

ERIC TORRES, ADAM SINN,  
XS CAPITAL INVESTMENTS, L.P.,  
AND ASPIRE COMMODITIES, L.P.

VS.

CRAIG TAYLOR, AND ATLAS  
COMMODITIES, L.L.C.

§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT  
  
OF HARRIS COUNTY, TEXAS  
  
157<sup>TH</sup> JUDICIAL DISTRICT

Eric Torres’ Response to Defendants’ First Set of  
Interrogatories and Requests For Production

TO: Defendants, Craig Taylor and Atlas Commodities, LLC, by and through his counsel of record, Geoffrey Berg and Kathryn E. Nelson, BERG FELDMAN JOHNSON BELL, LLP, 4203 Montrose Boulevard, Suite 150, Houston Texas 77006.

Plaintiff Eric Torres (“Torres”) responds and objects as follows to Defendants Craig Taylor and Atlas Commodities, LLC’s (“Defendants”) First Set of Interrogatories and Requests for Production. Torres’s responses are made based on information reasonably available to him at the time of his responses. Torres reserves the right to supplement these responses and objections.

I.  
General Objections

1. Torres objects to each instruction, definition, interrogatory or request that seeks to impose obligations inconsistent with the Texas Rules of Civil Procedure, the Local Rules of the Harris County District Court, or any Rules or Orders of the Honorable Judge Randy Wilson.

2. Torres objects to each instruction, definition, interrogatory or request to the extent it calls for disclosure of information protected by the attorney-client, work-product, or other applicable privilege(s) or exemption(s) from production, or is otherwise protected under the Texas Rules of Civil Procedure or other applicable rules. Torres reserves the right to demand the return of any privileged documents or information that may be inadvertently disclosed in



response to these requests if Torres determines that such documents or information contain or constitute privileged or protected information.

3. Torres objects to Defendants' definition of "Eric Torres" as including "any agents, employees, representatives, brokers, attorneys, advisors, or consultants." Torres responds only on behalf of himself and will only provide information and documents in his possession, custody, or control.

4. Torres objects to each request to the extent it calls for the production of publicly available documents or documents equally available to Defendants.

5. Torres objects to these requests to the extent they seek production of confidential or proprietary information. Subject to this objection, Torres will designate information as Confidential and produce it subject to a Protective Order when such has been issued by the Court.

6. Torres objects to each interrogatory, request, definition, and instruction to the extent it seeks the production of documents or information which are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence.

7. Torres objects to each instruction, definition, interrogatory, and request to the extent it seeks information outside of Torres's custody, control or knowledge.

8. Torres objects to each interrogatory to the extent it purports to require an exhaustive response before completion of discovery.

9. Torres's responses represent its present personal knowledge after reasonable inquiry. Torres reserves the right to assert additional objections to these interrogatories and requests as appropriate and to update, modify or supplement these objections and responses pending the outcome of further investigation and discovery.

10. Torres objects to Definition No. 7 as oppressive and unduly burdensome to the extent it purports to impose requirements beyond those imposed by applicable law. Torres further objects to Definition No. 7 as vague, ambiguous, and overbroad. Torres will construe “communication” consistent with its everyday meaning.

11. Torres objects to Definition No. 8 as oppressive and unduly burdensome to the extent it purports to impose requirements beyond those imposed by applicable law. Torres further objects to Definition No. 8 as vague, ambiguous, and overbroad. Torres will construe “document” consistent with its everyday meaning.

12. Torres objects to Definition No. 9 as oppressive and unduly burdensome to the extent it purports to impose requirements beyond those imposed by applicable law. Torres further objects to Definition No. 9 as vague, ambiguous, and overbroad. Torres will construe “person” consistent with its everyday meaning.

13. Torres objects to Definition No. 11 as oppressive and unduly burdensome to the extent it purports to impose requirements beyond those imposed by applicable law. Torres further objects to Definition No. 11 as vague, ambiguous, and overbroad. Torres will construe “relating,” “relate,” “referring,” and “refer” consistent with their everyday meanings.

14. When Torres responds by stating it has produced or will produce responsive documents, it does not mean that responsive documents exist. It simply means that Torres has made or is making a reasonably diligent search for responsive documents. Further Torres will only produce documents that are in its custody, control or possession and subject to any limitations imposed by this Court’s or another court’s orders. Torres objects to Defendants’ Definitions, Instructions and Requests to the extent they seek documents, or contemplate the production of documents, in the possession of a third party.

15. The production of documents or information in response to these document requests is not intended to waive, and does not waive, any objection to the relevance or admissibility of any such documents or information.

16. To the extent Torres declines or refuses to produce documents or information in response to any interrogatory or request, it is prepared to meet and confer regarding the scope of that request to see if the request can be acceptably narrowed or the concerns of Torres can be otherwise resolved.

17. In its responses to particular interrogatories and document requests, Torres may repeat one or more General Objections. The failure to repeat a General Objection does not waive such General Objection as to that interrogatory or document request. Instead, each General Objection should be understood to be made as to each interrogatory or document request unless otherwise stated.

18. Torres incorporates each of the foregoing General Objections into each response to the individually numbered interrogatories and requests, which are made subject to and without waiving these General Objections.

Subject to and without waiving these general objections and any specific objections below, Plaintiffs respond as follows:

II.  
Answers to Interrogatories

Interrogatory No. 1:

Identify each person answering these interrogatories, supplying information for, or assisting in any way with the preparation of the answers to these interrogatories.

Response:

In addition to the General Objections, Torres objects to this Interrogatory to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on nonprivileged information. Torres further objects to this interrogatory as vague, compound, and unduly burdensome. Subject to the foregoing objections, Torres responds as follows: Eric Torres.

Interrogatory No. 2:

Identify all persons to whom you sent the photograph attached as Exhibit A to Defendants' Original Counterclaim.

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Subject to the foregoing objections, Torres responds as follows: None.

Interrogatory No. 3:

Identify the method by which you sent the photograph attached as Exhibit A to Defendants' Original Counterclaim to each person identified in the preceding Interrogatory, including but not limited to the phone number, email address, instant message handle, social media handle, or mailing address of each recipient.

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Subject to the foregoing objections, Torres responds as follows: None.

Interrogatory No. 4:

Identify any other means or methods by which you published the photograph attached as Exhibit A to Defendants' Original Counterclaim, including but not limited to electronic means or methods.

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Subject to the foregoing objections, Torres responds as follows: None.

Interrogatory No. 5:

Identify by full name, address, telephone number, email address, and business affiliation every person you knew as "Craig Taylor" as of December 24, 2013.

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Torres further objects to the extent that this interrogatory is more properly directed at a person or entity other than Torres. Torres reserves the right to amend this response pending the decision of the Court concerning the scope of allowable discovery.

Interrogatory No. 6:

Identify every person with whom you have discussed the settlement agreement made the basis for this lawsuit. Include in your answer the substance of the conversation, the date the conversation occurred, and the reason for the conversation.

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Torres further objects to the extent that this interrogatory is more properly directed at a person or entity other than Torres. Torres reserves the right to amend this response pending the decision of the Court concerning the scope of allowable discovery.

Interrogatory No. 7:

Where was the photograph attached as Exhibit A to Defendants' Original Counterclaim taken?

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Subject to the foregoing objections, Torres responds as follows: Adam Sinn's home in Houston, TX.

Interrogatory No. 8:

Identify every person visible in the photograph attached as Exhibit A to Defendants' Original Counterclaim.

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections, Torres responds as follows: Adam Sinn, Dave Schmidli, Evan Caron, Barry Hammond, Eric Torres, Paul Sarver, Sean Kelly.

Interrogatory No. 9:

Describe in detail the conversation which took place immediately before and after the photograph attached as Exhibit A to Defendants' Original Counterclaim was taken. Identify in your answer the speaker of each statement you describe.

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Torres further objects to the extent that this interrogatory is more properly directed at a person or entity other than Torres. Torres reserves the right to amend this response pending the decision of the Court concerning the scope of allowable discovery.

Interrogatory No. 10:

Was the name "Craig Taylor" mentioned within one hour of the photograph attached as Exhibit A to Defendants' Original Counterclaim being taken by anyone depicted in the photograph? If so, what was said, and by whom?

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Torres further objects to the extent that this interrogatory is more properly directed at a person or entity other than Torres. Torres reserves the right to amend this response pending the decision of the Court concerning the scope of allowable discovery.

Interrogatory No. 11:

Have you deleted, destroyed or otherwise disposed of any document or communication containing the photograph attached as Exhibit A to Defendants' Original Counterclaim created, sent or received between December 21, 2013 and the present? If so, describe the thing deleted, destroyed or otherwise disposed of, your reason(s) for such destruction, and the date such destruction took place.

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Torres further objects to the extent that this interrogatory is more properly directed at a person or entity other than Torres. Torres reserves the right to amend this response pending the decision of the Court concerning the scope of allowable discovery.

Interrogatory No. 12:

Have you deleted, destroyed or otherwise disposed of any document or communication containing any reference to Craig Taylor or Atlas created or received between August 14, 2013 and the present? If so, describe the thing deleted, destroyed or otherwise disposed of, your reason(s) for such destruction, and the date such destruction took place.

Response:

In addition to the General Objections, Torres objects to this interrogatory as overbroad, unduly burdensome, harassing, and not reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to this interrogatory as vague, compound, and outside the scope of disputed issues. Torres further objects to the extent that this interrogatory is more properly directed at a person or entity other than Torres. Torres reserves the right to amend this response pending the decision of the Court concerning the scope of allowable discovery.



III.  
Response to Requests for Production

Request for Production No. 1:

Produce all documents or communications sent to, received from, or created by you mentioning, relating, or referring to the photograph attached as Exhibit A to Defendants' Original Counterclaim.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 2:

Produce all contact information for every person you knew as "Craig Taylor" between December 21, 2013 and December 24, 2013.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 3:

Produce all communications between you and Adam Sinn between August 15, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the

work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 4:

Produce all communications between you and Evan Caron between August 15, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 5:

Produce all communications between you and Paul Sarver between August 15, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 6:

Produce all communications between you and Sean Kelly between August 15, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Requests seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 7:

Produce all communications between you and Joonsup Park between August 15, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Requests seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 8:

Produce all communications between you and David Schmidli between August 15, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Requests seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 9:

Produce all communications in your possession, custody or control between August 15, 2013 and the present that, directly or indirectly, mention, relate, or refer to Craig Taylor. This request includes but is not limited to communications sent by you and those received by you.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 10:

Produce all communications between you and any Craig Taylor who is not the Craig Taylor named in this lawsuit between August 15, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 11:

Produce all communications in your possession, custody or control between August 15, 2013 and the present that, directly or indirectly, mention, relate, or refer to Atlas. This request includes but is not limited to communications sent by you and those received by you.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the

work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 12:

Produce all communications in your possession, custody or control which say “Happy Holidays from Atlas” sent by you between December 21, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 13:

Produce all communications in your possession, custody or control which say “Happy Holidays from Aspire” sent by you between December 21, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Request seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 14:

Produce all communications in your possession, custody or control which say “Happy Holidays from Atlas” sent to you between December 21, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Requests seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 15:

Produce all communications in your possession, custody or control which say “Happy Holidays from Aspire” sent to you between December 21, 2013 and the present.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Requests seeks the production of confidential and personal information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Request for Production No. 16:

Produce all communications in your possession, custody or control which contain or refer to the photograph attached to Defendants’ Original Counterclaim as Exhibit A.

Response:

In addition to the General Objections, Torres objects to this Request to the degree that it calls for information protected by the attorney-client privilege, attorney-expert privilege, or the work-product doctrine. Torres will respond only based on non-privileged information. Torres further objects to the extent this Requests seeks the production of confidential and personal

information and documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Torres further objects to the extent this Request seeks the production of confidential business and personal records of individual energy traders, brokers, and competitors who must keep client contacts confidential. Torres further objects to this Request as vague, compound, and outside the scope of the disputed issues.

Dated: September 22, 2014

Respectfully submitted,

SUSMAN GODFREY L.L.P.

By:

*Chanler A. Langham by permission*  
*Karen Allen*  
Chanler A. Langham  
State Bar No. 24053314  
[clangham@susmangodfrey.com](mailto:clangham@susmangodfrey.com)  
1000 Louisiana Street, Suite 5100  
Houston, TX 77002-5096  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666

*Attorneys for Eric Torres, Adam Sinn,  
XS Capital Investments, L.P. and  
Aspire Commodities, L.P.*

**CERTIFICATE OF SERVICE**

This is to certify that on this the 22nd day of September, 2014, a true and correct copy of the above and foregoing instrument was properly forwarded to the following counsel of record in accordance with Rule 21 of the Texas Rules of Civil Procedure as indicated below:

Geoffrey A. Berg  
[gberg@bfjblaw.com](mailto:gberg@bfjblaw.com)  
Kathryn E. Nelson  
[knelson@bfjblaw.com](mailto:knelson@bfjblaw.com)  
BERG FELDMAN JOHNSON BELL, LLP  
4203 Montrose Boulevard, Suite 150  
Houston, Texas 77006

*Chanler A. Langham by permission*  
Chanler A. Langham  
*Karen Allen*