

EXHIBIT I

Evan Caron
August 22, 2016

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CAUSE NO. 2014-40964

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

CAUSE NO. 2015-49014

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

ORAL AND VIDEOTAPED DEPOSITION OF

EVAN CARON

August 22, 2016

Volume 1

ORAL AND VIDEOTAPED DEPOSITION OF EVAN CARON,

Volume 1, produced as a witness at the instance of the

Defendants Craig Taylor, Atlas Commodities, LLC, and

EXHIBIT I

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2 to 5

Page 2

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

~~*~*~*

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EXHIBITS

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14	(CONFIDENTIAL SINN 000230-000232)	
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****Exhibit No. 2 and Exhibit No. 4 marked confidential
 and bound under separate cover.

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A P P E A R A N C E S

1

2

3 FOR THE PLAINTIFFS:

4 Mr. Kenneth M. Krock

5 RAPP & KROCK

6 1980 Post Oak Boulevard

7 Suite 1200

8 Houston, Texas 77056

9 (713) 759-9977

10 (713) 759-9967 (Fax)

11 E-MAIL: kkrock@rk-lawfirm.com

12

13 FOR THE DEFENDANTS CRAIG TAYLOR, ATLAS COMMODITIES, LLC,

14 AND S. JAMES MARSHALL:

15 Mr. Geoffrey Berg

16 BERG FELDMAN JOHNSON BELL LLP

17 4203 Montrose Boulevard

18 Suite 150

19 Houston, Texas 77006

20 (713) 526-0200

21 (832) 615-2665 (Fax)

22 E-MAIL: gberg@bfjblaw.com

23

24 FOR THE WITNESS:

25

Mr. Richard D. Weaver (Via Telephone)

THE WEAVER LAW FIRM

1800 Bering Drive

Suite 305

Houston, Texas 77057

(713) 572-4900

(713) 626-9708 (Fax)

E-MAIL: rweaver@weaverlawyers.com

ALSO PRESENT:

Ms. Debra Austin, Videographer

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1 THE VIDEOGRAPHER: We're on the record at

2 4:56.

3 EVAN CARON,

4 having been first duly sworn, testified as follows:

5 EXAMINATION

6 BY MR. BERG:

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

8 A. Evan Caron.

9 Q. Okay. Mr. Caron, have you ever given a

10 deposition before?

11 A. No.

12 Q. Okay. This is a little bit different. So I'm

13 going to kind of set out a few guidelines -- general

14 guidelines.

15 It's not like a general conversation. You

16 have to wait for me to finish my question so the court

17 reporter can take down everything I say and then I'll

18 wait for you to finish your answer so she can take down

19 everything you say. All right?

20 A. Yes.

21 Q. Okay. And that's good. She's going to need

22 audible answers for everything. It's difficult for her

23 to record uh-huh, huh-uh, that type of thing.

24 So can you do audible answers?

25 A. Yes.

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1 Q. What about from August 2013 until
2 December 24th, 2013?
3 A. Was that the date of the --
4 Q. Well --
5 A. Yeah.
6 Q. I'm just asking if you have any specific
7 memory in that timeframe of having a conversation with
8 Adam Sinn in which Craig Taylor or Atlas came up?
9 A. I don't recall if those dates were part -- me
10 talking about Craig or Atlas during those days.
11 Q. Okay. What about Adam Sinn talking about
12 Craig Taylor or Atlas?
13 A. Again, I think -- you know, again, it's -- for
14 me to recall a text message, we -- Adam was living in
15 Puerto Rico, I believe, at the time. And so most of the
16 conversations we had were probably over text message or
17 a group message.
18 Was there a conversation? Possibly. I
19 don't recall any specific conversation regarding Craig
20 and/or Atlas.
21 Q. What about with Mr. Torres?
22 A. Again, as I mentioned earlier, I think that
23 the post settlement was not a -- was not a thing that we
24 wanted to discuss. It was just -- it's not -- you know,
25 it was not something that I wanted to talk to them

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1 A. That's Sean Kelly.
2 Q. And to your immediate left in the picture?
3 A. That's Barry Hammond.
4 Q. And to his immediate left?
5 A. Paul Sarver.
6 Q. And standing in front to his left?
7 A. That's Eric Torres.
8 Q. And standing behind to his left?
9 A. Adam Sinn.
10 Q. What are they all doing?
11 A. They're putting their middle -- middle finger
12 up.
13 Q. What does that mean?
14 A. F you.
15 Q. Okay. Very good of you to sensor yourself
16 that way. But since I think we're mostly adults here,
17 it means fuck you, right?
18 A. Generally accepted American -- yeah.
19 Q. Vernacular?
20 A. Yes.
21 Q. Okay. So do you remember this picture being
22 taken?
23 A. I was fairly inebriated. I believe it was a
24 Christmas party.
25 Q. I think that we'll be able to stipulate a

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1 about, wanted him to move on.
2 Q. Did he bring it up?
3 A. No. I don't -- he was never bitter or never
4 angry about it to me, as far as I recall.
5 Q. Did he bring it up at all?
6 A. Not to my recollection.
7 Q. Did he -- strike that.
8 Did Eric Torres tell you what he did with
9 his phone in this case?
10 A. No.
11 (Exhibit 1 marked)
12 THE VIDEOGRAPHER: (Indicating.)
13 Q. (BY MR. BERG) Mr. Caron, I am going to hand
14 you what I've marked as Exhibit 1 to your deposition.
15 Do you recognize that picture?
16 A. Yes, I do.
17 Q. Can you identify yourself in this picture?
18 A. I'm second from the left.
19 Q. The one drinking?
20 A. Yes.
21 Q. Okay. Who is the person to your right?
22 A. That's Barry Hammond.
23 Q. To -- I'm sorry.
24 A. Oh, my -- my right?
25 Q. In the picture to your right.

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1 number of facts in this case and that is one I believe
2 we'll all be able to agree on.
3 A. Yeah.
4 MR. BERG: Why don't we -- do you want to
5 change the tape?
6 THE VIDEOGRAPHER: Off the record at
7 5:54.
8 (Recess from 5:54 p.m. to 5:56 p.m.)
9 THE VIDEOGRAPHER: Back on the record at
10 5:56.
11 Q. (BY MR. BERG) Mr. Caron, the picture attached
12 as Exhibit 1 to your deposition was taken on
13 December 24th, 2013, is that right?
14 MR. KROCK: Objection, form.
15 A. I don't recall the exact date, but I'm
16 assuming that --
17 MR. BERG: 23rd.
18 MR. KROCK: Is that the date?
19 MR. BERG: What do you mean it's not the
20 date? Do you want to tell me the date or do you want me
21 to dig through here?
22 MR. KROCK: Oh, no, I don't know it off
23 the top of my head. I'm going to look and see if I have
24 it in the exhibit.
25 MR. BERG: Okay.

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1 MR. KROCK: But I know it's not the 24th,
2 because that's Christmas Eve.
3 Q. (BY MR. BERG) 23rd. December 20 -- did I
4 say -- December 23rd, 2013, is that right?
5 A. If that's the time stamp, then, yes, that's --
6 that's -- that's accurate.
7 Q. All right. What -- whose -- whose house is
8 this?
9 A. I believe Adam Sinn had a Christmas party. I
10 believe it's his -- his apartment.
11 Q. Why aren't you holding up your middle finger?
12 A. I wasn't instructed -- I don't know. I mean,
13 I don't -- from -- from my recollection, again I was
14 probably a handful of drinks in. I'm not an alcoholic.
15 I don't think very much. Christmas parties and special
16 events I tend to indulge myself a bit. But I don't
17 believe it was an -- it was like an impromptu thing. I
18 didn't think that I needed to put my middle finger up.
19 Q. What was the purpose, as you understood it, at
20 the time of the others putting their middle finger up?
21 A. From my memory, again, I -- I think it was
22 just being -- everyone was being funny. I think there's
23 multiple pictures. We used to do it all the time. I
24 mean, these guys used to do it all the time. Kind of
25 like, Hey, you know. If you look at Sean Kelly, he --

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1 if the lawsuit was over at the time, and I believe it
2 was, you know, things are settled and, you know, big
3 boys move on.
4 Q. (BY MR. BERG) Did you do business with
5 Craig Taylor at that time?
6 A. I believe I was not allowed to.
7 Q. Why?
8 A. Craig Taylor informed the broker that I talked
9 to that I was not allowed to transact with them.
10 Q. Which broker?
11 A. Alex Molinas.
12 Q. And what did he tell him?
13 A. I was not allowed to do business with Alex.
14 Q. That you personally?
15 A. Me personally was not allowed to do business
16 with Alex.
17 Q. When did he tell you that?
18 A. Sometime when I was working at Mercuria, post
19 lawsuit.
20 Q. When the lawsuit was over?
21 A. Yes. Atlas had good markets and I wanted
22 to -- I thought it was over, but, hey, you know,
23 everybody settled and time to get back to -- back to
24 business. I believe it was Alex Molinas and Johnny -- I
25 don't remember his last -- Gonzales. Johnny Gonzales?

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1 he -- I think every picture on his Facebook has him
2 putting the middle finger up. He's not saying F you to
3 the world. It's just -- it's a thing guys do.
4 Q. Had you been discussing Craig Taylor before
5 this picture?
6 (Phone interruption)
7 MR. BERG: Is that you?
8 MR. KROCK: May have been.
9 Q. (BY MR. BERG) Had you been discussing
10 Craig Taylor before this picture was taken?
11 A. No.
12 Q. Had you been discussing Atlas when this
13 picture was taken?
14 A. No.
15 Q. Had you been discussing James Marshall when
16 this picture was taken?
17 A. No.
18 Q. At the point this picture was taken, do you
19 recall what your general impression of Craig Taylor was?
20 A. I didn't -- I mean, he wasn't on my mind. It
21 wasn't -- I didn't think about Craig Taylor.
22 Q. Neg- -- not negative, not positive?
23 MR. KROCK: Objection to form.
24 A. Skewed negative considering what had happened.
25 But at -- you know, when lawsuit was over or whatever --

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1 I don't remember his last name. Johnny.
2 Q. Did they tell you this in writing?
3 A. I believe so. I believe it was -- I believe
4 it was on IM.
5 Q. An instant message?
6 A. Yeah -- yes.
7 Q. And the instant message, as you recall it,
8 said, We are no longer allowed to do business with you?
9 MR. KROCK: Objection, form.
10 A. I -- again, the exact message was not, We're
11 not allowed to do business with you, but the exact
12 message from my -- again, general message was, We're not
13 doing business with you. So take it up with Craig or
14 something of that mat- -- of that effect. If you want
15 to do business, take it up with Craig. But both Johnny
16 and Alex were not going to show me any markets.
17 Q. (BY MR. BERG) Had you asked them to?
18 A. I did.
19 Q. And did you report this to others at Mercuria?
20 A. No.
21 Q. You kept that to yourself?
22 A. Yeah. I just -- I assumed that Craig was
23 holding a grudge and I didn't -- didn't think anything
24 of it. It sucked and there's eight other brokers at the
25 time and just part of my -- part of how I did business.

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<p>1 MR. BERG: Object to the form. 2 A. Nothing specific. 3 Q. (BY MR. KROCK) Okay. And -- and certainly if 4 there was something significant that they said about 5 Atlas or -- and "they" being Eric Torres or Mr. Adam 6 Sinn -- if there was something significant that Mr. Sinn 7 or Mr. Torres said about Eric -- about Craig Taylor or 8 James Marshall or Atlas, you would remember that, 9 wouldn't? 10 MR. BERG: Object to the form. 11 A. Yeah, depending on how -- how substantial 12 information was. 13 Q. (BY MR. KROCK) If it was something that had 14 an effect on your opinion of Mr. Taylor, you would 15 remember that? 16 A. I would. 17 Q. Okay. And if it had an effect on your opinion 18 of Mr. Marshall, you -- you'd remember that? 19 A. If it was significant enough, yes. 20 Q. And then if it had -- or if it had an effect 21 on your opinion of Atlas, you would remember that? 22 A. Yes. 23 Q. Okay. And as we sit here today, do you recall 24 any disparaging comment or any comment whatsoever that 25 Mr. Sinn or Mr. Torres made about Atlas, Craig Taylor or</p>	<p>1 James Marshall that had any effect on your opinion on 2 him? 3 A. Not from them specifically -- 4 Q. Okay. 5 A. -- or directly. Sorry. 6 Q. Okay. Let me maybe ask it a little bit 7 differently. 8 Did anything that Mr. Torres or Mr. Sinn 9 ever say to you, communicate to you by text, any -- or 10 any other way have any effect on your opinion of 11 Mr. Taylor or Mr. Marshall or Atlas's reputation? 12 A. No. 13 Q. Okay. Did anything that Mr. Torres or 14 Mr. Sinn say or do affect whether or not you did 15 business with Atlas, Mr. Marshall or Mr. Taylor? 16 A. Nothing they said. 17 Q. Okay. Anything that they did affect -- 18 A. Nothing that they did. 19 Q. Okay. My understanding was -- 20 MR. BERG: I'm sorry. Who's the "they"? 21 I think that's unclear. 22 MR. KROCK: Oh, sure. Sure. 23 Q. (BY MR. KROCK) Did Mr. Sinn or Mr. Torres say 24 or do anything to you that affected your -- affected 25 whether or not you did business or continued to do</p>
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<p>1 business with Atlas, Mr. Marshall or Mr. Taylor? 2 A. No, nothing outside the lawsuit. 3 Q. Okay. And -- 4 A. The first lawsuit. 5 Q. The first lawsuit. 6 And I believe that what you had said 7 before was that you had discovered that in the petition 8 in that lawsuit that your name was actually mentioned in 9 that lawsuit? 10 A. Yes. 11 Q. And that was a lawsuit that was filed by 12 Atlas -- by Mr. Taylor? 13 A. I believe so. 14 Q. All right. So Mr. Taylor and -- and/or Atlas 15 made the decision to put your name into a public 16 document that -- a petition in a lawsuit? 17 A. I believe so. 18 Q. Okay. And I -- do I understand you -- can you 19 recall the specific allegations that were made in that 20 lawsuit? 21 A. Not -- not specifically. I'm sure that 22 there's -- there are -- I mean, it's public record, so 23 I'm assuming that it's out there somewhere. But, no, I 24 don't specifically recall. I just remember it not being 25 pleasant.</p>	<p>1 THE WITNESS: I think she has -- 2 MR. KROCK: Okay. Let me change the 3 tape. Sure. 4 THE VIDEOGRAPHER: Off the record at 5 7:06. 6 (Recess from 7:06 p.m. to 7:08 p.m.) 7 THE VIDEOGRAPHER: Back on the record at 8 7:08. 9 Q. (BY MR. KROCK) You mentioned a couple of 10 names before. Alex Molina (sic), does that person or 11 did that person work at Atlas? 12 A. I believe -- I believe so, yeah. They were -- 13 I believe they're a broker. Again, I could be wrong 14 with the last name specifically, but Alex worked at -- 15 at Atlas. 16 Q. Okay. And then there was a Johnny that worked 17 at Atlas? 18 A. Johnny, yeah. I think his last name is 19 Gonzales. 20 Q. Okay. And so did I understand your testimony 21 before that Alex and/or Johnny sent an instant message 22 to you on behalf of Atlas saying that you were not to -- 23 going to be able to do business with Atlas? 24 A. I think I originally messaged Alex or Johnny 25 said, Hey, are you guys -- can you guys start showing me</p>

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1 CAUSE NO. 2014-40964
2 ERIC TORRES, ADAM SINN,) IN THE DISTRICT COURT
3 XS CAPITAL MANAGEMENT,)
4 L.P., and ASPIRE)
5 COMMODITIES, LP.,)
6 Plaintiffs)
7 VS.) HARRIS COUNTY, TEXAS
8 CRAIG TAYLOR and ATLAS)
9 COMMODITIES, L.L.C.,)
10 Defendants) 157TH JUDICIAL DISTRICT

11 CAUSE NO. 2015-49014
12 ERIC TORRES,) IN THE DISTRICT COURT
13 Plaintiff)
14 VS.) HARRIS COUNTY, TEXAS
15 S. JAMES MARSHALL)
16 Defendant) 157TH JUDICIAL DISTRICT

17 REPORTER'S CERTIFICATION
18 ORAL AND VIDEOTAPED DEPOSITION OF
19 EVAN CARON
20 August 22, 2016
21 Volume 1

22 I, Julie A. Jordan, Certified Shorthand Reporter in
23 and for the State of Texas, hereby certify to the
24 following:
25 That the witness, EVAN CARON, was duly sworn by the
26 officer and that the transcript of the oral deposition
27 is a true record of the testimony given by the witness;

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1 Certified to by me this _____ day of _____, 2016.
2 *Julie A. Jordan*
3 _____
4 Julie A. Jordan, Texas CSR 3203
5 Expiration Date: 12/31/17
6 U.S. LEGAL SUPPORT
7 Firm Registration No. 344
8 701 Brazos Street
9 Suite 380, Austin Centre
10 Austin, Texas 78701
11 (512) 292-4249
12 (512) 292-3866 (Fax)

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1 That the deposition transcript was submitted on
2 _____ to Mr. Richard D. Weaver, attorney
3 for the witness, for examination, signature and return
4 to me by _____;
5 That the amount of time used by each party at the
6 deposition is as follows:
7 Mr. Kenneth M. Krock - 22 Minute(s)
8 Mr. Geoffrey Berg - 01 Hour(s):48 Minute(s)
9 Mr. Richard D. Weaver - NONE
10 That pursuant to information given to the
11 deposition officer at the time said testimony was taken,
12 the following includes counsel for all parties of
13 record:
14 Mr. Kenneth M. Krock, Attorney for Plaintiffs
15 Mr. Geoffrey Berg, Attorney for Defendants
16 Craig Taylor, Atlas Commodities, LLC, and
17 S. James Marshall
18 Mr. Richard D. Weaver, Attorney for witness
19 I further certify that I am neither counsel for,
20 related to, nor employed by any of the parties or
21 attorneys in the action in which this proceeding was
22 taken, and further that I am not financially or
23 otherwise interested in the outcome of the action.
24 Further certification requirements pursuant to
25 Rule 203 of TRCP will be certified to after they have
26 occurred.

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP
2 The original deposition was/was not returned to the
3 deposition officer on _____;
4 If returned, the attached Changes and Signature
5 page contains any changes and the reasons therefor;
6 If returned, the original deposition was delivered
7 to Mr. Geoffrey Berg, Custodial Attorney;
8 That \$ _____ is the deposition officer's
9 charges to the Defendants Craig Taylor, Atlas
10 Commodities, LLC, and S. James Marshall, for preparing
11 the original deposition transcript and any copies of
12 exhibits;
13 That the deposition was delivered in accordance
14 with Rule 203.3, and that a copy of this certificate was
15 served on all parties shown herein on and filed with the
16 Clerk.
17 Certified to by me this _____ day of _____,
18 _____, _____
19 *Julie A. Jordan*
20 _____
21 Julie A. Jordan, Texas CSR 3203
22 Expiration Date: 12/31/17
23 U.S. LEGAL SUPPORT
24 Firm Registration No. 344
25 701 Brazos Street
Suite 380, Austin Centre
Austin, Texas 78701
(512) 292-4249
(512) 292-3866 (Fax)