

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

2018 NOV 16 PM 3:42

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 1, LLC 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 25 de junio de 2018, la parte demandante cursó a Raiden Commodities 1, LLC ("RC1") un Primer Pliego de Interrogatorios y Solicitud de Producción de Documentos. (Véase el Anejo 1 de esta Moción). RC1 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, RC1 finalmente sometió su contestación, objetando y/o dejando de contestar casi todos los interrogatorios sometidos. (Véase el Anejo 2 de esta Moción). De 57 interrogatorios sometidos, la parte demandada objetó y/o dejó de contestar 39.

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 RC1 que identificara sus testigos. No se nos brindó ni un solo nombre. RC1 presentó una reconvención y está obligada a tener testigos identificados con relación a ésta, reclamo sobre el cual dicha parte tiene el peso de la prueba.

6. En este interrogatorio se solicitó que se anunciara la prueba documental y es parecido al inciso anterior. Aunque RC1 no tenga toda la prueba identificada, sí debe conocer la prueba en la que basa las alegaciones de su reconvención. RC1 no ofreció ni un solo documento.

14. En el inciso 14, se solicitó que se produjera una copia del *Operating Agreement* de RC1. RC1 se negó.

15. En el interrogatorio 15, se solicitó que se produjera de todos los contratos o acuerdos existentes entre los miembros de RC1. La parte demandada se negó a producirlos.

16. En el interrogatorio 16, se le pidió a la parte demandada que explicara y desglosara las partidas de daños reclamadas en su reconvención. La demandada se negó a contestar.

17. En su descubrimiento, la parte demandada le solicitó al demandante que produjera sus planillas y éste así lo hizo. En este interrogatorio, se le solicitó a RC1 que produjera sus planillas federales y locales. Estos documentos son pertinentes a la reclamación del demandante para rasgar el velo corporativo. RC1 se negó.

18. RC1 expresó que el Sr. Sinn era un "key person". La parte demandante solicitó que se le aclarase dicho término. La parte demandada no contestó.

19. En el interrogatorio 19, la parte demandante solicitó que se le produjeran los formularios K-1 de RC1 de 2013 al presente. RC1 no los produjo.

20. En el interrogatorio 20, la parte demandante solicitó que se le produjera el *General Ledger* de RC1 desde 2013 hasta el presente. Este documento pertinente para establecer la forma en que funcionaba la entidad y para establecer que no existía separación entre ésta y las demás empresas codemandadas. RC1 se negó a producirlo.

21. En el interrogatorio 22 se solicitó que se proveyera el listado completo de los empleados de RC1, así como otra información pertinente relacionada con éstos. RC1 se negó a contestar.

22. En el interrogatorio 22, se solicitó que RC1 contestara cierta información con relación a su alegación de que el demandado se apropió de equipos, propiedad intelectual y secretos de negocios de RC1. Lo preguntado se basa en las alegaciones de la reconvención. RC1 se negó a contestar.

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.

23. En el interrogatorio 23, la parte demandante solicitó que se le produjera copia de sus comunicaciones con el demandante desde 2013 hasta el presente. No se produjeron, a pesar de que no son muchas.

24. En el interrogatorio 24, la parte demandante solicitó que se le produjera copia de las comunicaciones de RC1 con el Sr. Sinn desde 2013 hasta el presente. No se produjeron.

26. En el interrogatorio 26, se solicitó que se explicaran los términos del contrato entre RC1 y el demandante y que se proveyera copia del contrato de empleo. No se contestó.

27. En el interrogatorio 27 se solicitó que se identificaran los abogados de RC1 desde 2013 al presente. No se contestó.

28. En el interrogatorio 28 se solicitó que se identificaran los contadores de RC1 desde 2013 al presente. No se contestó.

29. RC1 alegó que el demandante había hecho publicaciones difamatorias en las redes sociales. En este interrogatorio, se solicitó que se identificaran y que se proveyera copia. La parte demandada no lo hizo.

32. En este interrogatorio se solicitó que se produjera la documentación pertinente relacionada con el establecimiento de RC1. No se produjo.

33. En el interrogatorio 33, se solicitó que se produjera documentación relacionada con los cambios que se hubieran hecho a la entidad. No se produjo.

34. En el interrogatorio 34, se solicitó que se produjeran los contratos de los empleados de RC1. No se produjeron.

35. En el interrogatorio 35 se solicitó que se aclarasen las aportaciones de capital recibidas. RC1 proveyó algunas y se le solicitó se aclarara si había recibido alguna otra aportación de capital. No contestó.

40. En el interrogatorio 40 se solicitó que se informasen todos los beneficios de RC1 acumulados por sus miembros. No se contestó.

41. En el interrogatorio 41, se solicitó que se informasen todos los beneficios pagados por RC1 a sus miembros. No se contestó.

42. En el interrogatorio 42, se solicitó que se produjeran los estados financieros de RC1 desde 2013 hasta el presente. No se produjeron.

43. En el interrogatorio 43, se solicitó que se contestara con relación a la comunicación "Just stop" que envió el Sr. Sinn al demandante el 19 de abril de 2015 en respuesta a una comunicación del Sr. De Man en que señalaba que existía un posible fraude de seguros relacionado con el plan de salud de RC1. La parte demandada no contestó.

44. En el interrogatorio 44 se solicita explicación sobre la inclusión de Niranth (Jay) Viswanathan en el plan de salud grupal de RC1 y se hace referencia a que uno de sus allegados dijo que "Adam was

just trying to save money". La parte demandada no contestó ni explicó el comentario del Sr. Sinn.

45. Este interrogatorio está relacionado con el anterior. Se solicitó que se produjera la documentación existente, incluyendo comunicaciones con terceros tales como Triple S y Lighthouse Insurance Company. No se contestó.

46. En este interrogatorio se solicitó que se explicara la relación entre RC1 y Rural Route 3 Holdings, LP. No se contestó.

47. En este interrogatorio, se solicitó que se produjeran los documentos de seguro de RC1 con el Fondo del Seguro del Estado. No se contestó.

51. En este interrogatorio se solicitó que se produjera copia de las patentes municipales pagadas por RC1. No se produjeron.

52. En el interrogatorio 52, la parte demandante solicitó que se le produjera copia de los informes anuales sometidos a la Oficina de Exención Industrial del Departamento de Hacienda y al Director Ejecutivo de la Compañía de Fomento Industrial relacionados con el decreto de exención de RC1 bajo la Ley 20. No se produjo.

53. En el interrogatorio 53 se solicitó que se produjera copia del expediente de RC1 para obtener el Decreto de Ley 20. La parte demandante entiende que RC1 se utiliza como un mero frente para disimular la forma en que el Sr. Sinn emplea sus distintas empresas, en las que se mezcla el patrimonio de cada una. La parte demandada no contestó.

54. En el interrogatorio 54, se solicitó que se proveyera copia de las licencias y registros de RC1 para operar en Puerto Rico. No se produjeron.

55. En el interrogatorio 55 se solicitó que se acreditara que RC1 y Aspire Commodities 1, LLC habían cumplido con las condiciones de sus respectivos decretos. No se contestó.

56. En el interrogatorio 56, se solicitó que se produjeran todos los contratos existentes entre RC1 y Raiden Commodities, LP. No se produjeron.

57. En el interrogatorio 57, se solicitó que se proveyera evidencia de RC1 pagó bonos de navidad a sus empleados, según lo requerido por ley. No se contestó.

5. El demandante solicita que se le contesten de forma completa los interrogatorios que él cursó.

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, RC1 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 RC1 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 16 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.

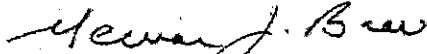
CIVIL NÚM.: D AC2016-2144(702)

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 1, LLC
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: 25 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 lunes, 23 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 1, LLC.
- 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 quién 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 1, LLC 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 todos los socios de Raiden Commodities 1, LLC. Indique para cada uno, la proporción de su participación. Indique, además, cuál fue la contraprestación que hizo para adquirir su participación.

14. Provea copia del Operating Agreement de Raiden Commodities 1, LLC, incluyendo cualquier enmienda.

15. Provea copia de todos los acuerdos de sociedad existentes de los socios de Raiden Commodities 1, LLC 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. Provea todas las planillas de contribución de ingresos presentadas al I.R.S. y al Departamento de Hacienda para Raiden Commodities 1, LLC desde 2013 al presente.

18. Explique cuál es la relación de Raiden Commodities 1, LLC con:

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

19. Provea todos los formularios K-1 preparados por Raiden Commodities 1, LLC para el IRS para los años 2013 al presente.

20. Provea el *General Ledger* de Raiden Commodities 1, LLC de 2013 hasta el presente.

21. Provea un listado de todos los empleados y agentes de Raiden Commodities 1, LLC de 2013 al presente. Para cada uno indique su nombre, posición, deberes, y salario anual.

22. 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 1, LLC.

b. la descripción de los equipos supuestamente apropiados por el demandante, pertenecientes a cualquier otro de los codemandados.

c. la descripción de la propiedad intelectual supuestamente apropiada por el demandante, perteneciente a Raiden Commodities 1, LLC.

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

e. la descripción de los secretos comerciales supuestamente apropiados por el demandante, pertenecientes a Raiden Commodities 1, LLC.

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.

23. Acompañe todos los correos electrónicos, cartas y mensajes cursados entre Raiden Commodities 1, LLC o cualquiera de sus dueños, oficiales y empleados con el demandante desde 2013 hasta el presente.

24. Acompañe todos los correos electrónicos, cartas y mensajes cursados entre Raiden Commodities 1, LLC o cualquiera de sus dueños,

oficiales y empleados con el codemandado Adam Sinn desde 2013 hasta el presente.

25. Acompañe todos los borradores de acuerdos relacionados con Raiden Commodities 1, LLC en los que se proponía figurar el demandante Patrick de Man preparados entre 2013 al presente.

26. Explique todos los términos de la contratación del demandante con Raiden Commodities 1, LLC.

27. Identifique todos los abogados que actuaron para Aspire Raiden Commodities 1, LLC desde 2013 hasta el presente.

28. Identifique todos los contadores que actuaron para Raiden Commodities 1, LLC desde 2013 hasta el presente.

29. Con relación a su alegación de que el demandante publicó comunicaciones a través de las redes sociales que afectaron adversamente a Raiden Commodities 1, LLC, identifique y acompañe copia de todas las comunicaciones aludidas.

30. Acompañe copia de todos los contratos escritos otorgados por Raiden Commodities 1, LLC y cualquier otro de los codemandados entre 2013 y el presente.

31. Con relación a su alegación de que el Sr. de Man es un empleado de Raiden Commodities 1, LLC, produzca copia de su contrato de empleo.

32. Acompañe todos los documentos relacionados al establecimiento de Raiden Commodities 1, LLC:

33. Acompañe todos los documentos relacionados con cualquier traslado de Raiden Commodities 1, LLC.

34. Acompañe copia de todos los contratos de empleo suscritos por Raiden Commodities 1, LLC con sus empleados desde 2013 hasta el presente.

35. Explique, año por año, desde 2013 hasta el presente, la forma en que Raiden Commodities 1, LLC fue capitalizada.

36. Diga si el demandante aportó capital a Raiden Commodities 1, LLC. En caso afirmativo, diga año por año, desde 2013 hasta el presente, las

cantidades aportadas por él.

37. Diga si el codemandado Adam Sinn aportó capital a Raiden Commodities 1, LLC. En caso afirmativo, diga año por año, desde 2013 hasta el presente, las cantidades aportadas por él.

38. Diga si alguna otra persona aportó capital a Raiden Commodities 1, LLC. En caso afirmativo, diga año por año, desde 2013 hasta el presente, las cantidades aportadas por cada persona.

39. Acompañe un listado de todos los beneficios anuales pagados por Raiden Commodities 1, LLC a sus socios desde 2013 hasta el presente.

40. Acompañe un listado de todos los beneficios anuales acumulados por los socios de Raiden Commodities 1, LLC desde 2013 hasta el presente.

41. Acompañe un listado de todas las distribuciones y beneficios anuales pagados por Raiden Commodities 1, LLC a sus socios desde 2013 hasta el presente. Incluya todo beneficio marginal.

42. Someta todos los estados financieros preparados para Raiden Commodities 1, LLC desde 2013 hasta el presente.

43. Explique el comentario "just stop" del Sr. Sinn en su correo electrónico del 19 de abril de 2015 en respuesta a la comunicación del Sr. De Man sobre un posible fraude de seguros relacionado con el plan de salud de Raiden Commodities 1, LLC.

44. Explique la razón por la cual Niranth (Jay) Viswanathan fue enrolado en el plan de salud grupal de Raiden Commodities 1, LLC. Diga si se trataba de que "Adam was just trying to save money", según manifestado por uno de sus allegados. Si ésta no era la razón, explique cuál era.

45. Provea todas las comunicaciones relacionadas con la suscripción de Niranth (Jay) Viswanathan en el plan de salud grupal de Raiden Commodities 1, LLC, incluyendo comunicaciones con terceros tales como Lighthouse Insurance Group y Triple-S salud.

46. Explique la relación entre Raiden Commodities 1, LLC y Rural Route 3 Holdings, LP. Diga si esta relación fue enmendada en algún

momento. De contestar en la afirmativa, explique y provea todos los documentos existentes.

47. Provea toda la documentación sobre el seguro adquirido por Raiden Commodities 1, LLC para cada uno de sus empleados ante el Fondo del Seguro del Estado.

48. Explique cuál es el rol de Barrington M. Hammond, Jr. en Raiden Commodities 1, LLC.

49. Provea todas las evaluaciones de empleados de Raiden Commodities 1, LLC desde 2013 hasta el presente.

50. Describa todas las actividades de negocios de Raiden Commodities 1, LLC desde 2013 hasta el presente.

51. Provea copia de las planillas de patentes municipales del Municipio Autónomo de Dorado para Raiden Commodities 1, LLC desde 2013 y acompañe copia de sus recibos de pago.

52. Provea copia de sus informes anuales sometidos a la Oficina de Exención Industrial del Departamento de Hacienda y al Director Ejecutivo de la Compañía de Fomento Industrial relacionada con el decreto de Ley 20 concedido a Raiden Commodities 1, LLC y Aspire Commodities 1, LLC (Caso Núm. 2013-20-S-47).

53. Provea copia del expediente de su decreto de Ley 20, incluyendo copia de todas las comunicaciones con cualquier agencia gubernamental relacionada con dicho decreto concedido a Raiden Commodities 1, LLC y Aspire Commodities 1, LLC.

54. Provea copia de todas las licencias y registros obtenidos por Raiden Commodities 1, LLC para operar en Puerto Rico y cumplir con su decreto bajo Ley 20.

55. Provea copia de todos los documentos que demuestran que Aspire Commodities 1, LLC y Raiden Commodities 1, LLC han cumplido con los requerimientos de su decreto bajo Ley 20 con relación a los empleos directos contemplados por dicha Ley.

56. Provea copia entre todos los contratos y acuerdos entre Raiden Commodities 1, LLC y Raiden Commodities LP.

57. Provea copia de todos los documentos que demuestren el pago de bono de Navidad a los empleados de Raiden Commodities 1, LLC entre 2013 y 2016, de conformidad con lo requerido por la Ley 148 de 1969.

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 1, LLC'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 1, LLC ("RC1");
Alfredo Ramirez-Macdonald, Esq.; Ana M. Rodriguez-Rivera, Esq.,
And Arturo L.B. Hernandez-Gonzalez, 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 1, LLC ("RC1"), 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. RC1 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 RC1's right to provide additional evidence at the time of trial.

II. GENERAL OBJECTIONS

1. RC1 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. RC1 objects to Plaintiffs' *Interrogatories* to the extent they seek to impose discovery burdens or responsibilities upon RC1 beyond those specifically required by the Puerto Rico Rules of Civil Procedure.

3. RCI 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 Commodities, L.P. ("Raiden") entities); and (2) Mr. de Man's alternative claim to be compensated for services rendered to one or more defendant entities. That phrasing limits the scope of permissible, relevant discovery. Discovery of documents and information that is not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I is not permissible or appropriate at this time.

4. RCI 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 RCI does not read them as requesting such information.

5. RCI'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. RCI 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 RC1 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 RC1;
- d. Seeks information that is publicly available and is as readily accessible to opposing counsel and their clients as it is to RC1; 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. RC1 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, RC1 objects to the extent the *Interrogatories* seek information from irrelevant time periods by seeking information from after Mr. de Man was no longer affiliated with any of the defendant entities.

8. RC1'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 style 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. RC1 incorporates the foregoing *General Objections* into each and every answer to the *Interrogatories* below.

10. RC1 also reserves the right to supplement its answers as permitted under the Puerto Rico Rules of Civil Procedure.

11. The person who answers these *Interrogatories* does so in his capacity as representative of RC1. 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 1, LLC.
- 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: RC1 states that these responses were prepared by its attorneys with information provided by Adam Sinn. Mr. Sinn may be reached through undersigned counsel. RC1 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, RC1 objects to the extent this Interrogatory attempts to limit the witnesses in this action to those known to RC1 at this time. Discovery in this matter is just beginning, and RC1 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 familiar 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: RC1 objects to this Interrogatory to the extent it attempts to limit the witnesses in this action to those known to RC1 at this time. Discovery in this matter is just beginning and RC1 may discover additional potential witnesses throughout the course of discovery or its internal review of this matter. RC1 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 to be own a portion of certain defendant entities (i.e. the Aspire or Raiden entities); and (2) Mr. de Man's alternative case 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. RC1 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 RC1's counsel.

Subject to and without waiving the foregoing, RC1 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: RC1 objects to this Interrogatory as premature. Discovery in this matter is just beginning, and RC1 has not yet determined which witnesses it will present at trial. RC1 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, RC1 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. RC1 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 RC1 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. RC1 also objects because this Interrogatory asks RC1 to speculate as to what individuals may or may not know and provide information outside of RC1's possession, custody, and control. RC1 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 RC1'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 addressed, 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: RC1 objects to this Interrogatory as premature. Discovery in this matter is just beginning and RC1 has not yet determined which evidence it will present at trial. RC1 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. RC1 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 RC1's counsel.

Subject to and without waiving the foregoing, RC1 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, RC1 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: RC1 objects to this Interrogatory to the extent it seeks to have RC1 identify its consulting experts or other experts RC1 will not present at trial. RC1 also objects to this Interrogatory as premature. Discovery in this matter is just beginning and RC1 has not yet determined which experts, if any, it will present at trial. RC1 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. RC1 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 RC1's counsel.

Subject to and without waiving the foregoing, RC1 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: RC1 objects to this Interrogatory's use of the phrase "all statements, whether or not under oath, recordings, memoranda, notes, or writing" is vague, ambiguous, and subject to a variety of interpretations. RC1 will interpret this Interrogatory as seeking written statements provided to RC1 by any potential fact witness in this matter regarding the facts alleged in Plaintiffs' Complaint or Defendants' Amended Counterclaim. RC1 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. RC1 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 RC1's counsel.

Subject to and without waiving the foregoing, RC1 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: RC1 objects to this Interrogatory as vague and ambiguous. RC1 will interpret this Interrogatory as seeking information relating to whether RC1 has commissioned an external or internal independent investigation of this matter. RC1 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. RC1 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 RC1's counsel.

Subject to and without waiving the foregoing, RC1 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: RC1 objects to this Interrogatory as premature. Discovery in this matter is just beginning and RC1 has not yet determined which admissions by Plaintiffs, if any, it will present as evidence. RC1 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. RC1 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 RC1's counsel.

12. State whether you intend to present as evidence admissions made by Raiden Commodities 1, LLC, 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: RC1 objects to this Interrogatory as unintelligible as stated. The concept of binding admissions is for use by adversaries in litigation. RC1 is not adverse to itself. Further, this Request seeks the disclosure of counsel's mental impressions. RC1 further refers Plaintiffs to its responses to Interrogatories Nos. 4, 5, 6, 7 and 8.

13. List all of the partners of Raiden Commodities 1, LLC. Indicate for each one the proportion of their participation. Indicate, also, what was the counter-consideration they made to acquire their participation.

ANSWER: RC1 objects to this interrogatory as vague and ambiguous in that it seeks to have RC1 identify its "partners," when RC1 is an LLC. LLC entities have "members."

Subject to and without waiving the foregoing, RC1 states that it has the following members: Mr. Sinn and Mr. de Man was formerly a 50% non-voting member of RC1.

14. Provide a copy of the Operating Agreement of Raiden Commodities 1, LLC, including any amendment.

ANSWER: RC1 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. RC1's relevant Operating Agreement does not advance Plaintiffs' arguments that Mr. De Man had any ownership interest in RC1 or provided services as a RC1 employee for which he was not compensated.

Subject to and without waiving the foregoing, RC1 will produce a copy of the Operating Agreement in effect during Mr. de Man's affiliation with RC1. 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 1, LLC from the establishment of said company to the present.

ANSWER: RC1 objects to this Request as vague and ambiguous. RC1 cannot determine the intended meaning or scope of the phrase "partnership agreements of the partners of RC1."

Subject to and without waiving the foregoing, RC1 will produce a copy of the Operating Agreement in effect during Mr. de Man's affiliation with RC1. 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 identify all of the witnesses who will testify about this subject, providing a summary of their testimony.

ANSWER: RC1 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. RC1's claimed damages in this action do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in RC1 or provided services as a RC1 employee for which he was not compensated. RC1 further refers Plaintiffs to its responses to Interrogatories Nos. 4, 5, 6, 7 and 8.

17. Provide all of the income tax returns to the I.R.S. and to the Department of the Treasury for Raiden Commodities 1, LLC from 2013 to the present.

ANSWER: RC1 objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

Subject to this objection, RC1 will produce any K-1s it issued for the years 2014 – 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.

18. Explain what is Raiden Commodities 1, LLC's relationship with:
- a. codefendant Adam Sinn;
 - b. codefendant Raiden Commodities, L.P.;
 - c. codefendant Aspire Commodities 1, LLC;
 - d. codefendant Aspire Commodities, L.P.; and
 - e. codefendant Sinn Living Trust (a/k/a Gonemaron Living Trust)

ANSWER: RC1 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. RC1'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 RC1 or provided services as a RC1 employee for which he was not compensated.

Subject to the above objection, during Mr. de Man's affiliation with RC1, it was the 1% owner and Class A General Partner of Raiden Commodities, L.P. Mr. Sinn was a Key Person for RC1. RC1 did not have a formal relationship with the other entities.

19. Provide all of the K-1 forms prepared by Raiden Commodities 1, LLC for the IRS for the years 2013 to the present.

ANSWER: RC1 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 RC1 to entities or individuals other than de Man do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in RC1 or provided services as a RC1 employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information from time periods in which Mr. de Man was not affiliated with RC1.

Subject to and without waiving the foregoing, RC1 will produce any K-1 forms it 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.

20. Provide the *General Ledger* of Raiden Commodities 1, LLC from 2013 to the present.

ANSWER: RC1 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 RC1's business transaction, none of which are relevant to the issues in Phase I. RC1's general ledger from 2011 to present does not advance Plaintiffs' arguments that Mr. De Man had any ownership interest in RC1 or provided services as a RC1 employee for which he was not compensated.

21. Provide a list of all of the employees and agents of Raiden Commodities 1, LLC from 2013 to the present. For each one, indicate their name, position, duties, and annual salary.

ANSWER: RC1 objects to this Request in that its use of the phrase "employees and agents" is vague and ambiguous. RC1 will interpret the Request as seeking information regarding its employees and independent contractors. RC1 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 RC1's employees and independent contractors other than Mr. de Man do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in RC1 or provided services as a RC1 employee for which he was not compensated.

Subject to and without waiving the foregoing, RC1 states that Mr. de Man traded ERCOT virtuals on behalf of Raiden Commodities, L.P. He also performed accounting, other back office functions and certain IT functions for defendant entities.

22. 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 1, LLC
- b. the description of the equipment purportedly appropriated by plaintiff, belonging to any other of the codefendants.
- c. the description of the intellectual property purportedly appropriated by plaintiff, belonging to Raiden Commodities 1, LLC
- d. the description of the intellectual property purportedly appropriated by plaintiff, belonging to any other of the codefendants.
- e. the description of the trade secrets purportedly appropriated by plaintiff, belonging to Raiden Commodities 1, LLC
- 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: RC1 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 RC1's claims that Mr. de Man misappropriated and stole RC1's electronic equipment, intellectual property, and trade secrets do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in RC1 or provided services as a RC1 employee for which he was not compensated.

23. Attach all emails, letters, and messages sent between Raiden Commodities 1, LLC or any of its owners, officers, and employees with plaintiff from 2013 to the present.

ANSWER: RC1 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 RC1 or any of its owners, officers, or employees and Plaintiffs – regardless of subject matter – from a five-year period of time. RC1 also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

Subject to and without waiving the foregoing, RC1 states that it is not aware of any relevant, responsive communications.

24. Attach all emails, letters, and messages sent between Raiden Commodities 1, LLC or any of its owners, officers, and employees with codefendant Adam Sinn from 2013 to the present.

ANSWER: RC1 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 RC1 or any of its owners, officers, or employees and Mr. Sinn – regardless of subject matter – from a five-year period of time. RC1 also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

Subject to the above objections, RC1 is not aware of any relevant, responsive communications.

25. Attach all drafts of agreements connected with Raiden Commodities 1, LLC in which plaintiff Patrick de Man was intended to appear prepared between 2011 and the present.

ANSWER: RC1 objects to this Request because its use of the phrase "in which plaintiff Patrick de Man was intended to appear" is vague and ambiguous. RC1 will interpret this Request as seeking drafts of 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. It also seeks

information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

Subject to and without waiving the foregoing, RC1 states that it is not aware of such draft documents.

26. Explain all of the terms of plaintiff's contract with Raiden Commodities 1, LLC.

ANSWER: RC1 objects to this Interrogatory as vague and ambiguous. Subject to and without waiving the foregoing, RC1 states that Mr. de Man was identified as a non-voting member of RC1. RC1 will produce a copy of its Operating Agreement. 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. Identify all of the attorneys who acted for Raiden Commodities 1, LLC from 2013 to the present.

ANSWER: RC1 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. RC1 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 RC1's attorneys from 2013 to the present who provided any services or legal advice to RC1 (regardless of subject matter) have nothing to do with the any claim in this case, let alone the limited issues in Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

28. Identify all of the accountants who acted for Raiden Commodities 1, LLC from 2013 to the present.

ANSWER: RC1 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. RC1 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 RC1's accountants (regardless of subject matter) have nothing to do with the any claim in this case, let alone the limited issues in Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

29. In connection with your allegation that plaintiff published communications through the social networks that adversely affected Raiden Commodities 1, LLC, identify and attach copies of all of the aforementioned communications.

ANSWER: RC1 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 RC1's counterclaims do not advance Plaintiffs' arguments that Mr. de Man had any ownership interest in RC1 or provided services as a RC1 employee for which he was not compensated.

30. Attach copies of all written contracts executed by Raiden Commodities 1, LLC and any other codefendant between 2013 and the present.

ANSWER: RC1 objects to this Request as vague and ambiguous. RC1 will interpret the Request as seeking copies of all written contracts – regardless of subject matter or contracting parties – any Defendant has executed since 2013. Accordingly, RC1 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. RC1 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 RC1 or provided services as a RC1 employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

Subject to and without waiving the foregoing, RC1 states it is not aware of any written contracts between or among the defendant entities during the relevant timeframe.

31. In connection with your allegation that Mr. de Man is an employee of Raiden Commodities 1, LLC, produce a copy of his employment contract.

ANSWER: See response to Request No. 30. There was no written employee contract.

32. Attach all documents connected with the establishment of Raiden Commodities 1, LLC.

ANSWER: RC1 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 RC1's establishment do not advance Plaintiffs' arguments that Mr. de Man subsequently obtained an equity interest in RC1 or that he provided services as a RC1 employee for which he was not compensated. It also seeks information that is equally as accessible to Plaintiffs as to defendants.

Subject to the above objection, RC1 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.

33. Attach all documents connected with any transfer of Raiden Commodities 1, LLC

ANSWER: RC1 objects to this Request as unintelligible. The Request seeks documents "connected with any transfer of RC1," but "transfer" is vague, ambiguous, undefined, and subject to a variety of interpretations. Regardless, RC1 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, RC1 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.

34. Attach copies of all employment contracts subscribed by Raiden Commodities 1, LLC with its employees from 2013 to the present.

ANSWER: RC1 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. RC1 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 RC1 and its employees and copies of RC1'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 RC1 or provided services as a RC1 employee for which he was not compensated. RC1 refers Plaintiffs to its response to Request No. 21 for a description of Mr. de Man's employment duties. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

35. Explain, year by year, from 2013 to the present, the manner in which Raiden Commodities 1, LLC was funded.

ANSWER: RC1 objects to this Interrogatory because its use of the word "funded" is vague, ambiguous, and subject to a variety of interpretations. RC1 will interpret this Interrogatory as seeking information regarding any loans or capital contributions RC1 received from 2013. RC1 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" RC1 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 RC1 or provided services as a RC1 employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

Subject to and without waiving the foregoing, RC1 states that Mr. de Man contributed \$1,000 to RC1. Mr. Sinn also contributed \$1,000 to RC1.

36. State whether plaintiff contributed capital to Raiden Commodities 1, LLC. If in the affirmative, state year by year, from 2013 to the present, the amounts contributed by him.

ANSWER: See response to Interrogatory No. 35.

37. State whether codefendant Adam Sinn contributed capital to Raiden Commodities 1, LLC. If in the affirmative, state year by year, from 2013 to the present, the amounts contributed by him.

ANSWER: Yes. \$1,000.

38. State whether any other person contributed capital to Raiden Commodities 1, LLC. If in the affirmative, state year by year, from 2013 to the present, the amounts contributed by each person.

ANSWER: No.

39. Attach a list of all of the annual benefits paid by Raiden Commodities 1, LLC to its partners from 2013 to the present.

ANSWER: RC1 objects to this Interrogatory because its use of the phrase "annual benefits" is vague, ambiguous, and subject to a variety of interpretations. RC1 will interpret this Interrogatory as seeking information regarding any distributions RC1 made to its members since 2013. Accordingly, RC1 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 RC1 made to individuals or entities other than Mr. de Man do not advance Plaintiffs' arguments that Mr. de Man obtained an interest in RC1 or provided services as a RC1 employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

Subject to the above objections, Defendant is not aware of RC1 making distributions to its members. RC1 further refers Plaintiffs to its response to Request No. 19.

40. Attach a list of all of the annual benefits accrued by the partners of Raiden Commodities 1, LLC from 2013 to the present.

ANSWER: See response to Interrogatory No. 39.

41. Attach a list of all of the distributions and annual benefits paid by Raiden Commodities 1, LLC to its partners from 2013 to the present. Include all fringe benefits.

ANSWER: See response to Interrogatory No. 39.

42. Submit all of the financial statements prepared for Raiden Commodities 1, LLC from 2013 to the present.

ANSWER: RC1 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. RC1 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. RC1's financial statements do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in RC1 or provided services as a RC1 employee for which he was not compensated. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

43. Explain Mr. Sinn's comment "just stop" in his email of April 19, 2015, in response to the communication from Mr. De Man regarding a possible insurance fraud in connection with the Raiden Commodities 1, LLC health plan.

ANSWER: RC1 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. RC1 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 an e-mail Mr. Sinn sent in regards to an alleged "possible insurance fraud" in connection with RC1's health plan 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 RC1 or provided services as a RC1 employee for which he was not compensated.

44. Explain the reason why Niranth (Jay) Viswanathan was enrolled in the group health plan of Raiden Commodities 1, LLC. State whether it had to do with "Adam was just trying to save money," as manifested by one of his close friends. If this was not the reason, explain what was.

ANSWER: RC1 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. RC1 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 RC1's health plan, insurance coverage, and any individuals who may or may not have had coverage under RC1's health plan do not advance Plaintiffs' arguments that Mr. de Man has an equity/capital interest in RC1 or provided services as a RC1 employee for which he was not compensated.

45. Provide all of the communications connected with Niranth (Jay) Viswanathan's subscription in the group health plan of Raiden Commodities 1, LLC, including communications with third parties such as Lighthouse Insurance Group and Triple-S Salud.

ANSWER: See response to Interrogatory No. 44.

46. Explain the relationship between Raiden Commodities 1, LLC and Rural Route 3 Holdings, L.P. State whether this relationship was amended at any time. If you answer in the affirmative, explain and provide all of the existing documents.

ANSWER: RC1 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. RC1'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 RC1 or provided services as a RC1 employee for which he was not compensated.

47. Provide all documents on the insurance acquired by Raiden Commodities 1, LLC at the State Insurance Fund for each of its employees.

ANSWER: See response to Interrogatory No. 44.

48. Explain what is Barrington M. Hammond, Jr.'s role in Raiden Commodities 1, LLC

ANSWER: RC1 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. RC1'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 RC1 or provided services as a RC1 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 RC1.

49. Provide all of the evaluations of the employees of Raiden Commodities 1, LLC from 2013 to the present.

ANSWER: See response to Request No. 34. Subject to and without waiving the foregoing, no responsive documents exist.

50. Describe all of the business activities of Raiden Commodities 1, LLC from 2013 to the present.

ANSWER: RC1 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. The Interrogatory literally asks RC1 to detail "all" of its business activities for a period of five years, regardless of their irrelevance to the issues in this case. It would be impossible for RC1 to provide an answer and attempting such an answer would impose an undue burden on RC1. RC1 also objects to this Request as seeking information not relevant to Phase I and not reasonably calculated to lead to the discovery of information relevant to Phase I. It also seeks information for an overly broad timeframe by seeking information after Mr. de Man was no longer affiliated with RC1.

Subject to the above objection, RC1, in the relevant timeframe, was the General Partner of Raiden Commodities, L.P.

51. Provide copies of the municipal license tax returns of the Autonomous Municipality of Dorado for Raiden Commodities 1, LLC from 2013 and attach copies of the payment receipts.

ANSWER: See response to Request No. 17.

52. Provide copies of your annual reports submitted to the Department of the Treasury's Office of Industrial Exemption and to the Executive Director of the Industrial Development Company in connection with the Law 20 grant awarded to Raiden Commodities 1, LLC and Aspire Commodities 1, LLC (Case No. 2013-20-S-47).

ANSWER: RC1 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. RCI's Law 20 grant, and associated licenses, registrations, and annual reports, have nothing to do with any issue in this dispute. RCI 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.

53. Provide a copy of the file of your Law 20 grant, including copies of all communications with any government agency in connection with such grant awarded to Raiden Commodities 1, LLC and Aspire Commodities 1, LLC.

ANSWER: See response to Request No. 52.

54. Provide copies of all licenses and registrations obtained by Raiden Commodities 1, LLC to operate in Puerto Rico and to comply with its Law 20 grant.

ANSWER: See response to Request No. 52.

55. Provide copies of all documents that show that Aspire Commodities 1, LLC, and Raiden Commodities 1, LLC have complied with the requirements of their Law 20 grant in connection with the direct jobs contemplated by said Law.

ANSWER: See response to Request No. 52.

56. Provide copies among all of the contracts and agreements between Raiden Commodities 1, LLC and Raiden Commodities, LP.

ANSWER: RCI 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 likely to lead to the discovery of admissible evidence, and not proportional to the needs of the case. RCI 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. RCI's contracts with the other Defendants in this action, including RCI Commodities I LLC, do not advance Plaintiffs' arguments that Mr. De Man had any ownership interest in RCI or provided services as a RCI employee for which he was not compensated.

Subject to the above objection, RCI will produce the Raiden Commodities, L.P. Limited Partnership Agreements in place during the period of Mr. de Man's affiliation with Raiden Commodities, L.P. 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.

57. Provide copies of all documents that show the payment of the Christmas bonus to the employees of Raiden Commodities 1, LLC between 2013 and 2016, in accordance with the requirements of Law 148 of 1969.

ANSWER: See response to Request No. 34. Subject to and without waiving the foregoing, RCI will produce copies of documents showing payment of Mr. de Man's Christmas bonuses, to the extent they exist, from 2013 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.

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



Signature

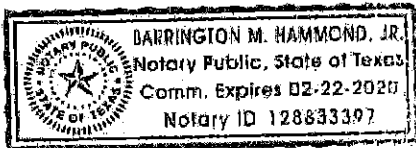
SWORN STATEMENT

State of Texas

County of Harris

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

Barrington M. Hammond, Jr.
Notary Public, State of Texas



[Notary's seal must be included.]



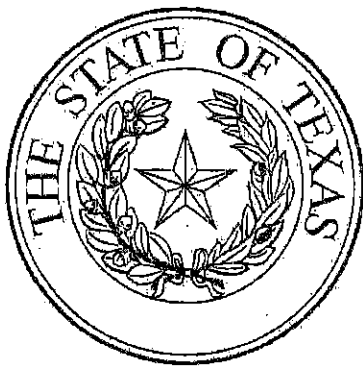
The State of Texas
Secretary of State

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 11619502



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

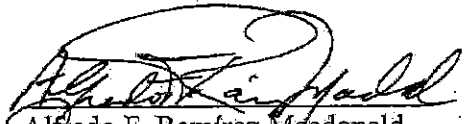
Rolando B. Pablos
Secretary of State
GF/els

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.

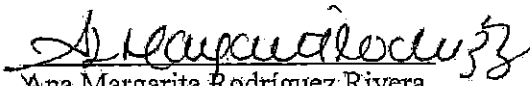
O'NEILL & BORGES

Attorneys for Raiden Commodities 1, LLC
American International Plaza
250 Muñoz Rivera Ave., Ste. 800
San Juan, PR 00918-1813
Telephone: 787-764-8181
Fax: 787-753-8944

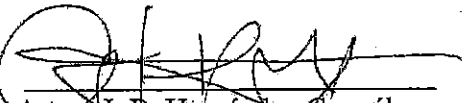
By:


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

ANEJO 3

BAUZÁ
BRAU
IRIZARRY
OJEDA
SILVA



15 de octubre de 2018

Via 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 1, LLC**

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 1, LLC ("RC1"). 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 RC1 posiblemente no tiene identificados todos los testigos que empleará en el juicio, sí debe tener algunos testigos identificados con relación a su reconvenición, 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 RC1 no tenga toda la prueba identificada, sí debe conocer la prueba en la que basa las alegaciones de su reconvenición. 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 RC1 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 RC1 que se podrían utilizar en el juicio. Si no hay ninguna, solicitamos que así se aclare.
14. Insistimos en que se nos produzca una copia del *Operating Agreement* de RC1, incluyendo todas sus enmiendas.
15. Insistimos en que se nos produzca copia de todos los contratos o acuerdos existentes entre los socios de RC1.
16. Insistimos en que se conteste esta pregunta y se provean las partidas de daños reclamadas.
17. Insistimos en que se provean las planillas federales y locales de RC1. (El demandante produjo sus planillas). Son pertinentes a la reclamación del demandante para rasgar el velo corporativo.
18. Solicitamos que se aclare el término "key person" empleado con relación al Sr. Adam Sinn.
19. Solicitamos que se produzcan todos los formularios K-1 de RC1 de 2013 al presente.
20. Insistimos en que se provea el *General Ledger* de RC1 desde 2013 hasta el presente. Es pertinente para establecer la forma en que funcionaba la entidad y para establecer que no existía separación entre ésta y las demás empresas codemandadas.
21. Insistimos en que se provea el listado completo de los empleados de RC1, así como la otra información solicitada en el interrogatorio.
22. Insistimos en que se conteste la información solicitada. Lo que se pregunta está basado en las propias alegaciones de la parte demandada.
23. Insistimos en que se produzca copia de las comunicaciones con el demandante desde 2013 hasta el presente.
24. Insistimos en que se produzca copia de las comunicaciones con el Sr. Sinn desde 2013 hasta el presente.
26. No se contesta la pregunta ni se provee el documento.
27. Insistimos en que se nos identifiquen los abogados de RC1 para los períodos indicados.
28. Insistimos en que se nos identifiquen los contables de RC1 para los períodos indicados.

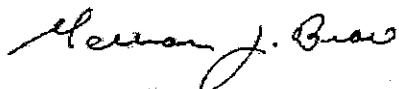
29. No se contesta este interrogatorio, el que se basa en las propias alegaciones de la parte demandada.
32. No se produce la documentación solicitada relacionada con el establecimiento de RC1.
33. No se produce la documentación solicitada relacionada con los cambios a la entidad.
34. Insistimos en que se produzcan los contratos de los empleados de RC1. Si no existen, solicitamos que así se aclare.
35. Solicitamos que se aclare si RC1 recibió alguna otra aportación de capital además de las mencionadas.
40. Solicitamos que se informen todos los beneficios de RC1 acumulados por sus miembros.
41. Insistimos en que se nos informen todos los beneficios pagados por RC1 a sus miembros.
42. Insistimos en que se produzcan los estados financieros de RC1 desde 2013 hasta el presente.
43. Insistimos en que se conteste y explique el incidente mencionado, el que es pertinente a la forma en que operan las distintas empresas del Sr. Sinn y su posible uso de personas jurídicas para fines reñidos con la ley, que es uno de los criterios establecidos por la jurisprudencia para autorizar que se rasgue el velo corporativo.
44. Insistimos en que se conteste y explique el incidente mencionado, el que es pertinente a la forma en que operan las distintas empresas del Sr. Sinn y su posible uso de personas jurídicas para fines reñidos con la ley, que es uno de los criterios establecidos por la jurisprudencia para autorizar que se rasgue el velo corporativo.
45. Insistimos en que se produzca la documentación solicitada.
46. Insistimos en que se conteste y explique la relación entre RC1 y Rural Route 3 Holdings, LP.
47. No se proveen los documentos de seguro con el Fondo del Seguro del Estado. Si no existen, solicitamos que así se aclare.
51. Insistimos en que se nos provea copia de las patentes.
52. Insistimos en que se nos provea copia de los documentos sometidos a las agencias públicas.

53. Insistimos en que se nos provea copia del expediente para obtener el Decreto de Ley 20. La parte demandante entiende que RC1 se utiliza como un mero frente para disimular la forma en que el Sr. Sinn emplea sus distintas empresas, en las que se mezcla el patrimonio de cada una.
54. Insistimos en que se nos provea copia de los documentos solicitados.
55. Insistimos en que se nos provea copia de los documentos solicitados.
56. Insistimos en que se nos produzcan todos los contratos existentes entre RC1 y Raiden Commodities, LP.
57. Insistimos en que se nos provea evidencia de que se pagaron bonos de navidad a los empleados de RC1, según lo requerido por ley. Si no existen, solicitamos que así se aclare.

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