

CAUSE NO. 2014-40964

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

v.

CRAIG TAYLOR and
ATLAS COMMODITIES, L.L.C.,
Defendants

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

157TH JUDICIAL DISTRICT

STATE OF NEW YORK §
§
COUNTY OF NEW YORK §


DECLARATION OF CRAIG TAYLOR

1. "My name is Craig Taylor. I am above the age of eighteen years and understand the nature and obligation of an oath. I have personal knowledge of each of the facts and statements contained within this Declaration and each of them is true and correct.
2. I am President of Atlas Commodities, LLC ("Atlas"). Atlas is an energy brokerage.
3. On December 22, 2013 at 12:06 a.m., four months after execution of the Settlement Agreement, I received a text message from Adam Sinn. The message contained no text, just a photograph of Sinn, Eric Torres, Barry Hammond (one of Sinn's lawyers), and a few other energy traders, Evan Caron, Paul Sarver, and Sean Kelly. They were standing in front of a Christmas tree—and all but Caron were extending their middle fingers at the camera. A true and correct copy of that photograph is attached as Exhibit A to Defendants' Response to Plaintiff/Counter-Defendant Eric Torres' Motion for Summary Judgment and Defendants' Response to Plaintiff/Counter-Defendants Adam Sinn, XS Capital Investments, L.P., and Aspire Commodities, L.P.'s Motion for Summary Judgment.
4. At the time the picture was taken, Caron was a trader at Mercuria Energy Group ("Mercuria"), and Kelly was a trader at E.ON Energy ("E.ON"). At that time, Atlas was doing business with both Mercuria and E.ON. Mercuria and E.ON were customers of Atlas.
5. Also at the time the picture was taken, Sarver worked for a competitor of Atlas, Bosworth.
6. Atlas was harmed by Sinn and Torres' disparagement. Shortly after the December 22, 2013



incident, Mercuria ceased doing business with Atlas.

7. On August 15, 2013, I executed a Settlement Agreement on my behalf and on behalf of Atlas, pursuant to which Atlas, James Marshall, and I agreed to pay Torres a sum of money in exchange for his return of shares in Atlas. Paragraph 27 of the agreement contained a non-assignment provision, which was material to my executing the agreement. I did not consent to Torres' assignment of his right to payment under that agreement to Sinn, nor would I have had I been asked. A true and correct copy of that Settlement Agreement is attached as Exhibit M to Defendants' Response to Plaintiff/Counter-Defendant Eric Torres' Motion for Summary Judgment and Defendants' Response to Plaintiff/Counter-Defendants Adam Sinn, XS Capital Investments, L.P., and Aspire Commodities, L.P.'s Motion for Summary Judgment.
8. My name is Craig Taylor, my date of birth is July 24, 1970, and my address is 24 East Greenway Plaza, Suite 445, Houston, TX 77046. I declare under penalty of perjury that the foregoing is true and correct."


CRAIG TAYLOR