

ESTADO LIBRE ASOCIADO DE PUERTO RICO  
TRIBUNAL DE PRIMERA INSTANCIA  
SALA SUPERIOR DE BAYAMÓN

PATRICK A.P. DE MAN; MIKA DE  
MAN (A.K.A. MIKA KAWAJIRI-DE  
MAN OR MIKA KAWAJIRI); y la  
SOCIEDAD LEGAL DE BIENES  
GANANCIALES COMPUESTA POR  
AMBOS

Demandantes,

v.

ADAM C. SINN; RAIDEN  
COMMODITIES, L.P.; RAIDEN  
COMMODITIES 1 LLC; ASPIRE  
COMMODITIES, L.P.; ASPIRE  
COMMODITIES 1, LLC; SINN LIVING  
TRUST,

Demandados.

CIVIL NÚM.: D AC2016-2144 (701)

SOBRE:

INCUMPLIMIENTO DE DEBER DE  
FIDUCIA; INCUMPLIMIENTO DE  
CONTRATO DE SOCIEDAD  
LIMITADA; DAÑOS Y PERJUICIOS;  
MALA FE Y DOLO; MALA FE EN LA  
CONTRATACIÓN;  
ENRIQUECIMIENTO INJUSTO.

**MOCIÓN PARA QUE SE ORDENE AL CODEMANDADO ASPIRE  
COMMODITIES, LP PRODUCIR INFORMACIÓN SOLICITADA**

AL HONORABLE TRIBUNAL:

COMPARECE la Parte Demandante, a través de la representación legal que suscribe, y muy respetuosamente expone, alega y solicita:

1. El 14 de junio de 2018, la parte demandante cursó a Aspire Commodities, LP ("Aspire") un Primer Pliego de Interrogatorios y Solicitud de Producción de Documentos. (Véase el Anejo 1 de esta Moción). Aspire solicitó prórrogas para contestar los días 25 de julio de 2018, el 8 de agosto de 2018, 29 de agosto de 2018 y 17 de septiembre de 2018.

2. El 2 de octubre de 2018, la parte demandada finalmente sometió su contestación, objetando y/o dejando de contestar casi todos los interrogatorios sometidos. (Véase el Anejo 2 de esta Moción). De 83 interrogatorios sometidos, la parte demandada objetó y/o dejó de contestar 68.

3. La parte demandante certifica que hizo gestiones con la parte demandada para tratar de llegar a un acuerdo sobre el descubrimiento de prueba, las que resultaron infructuosas. (Véase el Anejo 3 de esta Moción).

4. Los interrogatorios que no se contestaron fueron los siguientes.<sup>1</sup>

4. En el interrogatorio 4 la parte demandante le solicitó a Aspire que identificara sus testigos. No se nos brindó ni un solo nombre. Ello es irrazonable porque Aspire presentó una reconvención. Aspire debe tener testigos identificados con relación a ésta, reclamo sobre el cual dicha parte tiene el peso de la prueba.

6. En este interrogatorio se solicitó que se anunciara la prueba documental y es parecido al inciso anterior. Aunque Aspire no tenga toda la prueba identificada, sí debe conocer la prueba en la que basa las alegaciones de su reconvención. Aspire no ofreció ningún documento.

13. En el interrogatorio 13, la parte demandante solicitó que se le enumerasen todas las categorías de socios de Aspire y que se identificaran todos los socios dentro de cada categoría, indicando la fecha en que cada entidad o individuo se convirtió en socio y si hubo. También se solicitó que se produjera copia del *Partnership Agreement* de Aspire. La Contestación no fue responsiva.

14. En este inciso, se solicitó que se produjera copia del *Partnership Agreement* de Aspire y todas sus enmiendas. La parte demandada se rehusó a producirlo.

15. En el inciso 15, la parte demandante solicitó que se le produjera copia de todos los contratos y/o acuerdos existentes entre los accionistas y/o socios de Aspire. La parte demandada se negó a producirlos.

16. En el interrogatorio 16, la parte demandante solicitó que se le proveyera una relación de las partidas de daños reclamadas por Aspire en su reconvención, así como otra información relacionada con este tema. Aspire se negó.

19. En el interrogatorio 19 se solicitó que se enumeraran las responsabilidades del demandante con Aspire para el período indicado. No se proveyeron.

20. En el requerimiento 20, se solicitó que Aspire produjera sus planillas estatales desde 2011 al presente. (El demandante produjo le sus planillas a Aspire.) Las planillas de Aspire son pertinentes a la reclamación del demandante para rasgar el velo corporativo, porque ayudarán a demostrar que el Sr. Sinn y Aspire mezclan sus patrimonios. Aspire no produjo las planillas.

21. Aspire dijo que Adam Sinn era un "key person". La parte demandante solicitó que se le aclarara ese término y que se aclarase la relación de Aspire con Raiden Commodities, LP, Raiden Commodities 1, LLC y Sinn Living Trust (a/k/a Gonemaroon Living Trust). La parte demandada no contestó.

22. La parte demandante solicitó que Aspire produjera sus formularios K-1 de Aspire hasta el presente. Aspire sólo incluyó las del demandante para algunos años. La parte demandante insistió en que se le produjeran todas. Aspire se rehusó.

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<sup>1</sup> Se solicita del Tribunal que tome conocimiento del texto de cada interrogatorio y su respuesta, los que surgen de los Anejos 1 y 2. Para fines de economía judicial, resumimos la controversia existente con relación a cada inciso.

23. En este interrogatorio, la parte demandante solicitó que se le produjera el *General Ledger* de Aspire, el que es pertinente para establecer la forma en que opera la empresa y para establecer la reclamación de la parte demandante para rasgar el velo corporativo. Aspire se negó a producirlo.

24. En el interrogatorio 24, la parte demandante solicitó que se le proveyera una lista de todos los empleados y agentes de Aspire, así otra información relacionada con éstos. Aspire se negó.

25. En el interrogatorio 25 se solicitó que se brindara una relación con relación a ciertos equipos electrónicos, propiedad intelectual y secretos comerciales que Aspire alega fueron apropiados por el demandante. Aspire no contestó.

26. En el interrogatorio 26, se solicitó que se produjeran las comunicaciones entre Aspire y el demandante de 2011 al presente son todas pertinentes. La parte demandante entiende que no se trata de un número excesivo de escritos. Aspire se negó a producirlos.

27. En el interrogatorio 27, se solicitó que se produjeran las comunicaciones entre Adam Sinn y Aspire para el período pertinente. Al igual que en el caso del demandante, entendemos que no se trata de un número excesivo de escritos. Aspire se negó a producirlos.

29. En el inciso 29, se solicitó que se explicaran los términos del contrato entre Aspire y la parte demandante. Aspire no contestó.

30. En el inciso 30 se solicitó que se identificaran quiénes han sido los abogados de Aspire desde 2011 y que se indicase cuál o cuáles de ellos participaron en las discusiones sobre la contratación del demandante. Esta información es pertinente para establecer que todas las empresas funcionan con los mismos asesores. Aspire se negó a contestar.

31. Este interrogatorio es parecido al anterior. Se solicitó que se identificaran quiénes han sido los contadores de Aspire desde 2011 y que se indicase cuál o cuáles de ellos participaron en la preparación de planillas para el demandante. No se contestó.

32. Aspire alegó en su reconvencción que el demandante publicó comunicaciones en el internet, perjudiciales a dicha empresa. La parte demandante solicitó que se le identifiquen y provean copia de las supuestas comunicaciones. Aspire se negó a contestar.

33. En el interrogatorio 33, se solicitó que se produjera copia del expediente de empleo del demandante. Aspire se negó.

34. En el inciso 34, se solicitó que se produjera copia de todos los contratos otorgados entre Aspire y los otros codemandados. Aspire se negó.

36. En el inciso 36, el demandante solicitó que se le proveyera una lista de todas las ventas que él hizo a beneficio de Aspire. Aspire se negó.

37. En el inciso 37, se solicitó que se produjeran los documentos relacionados con la organización y establecimiento de Aspire. Se produjeron sólo algunos.

38. En este interrogatorio, se solicitó que se produjeran los documentos relacionados con cualquier traslado de Aspire. No se contestó. Hemos informado, sin embargo, que Aspire fue terminada. La parte demandada no ha indicado si se estableció alguna otra corporación para sustituirla y no ha aclarado si los activos de Aspire fueron transferidos a alguna otra entidad.

39. En este interrogatorio, la parte demandante solicitó que se le produjera copia de los contratos de empleo suscritos por Aspire con sus otros empleados. Aspire se negó.

40. En el interrogatorio 40, la parte demandante solicitó a Aspire que explicara la manera en que Aspire se capitalizó desde 2011 al presente. Esta información es pertinente al caso. La contención del demandante es que él participó en la capitalización a través de la retención de los ingresos que le correspondían. Esto es, el demandante alega que él aportó capital a la operación de Aspire. Aspire se negó a contestar.

42. En el interrogatorio 42, se solicitó que se aclarase la forma en que el Sr. Sinn aportó fondos de forma indirecta a Aspire y otra información. La parte demandada no la proveyó.

43. En el inciso 43, se solicitó que se aclarasen las cantidades anuales aportadas por Aspire Commodities, LLC y Rural Route 3 Holdings, LLC para el período en cuestión, y que se nos explicara la diferencia entre Rural Route Holdings, LLC y Rural Route 3 Holdings, LP. Aspire no contestó.

44. El demandante alega que él es socio en Aspire. En este interrogatorio, solicitó que se le ofreciera una relación de los beneficios y distribuciones que recibieron los socios de la empresa. Aspire se negó a contestar.

45. En este inciso, se solicitó que se informaran los beneficios acumulados (y no pagados) por los socios de Aspire desde 2011. Aspire se negó a producir esta información.

46. En este interrogatorio, se solicitó que se informaran los beneficios y dividendos pagados por Aspire a sus socios desde 2011 hasta el presente. Aspire no contestó.

47. En el interrogatorio 47, se solicitó que se produjeran los estados financieros de Aspire para el período pertinente a la controversia. Aspire se negó.

48. En el interrogatorio 48, se solicitó que se ofreciera un listado de las ventas anuales de Aspire desde 2011. Esta lista es pertinente y reflejará que la entidad se capitalizaba a través de ventas y beneficios que no eran distribuidos al momento. Aspire se negó a contestar.

49. En el interrogatorio 49, se solicitó que se ofreciera una relación, en dólares, de los requerimientos diarios de colateral o crédito para las actividades de venta de valores de Aspire desde 2011 hasta el presente. Aspire no contestó.

50. El Sr. Adam Sinn prestó una declaración jurada el 2 de agosto de 2017 en la que hizo referencia a ciertas comunicaciones electrónicas. La parte demandante solicitó que se le identificaran cuáles son las comunicaciones de plataforma (i.e., *AOL Instant Messaging*, *Email*, etc.) empleadas por la empresa y que proveyera el *user name* del Sr. Sinn y sus credenciales para conectarse en la cuenta de Aspire. La parte demandada no proveyó esta información.

51. En el interrogatorio 51, se solicitó que se proveyera copia de los acuerdos de licenciamiento entre Aspire y Genscape y Pattern Recognition Technologies. Aspire se rehusó a contestar.

52. En el interrogatorio 52, se solicitó que se produjeran los estados financieros de la tarjeta de crédito Chase Ink emitida por Chase Morgan a nombre de Adam Sinn (Tarjeta 5589 8710 0459 1147). Estos estados ayudarán a demostrar que el demandado mezclaba su patrimonio con el de Aspire y que usaba la tarjeta corporativa para el pago de gastos personales. Aspire no contestó.

53. En el interrogatorio 53, se solicita que se explique cómo Aspire advino a la posesión de un archivo de Excel titulado "Bid Tool - Master\_v2012.29.xlsm". Aspire no contestó.

54. En este interrogatorio, se solicita que se explique el nombre "Capgemini Energy" en el file de propiedades del archivo mencionado en el inciso 53. Aspire no contestó.

55. En el inciso 55, se solicitó que se explique cómo Aspire advino a la posesión de otro archivo llamado "DAM THERMAL V5\_14.xlsm." Aspire no contestó.

56. Este inciso está relacionado con el anterior. Se pregunta cómo se utilizaba el archivo. No se contestó.

57. En el inciso 57 se pregunta por qué el archivo estaba rotulado "EFH Corp" bajo el inciso de Origin. Aspire no contestó.

58. En el inciso 58, se pregunta cómo Aspire advino en posesión de un archivo titulado "ERCOT\_SPPs Adam.xlsm." Aspire no contestó.

59. Este inciso está relacionado con el anterior. Se pregunta por qué el archivo fue archivado bajo el nombre "Suez Energy North America". No se contestó.

60. En el interrogatorio 60 se solicita evidencia sobre la licencia de Aspire para operar ciertos programas. No se contestó.

61. En el interrogatorio 61 se solicitaron los estados de cuenta de los *traders* de Aspire en el Intercontinental Exchange ("ICE") para los períodos de junio a agosto de 2014, 2015 y 2016. Aspire no contestó.

62. En el interrogatorio 62 se solicita que se explique el proyecto "Kueski Opportunity" en el que trabajó Aspire. Aspire se rehusó a contestar.

63. En el interrogatorio 63, se solicitó que Aspire ofreciera toda la documentación pertinente sobre servicios prestados por Lindsay Hornsby. Aspire se negó a contestar.

64. En el interrogatorio 64, se solicitó que se explicara el propósito del folder "Jana PR" en la cuenta de "Dropbox for Business" de Aspire. Este interrogatorio no se contestó.

65. En el interrogatorio 65, se solicitó que se produjera toda la documentación existente con relación prestados a Aspire por Jana Frederick. No se contestó.

66. En el interrogatorio 667, se solicitan los documentos que ofrezcan los detalles financieros de Aspire con sus *clearing firms* para 2012, incluyendo el tiempo y magnitud de sus *margin calls*. Las necesidades de capital de Aspire son pertinentes al examen de la forma en que las distintas empresas del Sr. Sinn se combinaban, sin respetar la debida separación entre ellas. Además, la contención del demandante es que él participó en la capitalización de la empresa a través de la retención de los ingresos que le correspondían. Ese capital se utilizó para los *margin* o *collateral calls*. Aspire no contestó el interrogatorio.

67. En este interrogatorio, se solicita que se indique la fecha en que comenzó la relación entre Aspire y Rural Route 3 Holdings, LP y se solicita copia de los documentos. No se contestó.

68. En el interrogatorio 68, se solicitó una lista de los *traders* de Raiden desde 2011, aclarando quiénes actuaban durante cuál período. No se contestó.

69. Este interrogatorio está relacionado con el anterior. Se solicitó que se aclarara en qué capacidad actuaba la persona. No se contestó.

70. En el interrogatorio 70 se solicita documentación que demuestre la cantidad de capital de todas las entidades e individuos socios de Aspire desde 2013 hasta el presente. No se ofreció.

72. En el interrogatorio 72, se solicitó que se ofreciera copia de las pólizas del Fondo del Seguro del Estado de Aspire. No se contestó.

73. En el interrogatorio 73, se solicitaron las evaluaciones de empleados de Aspire. Naturalmente, las mismas incluirían al demandante si él hubiera sido empleado. Aspire no contestó.

74. En el interrogatorio 74, se solicitó copia de los pagos de contribución al gobierno por los empleados. (Si el demandante era empleado, Aspire venía obligado al pago de contribuciones y seguro social.) No se contestó.

75. En el interrogatorio 75, se solicitó que se proveyera la lista de gastos atribuidos a las actividades del demandante según empleados para calcular sus ingresos netos. Aspire no contestó.

76. En el interrogatorio 76, se solicitó que se produjera la documentación en poder de Aspire sobre los esfuerzos del demandante para establecer una compañía competidora, según lo alegado en la reconvención. No se contestó.

77. En la pregunta 77 se solicitó un listado de los empleados de Aspire o personas en proceso de reclutamiento, que fueron reclutados por el demandante, según lo alegado en la reconvención. Aspire no contestó.

78. En la pregunta 78 se solicita que Aspire identifique los empleados de Aspire que supuestamente recibieron llamadas amenazantes del demandante, según se alega en la reconvención. Aspire no contestó.

79. Este inciso está relacionado con el anterior. Se solicita el listado de las llamadas, incluyendo el número de donde se generó la llamada. No se contestó.

82. En el interrogatorio 64 se solicita que se provea la información que tienda a demostrar que el demandante requería la autorización del Sr. Sinn para llevar a cabo negocios sustanciales para Aspire. Aspire no contestó.

83. Aspire alegó que el demandante redujo su ritmo de trabajo. En este interrogatorio se le solicitó a la demandada documentar lo anterior. La demandada no contestó.

5. El demandante tiene derecho a que se le contesten los interrogatorios sometidos.

6. Nuestro ordenamiento concede derecho a las partes a un descubrimiento de prueba amplio y liberal. Alfonso Brú v. Trane Export, Inc., 155 D.P.R. 158, 167 (2001). El Tribunal Supremo de Puerto Rico ha aclarado que toda parte en una litigación tiene derecho a obtener antes del juicio toda la información que esté en posesión de cualquier persona y que resulte pertinente a la adjudicación de la controversia. Rivera y otros v. Banco Popular, 152 D.P.R. 140, 156 (2000).

7. Las Reglas de Procedimiento Civil dejan en manos de los abogados la tramitación de las solicitudes de descubrimiento. Rivera y otros v. Banco Popular, 152 D.P.R. a la pág. 153. La Regla 23.1(a) de las de Procedimiento Civil establece, en este sentido, que: “[l]as partes podrán hacer descubrimiento sobre cualquier materia, no privilegiada, que sea pertinente al asunto en controversia en el pleito pendiente, ya se refiera a la reclamación o defensa de cualquier otra parte, ... No constituirá objeción que la información solicitada sea inadmisibles en el juicio, siempre que exista una probabilidad razonable de que dicha información conduzca al descubrimiento de evidencia admisible.”

8. Las únicas limitaciones a este proceso es que la materia objeto del descubrimiento no sea privilegiada y que la misma sea pertinente al asunto en

controversia en el pleito. Véase, E.L.A. v. Casta, 162 D.P.R. 1, 10 (2004). El primero de estos requisitos incorpora exclusivamente los privilegios reconocidos por las reglas de evidencia, E.L.A. v. Casta, 162 D.P.R. a la pág. 10; Rivera Alejandro v. Algarín, 112 D.P.R. 830, 833 (1982).

9. En cuanto al criterio para determinar la pertinencia, éste es más amplio que el que rige en el ámbito probatorio. Véase, Rivera y otros v. Banco Popular, 152 D.P.R. as la pág. 153; Ortiz Rivera v. E.L.A., National Ins. Co., 125 D.P.R. 65, 70 (1989). Se admite el descubrimiento de todo asunto que pueda tener relación posible con la materia que es objeto del pleito, aunque no esté relacionado con las controversias específicas que han sido esbozadas por las alegaciones. Sierra v. Tribunal Superior, 81 D.P.R. 554, 573 (1959). Basta que exista una posibilidad razonable de relación con el asunto en controversia. Medina v. M.S. & D. Química de P.R., Inc., 135 D.P.R. 716, 730-731 (1994).

10. En el caso de autos, todos los interrogatorios mencionados en esta moción solicitan información pertinente a esta controversia. Hasta el momento, Aspire se niega a contestar requerimientos que son razonables.

11. Se solicita a este Tribunal que, conforme a la Regla 34.2 emita una orden contra el demandado para requerirle producir la información solicitada.

POR TODO LO CUAL, la parte demandante solicita que se le ordene a Aspire Commodities, LP producir la información solicitada.

RESPETUOSAMENTE SOMETIDA.

CERTIFICO: Haber notificado copia fiel y exacta del presente escrito al Lcdo. Alfredo F. Ramírez Macdonald ([alfredo.ramirez@oneillborges.com](mailto:alfredo.ramirez@oneillborges.com)), a la Lcda. Ana M. Rodríguez Rivera ([ana.rodriguez@oneillborges.com](mailto:ana.rodriguez@oneillborges.com)) y Lcdo. Arturo L.B. Hernández González ([arturo.hernandez@oneillborges.com](mailto:arturo.hernandez@oneillborges.com)), O'NEILL & BORGES, 250 Avenida Muñoz Rivera, Suite 800, San Juan, Puerto Rico 00918-1813.

En San Juan, Puerto Rico, a 15 de noviembre de 2018.



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CONTRATACIÓN;  
ENRIQUECIMIENTO INJUSTO.

**PRIMER PLIEGO DE INTERROGATORIOS Y  
SOLICITUD DE PRODUCCIÓN DE DOCUMENTOS**

**A: ASPIRE COMMODITIES, L.P.**  
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**De: PARTE DEMANDANTE**  
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Fecha: 14 de junio de 2018

La parte demandante, le requiere para que, de conformidad con las Reglas de Procedimiento Civil vigentes, conteste individualmente los siguientes interrogatorios y requerimientos de producción de documentos.

Los interrogatorios deben ser contestados en el término de treinta (30) días establecido por la Regla 30.1 de las de Procedimiento Civil.

Cada interrogatorio debe ser contestado por separado y bajo juramento. Los interrogatorios deberán ser contestados a cabalidad. Debe suministrarse toda la información de la que tenga conocimiento ya por conocimiento propio o por información obtenida por su representación profesional, empleados, agentes, mandatarios o representantes, o como resultado de cualquier investigación. Un interrogatorio que de otra forma sea apropiado no es necesariamente objetable porque su contestación envuelva una opinión o contención relacionada con hechos, o conclusiones de derecho.

La solicitud para la producción de documentos debe ser contestada dentro del término de quince (15) días establecido por la Regla 31.2 de las de Procedimiento Civil.

En caso de que no exista un documento específico, pero que Usted tenga la información solicitada, deberá considerar el requerimiento como un interrogatorio bajo la Regla 30 de las de Procedimiento Civil y contestarlo de conformidad.

Se le apercibe que, conforme lo dispuesto por la Regla 23.1(d) de las de Procedimiento Civil, la obligación de informar es continua y que tiene la obligación de notificar de toda información adicional que obtenga con posterioridad a la presente solicitud y que esté relacionada con este descubrimiento.

Los documentos deben ser producidos en las oficinas del suscribiente, **el miércoles, 18 de julio de 2018 a las 10:00 a.m.**

1. Con respecto a la persona que contesta este descubrimiento, provea la siguiente información:

- a. Nombre completo de la persona, y cualquier apodo por el que se le conozca.
- b. Relación con Aspire Commodities, L.P.
- c. Dirección.
- d. Teléfono.

- e. Relación de parentesco, si alguno, que tenga con los abogados en el caso o con cualquier otra persona que tenga conocimiento sobre los hechos.
2. Si alguna persona lo ayudó a contestar el interrogatorio, suministre para ella la misma información solicitada en el inciso anterior.
  3. Identifique a todas las personas que tienen conocimiento sobre los hechos de este caso y provea la dirección, teléfono y dirección de correo electrónico donde se les pueda conseguir.
  4. Identifique cada uno de los testigos que piensa utilizar en el juicio para establecer sus alegaciones, indicando los temas sobre los cuales declararán.
  5. Ofrezca un resumen del testimonio de cada testigo.
  6. Identifique y suministre copia fiel y exacta de toda la prueba documental, demostrativa o de otra índole que piensa utilizar en el juicio para establecer sus alegaciones y/o que utilizará para preparar a sus testigos. Para cada documento, indique:
    - a. Título o el epígrafe del documento, si alguno;
    - b. Fecha del documento;
    - c. Número de páginas que contiene el documento;
    - d. Propósito u objetivo del documento.
    - e. Tipo de documento. Es decir, si es una carta, memorándum, escritura, récord, informe, correo electrónico, contrato, etc.
    - f. Nombre, dirección y teléfono de la persona a quien va dirigido el documento, si alguna.
    - g. Nombre, dirección y teléfono de toda persona que suscribe, produce y/o envía el documento.
    - h. Nombre, dirección y teléfono de la persona que tiene la posesión, mediata o inmediata, del original del documento en cuestión.

i. Nombres, direcciones y teléfonos de todas y cada una de las personas que poseen y/o tienen bajo su custodia, copia del documento en cuestión.

7. Indique si ha consultado algún perito con relación a la controversia, independientemente de si piensa utilizarlo en el juicio. Para cada uno, provea la información solicitada en el apartado 6.

8. Identifique todos los testigos periciales que piensa utilizar en juicio, si alguno. Provea una copia de su respectivo *curriculum vitae* y un resumen de lo que cada uno declarará, sus opiniones y una breve expresión de las teorías, hechos, y argumentos que sostienen las mismas. Suministre copia de todo informe o reporte preparado por cada perito, independientemente de si usted piensa usarlos en el juicio de este caso.

9. Identifique toda declaración, bajo juramento o no, grabación, memorándum, nota o escrito de cualquier persona, que se relacione con los hechos que se exponen en la demanda y la contestación. De contestar en la afirmativa, suministre copia fiel y exacta de las mismas.

10. Diga si algún investigador, agente, representante, empleado o persona alguna actuando a nombre suyo ha realizado una investigación de los hechos que dan base a la Demanda y/o Contestación y/o Reconvención y/o Reconvención Enmendada. De contestar en la afirmativa, suministre el nombre completo y dirección de tales personas y su relación con la parte demandada. Produzca copia de todo informe, reporte o memorando preparado por tales personas, así como las notas, anotaciones y documentos de apoyo a cada informe, reporte o memorando.

11. Diga si usted se propone presentar como prueba admisiones realizadas por la parte demandante o cualquier representante. De contestar en la afirmativa, indique en qué consistieron las supuestas admisiones, cuándo y dónde se hicieron, su fraseología o conducta y la persona que empleará para probarlas.

12. Diga si usted se propone presentar como prueba admisiones realizadas por Aspire Commodities, L.P. o cualquier representante de ésta. De contestar en la afirmativa, indique en qué consistieron las supuestas admisiones, cuándo y dónde se hicieron, su fraseología o conducta y la persona que empleará para probarlas.

13. Enumere todas las categorías de socios de Aspire Commodities, L.P. e identifique a todos los socios dentro de cada categoría. Indique para cada uno, la proporción de su participación y cuál fue la contraprestación que hizo para adquirir su participación. Indique, además, para cada uno, la fecha en que se convirtió en socio y/o dejó de serlo.

14. Provea copia del *Partnership Agreement* de Aspire Commodities, L.P., incluyendo cualquier enmienda.

15. Provea copia de todos los acuerdos de sociedad existentes de los socios de Aspire Commodities, L.P. desde el establecimiento de dicha empresa hasta el presente.

16. Explique todas las partidas de daños reclamadas en su Reconvención y Reconvención Enmendada. Para cada una, indique la forma en que llegó a su cómputo. Someta toda la prueba documental que utilizará para probar sus daños e identifique todos los testigos que declararán sobre este tema, proveyendo un resumen de su declaración.

17. Indique si existe alguna deuda por parte de Aspire Commodities, L.P. a favor del demandante Patrick de Man. De contestar en la afirmativa, explique la fecha en que surgió, el concepto y la cantidad.

18. Diga si Aspire Commodities, L.P. o algún otro de los demandados ha retenido cantidades adeudadas al demandante Patrick de Man. De contestar en la afirmativa, diga la cantidad y el concepto y explique por qué se retuvo.

19. Enumere todas las funciones realizadas por el demandante Patrick de Man para Aspire Commodities, L.P. desde 2011 hasta la fecha de la terminación de su relación con la empresa.

20. Provea todas las planillas de contribución de ingresos para Aspire Commodities, L.P. desde 2011 al presente.

21. Explique cuál es la relación de Aspire Commodities, L.P. con:

- a. el codemandado Adam Sinn;
- b. la codemandada Raiden Commodities, L.P.;
- c. la codemandada Raiden Commodities 1, LLC;
- d. la codemandada Aspire Commodities 1, LLC; y
- e. el codemandado Sinn Living Trust (a.k.a. Gonemaroon Living Trust)

22. Provea todos los formularios K-1 preparados por Aspire Commodities, L.P. para el IRS para los años 2011 al presente.

23. Provea el *General Ledger* de Aspire Commodities, L.P. de 2011 hasta el presente.

24. Provea un listado de todos los empleados y agentes de Aspire Commodities, L.P. de 2013 al presente. Para cada uno, indique su nombre, posición, deberes, y salario anual.

25. Con relación a su alegación de que el demandante se apropió de equipo electrónico, propiedad intelectual y secretos comerciales de las partes demandadas indique:

a. la descripción de los equipos supuestamente apropiados por el demandante, pertenecientes a Aspire Commodities, L.P., así como su itinerario de depreciación ("*depreciation Schedule*").

b. la descripción de los equipos supuestamente apropiados por el demandante, pertenecientes a cualquier otro de los codemandados, así como su itinerario de depreciación ("*depreciation Schedule*").

c. la descripción de la propiedad intelectual supuestamente apropiada por el demandante, perteneciente a Aspire Commodities, L.P.

d. la descripción de la propiedad intelectual supuestamente apropiada por el demandante, perteneciente a cualquier otro de los codemandados.

e. la descripción de los secretos comerciales supuestamente apropiados por el demandante, pertenecientes a Aspire Commodities, L.P.

f. la descripción de los secretos comerciales supuestamente apropiados por el demandante, perteneciente a cualquier otro de los codemandados.

g. de existir cualquier otro activo que se alegue ha sido apropiado por el demandante, provea su descripción y la persona o empresa que resulta ser su titular.

26. Acompañe todos los correos electrónicos, cartas y mensajes cursados entre Aspire Commodities, L.P. o cualquiera de sus dueños, oficiales y empleados con el demandante desde 2011 hasta el presente.

27. Acompañe todos los correos electrónicos, cartas y mensajes cursados entre Aspire Commodities, L.P. o cualquiera de sus dueños, oficiales y empleados con el codemandado Adam Sinn desde 2011 hasta el presente.

28. Acompañe todos los borradores de acuerdos relacionados con Aspire Commodities, L.P. en los que se proponía figurar el demandante Patrick de Man preparados entre 2011 al presente.

29. Explique todos los términos de la contratación del demandante con Aspire Commodities, L.P.

30. Identifique todos los abogados que actuaron para Aspire Commodities, L.P. desde 2011 hasta el presente. Diga cuál de éstos tuvo participación en la discusión de los términos de la contratación del demandante.

31. Identifique todos los contadores que actuaron para Aspire Commodities, L.P. desde 2011 hasta el presente. Diga cuál de éstos tuvo participación en la preparación de documentos contributivos para el demandante.

32. Con relación a su alegación de que el demandante publicó comunicaciones a través de las redes sociales que afectaron adversamente a Aspire Commodities, L.P., identifique y acompañe copia de todas las



comunicaciones aludidas.

33. Produzca copia de todo expediente de empleo que Aspire Commodities, L.P. mantenga relacionado con el Sr. Patrick de Man.

34. Acompañe copia de todos los contratos escritos otorgados por Aspire Commodities, L.P. y cualquier otro de los codemandados entre 2011 y el presente.

35. Con relación a su alegación de que el Sr. de Man es un empleado de Aspire Commodities, L.P., produzca copia de su contrato de empleo.

36. Provea una relación de los ingresos anuales generados por el demandante Patrick de Man para beneficio de Aspire Commodities, L.P. desde 2011 hasta el presente.

37. Acompañe todos los documentos relacionados al establecimiento de Aspire Commodities, L.P.

38. Acompañe todos los documentos relacionados con cualquier traslado de Aspire Commodities, L.P.

39. Acompañe copia de todos los contratos de empleo suscritos por Aspire Commodities, L.P. con sus empleados desde 2011 hasta el presente.

40. Explique, año por año, desde 2011 hasta el presente, la forma en que Aspire Commodities, L.P. fue capitalizada.

41. Diga si el demandante aportó capital a Aspire Commodities, L.P. En caso afirmativo, diga año por año, desde 2011 hasta el presente, las cantidades aportadas por él.

42. Diga si el codemandado Adam Sinn aportó capital a Aspire Commodities, L.P. En caso afirmativo, diga año por año, desde 2011 hasta el presente, las cantidades aportadas por él.

43. Diga si alguna otra persona aportó capital a Aspire Commodities, L.P. En caso afirmativo, diga año por año, desde 2011 hasta el presente, las cantidades aportadas por cada persona.

44. Acompañe un listado de todos los beneficios anuales pagados por Aspire Commodities, L.P. a sus socios desde 2011 hasta el presente.

45. Acompañe un listado de todos los beneficios anuales acumulados por los socios de Aspire Commodities, L.P. desde 2011 hasta el presente.

46. Acompañe un listado de todas las distribuciones y beneficios anuales pagados por Aspire Commodities, L.P. a sus socios desde 2011 hasta el presente. Incluya todo beneficio marginal.

47. Someta todos los estados financieros preparados para Aspire Commodities, L.P. desde 2011 hasta el presente.

48. Someta un listado de las ventas anuales de Aspire Commodities, L.P., desde 2011 hasta el presente, indicando la cantidad de ventas para cada año.

49. Provea una relación, en dólares, de los requerimientos diarios de colateral o crédito para las actividades de venta de valores del demandante De Man desde 2011 hasta el presente.

50. Con relación a las "comunicaciones internas" de Aspire a las que hace referencia el inciso #11 de la declaración jurada del Sr. Adam Sinn del 2 de agosto de 2017: (1) identifique todas las comunicaciones de plataforma ("*platform communications*") (i.e., AOL Instant Messaging, Email, etc.) utilizadas por Aspire Commodities, L.P.; y (2) provea el username del Sr. De Man y las otras credenciales para conectarse ("*log-in*") provistas por Aspire Commodities, L.P.

51. Produzca copia, para el período entre 2011 al presente, de todos los acuerdos de licencia ("*license agreements*") otorgados entre Aspire Commodities, L.P. y Genscape y Pattern Recognition Technologies ("PRT").

52. Provea todos los estados financieros entre 2013 a 2016 de la tarjeta de crédito "Chase Ink" emitida por JP Morgan Chase a Aspire Commodities, L.P. a nombre de Adam. C. Sinn (Tarjeta núms. 5589 8710 0459 1147 con fecha de expiración 05/16 y 5589 8710 0487 3008 con fecha de expiración 05/16).

53. Explique cómo Aspire Commodities, L.P. advino a la posesión de un archivo electrónico de Excel titulado "Bid Tool - Master\_v2012.29.xlsm"

que estaba almacenado en la cuenta de "Dropbox for Business" de Aspire Commodities, L.P.

54. Explique por qué el archivo de *file properties* del archivo "Bid Tool - Master\_v2012.29.xlsx" indica "Capgemini Energy" bajo el inciso de "Origin".

55. Explique cómo Aspire Commodities, L.P. advino a la posesión de un archivo electrónico de Excel titulado "DAM THERMAL V5\_14.xlsx" que estaba almacenado en la cuenta de "Dropbox for Business" de Aspire Commodities, L.P.

56. Explique cómo Aspire Commodities, L.P. utilizaba el archivo electrónico de Excel titulado "DAM THERMAL V5\_14.xlsx."

57. Explique por qué el archivo de *file properties* del archivo "DAM THERMAL V5\_14.xlsx" indica "EFH Corp" bajo el inciso de "Origin".

58. Explique cómo Aspire Commodities, L.P. advino a la posesión de un archivo electrónico de Excel titulado "ERCOT\_SPPs Adam.xls" que estaba almacenado en la cuenta de "Dropbox for Business" de Aspire Commodities, L.P.

59. Explique por qué el archivo de *file properties* del archivo "ERCOT\_SPPs Adam.xlsx" indica "Suez Energy North America" bajo el inciso de "Origin".

60. Provea documentación que demuestre que Aspire Commodities, L.P. tiene licencia para operar los "Bid Tool - Master\_v2012.29.xlsx", "DAM THERMAL V5\_14.xlsx" y "ERCOT\_SPPs Adam.xls".

61. Provea estados de cuenta (*account statements*) con relación a toda la actividad de negocios ("*trade*") en el Intercontinental Exchange ("ICE") para todos los *traders* de Aspire Commodities, L.P. para los períodos junio-agosto 2014, junio-agosto 2015 y junio-agosto 2016.

62. Explique lo que es la "Oportunidad Kueski" ("Kueski Opportunity"), la relación de este proyecto con Aspire Commodities, L.P. e identifique todas las personas asociadas con Aspire Commodities, L.P. que trabajaron con este proyecto.

63. Provea toda la documentación existente con relación a los servicios provistos a Aspire Commodities, L.P. por Lindsay Hornsby durante 2013.

64. Explique el propósito del folder "Jana PR" en la cuenta "Dropbox for Business" de Aspire Commodities, L.P.

65. Provea toda la documentación existente con relación a los servicios provistos a Aspire Commodities, L.P. por Jana Friederick.

66. Provea todos los documentos que detallen, para 2012, los detalles financieros de las cuentas de Aspire Commodities, L.P. con sus *clearing firms*, incluyendo el tiempo y magnitud de los *margin* o *collateral calls*.

67. Explique la relación entre Aspire Commodities, L.P. y Rural Route 3 Holdings, L.P. desde la formación de esta última en 2012. Diga si esta relación fue enmendada en algún momento. De contestar en la afirmativa, explique y provea todos los documentos existentes.

68. Identifique a todos los individuos que llevaron a cabo actividades de trading para Aspire Commodities, L.P. y exprese el ingreso anual producto de estas actividades desde 2011.

69. Para cada una de las personas identificadas en el inciso anterior, diga en qué capacidad colaboraba con Aspire Commodities, L.P., si como empleado, socio, contratista, etc.

70. Para cada una de las personas identificadas en el inciso 67, provea toda la documentación existente que demuestre la cantidad de capital que tenían en Aspire Commodities, L.P. desde 2011 hasta el presente.

71. Explique cuál es el rol de Barrington M. Hammond, Jr. en Aspire Commodities, L.P.

72. Provea toda la documentación sobre el seguro adquirido por Aspire Commodities, L.P. en el Fondo del Seguro del Estado para cada uno de sus empleados desde 2011 hasta el presente.

73. Provea todas las evaluaciones de los empleados de Aspire Commodities, L.P. desde 2011 hasta el presente.

74. Provea evidencia de todos los pagos al I.R.S. y al Departamento de Hacienda de Puerto Rico realizados por Aspire Commodities, L.P. de impuestos o contribuciones retenidos a sus empleados desde 2011 hasta el presente.

75. Provea una lista pormenorizada de todos los gastos atribuidos a las actividades de *trading* del demandante De Man para beneficio de Aspire Commodities, L.P. desde 2011 hasta el 2016, utilizados para determinar la ganancia neta generada por él de sus actividades de *trading*.

76. Provea toda la evidencia en su poder sobre los supuestos esfuerzos del Sr. De Man para establecer una compañía competidora con Aspire Commodities, L.P.

77. Provea un listado de todas las personas empleadas por Aspire Commodities, L.P. o que estaban en proceso de ser reclutados por Aspire Commodities, L.P., que el demandante intentó reclutar.

78. Identifique a todos los empleados de Aspire Commodities, L.P. que supuestamente recibieron llamadas amenazantes por parte del demandante De Man.

79. Provea un listado (*log*) de todas las llamadas amenazantes realizadas por el Sr. De Man a individuos asociados con Aspire Commodities, L.P., incluyendo el número de donde se generó la llamada, el teléfono que recibió la llamada, el día y la hora de cada llamada y su duración.

80. Identifique a todos los empleados de Aspire Commodities, L.P. que fueron retenidos pagándoles más de \$1,000,000.

81. Con relación al inciso anterior, provea toda la documentación existente que refleje las discusiones, negociaciones y pagos de los empleados de Aspire Commodities, L.P. que fueron retenidos pagándoles más de \$1,000,000.

82. Provea toda la prueba documental existente que demuestre que el Sr. De Man requería de la autorización del Sr. Sinn para llevar a cabo negocios sustanciales ("*significant trades*") para Aspire Commodities, L.P.

83. Provea toda la prueba documental existente que sostenga su contención de que el Sr. De Man redujo su ritmo de trabajo en Aspire Commodities, L.P.

COMMONWEALTH OF PUERTO RICO  
COURT OF FIRST INSTANCE  
JUDICIAL CENTER OF BAYAMÓN  
SUPERIOR COURT

PATRICK A.P. DE MAN; MIKA DE MAN  
(A.K.A. MIKA KAWAJIRI-DE MAN OR  
MIKA KAWAJIRI); and the  
COMMUNITY PROPERTY  
PARTNERSHIP BETWEEN THEM,

Plaintiffs,

vs.

ADAM C. SINN; RAIDEN  
COMMODITIES, L.P.; RAIDEN  
COMMODITIES 1 LLC; ASPIRE  
COMMODITIES, L.P.; ASPIRE  
COMMODITIES 1, LLC; SINN LIVING  
TRUST

Defendants

CASO NUM. D AC 2016-2144 (702)

RE:

BREACH OF FIDUCIARY DUTY;  
BREACH OF OPERATING CONTRACT;  
BREACH OF LIMITED PARTNERSHIP  
CONTRACT;  
TORTS; BAD FAITH AND DECEIT;  
BAD FAITH IN CONTRACTING;  
UNJUST ENRICHMENT.

**ASPIRE COMMODITIES, L.P.'S ANSWERS TO "FIRST SET OF  
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS"**

To: Patrick A.P. de Man; Mika de Man (a.k.a. Mika Kawajiri-De Man o Mika  
Kawajiri); y la Sociedad Legal de Gananciles compuesta por ambos  
Urb. Sabanera  
544 Corredor del Bosque  
Dorado, Puerto Rico 00646

From: Aspire Commodities, L.P. ("Aspire");  
Alfredo Ramirez-Macdonald, Esq.; Ana M. Rodriguez-Rivera, Esq.,  
And Arturo L.B. Hernandez-González, Esq.  
O'Neill & Borges LLC  
250 Avenida Muñoz Rivera, Suite 800  
San Juan, Puerto Rico 00918-1813

## I. INTRODUCTION

In accordance with the Puerto Rico Rules of Civil Procedure, Aspire Commodities, L.P. ("Aspire"), hereby submits its answers to Plaintiffs' *First Set of Interrogatories and Request for Production of Documents* ("*Interrogatories*"). The information contained herein is not based solely on the knowledge of the executing party, but it also includes the knowledge of the party, persons with personal knowledge of the facts, their agents, employees, representatives, and attorneys, unless it is privileged. Aspire is an entity and, as such, it cannot have personal knowledge. Therefore, all of these answers have been obtained through the persons mentioned above.

It is possible that future discovery and independent investigation may supply additional facts or information, add meaning to known facts, or may establish entirely new factual conclusions and contentions, all of which may lead to substantial additions to, changes in, and variations from the responses set forth herein.

These responses are made without prejudice to Aspire's right to provide additional evidence at the time of trial.

## II. GENERAL OBJECTIONS

1. Aspire objects to Plaintiffs' *Interrogatories* to the extent they seek to require the disclosure of information or the production of documents that are beyond the scope of permissible discovery under the Puerto Rico Rules of Civil Procedure.

2. Aspire objects to Plaintiffs' *Interrogatories* to the extent they seek to impose discovery burdens or responsibilities upon Aspire beyond those specifically required by the Puerto Rico Rules of Civil Procedure.



3. Aspire objects to Plaintiffs' *Interrogatories* to the extent they seek to require the disclosure of information or the production of documents beyond the scope of permissible discovery pursuant to the Court's *Order* bifurcating this action. The Court has bifurcated this case. The current phase ("Phase I") addresses two issues: (1) Mr. de Man's claim that he owns a portion of certain defendant entities (i.e. the Aspire and Raiden Commodities, L.P. ("Raiden") entities); and (2) Mr. de Man's alternative claim to be compensated for services rendered to one or more defendant entities. That phrasing limits the scope of permissible, relevant discovery. Discovery of documents and information that is not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I is not permissible or appropriate at this time.

4. Aspire objects to Plaintiffs' *Interrogatories* to the extent they seek the disclosure of information or the production of documents protected by the attorney-client privilege, the work product doctrine, or any other available privilege, protection or doctrine, though Aspire does not read them as requesting such information.

5. Aspire's response to any interrogatory is not intended to be, and shall not be construed as, an admission that any factual predicate stated or inferred in the *Interrogatories* is accurate.

6. Aspire objects to each and every interrogatory that:

- a. Contains vague, ambiguous, and undefined terms and phrases that are subject to a variety of meanings and interpretations;

- b. Seeks confidential business information that Aspire is contractually precluded from producing, documents that cannot be produced because of statutory and/or regulatory proscriptions, and/or documents that are subject to constitutional privacy protections;
- c. Seeks information regarding persons and/or entities other than Aspire;
- d. Seeks information that is publicly available and is as readily accessible to opposing counsel and their clients as it is to Aspire; or
- e. Seeks information that is not relevant to any party's claim or defense and/or not proportional to the needs of the case.

7. Aspire objects to the extent that the *Interrogatories* are not time-limited or subject-matter limited in a way that would exclude documents not relevant to the claims and defenses in this litigation from the scope of the *Interrogatories*. For instance, Aspire objects to the extent the *Interrogatories* seek information from irrelevant time periods by seeking information from after Mr. de Man was no longer affiliated with any of the defendant entities.

8. Aspire's responses below are made subject to and without waiving (1) the foregoing *General Objections*; (2) the right to object on the grounds of competency, relevancy, materiality, hearsay or any other proper ground to the use of any such information for any purpose, in whole or in part, in any subsequent trial or proceeding in this or any other action; and (3) the right to object on any and all grounds, at any time, to any other discovery procedure relating to the subject matter of these *Interrogatories*.

9. Aspire incorporates the foregoing *General Objections* into each and every answer to the *Interrogatories* below.

10. Aspire also reserves the right to supplement its answers as permitted under the Puerto Rico Rules of Civil Procedure.

11. The person who answers these *Interrogatories* does so in his capacity as representative of Aspire. Thus, the information that is included in these answers does not necessarily reflect the personal knowledge of the undersigned with respect to the information requested in the *Interrogatories*, but it also reflects the information that has been provided to him by the current and former assistants, employees, agents, officials, and representatives of the party, including its attorneys.

12. The production of the documents requested by Plaintiffs—due to the information contained in the same—is subject to the execution of a confidentiality agreement.

### III. OBJECTIONS AND RESPONSES

1. With respect to the person who answers this discovery, provide the following information:
  - a. Full name of the person, and any nickname by which he/she is known
  - b. Relationship to Aspire Commodities, L.P
  - c. Address
  - d. Telephone.
  - e. Kinship, if any, that you have with the attorneys in the case or with any other person who has knowledge about the facts.

**ANSWER:** Aspire states that these responses were prepared by its attorneys with information provided by Adam Sinn, a Key Person for Aspire. Mr. Sinn may be reached through undersigned counsel. Aspire objects to Plaintiffs' request that it identify Mr. Sinn's "kinship" with "any other person who has knowledge about the facts," as vague and ambiguous. To the

extent Plaintiffs' Interrogatory seeks to discover whether any familial relationship exists between Mr. Sinn and any potential witnesses in this action, Aspire objects to the extent this Interrogatory attempts to limit the witnesses in this action to those known to Aspire at this time. Discovery in this matter is just beginning, and Aspire may discover additional potential witnesses throughout the course of discovery or its internal review of this matter. Subject to and without waiving the foregoing, Mr. Sinn is not currently aware of any familial relationship between himself and any identified witness in this matter.

2. If any person helped you to answer the interrogatory, submit for that person the same information requested in the preceding paragraph.

**ANSWER:** See response to Interrogatory No. 1.

3. Identify all of the persons who have knowledge about the facts of this case and provide the address, telephone, and email address where they can be reached.

**ANSWER:** Aspire objects to this Interrogatory to the extent it attempts to limit the witnesses in this action to those known to Aspire at this time. Discovery in this matter is just beginning and Aspire may discover additional potential witnesses throughout the course of discovery or its internal review of this matter. Aspire further objects to this Interrogatory as seeking information beyond the permissible scope of discovery at this time. The Court has bifurcated this case. The current phase ("Phase I") addresses two issues: (1) Mr. de Man's claim that he owns a portion of certain defendant entities (i.e. the Aspire or Raiden entities); and (2) Mr. de Man's alternative claim to be compensated for services rendered to one or more defendant entities. That phasing limits the scope of permissible, relevant discovery, and this Interrogatory seeks information that is not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire also objects to this Interrogatory to the extent it seeks information protected by the attorney/client privilege, work product doctrine, and/or other items directed at disclosing the mental impressions of Aspire's counsel.

Subject to and without waiving the foregoing, Aspire identifies the following individuals who may have information regarding Mr. de Man's lack of any ownership interest in the defendant entities and Plaintiff's claim for unjust enrichment: (1) Mr. Adam Sinn; (2) Mr. Patrick de Man; (3) Mr. Barry Hammond; (4) Mr. Kyle Carlton; and (5) Mr. Scott Schieffer. Mr. Sinn and Mr. De Mann may be contacted through their respective counsel. Mr. Hammond and Mr. Schieffer may be contacted through counsel for Defendants.

4. Identify each of the witnesses you intend to use at the trial to establish your allegations, indicating the subjects on which they will testify.

**ANSWER:** Aspire objects to this Interrogatory as premature. Discovery in this matter is just beginning, and Aspire has not yet determined which witnesses it will present at trial. Aspire further objects to this Interrogatory as seeking information irrelevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I.

Subject to and without waiving the foregoing, Aspire states that it will provide its trial witness list in accordance with the Puerto Rico Rules of Civil Procedure and any case management order in this action.

5. Offer a summary of each witness' testimony.

**ANSWER:** See response to Interrogatory No. 4. Aspire further objects to this Interrogatory as overly broad, unduly burdensome, and not reasonably proportional to the needs of the case to the extent it seeks to have Aspire summarize all information believed to be known by everyone it may call as a witness at trial. Plaintiffs are free to take depositions in this action or serve non-party discovery in accordance with the Puerto Rico Rules of Civil Procedure. Aspire also objects because this Interrogatory asks Aspire to speculate as to what individuals may or may not know and provide information outside of Aspire's possession, custody, and control. Aspire objects to the extent this Interrogatory seeks information protected by the attorney/client privilege, work product doctrine, and/or other items directed at disclosing the mental impressions of Aspire's counsel.

6. Identify and submit a true and exact copy of all documentary, demonstrative, or other kind of evidence that you intend to use at the trial to establish your allegations and/or that you will use to prepare your witnesses. For each document indicate:

- a. Title or caption of the document, if any;
- b. Date of the document;
- c. Number of pages that the document contains;
- d. Purpose or objective of the document.
- e. Type of document. That is, whether it is a letter, memorandum, deed, record, report, email, contract, etc.
- f. Name, address, and telephone of the person to whom the document is address, if any.
- g. Name, address, and telephone of any person who subscribes, produces, and/or sends the document.
- h. Name, address, and telephone of the person who has possession, medium term or immediate, of the original document in question.
- i. Names, addresses, and telephones of each and every one of the persons who possess and/or have under their custody a copy of the document in question.

**ANSWER:** Aspire objects to this Interrogatory as premature. Discovery in this matter is just beginning and Aspire has not yet determined which evidence it will present at trial. Aspire further objects to this Interrogatory as seeking information irrelevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire objects to the extent this Interrogatory seeks information protected by the attorney/client privilege, work product doctrine, and/or other items directed at disclosing the mental impressions of Aspire's counsel.

Subject to and without waiving the foregoing, Aspire states that it will provide its trial exhibit list in accordance with the Puerto Rico Rules of Civil Procedure and any case management order in this action. In addition, Aspire states that the production of certain documents is subject to the execution of a confidentiality agreement.

7. Indicate whether you have consulted any expert in connection with the dispute, regardless of whether you intend to use him/her at trial. For each one, provide the information requested in paragraph 6.

**ANSWER:** Aspire objects to this Interrogatory to the extent it seeks to have Aspire identify its consulting experts or other experts Aspire will not present at trial. Aspire also objects to this Interrogatory as premature. Discovery in this matter is just beginning and Aspire has not yet determined which experts, if any, it will present at trial. Aspire further objects to this Interrogatory as seeking information irrelevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire objects to the extent this Interrogatory seeks information protected by the attorney/client privilege, work product doctrine, and/or other items directed at disclosing the mental impressions of Aspire's counsel.

Subject to and without waiving the foregoing, Aspire states that it will disclose its testifying experts in accordance with the Puerto Rico Rules of Civil Procedure and any case management order in this action.

8. Identify all of the expert witnesses you intend to use at trial, if any. Provide a copy of their respective *curriculum vitae* and a summary of what each one will testify, their opinions, and a brief statement of the theories, facts, and arguments in support thereof. Submit copies of all accounts or reports prepared by each expert, regardless of whether you intend to use them at the trial of this case.

**ANSWER:** See response to Interrogatory No. 7.

9. Identify all statements, whether or not under oath, recordings, memoranda, notes, or writing of any person that is connected with the facts stated in the complaint and the answer. If you answer in the affirmative, submit a true and exact copy of the same.

**ANSWER:** Aspire objects to this Interrogatory's use of the phrase "all statements, whether or not under oath, recordings, memoranda, notes, or writing" as vague, ambiguous, and subject to a variety of interpretations. Aspire will interpret this Interrogatory as seeking written statements provided to Aspire by any potential fact witness in this matter regarding the facts alleged in Plaintiffs' Complaint or Defendants' Amended Counterclaim. Aspire objects to this Interrogatory to the extent it seeks information irrelevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire also objects to the extent this Interrogatory seeks information protected by the attorney/client privilege, work product doctrine, and/or other items directed at disclosing the mental impressions of Aspire's counsel.

Subject to and without waiving the foregoing, Aspire states that it has not obtained any written statements at this time from any potential fact witness in this matter

10. State whether any investigator, agent, representative, employee, or any person acting on your behalf has conducted an investigation of the facts that gave rise to the Complaint and/or Answer and/or Counterclaim and/or Amended Counterclaim. If you answer in the affirmative, submit the full name and address of such persons and their relationship to defendant. Produce copies of all accounts, reports, or memoranda prepared by such persons, as well as the notes, annotations, and support documents for each account, report, or memorandum.

**ANSWER:** Aspire objects to this Interrogatory as vague and ambiguous. Aspire will interpret this Interrogatory as seeking information relating to whether Aspire has commissioned an external or internal independent investigation of this matter. Aspire objects to this Interrogatory to the extent it seeks information irrelevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire objects to the extent this Interrogatory seeks information protected by the attorney/client privilege, work product doctrine, and/or other items directed at disclosing the mental impressions of Aspire's counsel.

Subject to and without waiving the foregoing, Aspire states that it has not at this time commissioned any independent investigation of the facts giving rise to the Complaint or Amended Counterclaim in this matter.

11. State whether you intend to present as evidence admissions made by plaintiff or any representative. If you answer in the affirmative, indicate in what the purported admissions consist, when and where they were made, their phraseology or conduct, and the person you will use to prove them.

**ANSWER:** Aspire objects to this Interrogatory as premature. Discovery in this matter is just beginning and Aspire has not yet determined which admissions by Plaintiffs, if any, it will present as evidence. Aspire also objects to this Interrogatory to the extent it seeks information irrelevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire objects to the extent this interrogatory seeks information protected by the attorney/client privilege, work product doctrine, and/or other items directed at disclosing the mental impressions of Aspire's counsel.

12. State whether you intend to present as evidence admissions made by Aspire Commodities, L.P., or any representative thereof. If you answer in the affirmative, indicate in what the purported admissions consist, when and where they were made, their phraseology or conduct, and the person you will use to prove them.

**ANSWER:** Aspire objects to this Interrogatory as unintelligible as stated. The concept of binding admissions is for use by adversaries in litigation. Aspire is not adverse to itself. Further, this Interrogatory seeks the disclosure of counsel's mental impressions. Aspire further refers Plaintiffs to its responses to Interrogatories Nos. 4, 5, 6, 7 and 8.

13. List all of the categories of partners of Aspire Commodities, L.P. and identify all of the partners within each category. Indicate for each one the proportion of their participation and what counter-consideration they made to acquire their participation. Indicate, also, for each one, the date when he/she became a partner and/or ceased to be one.

**ANSWER:** The following individuals and/or entities were capital partners in Aspire during the period of 2014 to 2016: Aspire Commodities 1, LLC (Class A General Partner); Rural Route 3 Holdings, LP 99% (Class A Limited Partner). Aspire will produce its Partnership Agreement, which identifies the contemplated categories of partners. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.

14. Provide a copy of the Partnership Agreement of Aspire Commodities, L.P., including any amendment.

**ANSWER:** Aspire objects to this Request as seeking information irrelevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire's relevant Limited Partnership Agreement does not advance Plaintiffs' arguments that Mr. De Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated.

Subject to and without waiving the foregoing, Aspire will produce the Limited Partnership Agreements in effect during Mr. de Man's affiliation with Aspire. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.

15. Provide a copy of all of the existing partnership agreements of the partners of Aspire Commodities, L.P from the establishment of said company to the present.

**ANSWER:** Aspire objects to this Request as vague and ambiguous. Aspire cannot determine the intended meaning or scope of the phrase "partnership agreements of the partners of Aspire." Aspire also objects to the extent this request calls for information from an irrelevant time period.

Subject to and without waiving the foregoing, Aspire will produce the Limited Partnership Agreement from 2014 to 2016. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.

16. Explain all of the items of damages claimed in your Counterclaim and Amended Counterclaim. For each one, indicate the manner in which you reached your computation. Submit all documentary evidence that you will use to prove your damages and indicate all of the witnesses who will testify about this subject, providing a summary of their testimony.

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire's claimed damages in this action do not advance Plaintiffs' arguments that Mr. De Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated. Aspire further refers Plaintiffs to its responses to Interrogatories Nos. 4, 5, 6, 7 and 8.



17. Indicate whether there is any debt on the part of Aspire Commodities, L.P. in favor of plaintiff Patrick de Man. If you answer in the affirmative, explain the date on which it came up, the concept, and the amount.

ANSWER: No.

18. State whether Aspire Commodities, L.P. or any other of the defendants has retained amounts owed to plaintiff Patrick de Man. If you answer in the affirmative, state the amount and the concept and explain why it was retained.

ANSWER: No.

19. List all of the duties carried out by plaintiff Patrick de Man for Aspire Commodities, L.P. from 2011 until the date of the termination of his relationship with the company.

ANSWER: Aspire objects to this Interrogatory since it is not limited to any issues relevant to this case and is therefore overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of information relevant to Phase I. Subject to and without waiving the foregoing, Aspire states that Mr. de Man's employment duties were not detailed. Moreover, Aspire was a small company with employees and the owner each doing their part, regardless of title, to make the business work. Aspire refers Plaintiffs to its response to Request No. 24.

20. Provide all of the income tax returns for Aspire Commodities, L.P. from 2011 to the present.

ANSWER: Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. It also seeks information for an overly broad timeframe by seeking information from periods of time in which Mr. de Man was not affiliated with Aspire.

Subject to this objection, Aspire will produce the K-1s it issues for the years 2014 to 2016, which provide the most direct information regarding its ownership. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement. Its tax returns will not provide any additional information on that issue, which is the only issue relevant to this Phase I.

21. Explain what is Aspire Commodities, L.P.'s relationship with:

- a. codefendant Adam Sinn;
- b. codefendant Raiden Commodities, L.P.;
- c. codefendant Raiden Commodities 1, LLC;
- d. codefendant Aspire Commodities 1, L.P.; and

e. codefendant Sinn Living Trust (a/k/a Gonemaroon Living Trust)

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire's relationships and contracts with the other Defendants in this action do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated.

Subject to the above objection, Mr. Sinn was a Key Person for Aspire and Aspire Commodities 1, LLC was its Class A General Partner.

22. Provide all of the K-1 forms prepared by Aspire Commodities, L.P. for the IRS for the years 2011 to the present.

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. K-1 forms issued by Aspire to entities or individuals other than Mr. de Man do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information from periods of time in which Mr. de Man was not affiliated with Aspire.

Subject to and without waiving the foregoing, Aspire will produce the K-1 forms it has issued for the years 2014 to 2016. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.

23. Provide the *General Ledger* of Aspire Commodities, L.P. from 2011 to the present.

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. This request is also overly broad and unduly burdensome and not proportional to the needs of this case since it seeks information relating to all of Aspire's business transactions, none of which are relevant to the issues in Phase I. Aspire's general ledger from 2011 to present does not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

24. Provide a list of all of the employees and agents of Aspire Commodities, L.P. from 2013 to the present. For each one, indicate their name, position, duties, and annual salary.

**ANSWER:** Aspire objects to this Request in that its use of the phrase "employees and agents" is vague and ambiguous. Aspire will interpret the Request as seeking information regarding its employees and independent contractors. Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The identities, job descriptions, and salaries of Aspire's employees and independent contractors other than Mr. de Man do not advance Plaintiffs'

arguments that Mr. de Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

Subject to and without waiving the foregoing, Aspire states that Mr. de Man traded on behalf of Aspire. He also performed accounting, other back office functions and certain IT functions for certain defendant entities. As an employee, Mr. de Man was paid a salary from Aspire.

25. In connection with your allegation that plaintiff appropriated electronic equipment, intellectual property, and trade secrets of the defendants, indicate:

- a. the description of the equipment purportedly appropriated by plaintiff, belonging to Aspire Commodities, L.P., as well as their depreciation schedule.
- b. the description of the equipment purportedly appropriated by plaintiff, belonging to any other of the codefendants, as well as their depreciation schedule.
- c. the description of the intellectual property purportedly appropriated by plaintiff, belonging to Aspire Commodities, L.P.
- d. the description of the intellectual property purportedly appropriated by plaintiff, belonging to any other of the codefendants.
- e. the description of the trade secrets purportedly appropriated by plaintiff, belonging to Aspire Commodities, L.P.
- f. the description of the trade secrets purportedly appropriated by plaintiff, belonging to any other of the codefendants.
- g. if there is any other asset that is alleged to have been appropriated by plaintiff, provide its description and the person or enterprise that turns out to be its owner.

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Information regarding Aspire's claims that Mr. de Man misappropriated and stole Aspire's electronic equipment, intellectual property, and trade secrets do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated.

26. Attach all emails, letters, and messages sent between Aspire Commodities, L.P. or any of its owners, officers, and employees with plaintiff from 2011 to the present.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead

to the discovery of admissible evidence, and not proportional to the needs of the case because it seeks all communications exchanged between Aspire or any of its owners, officers, or employees and Plaintiffs – regardless of subject matter – from a seven-year period of time. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

Subject to and without waiving the foregoing, Aspire states that it is not aware of any communications between itself and Plaintiffs stating that Mr. de Man has any equity/capital interest in Aspire or any communication entitling Mr. de Man to additional compensation for his providing accounting, IT and other back office services to certain defendant entities. Aspire will produce documents describing Mr. de Man's relationship with the defendant entities to be an employment relationship. Aspire will also produce communications with tax professionals and documents – including communications regarding tax filings and other documents – confirming Mr. de Man's status to be that of an employee. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.

27. Attach all emails, letters, and messages sent between Aspire Commodities, L.P. or any of its owners, officers, and employees with codefendant Adam Sinn from 2011 to the present.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case because it seeks all communications exchanged between Aspire or any of its owners, officers, or employees and Mr. Sinn – regardless of subject matter – from a seven-year period of time. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

Subject to the above objections, Aspire is not aware of any relevant, responsive communications.

28. Attach all drafts of agreements connected with Aspire Commodities, L.P. in which plaintiff Patrick de Man was intended to appear prepared between 2011 and the present.

**ANSWER:** Aspire objects to this Request because its use of the phrase “in which plaintiff Patrick de Man was intended to appear” is vague and ambiguous. Aspire will interpret this Request as seeking drafts of partnership agreements from 2011 to the present in which Mr. de Man was referenced by name. Any other interpretation would render the Request overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, not proportional to the needs of the case, and beyond the scope of Phase I of this case.

Subject to and without waiving the foregoing, Aspire states that it is not aware of any responsive documents.

29. Explain all of the terms of plaintiff's contract with Aspire Commodities, L.P.

**ANSWER:** Aspire objects to this Request as vague and ambiguous. Aspire will interpret this Request as seeking documents containing the terms of any written employment agreement or written partnership agreement to which Mr. de Man was a party.

Subject to and without waiving the foregoing, Aspire states that no responsive documents exist.

30. Identify all of the attorneys who acted for Aspire Commodities, L.P. from 2011 to the present. State which of them participated in the discussion of the terms of the hiring of plaintiff.

**ANSWER:** Aspire objects to this Interrogatory since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire objects to this Interrogatory as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The identities of Aspire's attorneys from 2011 to the present who provided any services or legal advice to Aspire (regardless of subject matter) have nothing to do with the any claim in this case, let alone the limited issues in Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

31. Identify all of the accountants who acted for Aspire Commodities, L.P. from 2011 to the present. State which of them participated in the preparation of tax documents for plaintiff.

**ANSWER:** Aspire objects to this Interrogatory since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire objects to this Interrogatory as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The identities of Aspire's accountants (regardless of subject matter) have nothing to do with the any claim in this case, let alone the limited issues in Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

32. In connection with your allegation that plaintiff published communications through the social networks that adversely affected Aspire Commodities, L.P., identify and attach copies of all of the aforementioned communications.

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Documents and information regarding Aspire's Counterclaims do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated.

33. Produce copies of all employment files that Aspire Commodities, L.P. keeps in connection with Mr. Patrick de Man.

**ANSWER:** Aspire objects to this Request because its use of the phrase "all employment files" is vague and ambiguous. Aspire will interpret this Request as seeking a copy of Mr. de Man's record personnel file at Aspire.

Subject to and without waiving the foregoing, Aspire will produce any responsive documents contained in Mr. De Man's record personnel file, if any exist. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.

34. Attach copies of all written contracts executed by Aspire Commodities, L.P. and any other codefendant between 2011 and the present.

**ANSWER:** Aspire objects to this Request as vague and ambiguous. Aspire will interpret the Request as seeking copies of all written contracts – regardless of subject matter or contracting parties – any Defendant has executed since 2011. Accordingly, Aspire objects to this Request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of the case. Aspire further objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Contracts executed by the Defendants other than an employment, membership, partnership, or ownership agreement with Mr. de Man do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

35. In connection with your allegation that Mr. de Man is an employee of Aspire Commodities, L.P., produce a copy of his employment contract.

**ANSWER:** As Mr. de Man admits, there is no such written agreement.

36. Provide an account of the annual income generated by plaintiff Patrick de Man for the benefit of Aspire Commodities, L.P. from 2011 to the present.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. The Request asks Aspire to provide a list of "the annual income" Mr. de Man made for Aspire over a period of seven years, regardless of their irrelevance to the issues in this case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Plaintiffs' Complaint contends that Aspire did not compensate Mr. de Man for administrative, back office work; it does not contend that Mr. de Man was not compensated for his trading efforts.

Subject to the above objection, Aspire will produce a summary of Mr. de Man's productivity, prepared by Mr. de Man. See attached. Nevertheless, as stated in the *General*

*Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.

37. Attach all documents connected with the establishment of Aspire Commodities, L.P.

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Documents regarding Aspire's establishment do not advance Plaintiffs' arguments that Mr. De Man subsequently obtained an interest in Aspire or that he provided services as an Aspire employee for which he was not compensated. The requested documents are also equally accessible to Plaintiff as to Defendants.

Subject to the above objection, Aspire will produce its formation documents on file with the relevant governmental entities. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.

38. Attach all documents connected with any transfer of Aspire Commodities, L.P.

**ANSWER:** Aspire objects to this Request as unintelligible. The Request seeks documents "connected with any transfer of Aspire," but "transfer" is vague, ambiguous, undefined, and subject to a variety of interpretations. Regardless, Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I.

39. Attach copies of all employment contracts subscribed by Aspire Commodities, L.P. with its employees from 2011 to the present.

**ANSWER:** Aspire objects to this Request as overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Copies of the employment contracts between Aspire and its employees and copies of Aspire's employee evaluations and compensation documents – other than those pertaining specifically to Mr. de Man – do not advance Plaintiffs' arguments that Mr. de Man obtained an interest in Aspire or provided services as an Aspire employee for which he was not compensated. Aspire refers Plaintiffs to its response to Request No. 24 for a description of Mr. de Man's employment duties. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

40. Explain, year by year, from 2011 to the present, the manner in which Aspire Commodities, L.P. was funded.

**ANSWER:** Aspire objects to this Interrogatory because its use of the word "funded" is vague, ambiguous, and subject to a variety of interpretations. Aspire will interpret this Interrogatory as seeking information regarding any loans or capital contributions Aspire received since 2011. Aspire also objects to this Request as seeking information not relevant to Phase I

and not reasonably calculated to lead to the discovery of information relevant to Phase I. Information about any "funding" Aspire received in the form of loans or capital contributions – apart from any such "funding" from Mr. de Man himself (which did not occur) – do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Aspire or provided services as an Aspire employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

Subject to and without waiving the foregoing, Aspire states that Mr. de Man never purchased an equity interest in Aspire and never contributed any capital to Aspire.

41. State whether plaintiff contributed capital to Aspire Commodities, L.P. If in the affirmative, state year by year, from 2011 to the present, and amounts contributed by him.

**ANSWER:** No.

42. State whether codefendant Adam Sinn contributed capital to Aspire Commodities, L.P. If in the affirmative, state year by year, from 2011 to the present, the amounts contributed by him.

**ANSWER:** Not directly.

43. State whether any other person contributed capital to Aspire Commodities, L.P. If in the affirmative, state year by year, from 2011 to the present, the amounts contributed by each person.

**ANSWER:** Aspire Commodities 1, LLC and Rural Route 3 Holdings, LLC.

44. Attach a list of all of the annual benefits paid by Aspire Commodities, L.P. to its partners from 2011 to the present.

**ANSWER:** Aspire objects to this Interrogatory because its use of the phrase "annual benefits" is vague, ambiguous, and subject to a variety of interpretations. Aspire will interpret this Interrogatory as seeking information regarding any distributions Aspire made to its limited partners since 2011. Accordingly, Aspire also objects to this Interrogatory as beyond the permissible scope of discovery the Court has allowed in Phase I of this case. Information about any distributions Aspire made to individuals or entities other than Mr. de Man do not advance Plaintiffs' arguments that Mr. de Man obtained an interest in Aspire or provided services as an Aspire employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information from periods of time when Mr. de Man was not affiliated with Aspire.

Subject to and without waiving the foregoing, Aspire will produce the K-1 forms it has issued for the years 2014 to 2016. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.



45. Attach a list of all of the annual benefits accrued by the partners of Aspire Commodities, L.P. from 2011 to the present.

**ANSWER:** See response to Request No. 44.

46. Attach a list of all of the distributions and annual benefits paid by Aspire Commodities, L.P. to its partners from 2011 to the present. Include all fringe benefits.

**ANSWER:** See response to Request No. 44.

47. Submit all of the financial statements prepared for Aspire Commodities, L.P. from 2011 to the present.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire's financial statements do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Aspire or provided services as an Aspire employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

48. Submit a list of the annual sales of Aspire Commodities, L.P. from 2011 to the present, indicating the amount of sales for each year.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. The Request asks Aspire to list of its "annual sales" for a period of seven years, regardless of their irrelevance to the issues in this case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

49. Provide an account, in dollars, of the daily collateral or credit requirements for the securities sales activities of plaintiff De Man from 2011 to the present.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. The Request asks Aspire to provide an accounting of daily collateral or credit requirements for Mr. de Man's security sales activities over a period of seven years, regardless of their irrelevance to the issues in this case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Plaintiffs' Complaint contends that Aspire did not compensate Mr. de Man for administrative, back office work; it does not contend that Mr. de Man was not compensated for his trading efforts.

50. In connection with the "internal communications" of Aspire to which subparagraph #11 of the affidavit of Mr. Adam Sinn of August 2, 2017 refers: (1) identify all of the platform communications (i.e., AOL Instant Messaging, Email, etc.) used by Aspire Commodities, L.P.; and (2) provide the Mr. De Man's username and the other log-in credential provided by Aspire Commodities, L.P.

**ANSWER:** Aspire objects to this Interrogatory as not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of the case. Aspire also objects to this Interrogatory as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The identity of the communication platforms used by Aspire's partners and employees do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Aspire or provided services as an Aspire employee for which he was not compensated. Aspire also objects to providing log-in credentials to Plaintiffs, none of whom are affiliated with Aspire.

51. Produce copies, for the period between 2011 and the present, of all license agreements executed between Aspire Commodities, L.P. and Genscape and Pattern Recognition Technologies ("PRT").

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. License agreements between Aspire and PRT do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Aspire or provided services as an Aspire employee for which he was not compensated.

52. Provide all financial statements between 2013 and 2016 for the "Chase Ink" credit card issued by JP Morgan Chase to Aspire Commodities, L.P. in the name of Adam C. Sinn (Card nos. 5589 8710 0459 1147 with expiration date 05/16 and 5589 8710 0487 3008 with expiration date 5/16).

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire's credit card statements do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Aspire or provided services as an Aspire employee for which he was not compensated.

53. Explain how Aspire Commodities, L.P. came into possession of an Excel electronic file titled "Bid Tool - Master\_v2012.29.xlsm" that was stored in the "Dropbox for Business" account of Aspire Commodities, L.P.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead

to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Interrogatory as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. How Aspire allegedly came into the possession of an electronic file and details associated with that alleged file does not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Aspire or provided services as an Aspire employee for which he was not compensated.

54. Explain why the file properties file of the "Bid Tool - Master\_v2012.29.xlsx" file indicates "Capgemini Energy" under the "Origin" subparagraph.

**ANSWER:** See response to Interrogatory No. 53.

55. Explain how Aspire Commodities, L.P. came into possession of an Excel electronic file titled "DAM THERMAL V5\_14.xlsx" that was stored in the "Dropbox for Business" account of Aspire Commodities, L.P.

**ANSWER:** See response to Interrogatory No. 53.

56. Explain how Aspire Commodities, L.P. used the Excel electronic file titled "DAM THERMAL V5\_14.xlsx."

**ANSWER:** See response to Interrogatory No. 53.

57. Explain why the file properties file of the "DAM THERMAL V5\_14.xlsx" file indicates "EFH Corp" under the "Origin" subparagraph.

**ANSWER:** See response to Interrogatory No. 53.

58. Explain how Aspire Commodities, L.P. came into possession of an Excel electronic file titled "ERCOT SPPs Adam.xls" that was stored in the "Dropbox for Business" account of Aspire Commodities, L.P.

**ANSWER:** See response to Interrogatory No. 53.

59. Explain why the file properties file of the "ERCOT SPPs Adam.xls" file indicates "Suez Energy North America" under the "Origin" subparagraph.

**ANSWER:** See response to Interrogatory No. 53.

60. Provide documentation that shows that Aspire Commodities, L.P. has a license to operate the "Bid Tool - Master\_v2012.29.xlsx," "DAM THERMAL V5\_14.xlsx," and "ERCOT SPPs Adam.xls."

**ANSWER:** See response to Interrogatory No. 53.

61. Provide account statements in connection with all trade activities in the Intercontinental Exchange ("ICE") for all of the Aspire Commodities, L.P. traders for the periods June-August 2014, June-August 2015, and June-August 2016.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The details associated with Aspire's trading activities do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided administrative services as an Aspire employee for which he was not compensated.

62. Explain what the "Kueski Opportunity" is, this project connection with Aspire Commodities, L.P., and identify all of the persons associated with Aspire Commodities, L.P. who worked with this project.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The details associated with Aspire's business activities and endeavors do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided administrative services as an Aspire employee for which he was not compensated.

63. Provide all of the documentation that exists in connection with the services provided to Aspire Commodities, L.P. by Lindsay Hornsby during 2013.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The details associated with services allegedly provided to Aspire by Lindsay Hornsby do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided administrative services as an Aspire employee for which he was not compensated.

64. Explain the purpose of the "Jana PR" folder in the "Dropbox for Business" account of Aspire Commodities, L.P.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The details associated with Aspire's business activities, endeavor, or particular business files unrelated to Mr. de Man do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided administrative services as an Aspire employee for which he was not compensated.

65. Provide all of the documentation that exists in connection with the services provided to Aspire Commodities, L.P. by Jana Friederick.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The details associated with services allegedly provided to Aspire Jana Friederick do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided administrative services as an Aspire employee for which he was not compensated.

66. Provide all documents that detail, for 2012, the financial details of the Aspire Commodities, L.P. accounts with their clearing firms, including the time and magnitude of the margin or collateral calls.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The details associated with Aspire's business activities and endeavors do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided administrative services as an Aspire employee for which he was not compensated.

67. Explain the relationship between Aspire Commodities, L.P. and Rural Route 3 Holdings, L.P. since the formation of the latter in 2012. State whether this relationship was amended at any time. If you answer in the affirmative, explain and provide all of the existing documents.

**ANSWER:** Aspire objects to this Interrogatory as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire's relationship with non-parties to this action, including Rural Route 3 Holdings, L.P. do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Aspire or provided services as an Aspire employee for which he was not compensated.

Subject to the above objection, Rural Route 3 Holdings, LLC was the Class A General Partner of Aspire during the time of Mr. de Man's affiliation with Aspire.

68. Identify all of the individuals who carried out trading activities for Aspire Commodities, L.P. and state the annual income product of these activities since 2011.

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. The identities and income derived from Aspire's traders, and any capital they had in Aspire, do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided administrative services as an Aspire employee for which he was not compensated. It also seeks

information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

69. For each of the persons identified in the preceding paragraph, state in what capacity they collaborated with Aspire Commodities, L.P., whether as an employee, partner, contractor, etc.

**ANSWER:** See response to Interrogatory No. 68.

70. For each of the persons identified in subparagraph 67, provide all existing documentation that shows the amount of capital that they had in Aspire Commodities, L.P. from 2011 to the present.

**ANSWER:** See response to Interrogatory No. 68. Subject to the above objection, during the period of Mr. de Man's affiliation with Aspire, Aspire Commodities 1, LLC and Rural Route 3 Holdings, LLC had capital interests in Aspire.

71. Explain what the role of Barrington M. Hammond, Jr. is in Aspire Commodities, L.P.

**ANSWER:** Aspire objects to this Interrogatory as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Aspire's relationship with non-parties to this action, including Mr. Barrington M. Hammond, Jr., do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Aspire or provided services as an Aspire employee for which he was not compensated.

Subject to the above objections, Mr. Hammond is, and during the relevant time period was, a lawyer for Aspire.

72. Provide all documents on the insurance acquired by Aspire Commodities, L.P. at the State Insurance Fund for each of its employees from 2011 to the present.

**ANSWER:** Aspire objects to this Interrogatory as not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of the case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Information regarding Aspire's health plan, insurance coverage, and any individuals who may or may not have had coverage under Aspire's health plan do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Aspire or provided services as an Aspire employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

73. Provide all of the evaluations of the employees of Aspire Commodities, L.P. from 2011 to the present.

**ANSWER:** Aspire is not aware of any written employee evaluations. See response to Request No. 39.

74. Provide evidence of all payments to the I.R.S. and to the Puerto Rico Department of the Treasury made by Aspire Commodities, L.P. for taxes or income taxes withheld from its employees from 2011 to the present.

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. It also seeks information for an overly broad timeframe by seeking information from periods of time other than that in which Mr. de Man was affiliated with Aspire.

75. Provide a detailed list of all expenses attributed to the trading activities of plaintiff de Man for the benefit of Aspire Commodities, L.P. from 2011 to the present, used to determine the net profit generated by him from his trading activities.

**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. The Request asks Aspire to provide a list of "all expenses" associated with Mr. de Man's trading activities for a period of six years, regardless of their irrelevance to the issues in this case. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Plaintiffs' Complaint contends that Aspire did not compensate Mr. de Man for administrative, back office work; it does not contend that Mr. de Man was not compensated for his trading efforts. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with Aspire.

Subject to the above objection, Aspire will produce a responsive document prepared by Mr. de Man. See attached. Nevertheless, as stated in the *General Objections* to this answers, the complete production of documents is subject to the execution of a confidentiality agreement.

76. Provide all evidence in your possession regarding Mr. De Man's purported efforts to establish a company that competes with Aspire Commodities, L.P.

**ANSWER:** Aspire objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Documents and information regarding Aspire's counterclaims do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Aspire or provided services as an Aspire employee for which he was not compensated. Further, the Request seeks the disclosure of work product and attorney mental impressions.

77. Provide a list of all of the persons employed by Aspire Commodities, L.P., or who were in the process of being recruited by Aspire Commodities, L.P. who plaintiff attempted to recruit.

**ANSWER:** See response to Request No. 76.

78. Identify all of the employees of Aspire Commodities, L.P. who purportedly received threatening calls from plaintiff De Man.

**ANSWER:** See response to Request No. 76.

79. Provide a list (log) of all of the threatening calls made by Mr. De Man to individuals associated with Aspire Commodities, L.P., including the number from where the call was generated, the telephone that received the call, the day and time of each call, and its duration.

**ANSWER:** See response to Request No. 76.

80. Identify all of the employees of Aspire Commodities, L.P. who were retained paying them more than \$1,000,000.

**ANSWER:** No Aspire employees were paid salaries of more than \$1,000,000 in any one year, as employees. See response to Request No. 24.

81. In connection with the preceding paragraph, provide all of the documentation that exists that reflects the discussions, negotiations, and payments of Aspire Commodities, L.P. employees who were retained paying them more than \$1,000,000.

**ANSWER:** See response to Request No. 80.

82. Provide all documentary evidence that exists that shows that Mr. de Man required Mr. Sinn's authorization to carry out significant trades for Aspire Commodities, L.P.

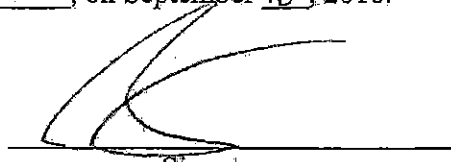
**ANSWER:** Aspire objects to this Request since it is not limited to any issue relevant to this case and is therefore overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case. The Request asks Aspire to provide documents regarding authorizations Mr. de Man's had to obtain in connection with his trading activities. Aspire also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Plaintiffs' Complaint contends that Aspire did not compensate Mr. de Man for administrative, back office work; it does not contend that Mr. de Man was not compensated for his trading efforts. Further, this Request seeks the disclosure of attorney mental impressions.

83. Provide all documentary evidence that exists that supports your contention that Mr. De Man reduced his work rhythm at Aspire Commodities, L.P.

**ANSWER:** Aspire will produce a responsive document prepared by Mr. de Man. See response to Request No. 76.



Executed in Houston, Texas, on September 18, 2018.

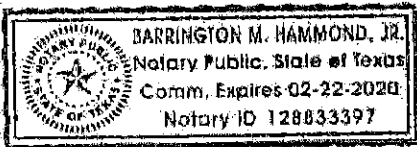
  
Signature

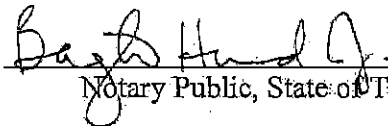
**SWORN STATEMENT**

State of Texas

County of Harris

SWORN to and SUBSCRIBED before me, the undersigned authority, on the 18<sup>th</sup> day of September, 2018, by Adam Sion.



  
Notary Public, State of Texas

[Notary's seal must be included.]



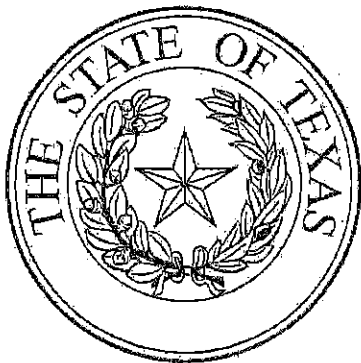
The State of Texas  
Secretary of State

I, Rolando B. Pablos, Secretary of State of the State of Texas, DO HEREBY  
CERTIFY that according to the records of this office,

**BARRINGTON M HAMMOND JR**

was commissioned as a Notary Public for the State of Texas on February 22,  
2016, for a term ending on February 22, 2020.

Issued: September 28, 2018  
Certificate Number 11619500



A handwritten signature in black ink, appearing to read "RBP", written over a horizontal line.

Rolando B. Pablos  
Secretary of State  
GR/els

WE HEREBY CERTIFY: having sent on this same date a true and exact copy of this document to German J. Brau, Esq. (german.brau@bioslawpr.com), P.O. Box 13669, San Juan, Puerto Rico 00908.

**O'NEILL & BORGES**

*Attorneys for Aspire Commodities L.P.*

American International Plaza

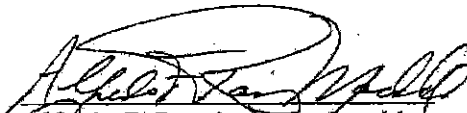
250 Muñoz Rivera Ave., Ste. 800

San Juan, PR 00918-1813

Telephone: 787-764-8181

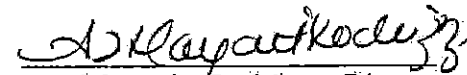
Fax: 787-753-8944

By:



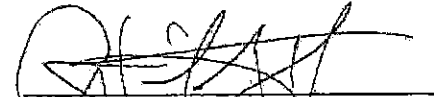
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## The Law Offices

**BAUZÁ  
BRAU  
IRIZARRY  
OJEDA  
SILVA**



15 de octubre de 2018

Vía Correo Electrónico

Lcdo. Alfredo F. Ramírez Macdonald  
O'NEILL & BORGES LLC  
250 Avenida Muñoz Rivera, Suite 800  
San Juan, Puerto Rico 00918-1813

Re: Patrick De Man v. Adam C. Sinn, Civil Núm. DAC2016-2144  
Interrogatorio a Aspire Commodities, LP

Estimado licenciado Ramírez:

Gracias por su comparecencia a nuestras oficinas para la reunión bajo la Regla 34.1 que se llevó a cabo el 10 de octubre de 2018, relacionada con el interrogatorio cursado a Aspire Commodities, LP ("Aspire"). Según discutimos en nuestra reunión, la parte demandante no está satisfecha con numerosas de las contestaciones que se nos sometieron. La parte demandada ha objetado prácticamente la totalidad de los interrogatorios sometidos. Según lo acordado, a continuación, le someto un listado de las contestaciones a interrogatorios sobre las cuales tenemos reparos, incluyendo una breve explicación. Para fines de claridad, hacemos referencia al inciso específico del interrogatorio original:

4. En este interrogatorio se solicitó que se identificaran los testigos de la parte demandada. No se nos brindó ni un solo nombre. Aunque entendemos que Aspire posiblemente no tiene identificados todos los testigos que empleará en el juicio, sí debe tener algunos testigos identificados con relación a su reconvencción, reclamo sobre el cual dicha parte tiene el peso de la prueba. Solicitamos que se produzca un listado preliminar de estos testigos y que posteriormente se nos brinde una lista completa de los testigos.
6. En este interrogatorio se solicitó que se anunciara la prueba documental y es parecido al inciso anterior. Aunque Aspire no tenga toda la prueba identificada, sí debe conocer la prueba en la que basa las alegaciones de su reconvencción. Solicitamos que se produzca un listado preliminar de los documentos que se hayan identificado y que luego se nos someta una lista completa de la prueba documental que se utilizará.
8. Entendemos que Aspire no tiene testigos periciales identificados en este momento. Solicitamos que así se confirme.

P.O. Box 13669  
San Juan PR 00908

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273 Ponce de León Ave.  
San Juan, PR 00917

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11. Solicitamos que se nos someta la lista de todas las admisiones del demandante que podrían ser usadas en el juicio. Si no hay ninguna, solicitamos que así se aclare.
12. Solicitamos que se nos someta una lista de todas las admisiones (i.e., declaraciones anteriores bajo juramento o sin él) de Aspire que se podrían utilizar en el juicio. Si no hay ninguna, solicitamos que así se aclare.
13. Insistimos en que se enumeren todas las categorías de socios y que se enumeren los socios dentro de cada categoría. Solicitamos que se indique la fecha en que cada entidad o individuo se convirtió en socio. Si hubo cambios en algún momento, solicitamos que así se aclare. También que se nos produzca copia del *Partnership Agreement* que se menciona en la contestación.
14. Insistimos en que se produzca copia del *Partnership Agreement* de Aspire (todos los que existan, si hubiera habido más de uno) y de todas sus enmiendas.
15. Insistimos en que se nos produzca copia de todos los contratos y/o acuerdos existentes entre los accionistas y/o socios de Aspire.
16. Insistimos en que se nos provea una relación de las partidas de daños reclamadas por Aspire en su reconvencción, así como la otra información solicitada en este interrogatorio.
19. Insistimos en que Aspire conteste cuáles eran las responsabilidades del demandante con Aspire para el período indicado.
20. Insistimos en que se nos produzca copia de las planillas de Aspire de 2011 al presente. (El demandante produjo sus planillas.) Las de Aspire son pertinentes a la reclamación del demandante para rasgar el velo corporativo.
21. Solicitamos que se nos aclare el término "key person" empleado para caracterizar la relación de Adam Sinn con Aspire. También solicitamos que se aclare la relación de Aspire con Raiden Commodities, LP, Raiden Commodities 1, LLC y Sinn Living Trust (a/k/a Gonemaroon Living Trust). Si no existe ninguna relación, solicitamos que así se aclare.
22. No se producen todas las formas K-1 de Aspire hasta el presente, sólo las de ciertos años. Tampoco se incluyen las de otras personas.
23. Insistimos en que se nos produzca el *General Ledger* de Aspire, el que es pertinente para establecer la forma en que opera la empresa y para establecer la reclamación de la parte demandante para rasgar el velo corporativo.
24. Insistimos en que se nos provea una lista de todos los empleados y agentes de Aspire, así como el resto de la información solicitada en el interrogatorio.

25. El interrogatorio 25 no se contesta. Se solicita información pertinente a las alegaciones formuladas por Aspire en su reconvencción y en su solicitud de remedios provisionales.
26. Las comunicaciones con Aspire y el demandante de 2011 al presente son todas pertinentes. Entendemos que no hubo un número excesivo de comunicaciones por escrito. No se nos produjo ni una sola.
27. Las comunicaciones de Aspire con Adam Sinn no son privilegiadas. Insistimos en que se produzcan todas.
29. En el inciso 29, se solicita que se nos expliquen los términos del contrato entre Aspire y la parte demandante. No se contesta.
30. Insistimos en que se nos identifique quiénes han sido los abogados de Aspire desde 2011 y que se indique cuál o cuáles de ellos participaron en las discusiones sobre la contratación del demandante.
31. Insistimos en que se nos identifique quiénes han sido los contadores de Aspire desde 2011 y que se indique cuál o cuáles de ellos participaron en la preparación de planillas para el demandante.
32. Insistimos en que se nos identifique y provea copia de las supuestas comunicaciones publicadas por el demandante en las páginas de internet, que dieron base a la reconvencción.
33. Insistimos en que se produzca copia del expediente de empleo del demandante, a lo que él tiene derecho, así como el de todo otro empleado.
34. Insistimos en que se provea copia de todos los contratos otorgados entre Aspire y los codemandados.
36. Insistimos en que al demandante se le provea una lista de todas las ventas que él hizo a beneficio de Aspire.
37. No se han producido todos los documentos pertinentes a la formación de Aspire.
38. No se produce ningún documento ni se aclara que no existan.
39. Insistimos en que se nos produzca copia de los contratos de empleo suscritos por Aspire con otros empleados. Si no existe ninguno, se debe así aclarar.
40. La manera en que Aspire se capitalizó desde 2011 al presente es pertinente al caso. La contención del demandante es que él participó en la capitalización a través de la retención de los ingresos que le correspondían. Esto es, el demandante alega que él aportó capital a la operación de Aspire. Insistimos en que se nos produzca la información solicitada.

42. Solicitamos que se aclare la forma en que el Sr. Sinn aportó fondos de forma indirecta a Aspire y que se conteste lo solicitado en este inciso.
43. Solicitamos que se aclaren las cantidades anuales aportadas por Aspire Commodities, LLC y Rural Route 3 Holdings, LLC para el período en cuestión. También queremos que se nos explique la diferencia entre Rural Route Holdings, LLC y Rural Route 3 Holdings, LP.
44. El demandante alega que él es socio en Aspire. Tiene derecho a explorar los beneficios y distribuciones que recibieron los socios de la empresa.
45. No se contesta este inciso.
46. No se contesta este inciso.
47. Insistimos en que se nos produzcan los estados financieros de Aspire para el período en cuestión.
48. La lista de ventas anuales de Aspire es pertinente. Reflejará que la entidad se capitalizaba a través de ventas y beneficios que no eran distribuidos al momento.
49. Este interrogatorio no se contesta. La contención del demandante es que él participó en la capitalización a través de la retención de ingresos que le correspondían. A su vez, ese capital se utilizó para los requerimientos diarios de colateral o crédito para las actividades de *trading* de la empresa. Insistimos en que se nos produzca la información solicitada.
50. Insistimos en que se produzca el documento solicitado. Los documentos que se solicitan servirán para el descubrimiento de evidencia adicional pertinente relacionada a comunicaciones y escritos que establecen la forma en que opera la entidad y el rol del demandante en la misma. Esta información es esencial a la reclamación para rasgar el velo corporativo.
51. Insistimos en que se provean copia de los acuerdos de licenciamiento. Si no existen, solicitamos que así se aclare.
52. Insistimos en que se produzcan los estados solicitados, los que reflejaran que el Sr. Sinn utilizaba su empresa para el pago de gastos personales.
53. Insistimos en que se conteste lo solicitado, lo que servirá para el descubrimiento de evidencia adicional pertinente relacionada a comunicaciones y escritos que establecen la forma en que opera la entidad y el rol del demandante en la misma. Esta información es esencial a la reclamación para rasgar el velo corporativo.

54. Por la misma razón expresada en el inciso anterior, insistimos en que se conteste este interrogatorio. (Ver # 53).
55. Insistimos en que se conteste este interrogatorio. (Ver # 53).
56. Insistimos en que se conteste este interrogatorio. (Ver # 53).
57. Insistimos en que se conteste este interrogatorio. (Ver # 53).
58. Insistimos en que se conteste este interrogatorio. (Ver # 53).
59. Insistimos en que se conteste este interrogatorio. (Ver # 53).
60. Insistimos en que se conteste este interrogatorio. (Ver # 53).
61. Insistimos en que se conteste este interrogatorio. (Ver # 53).
62. Insistimos en que conteste el interrogatorio. El proyecto mencionado es un proyecto de Aspire que ilustra la forma en que opera dicha entidad.
63. Insistimos en que se conteste este interrogatorio. El incidente mencionado es pertinente para establecer la forma en que opera Aspire.
64. Insistimos en que se conteste este interrogatorio. (Ver # 53).
65. Insistimos en que se conteste este interrogatorio. (Ver # 53).
66. Insistimos en que ofrezca la información solicitada, la que es pertinente para rasgar el velo corporativo de las empresas. Las necesidades de capital de Aspire son pertinentes al examen de la forma en que las distintas empresas del Sr. Sinn se combinaban, sin respetar la debida separación entre ellas. Además, la contención del demandante es que él participó en la capitalización de la empresa a través de la retención de los ingresos que le correspondían. Ese capital se utilizó para los *margin* o *collateral calls*.
67. Solicitamos que se provea la fecha pertinente en que comenzó la relación, se aclare si ha habido enmiendas y se acompañe copia de los documentos.
68. Insistimos en que se ofrezca una lista de los *traders* de Raiden desde 2011, aclarando quiénes actuaban durante cuál período.
69. Insistimos en que se conteste este interrogatorio, el que está relacionado con el anterior.
70. Insistimos en que se provea la documentación que demuestre la cantidad de capital de todas las entidades e individuos socios de Aspire desde 2013 hasta el presente.



72. No se acompañan las pólizas del Fondo del Seguro del Estado de Aspire. Si no existen, se debe aclarar.
73. No se acompañan las evaluaciones de empleados de Aspire. Naturalmente, las mismas incluirían al demandante si él hubiera sido empleado. Si no existen, se debe aclarar.
74. No se acompaña copia de los pagos de contribución al gobierno por los empleados. Si el demandante era empleado, Aspire venía obligado al pago de contribuciones y seguro social.
75. Insistimos en que se nos provea la lista de gastos atribuidos a las actividades del demandante según empleados para calcular sus ingresos netos.
76. La pregunta 76 está basada en las propias alegaciones de los demandados. Insistimos en que se conteste.
77. La pregunta 77 está basada en las propias alegaciones de los demandados. Insistimos en que se conteste.
78. La pregunta 78 está basada en las propias alegaciones de los demandados. Insistimos en que se conteste.
79. Insistimos en que se provea la lista de llamadas amenazantes supuestamente realizadas por el demandante, incluyendo la información solicitada.
82. No se contesta esta pregunta, que está relacionada con la alegación de la parte demandada de que el demandante era su empleado y no un socio en la empresa.
83. No se produce el documento mencionado.

Nos gustaría que se nos suplemente la contestación al interrogatorio, para lo cual estamos dispuestos a aguardar por un término de treinta (30) días. Según lo acordado en nuestra reunión, estaremos sometiendo cartas similares a ésta con relación a cada uno de los demandados.

Agradecemos su atención sobre este particular.

Atentamente,



German J. Brau

