

# EXHIBIT K

## ADAM SINN - April 08, 2015

Page 1	Page 3
1 CAUSE NO. 2014-40964	1 EXAMINATION INDEX
2 ERIC TORRES, ADAM SINN, * IN THE DISTRICT COURT OF	2 WITNESS: ADAM SINN
3 XS CAPITAL MANAGEMENT, * EXAMINATION PAGE	
4 L.P., and ASPIRE * BY MR. BERG 4	
5 COMMODITIES, L.P., * Plaintiffs * * * * *	
6 v. * HARRIS COUNTY, TEXAS	5 SIGNATURE PAGE 102
7 CRAIG TAYLOR and ATLAS * REPORTER'S CERTIFICATION 104	
8 COMMODITIES, L.L.C., * Defendants * 157TH JUDICIAL DISTRICT	
9 .....	7
10 ORAL AND VIDEOTAPED DEPOSITION OF	8 EXHIBIT INDEX
11 ADAM SINN	
12 APRIL 8, 2015	9 EXHIBIT NO. 1
13 .....	10 Copy of text message dated December 21,
14	11 2013 and December 31, 2014
15 ORAL AND VIDEOTAPED DEPOSITION of ADAM SINN,	12 EXHIBIT NO. 2
16 produced as a witness at the instance of the	13 Settlement Agreement
17 Defendants, and duly sworn, was taken in the	14 EXHIBIT NO. 3
18 above-styled and numbered cause on the 8th day of	15 Photograph
19 April, 2015, from 8:43 a.m. to 11:16 a.m., before me,	16 EXHIBIT NO. 4
20 Jodi Wells, CSR, in and for the State of Texas,	17 Mobile Phone Examiner Plus Report
21 reported by machine shorthand, at the offices of	18 MMS (1323 of 2658)
22 Rapp & Krock, PC, 3050 Post Oak Boulevard, Suite 1425,	19 EXHIBIT NO. 5
23 Houston, Texas 77056, pursuant to the Texas Rules of	20 Agreed Confidentiality and Protective Order
24 Civil Procedure and the provisions stated on the record	21
25 attached hereto.	22
	23
	24
	25
Page 2	Page 4
1 A P P E A R A N C E S	1 THE VIDEOGRAPHER: Good morning. Today
2	2 is April the 8th, 2015. We're on the record at 8:43.
3 FOR THE PLAINTIFFS:	3 ADAM SINN,
4 Mr. Matthew M. Buschi	4 having been duly sworn, testified as follows:
5 Ms. Terri S. Morgan	5 EXAMINATION
6 Rapp & Krock, PC	6 BY MR. BERG:
7 3050 Post Oak Boulevard, Suite 1425	7 Q. Good morning.
8 Houston, Texas 77056	8 A. Good morning.
9 Telephone: 713-759-9977	9 Q. Could you state your name for the record,
10 Facsimile: 713-759-9967	10 please?
11 Email: Mbuschi@rk-lawfirm.com	11 A. Adam Sinn.
12 Email: Tmorgan@rk-lawfirm.com	12 Q. Mr. Sinn, have you given a deposition before?
13	13 A. I have.
14	14 Q. Okay. How many times?
15 ALSO PRESENT:	15 A. Just once.
16 Mr. Craig Taylor	16 Q. In which case?
17 Mr. Terry Harrison, Videographer	17 A. A case involving work -- or an oil well
18	18 dispute.
19	19 Q. Okay. When was that?
20	20 A. Last fall.
21	21 Q. What was the caption of the case? Who were the
22	22 parties?
23	23 A. A company called Orca and a company called
24	24 Matador and then myself.
25	25 Q. Are you a plaintiff or a defendant in that

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

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<p>1 Q. Why did you do that?</p> <p>2 A. I don't recall. At the time, I was</p> <p>3 intoxicated.</p> <p>4 Q. Who else did you send the picture to?</p> <p>5 A. The -- the -- I don't know. There was a list</p> <p>6 that we produced. That list of people is who I sent it</p> <p>7 to.</p> <p>8 Q. Well, you sent it to everyone in the picture,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And you sent it to Chanler Langham?</p> <p>12 A. Correct.</p> <p>13 Q. Did you ever send it with the tag line "Happy</p> <p>14 Holidays Atlas"?</p> <p>15 A. I don't recall.</p> <p>16 Q. Did you ever send it with the tag line "Happy</p> <p>17 Holidays Aspire"?</p> <p>18 A. I don't recall.</p> <p>19 Q. You know that when Mr. Taylor received it I</p> <p>20 sent an email to Chanler Langham and Melissa Moore who</p> <p>21 used to represent Mr. Torres, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Asking for an apology and for you and</p> <p>24 Mr. Torres to leave him alone. Do you recall that?</p> <p>25 A. I recall an email. Yeah.</p>	<p>1 after the picture was taken?</p> <p>2 MR. BUSCHI: Object to the form.</p> <p>3 A. We were not.</p> <p>4 Q. (By Mr. Berg) Did you say anything about</p> <p>5 Atlas?</p> <p>6 A. No, sir.</p> <p>7 Q. Did anyone else?</p> <p>8 A. Not that I recall.</p> <p>9 Q. But you know you didn't?</p> <p>10 A. I know I did not.</p> <p>11 Q. You know you didn't say anything about Craig</p> <p>12 Taylor?</p> <p>13 MR. BUSCHI: Object to the form.</p> <p>14 A. At my party?</p> <p>15 Q. (By Mr. Berg) When that picture was taken or</p> <p>16 at your party.</p> <p>17 A. I don't recall.</p> <p>18 (Ms. Morgan entered the room)</p> <p>19 MR. BUSCHI: This is another attorney at</p> <p>20 the firm, Terri Morgan.</p> <p>21 MR. BERG: All right. Why don't we take</p> <p>22 a break? We've been going about an hour.</p> <p>23 MR. BUSCHI: Sure</p> <p>24 THE VIDEOGRAPHER: Off the record. The</p> <p>25 time is 9:29.</p>
<p>Page 42</p> <p>1 Q. Do you recall that those were the requests that</p> <p>2 were made?</p> <p>3 A. I recall something to the effect that you guys</p> <p>4 wanted an apology from all of us and -- or each of us</p> <p>5 individually and to leave you alone or something, I</p> <p>6 think, to the effect.</p> <p>7 Q. And you thought that was pretty funny, didn't</p> <p>8 you?</p> <p>9 A. What?</p> <p>10 Q. That request.</p> <p>11 A. I thought it was pretty funny that I -- I</p> <p>12 don't -- I shouldn't say -- I didn't think it was</p> <p>13 pretty funny. I thought it was strange that</p> <p>14 considering that I sent something that I'm responsible</p> <p>15 for, you know, something that the request would come</p> <p>16 from -- or asking for an apology from multiple people</p> <p>17 in the photo.</p> <p>18 Q. So, you thought it was -- the funny part was</p> <p>19 that he wanted individual apologies?</p> <p>20 A. Correct.</p> <p>21 Q. Were you talking about Craig Taylor when you</p> <p>22 sent that picture?</p> <p>23 MR. BUSCHI: Object to the form.</p> <p>24 A. We were not.</p> <p>25 Q. (By Mr. Berg) Did you talk about Craig Taylor</p>	<p>Page 44</p> <p>1 (Brief recess)</p> <p>2 THE VIDEOGRAPHER: We're on the record.</p> <p>3 The time is 9:41.</p> <p>4 Q. (By Mr. Berg) Mr. Sinn, who is Lisa Rich?</p> <p>5 A. A friend of mine, colleague in the industry.</p> <p>6 Q. Is she a trader?</p> <p>7 A. I believe that she's a mid-marketer.</p> <p>8 Q. Mid-marketer?</p> <p>9 A. Uh-huh.</p> <p>10 Q. What does that mean?</p> <p>11 A. A mid-marketer is essentially somebody that</p> <p>12 works for a company that -- that goes out and tries to</p> <p>13 hustle up deals, transactions, whatever you want to</p> <p>14 call it, on the company's behalf.</p> <p>15 Q. Would this be like an energy retailer?</p> <p>16 A. Could be.</p> <p>17 Q. Who does she work for?</p> <p>18 A. The last I know that she was working</p> <p>19 for -- what's the name of the company? It's --</p> <p>20 it -- Eagle -- I think that she -- I don't remember</p> <p>21 what they renamed their new company, but it was the</p> <p>22 former Eagle Energy Partner guys that started the new</p> <p>23 company. I think it's Eagle something or another.</p> <p>24 Q. Okay. Is that where she worked in December of</p> <p>25 2013?</p>

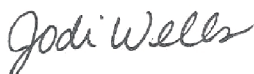
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<p>1 A. They're not in these documents. No.</p> <p>2 Q. (By Mr. Berg) Right. But they do exist, don't</p> <p>3 they?</p> <p>4 A. What exists?</p> <p>5 Q. Comments you made about Craig Taylor and/or</p> <p>6 Atlas Commodities to people other than your lawyers or</p> <p>7 Eric Torres.</p> <p>8 A. I'm not aware that any exist.</p> <p>9 Q. Well, you certainly made those comments, didn't</p> <p>10 you?</p> <p>11 MR. BUSCHI: Object to the form.</p> <p>12 A. I don't recall, but I believe I did not.</p> <p>13 Q. (By Mr. Berg) You believe you did not?</p> <p>14 A. Right.</p> <p>15 Q. No comments about Craig Taylor?</p> <p>16 A. I don't recall.</p> <p>17 Q. No comments about Atlas Commodities?</p> <p>18 A. I don't recall.</p> <p>19 Q. You know that a request was made that you</p> <p>20 simply produce a record of what was sent out and to</p> <p>21 whom long before this lawsuit was ever filed, don't</p> <p>22 you?</p> <p>23 A. I believe at some point in time you asked for</p> <p>24 the messages that I sent out in regards to Chanler's</p> <p>25 email.</p>	<p>1 Q. Well, of course, you knew that, if you had</p> <p>2 produced that material at the time, it would have been</p> <p>3 discovered that you had repeatedly breached the</p> <p>4 Settlement Agreement by disparaging Craig Taylor and</p> <p>5 Atlas Commodities; isn't that right?</p> <p>6 MR. BUSCHI: Object to the form.</p> <p>7 A. No.</p> <p>8 Q. (By Mr. Berg) You didn't disparage Craig</p> <p>9 Taylor or Atlas Commodities?</p> <p>10 A. No.</p> <p>11 Q. Calling Craig Taylor a cock blast isn't a</p> <p>12 disparaging comment?</p> <p>13 A. I think it's a funny comment.</p> <p>14 Q. So, is that a no?</p> <p>15 A. Yeah. I don't think it's -- I mean, you tell</p> <p>16 me how it's disparaging.</p> <p>17 Q. When you depose me, I will.</p> <p>18 So, there should have been some messages that</p> <p>19 say "Happy Holidays from Aspire," correct?</p> <p>20 A. There are none. That's -- this -- you're</p> <p>21 referencing Chanler's email.</p> <p>22 Q. Where are those messages that say "Happy</p> <p>23 Holidays from Aspire"?</p> <p>24 A. There are none.</p> <p>25 Q. So, when Chanler Langham told me, "The places</p>
<p>Page 62</p> <p>1 Q. And you refused to do that, correct?</p> <p>2 A. I don't think anybody refused anything. I</p> <p>3 think that we -- I'm not for sure what my attorney</p> <p>4 decided that his strategy was going to be.</p> <p>5 Q. So, you weren't familiar with what he was</p> <p>6 doing?</p> <p>7 MR. BUSCHI: Object to the form.</p> <p>8 A. Well, off the top of my head right now? I</p> <p>9 mean, not at this moment I don't recall what we were</p> <p>10 doing or he was doing.</p> <p>11 Q. (By Mr. Berg) You knew you were going to be</p> <p>12 deposed today about this, didn't you?</p> <p>13 A. What? A year and a half ago?</p> <p>14 MR. BERG: Objection; nonresponsive.</p> <p>15 Q. (By Mr. Berg) Did you or did you not know that</p> <p>16 this was a topic you were going to be deposed about</p> <p>17 today?</p> <p>18 MR. BUSCHI: Object to the form.</p> <p>19 A. What's the specific topic?</p> <p>20 Q. (By Mr. Berg) Your decision to refuse to</p> <p>21 produce requested materials that you claimed at the</p> <p>22 time would have exonerated you.</p> <p>23 A. No. I mean, I would have no idea what your</p> <p>24 legal strategy -- legal strategy is going to be before</p> <p>25 walking in here this morning.</p>	<p>Page 64</p> <p>1 where I referenced Atlas should have referenced</p> <p>2 Aspire," he was lying to me?</p> <p>3 MR. BUSCHI: Object to the form.</p> <p>4 A. I think Chanler was being a human being and</p> <p>5 made a mistake.</p> <p>6 MR. BERG: Objection; nonresponsive.</p> <p>7 Q. (By Mr. Berg) He was lying? Is that right or</p> <p>8 wrong?</p> <p>9 MR. BUSCHI: Object to the form.</p> <p>10 A. I would say he made an honest mistake, not</p> <p>11 lying.</p> <p>12 Q. (By Mr. Berg) Well, he made an honest mistake</p> <p>13 because his first story was that this picture was sent</p> <p>14 out with the tag line "Happy Holidays from Atlas,"</p> <p>15 correct?</p> <p>16 A. That's what he sent. Yes.</p> <p>17 Q. And I said: Well, that's a pretty serious</p> <p>18 problem; send me everything that went out. Recall</p> <p>19 that?</p> <p>20 A. Yes. But, I mean, as I'm reading Chanler's</p> <p>21 thing, he said: I believe the tag line is, you know,</p> <p>22 or was -- you know, he made a mistake.</p> <p>23 Q. I believe the tag line was?</p> <p>24 A. I believe the tag line was "Happy Holidays from</p> <p>25 Atlas."</p>

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1 taken, the following includes counsel for all parties  
 2 of record:  
 3 MR. BUSCHI, Attorney for Plaintiffs  
 MS. MORGAN, Attorney for Plaintiffs  
 4 MR. BERG, Attorney for Defendants  
 5 I further certify that I am neither counsel  
 6 for, related to, nor employed by any of the parties or  
 7 attorneys in the action in which this proceeding was  
 8 taken, and further that I am not financially or  
 9 otherwise interested in the outcome of the action.  
 10 Further certification requirements pursuant to  
 11 Rule 203 of TRCP will be certified to after they have  
 12 occurred.  
 13 Certified to by me this 21st day of April,  
 14 2015.  
 15  
 16   
 17  
 JODI WELLS, TEXAS CSR #6769  
 Expiration Date: 12/31/15  
 Firm Registration No. 62  
 1225 North Loop West, Suite 327  
 Houston, Texas 77008  
 Telephone: (713) 626-2629  
 21  
 22  
 23  
 24  
 25

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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP  
 2 The original deposition was \_\_\_\_\_ was not \_\_\_\_\_  
 3 returned to the deposition officer on \_\_\_\_\_,  
 4 2015;  
 5 If returned, the attached Corrections and Signature  
 6 page contains any changes and the reasons therefor;  
 7 If returned, the original deposition was delivered  
 8 to MR. GEOFFREY BERG, Custodial Attorney;  
 9 That \$ \_\_\_\_\_ is the deposition officer's  
 10 charges to the Attorney for Defendants, GEOFFREY BERG,  
 11 for preparing the original deposition transcript and  
 12 any copies of exhibits;  
 13 That the deposition was delivered in accordance with  
 14 Rule 203.3, and that a copy of this certificate was  
 15 served on all parties shown herein and filed with the  
 16 Clerk.  
 17 Certified to by me this \_\_\_\_\_ day of  
 18 \_\_\_\_\_, 2015.  
 19  
 20  
 21  
 JODI WELLS, TEXAS CSR #6769  
 Expiration Date: 12/31/15  
 Firm Registration No. 62  
 1225 North Loop West, Suite 327  
 Houston, Texas 77008  
 Telephone: (713) 626-2629  
 23  
 24  
 25