

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 RAIDEN
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 Raiden Commodities, LP ("Raiden") un Primer Pliego de Interrogatorios y Solicitud de Producción de Documentos. (Véase el Anejo 1 de esta Moción). Raiden 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 66 interrogatorios sometidos, la parte demandada objetó y/o dejó de contestar 52.

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:¹

4. En el interrogatorio 4 la parte demandante le solicitó a Raiden que identificara sus testigos. No se nos brindó ni un solo nombre. Habiendo presentado una reconvención, Raiden debe tener algunos 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 Raiden no tenga toda la prueba identificada, sí debe conocer la prueba en la que basa las alegaciones de su reconvención. A la parte demandante no se le identificó ningún documento.

13. En este interrogatorio, se solicitó que se enumerasen todas las categorías de socios de Raiden y se identificase a todos los socios dentro de cada categoría. También se solicitó que se indicase la fecha en que cada entidad o individuo mencionado se convirtió en socio y que se produjera copia de un *Partnership Agreement* que se menciona. La parte demandada no suministró esta información.

14. La parte demandante solicitó que se le produjera copia del *Partnership Agreement* de Raiden (todos los que existan, si hubiera habido más de uno) y de todas sus enmiendas. Raiden no lo proveyó

15. La parte demandante solicitó que se le proveyera copia de todos los contratos y/o acuerdos existentes entre los accionistas y/o socios de Raiden. Raiden se negó.

16. En este interrogatorio, la parte demandante solicitó que se le proveyese una relación de las partidas de daños reclamadas por Raiden en su reconvención, así como otra información pertinente a este asunto. Raiden declinó contestar.

20. La parte demandante solicitó que Raiden produjera sus planillas desde 2011 al presente. (El demandante produjo sus planillas a la parte demandada.) Estos documentos son pertinentes a la reclamación del demandante para rasgar el velo corporativo. Raiden se negó.

21. La parte demandante solicitó que se le aclarase la relación de Raiden con las otras empresas codemandadas. La contestación de la parte demandada no fue responsiva.

22. La parte demandante solicitó que se le produjeran todas las formas K-1 de Raiden desde 2011 hasta el presente. La contestación no fue responsiva. Sólo se incluyeron formas fuertemente redactadas para ciertos años. Tampoco se incluyen las de otras personas, sólo las del demandado.

23. La parte demandante solicitó que se le produjera el *General Ledger* de Raiden, 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. Raiden se negó.

¹ 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.

24. La parte demandante solicitó que se le produjera una lista de todos los empleados y agentes de Raiden, así como otra información respecto a cada uno. Raiden se negó.

25. En el interrogatorio 25 se solicitó que Raiden aclarara cierta información pertinente a su reclamación de que el demandante se apropió de equipos electrónicos, propiedad intelectual y secretos comerciales. Estas fueron alegaciones formuladas por Raiden en su reconvencción y en su solicitud de remedios provisionales. Raiden se negó a contestar.

26. La parte demandante solicitó que se le produjeran las comunicaciones de Raiden y el demandante de 2011 al presente. La parte demandante entiende que no existe un número excesivo de comunicaciones por escrito entre las partes y que son pertinentes a la reclamación. Raiden no produjo ni una sola comunicación.

27. La parte demandante solicitó que se le produjeran las comunicaciones entre Raiden y el demandado Adam Sinn. No se produjo ninguna.

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

30. En el interrogatorio 30 se preguntó quiénes han sido los abogados de Raiden desde 2011 y que se identificara cuál o cuáles de ellos participaron en las discusiones sobre la contratación del demandante. Ello es pertinente para establecer que todas las corporaciones usaban siempre el mismo grupo de asesores comunes. El interrogatorio no se contestó.

31. En el interrogatorio 31 se solicitó que se identificaran quiénes han sido los contadores de Raiden desde 2011 y que se indique cuál o cuáles de ellos participaron en la preparación de planillas para el demandante. El interrogatorio no se contestó.

32. El inciso 32 está basado en las alegaciones de la parte demandada, quien alegó que el demandante incurrió en comunicaciones difamatorias. Se solicitó que se identificasen y proveyera copia de las supuestas comunicaciones. No se nos contestó.

33. En el inciso 33 se solicitó copia del expediente de empleo del demandante. (La parte demandada alega que el demandante fue su empleado). No se produjo.

34. En el inciso 34 se solicitó que se proveyera copia de todos los contratos entre Raiden y los otros codemandados. No se contestó.

36. En el inciso 36, el demandante solicitó que se le produjera un listado de todas las ventas que él hizo a beneficio de Raiden. No se le contestó.

37. En el inciso 37, se solicitó que se produjeran los documentos pertinentes a la formación de Raiden. La contestación no fue responsiva.

38. En el inciso 38, se solicitó que se produjeran los documentos pertinentes a la transferencia de Raiden a Tejas. La contestación no fue responsiva. Se produjeron algunos documentos, pero no todos.

39. En el inciso 39, se solicitó que se produjera copia de los contratos de empleo suscritos por Raiden con otros empleados. No se produjo ninguno.

40. En el inciso 40, se solicitó que se explicara la manera en que Raiden 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 Raiden. La parte demandada no contestó la pregunta.

41. Este interrogatorio está relacionado al anterior. Se solicitan detalles sobre la capitalización. No se contestó.

42. Este interrogatorio también está relacionado al interrogatorio 40. No se contestó.

43. En el interrogatorio 43 se solicita que se informen los beneficios y distribuciones que recibieron los socios de la empresa. No se contestó.

44. En el interrogatorio 44, se solicitó que se produjera la lista de ventas anuales de Raiden. Esta información es pertinente. Reflejará que la entidad se capitalizaba a través de ventas y beneficios que no eran distribuidos al momento. Raiden no contestó.

45. En el interrogatorio 45 se solicitó que se produjeran los estados mensuales de Raiden en PJM para 2016-2018. Estos documentos son pertinentes para establecer la forma en que se capitaliza la empresa, lo que, a su vez, es pertinente a la determinación de quiénes son socios en la misma. Raiden no contestó.

46. En el interrogatorio 46, se solicitó que se produjeran los estados auditados de Raiden para todo el período pertinente. Estos documentos son pertinentes para establecer la forma en que opera y se capitaliza la empresa. Raiden no contestó.

47. En este interrogatorio se solicitó que se produjeran los documentos relacionados con el traslado de Raiden de Islas Vírgenes a Texas. Se sometieron algunos, pero no todos los documentos existentes.

48. En el interrogatorio 48 se solicitó que se proveyera toda la documentación existente relacionada con la carta de reclamación sometida al Sr. Hammond por Kyle R. Waldner. No se contestó.

49. En el interrogatorio 49, se inquirió sobre la relación de Raiden con Rural Route 3 Holdings LP. Esta es materia pertinente al caso y podría dar lugar a la inclusión de partes adicionales. Raiden no contestó.

50. En el interrogatorio 50 se solicitó el listado de los *traders* de Raiden desde 2011, aclarando quiénes actuaban durante cuál período. La contestación no fue responsiva. Se ofrecen sólo algunos nombres sin indicación de fechas y sin un detalle de su actividad.

51. Este interrogatorio está relacionado al anterior. Se pregunta la capacidad en que funcionaban los *traders* de Raiden mencionados. Raiden no aclaró si eran empleados, ni explicó de otro modo en qué capacidad colaboraban.

52. Se solicitó que se indicara quienes eran los socios de Raiden y la cantidad de capital que tenían en la empresa. Se mencionan Gonemarooon Living Trust y Raiden Commodities 1, LLC, pero no se someten documentos ni se indica la cantidad de capital de cada uno.

54. En este interrogatorio, se solicitaron las pólizas del Fondo del Seguro del Estado de Raiden para el período pertinente. No se nos contestó.

55. Se solicitaron las evaluaciones de empleados de Raiden. No se contestó.

56. En el interrogatorio 56, se solicitó copia de la evidencia de los pagos de contribución al gobierno por los empleados de Raiden. (Si el demandante era empleado, según se alega, Raiden venía obligado al pago de contribuciones y seguro social.) Raiden no contestó.

57. En este inciso se solicitó la lista de gastos atribuidos a las actividades del demandante según empleados para calcular sus ingresos netos por Raiden. La parte demandada no contestó.

58. La parte demandada alegó que el demandante había hecho esfuerzos para establecer una compañía competidora con Raiden. En la pregunta 58, se pide que se someta la evidencia con que cuenta la parte demandada para establecer esta alegación. No se contestó.

59. La parte demandada alegó que el demandante había hecho esfuerzos para reclutar empleados de Raiden. En la pregunta 59 se inquiriere quiénes eran estas personas. Raiden no contestó.

60. Raiden alegó que el demandante hizo llamadas amenazantes a sus empleados. En la pregunta 60 se solicita que se identifique a los empleados que fueron llamados. La parte demandada no contestó.

61. Raiden alegó que el demandante realizó llamadas amenazantes a individuos asociados con Raiden. En la pregunta 61 se solicita que se provea la lista de llamadas amenazantes supuestamente realizadas por el demandante, incluyendo el número de teléfono desde el que se origina la llamada.

64. 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 Raiden. Raiden no contestó.

65. Raiden 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.

66. En el inciso 66, se solicita que se provea una relación separada de los requerimientos diarios de colateral o crédito para los mercados de PJM y ERCOT con respecto al demandante. La información solicitada es pertinente a la capitalización requerida para Raiden. 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. A su vez, ese capital se utilizó para los requerimientos diarios de colateral o crédito para las actividades de la parte demandada. La parte 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, Raiden 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 Raiden Commodities, LP producir la información solicitada.

RESPECTUOSAMENTE SOMETIDA.

CERTIFICO: Haber notificado copia fiel y exacta del presente escrito al Lcdo. Alfredo F. Ramírez Macdonald (alfredo.ramirez@oneillborges.com), a la Lcda. Ana M. Rodríguez Rivera (ana.rodriguez@oneillborges.com) y Lcdo. Arturo L.B. Hernández González (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.

BAUZÁ, BRAU, IRIZARRY,
OJEDA & SILVA
PO Box 13669, Santurce Station
San Juan, Puerto Rico 00908
Tel.: (787) 710-8262
Directo: (787) 723-8754
Fax: (787) 282-3672



GERMAN J. BRAU
Colegiado Núm. 9710
T.S.P.R. Núm. 7514
german.brau@bioslawpr.com

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(702)

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.

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

A: RAIDEN COMMODITIES, L.P.
P/C Lcdo. Alfredo F. Ramírez Macdonald
Lcda. Ana Margarita Rodríguez Rivera
Lcdo. Arturo L.B. Hernández González
O'NEILL & BORGES LLC
250 Avenida Muñoz Rivera, Suite 800
San Juan, Puerto Rico 00918-1813
Tel. (787) 764-8181
Fax: (787) 753-8944
Email: alfredo.ramirez@oneillborges.com
ana.rodriguez@oneillborges.com
arturo.hernandez@oneillborges.com


De: PARTE DEMANDANTE
P/C Lcdo. German J. Brau
BAUZA BRAU IRIZARRY OJEDA & SILVA
PO Box 13669
San Juan, Puerto Rico 00908
Tel. (787) 723-8754/710-8262
Fax: (787) 282-3672
Email: german.brau@bioslawpr.com

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 Raiden 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 e-mail 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 que 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 Raiden Commodities, LP 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 Raiden Commodities, LP y a todos los socios dentro de cada categoría desde 2011 hasta el presente. Indique para cada uno, la proporción de su participación y cuál fue la contraprestación que hizo para adquirir su participación. Indique, además, la fecha en que se convirtió en socio y/o dejó de serlo.

14. Provea copia del Partnership Agreement de Raiden Commodities, LP, incluyendo cualquier enmienda.

15. Provea copia de todos los acuerdos de sociedad existentes de los socios de Raiden Commodities, LP 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 Raiden Commodities, LP 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 Raiden Commodities, LP 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 Raiden Commodities, LP desde 2011 hasta la fecha de la terminación de su relación con la empresa.

20. Provea todas las planillas de contribución de ingresos para Raiden Commodities, LP desde 2011 al presente.

21. Explique cuál es la relación de Raiden Commodities, LP con:

- a. el codemandado Adam Sinn;
- b. la codemandada Aspire 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 Raiden Commodities, LP para el IRS para los años 2011 al presente.

23. Provea el *General Ledger* de Raiden Commodities, LP de 2011 hasta el presente.

24. Provea un listado de todos los empleados y agentes de Raiden Commodities, LP 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 Raiden Commodities, LP, 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 Raiden Commodities, LP.

d. por el demandante, perteneciente a cualquier otro de los codemandados.

e. la descripción de los secretos comerciales supuestamente apropiados por el demandante, pertenecientes a Raiden Commodities, LP.

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 Raiden Commodities, LP 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 Raiden Commodities, LP o cualquiera de sus dueños, oficiales, abogados, contadores y empleados con el codemandado Adam Sinn desde 2011 hasta el presente.

28. Acompañe todos los borradores de acuerdos relacionados con Raiden Commodities, LP 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 Raiden Commodities, LP.

30. Identifique todos los abogados que actuaron para Raiden Commodities, LP 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 Raiden Commodities, LP 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 Raiden Commodities, LP, identifique y acompañe copia de todas las comunicaciones aludidas.

33. Produzca copia de todo expediente de empleo que Raiden Commodities, LP mantenga relacionado con el Sr. Patrick de Man.

34. Acompañe copia de todos los contratos escritos otorgados por Raiden Commodities, LP 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 Raiden Commodities, LP, produzca copia de su contrato de empleo.

36. Provea un listado anual de todas las ventas realizadas por el demandante Patrick de Man para beneficio de Raiden Commodities, LP desde 2011 hasta el presente, incluyendo la cantidad de cada venta y su fecha.

37. Acompañe todos los documentos relacionados al establecimiento de Raiden Commodities, LP.

38. Acompañe todos los documentos relacionados con cualquier traslado de Raiden Commodities, LP.

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

40. Explique, año por año, desde 2011 hasta el presente, la forma en que Raiden Commodities, LP fue capitalizada.

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

42. Diga si alguna otra persona aportó capital a Raiden Commodities, LP. En caso afirmativo, diga año por año, desde 2011 hasta el presente, las cantidades aportadas por cada persona.

43. Acompañe un listado de todas las distribuciones y beneficios anuales pagados por Raiden Commodities, LP a sus socios desde 2011 hasta el presente. Incluya todo beneficio marginal.

44. Someta un listado de las ventas anuales de Raiden Commodities, LP, desde 2011 hasta el presente, indicando la cantidad de ventas para cada año.

45. Provea todos los estados mensuales de PJM para los años 2016, 2017 y 2018.

46. Provea todos los estados financieros auditados de Raiden Commodities, LP para 2016 y 2017.

47. Provea toda la documentación existente relacionada con el traslado de Raiden Commodities, LP de las Islas Vírgenes a Texas.

48. Provea toda la documentación existente relacionada con la carta de reclamación enviada al Sr. Hammond por Kyle R. Waldner.

49. Explique la relación entre Raiden Commodities, LP y Rural Route 3 Holdings, LP 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.

50. Identifique a todos los individuos que llevaron a cabo actividades de *trading* para Raiden Commodities, LP y exprese el ingreso anual producto de estas actividades desde 2011.

51. Para cada una de las personas identificadas en el inciso anterior, diga en qué capacidad colaboraba con Raiden Commodities, LP, si como empleado, socio, contratista, etc.

52. Para cada una de las personas identificadas en el inciso 49, provea toda la documentación existente que demuestre la cantidad de capital que tenían en Raiden Commodities, LP desde 2011 hasta el presente.

53. Explique cuál es el rol de Barrington M. Hammond, Jr. en Raiden Commodities, LP.

54. Provea toda la documentación sobre el seguro adquirido por Raiden Commodities, LP en el Fondo del Seguro del Estado para cada uno de sus empleados desde 2011 hasta el presente.

55. Provea todas las evaluaciones de los empleados de Raiden Commodities, LP desde 2011 hasta el presente.

56. Provea evidencia de todos los pagos al I.R.S. y al Departamento de Hacienda de Puerto Rico realizados por Raiden Commodities, LP de impuestos

o contribuciones retenidos a sus empleados desde 2011 hasta el presente.

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

58. Provea toda la evidencia en su poder sobre los supuestos esfuerzos del Sr. De Man para establecer una compañía competidora con Raiden Commodities, LP.

59. Provea un listado de todas las personas empleadas por Raiden Commodities, LP o que estaban en proceso de ser reclutadas por Raiden Commodities, LP, que el demandante intentó reclutar.

60. Identifique a todos los empleados de Raiden Commodities, LP que supuestamente recibieron llamadas amenazantes por parte del demandante De Man.

61. Provea un listado (*log*) de todas las llamadas amenazantes realizadas por el Sr. De Man a individuos asociados con Raiden Commodities, LP, 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.

62. Identifique a todos los empleados de Raiden Commodities, LP que fueron retenidos pagándoles más de \$1,000,000.

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

64. 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 Raiden Commodities, LP.

65. Provea toda la prueba documental existente que sostenga su contención de que el Sr. De Man redujo su ritmo de trabajo en Raiden Commodities, LP.

66. Provea una relación separada para PJM y ERCOT, 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.

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.

**RAIDEN 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: Raiden Commodities, L.P. ("Raiden");
Alfredo Ramírez-Macdonald, Esq.; Ana M. Rodríguez-Rivera, Esq.,
And Arturo L.B. Hernández-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, Raiden Commodities, L.P. ("Raiden"), 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. Raiden 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 Raiden's right to provide additional evidence at the time of trial.

II. GENERAL OBJECTIONS

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

3. Raiden 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 Commodities, L.P. ("Aspire") and 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. Raiden 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 Raiden does not read them as requesting such information.

5. Raiden'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. Raiden 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 Raiden 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 Raiden;
- d. Seeks information that is publicly available and is as readily accessible to opposing counsel and their clients as it is to Raiden; 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. Raiden 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, Raiden objects to the extent the *Interrogatories* seek information from irrelevant time periods by seeking information from after Mr. de Man left Raiden.

8. Raiden'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. Raiden incorporates the foregoing *General Objections* into each and every answer to the *Interrogatories* below.

10. Raiden also reserves the right to supplement its answers to these *Interrogatories* 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 Raiden. 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 Raiden 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: Raiden states that these responses were prepared by its attorneys with information provided by Adam Sinn, a Key Person for Raiden. Mr. Sinn may be reached through

undersigned counsel. Raiden 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, Raiden objects to the extent this Interrogatory attempts to limit the witnesses in this action to those known to Raiden at this time. Discovery in this matter is just beginning, and Raiden 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: Raiden objects to this Interrogatory to the extent it attempts to limit the witnesses in this action to those known to Raiden at this time. Discovery in this matter is just beginning and Raiden may discover additional potential witnesses throughout the course of discovery or its internal review of this matter. Raiden 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. Raiden 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 Raiden's counsel.

Subject to and without waiving the foregoing, Raiden 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: Raiden objects to this Interrogatory as premature. Discovery in this matter is just beginning, and Raiden has not yet determined which witnesses it will present at trial. Raiden 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, Raiden 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. Raiden further objects to this Interrogatory as overly broad, unduly burdensome, not reasonably proportional to the needs of the case to the extent it seeks to have Raiden 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. Raiden also objects because this Interrogatory asks Raiden to speculate as to what individuals may or may not know and provide information outside of Raiden's possession, custody, and control. Raiden 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 Raiden'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: Raiden objects to this Interrogatory as premature. Discovery in this matter is just beginning and Raiden has not yet determined which evidence it will present at trial. Raiden 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. Raiden 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 Raiden's counsel.

Subject to and without waiving the foregoing, Raiden 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, Raiden 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: Raiden objects to this Interrogatory to the extent it seeks to have Raiden identify its consulting experts or other experts. Raiden will not present at trial. Raiden also objects to this Interrogatory as premature. Discovery in this matter is just beginning and Raiden has not yet determined which experts, if any, it will present at trial. Raiden 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. Raiden 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 Raiden's counsel.

Subject to and without waiving the foregoing, Raiden 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: Raiden 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. Raiden will interpret this Interrogatory as seeking written statements provided to Raiden by any potential fact witness in this matter regarding the facts alleged in Plaintiffs' Complaint or Defendants' Amended Counterclaim. Raiden 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. Raiden 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 Raiden's counsel.

Subject to and without waiving the foregoing, Raiden 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: Raiden objects to this Interrogatory as vague and ambiguous. Raiden will interpret this Interrogatory as seeking information relating to whether Raiden has commissioned an external or internal independent investigation of this matter. Raiden 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. Raiden 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 Raiden's counsel.

Subject to and without waiving the foregoing, Raiden 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: Raiden objects to this Interrogatory as premature. Discovery in this matter is just beginning and Raiden has not yet determined which admissions by Plaintiffs, if any, it will present as evidence. Raiden 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. Raiden 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 Raiden's counsel.

12. State whether you intend to present as evidence admissions made by Raiden 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: Raiden objects to this Interrogatory as unintelligible as stated. The concept of binding admissions is for use by adversaries in litigation. Raiden is not adverse to itself. Further, this Request seeks the disclosure of counsel's mental impressions. Raiden further refers Plaintiffs to its responses to Interrogatories Nos. 4, 5, 6, 7 and 8.

13. List all of the categories of partners of Raiden 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 Raiden during the period of Mr. de Man's affiliation with Raiden: Raiden Commodities 1, LLC (general partner); GoneMaroon Living Trust 99% (Class A Limited Partner).

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

ANSWER: Raiden 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. Raiden's relevant Limited Partnership Agreement does not advance Plaintiffs' arguments that Mr. De Man had any ownership interest in Raiden or provided services as a Raiden employee for which he was not compensated.

Subject to and without waiving the foregoing, Raiden will produce the Limited Partnership Agreements in effect during Mr. de Man's affiliation with Raiden. 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 Raiden Commodities, L.P. from the establishment of said company to the present.

ANSWER: Raiden objects to this Request as vague and ambiguous. Raiden cannot determine the intended meaning or scope of the phrase "partnership agreements of the partners of Raiden." Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

Subject to and without waiving the foregoing, Raiden will produce the Limited Partnership Agreements in effect during Mr. de Man's affiliation with Raiden. 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: Raiden 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. Raiden's claimed damages in this action do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Raiden or provided services as a Raiden employee for which he was not compensated. Raiden 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 Raiden 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 Raiden 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: See response to Interrogatory No. 17.

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

ANSWER: Raiden objects to this Interrogatory since it is not limited to the 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, Raiden states that Mr. de Man's employment duties were not detailed anywhere. Raiden was a small business with employees and the owner each doing what was needed to make the business work. Raiden refers Plaintiffs to its response to Request No. 24.

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

ANSWER: Raiden 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. Further, the request seeks information for an irrelevant time period by seeking information from periods of time in which Mr. de Man was not affiliated with Raiden.

Subject to this objection, Raiden 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 Raiden Commodities, L.P.'s relationship with:

- a. codefendant Adam Sinn;
- b. codefendant Aspire 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: Raiden 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. Raiden'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 Raiden or provided services as a Raiden employee for which he was not compensated.

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

ANSWER: Raiden 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 Raiden to entities or individuals other than de Man do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Raiden or provided services as a Raiden employee for which he was not compensated. Further, the request seeks information for an irrelevant time periods when Mr. de Man was not affiliated with Raiden.

Subject to and without waiving the foregoing, Raiden 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 Raiden Commodities, L.P. from 2011 to the present.

ANSWER: Raiden 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 Raiden's business transactions, none of which are relevant to the issues in Phase I. Raiden's general ledger from 2011 to present does not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Raiden or provided services as a Raiden employee for which he was not compensated. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

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

ANSWER: Raiden objects to this Request in that its use of the phrase "employees and agents" is vague and ambiguous. Raiden will interpret the Request as seeking information regarding its employees and independent contractors. Raiden 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 Raiden's employees and independent contractors other than Mr. de Man do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Raiden or provided services as a Raiden employee for which he was not compensated.

Subject to and without waiving the foregoing, Raiden states that Mr. de Man traded ERCOT virtuals on behalf of Raiden. He also performed accounting, other back office functions and certain IT functions for certain defendant entities.

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 Raiden 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 Raiden Commodities, L.P.
- d. by plaintiff, belonging to any other of the codefendants, *[sic]*
- e. the description of the trade secrets purportedly appropriated by plaintiff, belonging to Raiden 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: Raiden 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 Raiden's claims that Mr. de Man misappropriated and stole Raiden's electronic equipment, intellectual property, and trade secrets do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Raiden or provided services as a Raiden employee for which he was not compensated.

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

ANSWER: Raiden 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 Raiden or any of its owners, officers, or employees and Plaintiffs – regardless of subject matter – from a seven-year period of time. Raiden 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. Further, the

request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

Subject to and without waiving the foregoing, Raiden states that it is not aware of any communications between itself and Plaintiffs stating that Mr. de Man has any equity/capital interest in Raiden or any communication entitling Mr. de Man to additional compensation for his providing accounting, IT and other back office services to certain defendant entities. Raiden will produce documents describing Mr. de Man's relationship with the defendant entities to be an employment relationship. Raiden 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 Raiden Commodities, L.P. or any of its owners, officers, and employees with codefendant Adam Sinn from 2011 to the present.

ANSWER: Raiden 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 Raiden or any of its owners, officers, or employees and Mr. Sinn – regardless of subject matter – from a seven-year period of time. Raiden 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. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

Subject to the above objections, Raiden is not aware of any relevant, responsive communications. Raiden will produce communications in which Mr. de Man acknowledges that his right to become a capital/equity owner in Raiden was conditioned on him contributing significant capital to Raiden, which never happened. Raiden 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.

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

ANSWER: Raiden objects to this Request because its use of the phrase “in which plaintiff Patrick de Man was intended to appear” is vague and ambiguous. Raiden 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.

Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

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

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

ANSWER: Raiden objects to this Request as vague and ambiguous. Raiden 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, Raiden states that no responsive documents exist.

30. Identify all of the attorneys who acted for Raiden 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: Raiden 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. Raiden 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 Raiden's attorneys from 2011 to the present who provided any services or legal advice to Raiden (regardless of subject matter) have nothing to do with any claim in this case, let alone the limited issues in Phase I. Raiden 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 Raiden's counsel. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

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

ANSWER: Raiden 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. Raiden 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 Raiden'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. Raiden 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 Raiden's counsel. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

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

ANSWER: Raiden 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 Raiden's counterclaims do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Raiden or provided services as a Raiden employee for which he was not compensated.

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

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

Subject to and without waiving the foregoing, Raiden will produce a copy of Mr. de Man's personnel file, if any. 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 Raiden Commodities, L.P. and any other codefendant between 2011 and the present.

ANSWER: Raiden objects to this Request as vague and ambiguous. Raiden 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, Raiden 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. Raiden 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 Raiden or provided services as a Raiden employee for which he was not compensated. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

Subject to and without waiving the foregoing, Raiden states that no ownership, membership, partnership, or employment contract between itself and Mr. de Man exists. It is also not aware of any contract, regardless of subject matter, which identifies Mr. de Man as having a capital/equity interest in any defendant entity.

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

ANSWER: See response to Request No. 34.

36. Provide an annual list of all of the sales made by plaintiff Patrick de Man for the benefit of Raiden Commodities, L.P. from 2011 to the present, including the amount of each sale and its date.

ANSWER: Raiden 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. The Request asks Raiden to provide a list of "all of the sales" Mr. de Man made while working for Raiden over a period of seven years, regardless of their irrelevance to the issues in this case. Raiden 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. Further, the term "sale" is ambiguous and undefined. Plaintiffs' Complaint contends that Raiden 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. Mr. de Man's trading activity is irrelevant to any issue in this case and certainly irrelevant to Phase I. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

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

ANSWER: Raiden 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 Raiden's establishment do not advance Plaintiffs' arguments that Mr. de Man subsequently obtained an interest in Raiden or that he provided services as a Raiden employee for which he was not compensated. The requested documents are also equally accessible to Plaintiff as to Defendants.

Subject to the above objection, Raiden will produce its formation documents on file with the relevant governmental entity. 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 Raiden Commodities, L.P.

ANSWER: Raiden objects to this Request as unintelligible. The Request seeks documents "connected with any transfer of Raiden," but "transfer" is vague, ambiguous, undefined, and subject to a variety of interpretations. Regardless, Raiden 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.

Subject to the above objection, Raiden will produce documents evidencing its changed form and state of incorporation during the relevant timeframe. 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.

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

ANSWER: Raiden 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. Raiden 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 Raiden and its employees and copies of Raiden'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 Raiden or provided services as a Raiden employee for which he was not compensated. Raiden refers Plaintiffs to its response to Request No. 24 for a description of Mr. de Man's employment duties and compensation. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

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

ANSWER: Raiden objects to this Interrogatory because its use of the word "funded" is vague, ambiguous, and subject to a variety of interpretations. Raiden will interpret this Interrogatory as seeking information regarding any loans or capital contributions Raiden received since 2011. Raiden 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" Raiden 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 Raiden or provided services as a Raiden employee for which he was not compensated. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

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

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

ANSWER: See response to Interrogatory No. 40.

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

ANSWER: See response to Interrogatory No. 40.

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

ANSWER: Raiden objects to this Interrogatory because its use of the phrase "annual benefits" is vague, ambiguous, and subject to a variety of interpretations. Raiden will interpret this Interrogatory as seeking information regarding any distributions Raiden made to its limited partners since 2011. Accordingly, Raiden 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 Raiden made to individuals or entities other than Mr. de Man do not advance Plaintiffs' arguments that Mr. de Man obtained an interest in Raiden or provided services as a Raiden employee for which he was not compensated. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

Subject to and without waiving the foregoing, see response to Request No. 22.

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

ANSWER: Raiden 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 Raiden to list of its "annual sales" for a period of seven years, regardless of their irrelevance to the issues in this case. Further the term "sale" is undefined and ambiguous. Raiden also objects to this Request as seeking information not relevant to any issue in this case and certain irrelevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

45. Provide all monthly statements of PJM for the years 2016, 2017, and 2018.

ANSWER: Raiden 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. PJM's monthly statements to Raiden are not relevant to any issues in this case and certainly are not relevant to Phase I. Those statements do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Raiden or provided services as a Raiden employee for which he was not compensated. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

46. Provide all of the audited financial statements of Raiden Commodities, L.P for 2016 and 2017.

ANSWER: Raiden 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. Raiden 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. Raiden's financial statements do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Raiden or provided services as a Raiden employee for which he was not compensated. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

47. Provide all documentation that exists in connection with the transfer of Raiden Commodities, L.P. from the Virgin Islands to Texas.

ANSWER: Raiden 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. The location of Raiden's registration or principal place of business has nothing to do with any issue in this dispute. Raiden 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.

Subject to the above objection, Raiden will produce documents evidencing its changed state of incorporation during the relevant timeframe. 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.

48. Provide all documentation that exists in connection with the claim letter sent to Mr. Hammond by Kyle R. Waldner.

ANSWER: Raiden objects to this Request as vague, ambiguous, overly broad, and unduly burdensome. Raiden also objects to this Request as not reasonably calculated to lead to the discovery of admissible evidence and not proportional to the needs of the case. Raiden 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 meaning behind a letter sent from Kyle Waldner to Mr. Hammond do not advance any issue in this case and certainly do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Raiden or provided services as a Raiden employee for which he was not compensated. Raiden further objects to this Request to the extent it seeks documents that are equally as accessible to Plaintiffs as they are to Defendants. Raiden objects to this request to the extent it seeks documents protected by the Attorney/Client Privilege, the Work Product Doctrine, or any other applicable privilege.

49. Explain the relationship between Raiden Commodities, LP and Rural Route 3 Holdings, LP 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 existing documents.

ANSWER: Raiden 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. Raiden'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 Raiden or provided services as a Raiden employee for which he was not compensated. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

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

ANSWER: Raiden 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 of Raiden's traders do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Raiden or provided administrative services as a Raiden employee for which he was not compensated. Further, the request seeks information for an

irrelevant time period by seeking information after Mr. de Man left Raiden. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

Subject to the above objection, the following individuals traded on behalf of Raiden or assisted on trades on behalf of Raiden during Mr. de Man's affiliation with Raiden: Adam Sinn, Brian Tyson, Jay Viswanathan, Dave Schmidli, Lin Pan, Moises ("Stephen") Benchluch, and Ken Truesdell.

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

ANSWER: Raiden 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 titles of Raiden's traders do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Raiden or provided administrative services as a Raiden employee for which he was not compensated.

Subject to the above objections, the following persons were equity/capital owners of Raiden during the period of Mr. de Man's affiliation with Raiden: the Gonemaroo Living Trust and Raiden Commodities 1, LLC.

52. For each of the persons identified in subparagraph 49 [sic], provide all existing documentation that shows the amount of capital that they had in Raiden Commodities, L.P. from 2011 to the present.

ANSWER: See answer to No. 51.

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

ANSWER: Raiden 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. Raiden'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 Raiden or provided services as a Raiden 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 Raiden.

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

ANSWER: Raiden 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. Raiden 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

Raiden's health plan, insurance coverage, and any individuals who may or may not have had coverage under Raiden's health plan do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in Raiden or provided services as a Raiden employee for which he was not compensated. Further, the request seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden.

55. Provide all of the evaluations of the employees of Raiden Commodities, L.P. from 2011 to the present.

ANSWER: Raiden 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. Raiden 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. Evaluations of Raiden's employees have nothing to do with any issue in this case. Further, the requests seeks information for an irrelevant time period by seeking information after Mr. de Man left Raiden

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

ANSWER: Raiden 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. Further, the request seeks information for an irrelevant time period by seeking information from periods of time in which Mr. de Man has no affiliation with Raiden.

57. Provide a detailed list of all expenses attributed to the trading activities of plaintiff de Man for the benefit of Raiden Commodities, L.P. from 2011 to 2016, used to determine the net profit generated by him from his trading activities.

ANSWER: Raiden 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. The Request asks Raiden 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. Raiden 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 Raiden 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, Raiden will produce a summary of Mr. de Man's expenses, 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.

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

ANSWER: Raiden 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 Raiden's Counterclaims do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in Raiden or provided services as a Raiden employee for which he was not compensated. Further, this Request seeks information protected by the work product doctrine and seeks disclosure of attorney mental impressions, which are absolutely privileged from disclosure.

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

ANSWER: See response to Request No. 58.

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

ANSWER: See response to Request No. 58.

61. Provide a list (log) of all of the threatening calls made by Mr. De Man to individuals associated with Raiden 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. 58.

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

ANSWER: No Raiden employees were paid salaries of more than \$1,000,000 in any one year, as employees. See response to Requests Nos. 24, 44.

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

ANSWER: See response to Request No. 24.

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

ANSWER: Raiden 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 Raiden to provide documents regarding authorizations Mr. de Man's had to obtain in connection with his trading activities. Raiden 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 Raiden 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

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

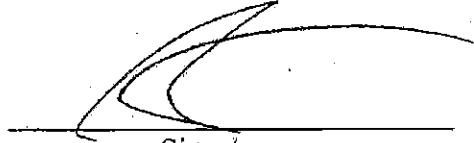
ANSWER: See response to Request No. 58.

Subject to this objection, Raiden will produce spreadsheet showing Mr. de Man's alleged production, 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.

66. Provide a separate account for PJM and ERCOT, in dollars, of the daily collateral or credit requirements for securities sales activities of plaintiff De Man from 2011 to the present.

ANSWER: Raiden 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 seeks information that is not relevant to any issue in this case. Raiden 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 Raiden 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.

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



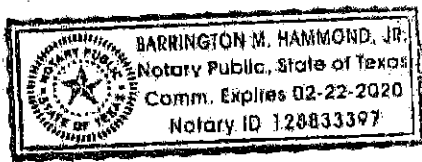
Signature

SWORN STATEMENT

State of Texas

County of Harris

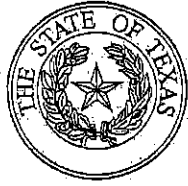
SWORN to and SUBSCRIBED before me, the undersigned authority, on the 18th day of
September, 2018, by Adam Sira.





Notary Public, State of Texas

[Notary's seal must be included.]



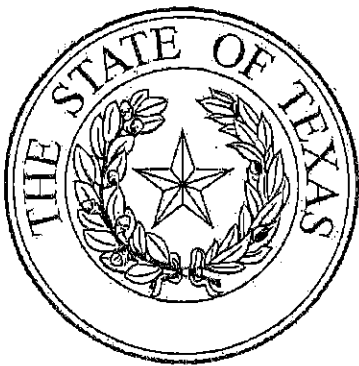
The State of Texas
Secretary of State

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 11619501



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

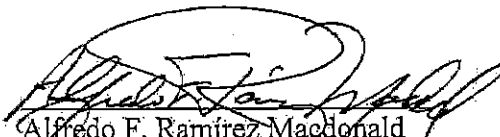
Rolando B. Pablos
Secretary of State
GF/els

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 Raiden 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

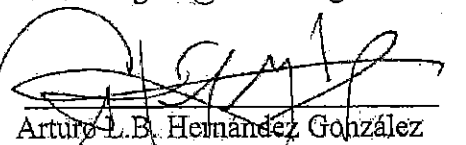
By:


Alfredo F. Ramirez Macdonald
Núm. de Tribunal Supremo 8882
alfredo.ramirez@oneillborges.com

By:


Ana Margarita Rodriguez Rivera
Núm. de Tribunal Supremo 16195
ana.rodriguez@oneillborges.com

By:


Arturo L.B. Hernandez Gonzalez
Núm. de Tribunal Supremo 20347
arturo.hernandez@oneillborges.com

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 **Raiden 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 Raiden Commodities, LP ("Raiden"). 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 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 Raiden posiblemente no tiene identificados todos los testigos que empleará en el juicio, sí debe tener algunos testigos identificados con relación a su reconvención, 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 Raiden no tenga toda la prueba identificada, sí debe conocer la prueba en la que basa las alegaciones de su reconvención. 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 Raiden no tiene testigos periciales identificados en este momento. Solicitamos que así se confirme.

P.O. Box 13669
San Juan PR 00908

Plaza 273 - Suite 704
273 Ponce de León Ave.
San Juan, PR 00917

german.brau@bioslawpr.com
W - 787 723 8754 C - 787 605 1718

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 Raiden 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 se identifique a todos los socios dentro de cada categoría. Solicitamos que se indique la fecha en que cada entidad o individuo mencionado 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.
14. Insistimos en que se produzca copia del *Partnership Agreement* de Raiden (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 Raiden.
16. Insistimos en que se nos provea una relación de las partidas de daños reclamadas por Raiden en su reconvención, así como la otra información solicitada en este interrogatorio.
20. Insistimos en que se nos produzca copia de las planillas de Raiden de 2011 al presente. (El demandante produjo sus planillas.) Las de Raiden son pertinentes a la reclamación del demandante para rasgar el velo corporativo.
21. No se contesta cuál es la relación de Raiden con las empresas mencionadas. Este tema es pertinente al caso.
22. No se producen todas las formas K-1 de Raiden 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 Raiden, 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 Raiden, 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 la propia parte demandada en su reconvención y en su solicitud de remedios provisionales.

26. Las comunicaciones con Raiden 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 Raiden 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 Raiden y la parte demandante. Este inciso no se contesta.
30. Insistimos en que se nos identifique quiénes han sido los abogados de Raiden 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 Raiden 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 entre Raiden y los codemandados.
36. El demandante tiene derecho a que se le provea una lista de todas las ventas que él hizo a beneficio de Raiden, lo que se solicita en este inciso.
37. No se han producido todos los documentos pertinentes a la formación de Raiden.
38. Se debe confirmar si se produjeron todos los documentos existentes pertinentes a la transferencia de Raiden a Tejas. Se produjeron algunos documentos. Entendemos que no están todos.
39. Insistimos en que se nos produzca copia de los contratos de empleo suscritos por Raiden con otros empleados. Si no existe ninguno, se debe así aclarar.
40. Insistimos en que se nos produzca la información solicitada. La manera en que Raiden 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 Raiden.

41. Este interrogatorio está relacionado al anterior. No se contestó.
42. Este interrogatorio está relacionado al interrogatorio 40. No se contestó.
43. El demandante alega que él es socio en Raiden. Tiene derecho a explorar los beneficios y distribuciones que recibieron los socios de la empresa.
44. La lista de ventas anuales de Raiden es pertinente. Reflejará que la entidad se capitalizaba a través de ventas y beneficios que no eran distribuidos al momento.
45. Los estados mensuales de Raiden en PJM para 2016-2018 son pertinentes a la forma en que se capitaliza la empresa, lo que, a su vez, es pertinente a la determinación de quiénes son socios en la misma.
46. Los estados auditados de Raiden son pertinentes para establecer la forma en que opera y se capitaliza la empresa.
47. Entendemos que no se han sometido todos los documentos existentes.
48. Insistimos en que se produzcan toda las comunicaciones internas y documentación relacionada con esta carta, la que es pertinente a la forma en que se caracteriza a la empresa por su abogado.
49. Este interrogatorio no se contesta. La relación de Raiden con Rural Route 3 Holdings LP es materia pertinente a este caso y podría dar lugar a la inclusión de partes adicionales.
50. Insistimos en que se ofrezca una lista de los *traders* de Raiden desde 2011, aclarando quiénes actuaban durante cuál período. (Se ofrecen nombres, pero no se indican fechas).
51. No se aclara la capacidad en que funcionaban los *traders* de Raiden mencionados. Si eran empleados, queremos que así se aclare. Si no eran empleados, queremos que se nos explique en qué capacidad colaboraban.
52. No se acompañan los documentos que reflejan la posición de Gonemaroon Living Trust y Raiden Commodities 1, LLC. Insistimos en que se nos provea la documentación que demuestre la cantidad de capital que tenían todas las entidades e individuos en Raiden.
54. No se acompañan las pólizas del Fondo del Seguro del Estado de Raiden. Si no existen, se debe aclarar.
55. No se acompañan las evaluaciones de empleados de Raiden. Naturalmente, las mismas incluirían al demandante si él hubiera sido empleado. Si no existen, se debe aclarar.

56. No se acompaña copia de los pagos de contribución al gobierno por los empleados. Si el demandante era empleado, Raiden venía obligado al pago de contribuciones y seguro social.
57. Insistimos en que se nos provea la lista de gastos atribuidos a las actividades del demandante según empleados para calcular sus ingresos netos.
58. La pregunta 58 está basada en las propias alegaciones de los demandados. Insistimos en que se conteste.
59. La pregunta 59 está basada en las propias alegaciones de los demandados. Insistimos en que se conteste.
60. La pregunta 60 está basada en las propias alegaciones de los demandados. Insistimos en que se conteste.
61. Insistimos en que se provea la lista de llamadas amenazantes supuestamente realizadas por el demandante, incluyendo la información solicitada.
64. 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.
65. No se produce el documento mencionado.
66. La información solicitada es pertinente a la capitalización requerida para Raiden. 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. A su vez, ese capital se utilizó para los requerimientos diarios de colateral o crédito para las actividades de la parte demandada. Insistimos en que se nos produzca lo solicitado.

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