did you?</p> <p>25 <b>A. I provided IM conversations.</b></p>
Page 54	Page 56
<p>1 employer?</p> <p>2 <b>A. Yes, I do.</b></p> <p>3 Q. When did you start working there?</p> <p>4 <b>A. I started working there, if I recall</b></p> <p>5 <b>correctly, early May 2013.</b></p> <p>6 Q. Did you receive some requests for production</p> <p>7 in this case?</p> <p>8 <b>A. Yes, I did.</b></p> <p>9 Q. Did you search for documents in response to</p> <p>10 that request?</p> <p>11 <b>A. Yes, I did.</b></p> <p>12 Q. Where did you search?</p> <p>13 <b>A. I searched IM conversations, e-mails,</b></p> <p>14 <b>etcetera, text messages, etcetera.</b></p> <p>15 Q. When you say you searched IM conversations,</p> <p>16 where did -- Where? On your work computer?</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. Okay. On a home computer?</p> <p>19 <b>A. Work computer.</b></p> <p>20 Q. Did you also search at home?</p> <p>21 <b>A. I don't use IM at home; so, no, I did not.</b></p> <p>22 Q. Did you search your e-mails?</p> <p>23 <b>A. Yes, I did.</b></p> <p>24 Q. And did you find any documents responsive to</p> <p>25 any of those requests?</p>	<p>1 Q. To your counsel?</p> <p>2 <b>A. Correct.</b></p> <p>3 Q. How many pages of IM conversations?</p> <p>4 <b>A. It was only, I think, maybe two.</b></p> <p>5 Q. And this was after a search?</p> <p>6 <b>A. Correct.</b></p> <p>7 Q. That you conducted personally?</p> <p>8 <b>A. Correct.</b></p> <p>9 Q. Did you search your phone?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. And you found nothing?</p> <p>12 <b>A. Correct.</b></p> <p>13 Q. Didn't you just testify that you received a</p> <p>14 group e-mail with that picture marked as Exhibit 3 which</p> <p>15 mentions Craig Taylor?</p> <p>16 <b>A. Correct.</b></p> <p>17 Q. But you didn't find that on your phone?</p> <p>18 <b>A. (Shakes head negatively.) It was no longer in</b></p> <p>19 <b>my messages, no.</b></p> <p>20 Q. Why not?</p> <p>21 <b>A. I don't necessarily keep my messages for very</b></p> <p>22 <b>long. I delete them on a regular basis.</b></p> <p>23 Q. So you had deleted that conversation?</p> <p>24 <b>A. Probably not long after I got the actual</b></p> <p>25 <b>message, it was probably deleted.</b></p>

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<p>1 Q. When you say "not long after," how long?</p> <p>2 A. I don't remember exact time frame. It could</p> <p>3 have been days, it could have been a week. Who knows?</p> <p>4 Q. What type of phone did you have at the time</p> <p>5 that you received that picture?</p> <p>6 A. Brand?</p> <p>7 Q. Yes.</p> <p>8 A. iPhone.</p> <p>9 Q. iPhone? Which model?</p> <p>10 A. I think it was -- The newest one is 6, so it</p> <p>11 was probably an iPhone 5.</p> <p>12 Q. Do you know whether your text messages were</p> <p>13 backed up?</p> <p>14 A. Naturally the iCloud does a sync. It syncs to</p> <p>15 whatever your most recent format of your phone is and</p> <p>16 everything; so there is a -- a back-up. I don't know</p> <p>17 how often it does it. Whenever I get on wi-fi, whatever</p> <p>18 the case may be.</p> <p>19 Q. Did you search, for example, iTunes for</p> <p>20 messages that might have been responsive?</p> <p>21 A. Search iTunes? No. I don't...</p> <p>22 Q. Did you get rid of that phone?</p> <p>23 A. That phone was sold back to T-Mobile, if I</p> <p>24 recall correctly, as part of a new contract with them.</p> <p>25 Q. When?</p>	<p>1 A. There are -- Correct. There is no messages</p> <p>2 regarding Craig Taylor in my iPhone.</p> <p>3 Q. (By Mr. Berg) Because you have either deleted</p> <p>4 them or disposed of the phone that had them; correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Do you remember an e-mail from me to</p> <p>7 Melissa Moore dated December 24th, 2014, regarding</p> <p>8 Craig Taylor's receipt of that picture labeled</p> <p>9 Exhibit 3?</p> <p>10 A. Vaguely. I remember the gist of it.</p> <p>11 Q. What do you remember the gist of it being?</p> <p>12 A. Your client wasn't happy.</p> <p>13 Q. Do you remember being asked anything? Do you</p> <p>14 remember any requests contained in the e-mail that you</p> <p>15 apologize?</p> <p>16 A. I vaguely remember that request, yes. Sounds</p> <p>17 familiar.</p> <p>18 Q. You thought that was pretty funny; didn't you?</p> <p>19 A. Funny?</p> <p>20 Q. Yes.</p> <p>21 A. I wouldn't say funny.</p> <p>22 Q. What would you say?</p> <p>23 A. I -- Requiring me to apologize, you know, not</p> <p>24 going to happen.</p> <p>25 Q. Because you didn't do anything wrong.</p>
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<p>1 A. October, possibly.</p> <p>2 Q. Of 2 --</p> <p>3 A. -- of 2014. October of 2014.</p> <p>4 Q. Do you remember the exact date?</p> <p>5 A. I don't remember the exact date off the top of</p> <p>6 my head, no.</p> <p>7 Q. When you say "sold back to" them --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- did you exchange it for a new phone?</p> <p>10 A. So we switched from Verizon to T-Mobile. Part</p> <p>11 of signing on a new contract with them and getting a</p> <p>12 phone at a discounted rate, you have to send the old</p> <p>13 phone to them because -- I don't -- whatever they do,</p> <p>14 refurbish it, resell it, I don't know.</p> <p>15 Q. And so you sold it back to them and you got a</p> <p>16 new phone?</p> <p>17 A. Correct.</p> <p>18 Q. What type of new phone did you get?</p> <p>19 A. An iPhone 6.</p> <p>20 Q. All right. So if you were to search your</p> <p>21 iPhone 6, the messages which refer to Craig Taylor from</p> <p>22 2014 wouldn't be in there; right?</p> <p>23 MR. KROCK: Objection to the form of the</p> <p>24 question.</p> <p>25 You can answer.</p>	<p>1 A. Because I did not send the photo.</p> <p>2 (Torres Exb. No. 5 was marked.)</p> <p>3 Q. (By Mr. Berg) I'm going to hand you what I've</p> <p>4 marked as Exhibit 5 to your deposition.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Do you recognize that as the e-mail from me to</p> <p>7 Chanler Langham and Melissa Moore?</p> <p>8 A. I guess it's familiar. Let me read over it</p> <p>9 and make sure it's the exact one.</p> <p>10 Q. Okay.</p> <p>11 A. (Reading.) Got it. Yeah. That's it.</p> <p>12 Q. This is it?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. When did you first receive this e-mail?</p> <p>15 A. When I first -- When did I first receive it?</p> <p>16 Q. Right?</p> <p>17 A. I imagine it was the same day that it was</p> <p>18 sent. I imagine. I'm trying to recall if there was any</p> <p>19 delay between you sending that and Melissa letting me</p> <p>20 know. I don't recall if there was a delay or not.</p> <p>21 Q. Right. And I -- Here's the reason I ask. It</p> <p>22 was December 23rd, so very close to the holidays --</p> <p>23 A. Uh-huh.</p> <p>24 Q. -- 2013. I'm sure everybody's mind is on</p> <p>25 something else.</p>

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1 CAUSE NO. 2014-40964  
 2 .....  
 3 ERIC TORRES, ADAM SINN, XS : IN THE DISTRICT COURT OF  
 CAPITAL MANAGEMENT, L.P., and:  
 4 ASPIRE COMMODITIES, L.P., :  
 Plaintiffs, :  
 5  
 6 VS. : HARRIS COUNTY, TEXAS  
 7  
 CRAIG TAYLOR and ATLAS :  
 8 COMMODITIES, L.L.C., :  
 Defendants. : 157TH JUDICIAL DISTRICT  
 9 .....  
 10 REPORTER'S CERTIFICATION TO THE  
 ORAL AND VIDEOTAPE DEPOSITION OF ERIC TORRES  
 11 MARCH 6, 2015  
 12 .....  
 13 THIS TRANSCRIPT CONTAINS TESTIMONY DESIGNATED  
 14 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 15 I, Mary C. Dopico, Certified Shorthand Reporter in  
 and for the State of Texas, hereby certify to the  
 16 following:  
 17 That the witness, ERIC TORRES, was duly sworn by  
 the deposition officer and that the transcript of the  
 18 oral and videotaped deposition is a true record of the  
 testimony given by the witness;  
 19 That the deposition transcript was submitted on  
 \_\_\_\_\_ to the witness or to the attorney  
 20 for the witness for examination, signature and return to  
 me by \_\_\_\_\_;  
 21  
 22 That the amount of time used by each party at the  
 deposition is as follows:  
 23 Mr. Kenneth M. Krock, 0 Hrs 0 Mins  
 Mr. Geoffrey Berg, 2 Hrs 20 Mins  
 24  
 25 That pursuant to information given to the  
 deposition officer at the time said testimony was taken,

Page 134

1 the following includes counsel for all parties of  
 record:  
 2  
 3 Mr. Kenneth M. Krock and Mr. Matthew M. Buschi,  
 Rapp & Krock, P.C., 3050 Post Oak Boulevard, Suite 1425,  
 Houston, Texas, 77056, Counsel for Plaintiffs.  
 4 Tel: 713/759-9977 Fax: 713/759-9967  
 E-mail: kkrock@rk-lawfirm.com  
 5 mbuschi@rk-lawfirm.com  
 6 Mr. Geoffrey Berg, Berg Feldman Johnson Bell, LLP,  
 4203 Montrose Boulevard, Suite 150, Houston, Texas,  
 7 77006, Counsel for Defendants.  
 Tel: 713/526-0200 Fax: 832/615-2665  
 8 E-mail: gberg@bfjblaw.com  
 9 I further certify that I am neither counsel for,  
 related to, nor employed by any of the parties or  
 10 attorneys in the action in which this proceeding was  
 taken, and further that I am not financially or  
 11 otherwise interested in the outcome of the action.  
 12 Further certification requirements pursuant to Rule  
 203 will be certified to after they have occurred.  
 13  
 14 Certified to by me on this the 17th day of March,  
 15 2015.  
 16   
 17 Mary C. Dopico, CSR, RPR, CRR  
 CSR No. 463, Exp. 12-31-2016  
 Notary Public, State of Texas  
 Commission Expires 1-31-2017  
 18  
 19 Court Reporters Clearinghouse  
 Firm Registration No. 62  
 Expires 12-31-2015  
 20 1225 North Loop West, Suite 327  
 Houston, Texas 77008  
 21 713/626-2629 Fax: 713/626-1966  
 22  
 23  
 24  
 25

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1 .....  
 2 FURTHER CERTIFICATION UNDER RULE 203 TRCP  
 3 .....  
 4 The deposition transcript was/was not returned to  
 the deposition officer on \_\_\_\_\_;  
 5  
 6 If returned, the attached Changes and signature  
 page contains any changes and the reasons therefor;  
 7 If returned, the original deposition was delivered  
 to MR. GEOFFREY BERG, TBA NO. 00793330, Custodial  
 8 Attorney;  
 9 That \$\_\_\_\_\_ is deposition officer's charges to  
 the counsel for Defendants for preparing the original  
 10 deposition transcript and any copies of exhibits;  
 11 That the deposition was delivered in accordance  
 with Rule 203.3, and that a copy of this certificate was  
 12 served on all parties shown herein on and filed with the  
 Clerk.  
 13  
 14 Certified to by me this the \_\_\_\_\_ day of  
 15 \_\_\_\_\_, 20\_\_\_\_.  
 16  
 17 \_\_\_\_\_  
 Mary C. Dopico, CSR, RPR, CRR  
 CSR No. 463, Exp. 12-31-2016  
 Notary Public, State of Texas  
 Commission Expires 1-31-2017  
 18  
 19 Court Reporters Clearinghouse  
 Firm Registration No. 62  
 Expires 12-31-2015  
 20 1225 North Loop West, Suite 327  
 Houston, Texas 77008  
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