THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
May 12 2021
SC Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Maite D. Murphy, Circuit Court Judge

Case No. 2019-001719

Innovative Waste Management Inc., Respondent,

v.

Crest Energy Partners, GP, LLC, Dunhill Products GP, LLC, Henry Wuertz, Innovative Waste Management, Inc., Crest Energy Partners LP, Dunhill Products LP, Edward H. Girardeau, C. Russ Lloyd, Defendants, Of Whom,

Crest Energy Partners GP, LLC, Crest Energy Partners LP, Dunhill Products, LP, and Henry Wuertz, are the Appellants.

THIRD AMENDED RECORD ON APPEAL
VOLUME I

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STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
INNOVATIVE WASTE MANAGEMENT, INC.,)
)
Plaintiff,)
)
vs.)
)
CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE,)
)
Defendants.)

EDWARD H. GIRARDEAU, and RODNEY BRIDGE,)
)
Defendant and Third Party Plaintiffs)
)
vs.)
)
INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD,)
)
Plaintiff and Third Party Defendant)

CREST ENERGY PARTNERS, L.P.)
)
Defendant and Third Party Plaintiff,)
)
vs.)
)
INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD)
)
Plaintiff and Third Party Defendant.)

IN THE COURT OF COMMON PLEAS

CASE NO: 2012-CP-18-1227

CONSENT ORDER ON PLAINTIFF'S MOTION TO COMPEL

FILED-RECORDED
2013 APR -5 PM 12: 09
CLERK OF COURT
DORCHESTER COUNTY

1/3

IT APPEARING THAT the Plaintiff has moved this Court to compel the Defendants to provide responses to its Interrogatories and Requests for Production propounded on October 2, 2012; and IT NOW APPEARING that the Parties have consented pursuant to the South Carolina Rule of Civil Procedure 37 to this Order on Plaintiff's Motion to Compel Responses to Discovery.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED, AND DECREED that, noting the consent of the Chief Administrative Judge for the First Judicial Circuit, the hearing on Plaintiff's Motion to Compel, currently scheduled for March 15, 2013, is hereby continued to April 1, 2013. The Defendants shall serve their responses, including all responsive documents, to all outstanding discovery requests on or before Wednesday, March 20, 2013. If there remain discovery disputes after the production anticipated herein, the Parties will go forward with the April 1, 2013 hearing, and nothing in this Consent Order is intended to limit the right of either party to raise any issue at any other subsequent hearing that either Party could have raised at the March 15, 2013 hearing. This Order is without prejudice to Plaintiff's right to move to compel additional response should it contend that Defendants' responses are inadequate.

IT IS SO ORDERED!

Presiding Judge

April ~~March~~ 2, 2013
St. George, South Carolina

2/3

WE SO MOVE AND CONSENT:

Wm. Michael Gruenloh
Gruenloh Law Firm
9 Broad Street, Suite C
Charleston, South Carolina 29401
Attorney for Plaintiff

3/15/2013

David B. Marvel
Prenner Marvel, P.A.
636 King Street
Charleston, South Carolina 29403
Attorney for Defendants

3/3

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP1801227

Innovative Waste Management Inc **Rodney Bridge**	**Edward H Girardeau** **Crest Energy Partners LP**	**Crest Energy Partners GP** **Dunhill Products GP, LLC** **Henry Wuertz** **Rodney Bridge** **C. Russ Lloyd**	**Crest Energy Partners LP** **Dunhill Products LP** **Edward H Girardeau** **Innovative Waste Management Inc**
PLAINTIFF(S)		**DEFENDANT(S)**	

2013 AUG 22 AM 11:48

CLERK OF COURT
DORCHESTER

Submitted by: **Attorney for:** ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

Edgar Dickson	2153	8/22/2013
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on **8/22/2013**, and a copy mailed first class or placed in the appropriate attorney's box on **8/22/2013**, to attorneys of record or to parties (when appearing pro se) as follows:

William Michael Gruenloh 9 Broad St Ste C Charleston, SC 294013037
Frederick John Jekel PO Box 2579 Mt. Pleasant, SC 294652579

ATTORNEY(S) FOR THE PLAINTIFF(S)

David B. Marvel 636 King Street Charleston, SC 29403

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.	)	
Plaintiff,	)	
versus	)	
CREST ENERGY PARTNERS GP, L.L.C. CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C. DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	ORDER
Defendants.	)	

CERTIFIED
2013 AUG 22 AM 11:48
CLERK OF COURT
DORCHESTER COUNTY

This matter came before the Court on the Amended Motion to Compel Answers to Discovery filed by Plaintiff, Innovative Waste Management, and the Motion for Protective Order filed by Defendants. Having considered these Motions, along with the Affidavits and Exhibits submitted therewith and the Arguments of counsel, and now being fully advised,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court hereby finds good cause to allow the service of Interrogatories beyond that allowed by Rule 33(b)(9), SCRCP. Accordingly, Defendants shall respond to Plaintiff's previously served Interrogatories no later than ~~May 1, 2013~~ July 1, 2013, subject to Paragraph 3 below;

2. Defendants shall provide any responsive documents to any request for production served upon it that it did not previously answer and provide Plaintiff with a Production Log of their March 20, 2013 Production of Documents and any additional documents produced, consistent with the intent of the final sentence of Rule 34(b), SCRCP, no later than ~~May 1, 2013~~ July 1, 2013;

3. In lieu of detailed responses to Plaintiff's Interrogatories and Requests for Production which seek information related to the income and wealth of the Defendants, each Defendant shall provide a sworn or certified financial statement indicating its/his net worth.

4. In the event the parties are unable to amicably resolve any continuing discovery dispute in this matter, they shall request a teleconference with the Court prior to filing or renewing any Motion.

IT IS SO ORDERED!

Honorable Edgar W. Dickson

Date: ~~April~~ , 2013

Time: _____

St. George, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC. Plaintiff,	)	
versus	)	
CREST ENERGY PARTNERS GP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE Defendants.	)	
EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendants and Third Party Plaintiffs,	)	**ORDER**
versus	)	
INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant,	)	
CREST ENERGY PARTNERS L.P. Defendants and Third Party Plaintiffs,	)	
versus	)	
INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant,	)	

This matter came before the Court on Defendants' Second Motion for Protective Order and Plaintiff's Second Motion to Compel Answers to Discovery. Having considered these motions, along with the affidavits and exhibits submitted therewith and the arguments' of counsel, and now being fully advised,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants' Motion for Protective Order is **DENIED** and Plaintiff's Motion to Compel is **GRANTED** in the following particulars:

1. Defendants shall provide full and complete responses to Interrogatories 6 and 7 to Defendants Bridge and Girardeau, Interrogatories 9 and 10 to Defendant Wuertz and Interrogatory 7 to Defendant Crest; from Plaintiff's Interrogatories served on October 2, 2012, no later than October 9, 2013.

2. Defendants shall provide full and complete responses to Plaintiff's First Supplemental Request for Production no later than October 9, 2013, subject to the following limitations:

a. In the event that the accounting requested in Plaintiff's First Supplemental Request for Production no has not already been created by Defendants, Defendants shall answer accordingly and will not be required to create an accounting;

b. In lieu of producing the documents requested in Plaintiff's First Supplemental Request for Production nos. 3 and 5, Defendants shall produce the working papers such as W-2's, 1099s, K-1's, etc. ,used in preparation of Defendants' state and federal tax returns for the period of 2008-2012.

c. Nothing set out in this paragraph shall be construed as any limitation upon Plaintiff's right to seek additional discovery on these issues in the future.

3. Defendants failed to provide discovery responses in accord with this Court's March 15,

2013 and June 3, 2013 Orders and are hereby ordered to pay Plaintiff's counsel's attorney's fees and costs spent in drafting, preparing for and arguing this Motion to Compel no later than October 9, 2013 in the amount of $ 2000.00 as set out in the Affidavit affixed to Plaintiff's Second Motion to Compel.

IT IS SO ORDERED!

Honorable Diane S. Goodstein

Date: 8/27, 2013

Time:

St. George, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	CASE NO: 2012-CP-18-1227
	)	
INNOVATIVE WASTE MANAGEMENT, INC.,	)	
	)	
Plaintiff,	)	**ORDER ON DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**
	)	
vs.	)	
	)	
CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE,	)	
	)	
Defendants.	)	

This matter came before the Court on Defendants' Motion pursuant to Rule 12(b)(6), SCRCP, to Dismiss certain causes of action from the Plaintiff's Amended Complaint. Having considered this motion and the arguments of counsel, and now being fully advised, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants' Motion to dismiss is GRANTED IN PART and DENIED IN PART, as follows:

1) Plaintiff's First Cause of Action asserts that Defendants Breached a Contract by failing to pay Plaintiff for certain product. However, the Amended Complaint does not assert that Defendants Rodney Bridge or Edward Girardeau entered into a contract with Plaintiff. Rather, the Amended Complaint avers that Bridge and Girardeau were employees of the Plaintiff at the time the contract was entered with the other Defendants. Therefore, Plaintiff's cause of action for Breach of Contract is Dismissed against Defendants Rodney Bridge and Edward Girardeau.

2) Plaintiff's Second Cause of Action asserts that Defendants Breached their contract with Plaintiff with fraudulent intent. As the Amended Complaint does not allege that Bridge or Girardeau entered into a contract with the Plaintiff, this cause of action is Dismissed as to Defendants Bridge and Girardeau.

3) Plaintiff's Sixth Cause of Action asserts that Defendants committed constructive fraud. To establish constructive fraud, the Plaintiff must establish the elements of actual fraud except the element of intent. O'Quinn v. Beach Associates, 249 S.E. 2d (S.C. 1978). However, to prove that the Plaintiff had a right to rely upon the Defendants' representations, the Plaintiff must establish that it had a confidential or fiduciary relationship with the Defendants. Poco-Grande Investments v. C&S Family Credit, Inc., 391 S.E.2d 735 (Ct. App. 1990). The Amended Complaint does not allege that the Plaintiff's cause of action with Defendant Henry Wuertz, or Defendants Crest Energy Partners GP, LLC, Crest Energy Partners, L.P., Dunhill Products GP, LLC., and Dunhill Products L.P. (Collectively referred to hereafter as "the Crest Defendants") was of a confidential or fiduciary nature. Accordingly, Plaintiff's cause of action for constructive fraud is dismissed as to Wuertz and the Crest Defendants.

4) Plaintiff's Seventh Cause of Action asserts that the Defendants committed fraud. To prove fraud, the Plaintiff must establish (1) a representation; (2) its falsity; (3) its materiality; (4) either knowledge of its falsity or a reckless disregard of its truth or falsity; (5) intent that the representation be acted upon; (6) the hearer's ignorance of its falsity; (7) the hearer's reliance on its truth; (8) the hearer's right to rely thereon; and (9) the hearer's consequent and proximate injury. Turner v. Milliman, 708 S.E.2d 766, 769 (S.C. 2011). The Amended Complaint does not allege that Defendant Wuertz or the Crest Defendants made any representation to the Plaintiff, other than the implied representation that the Crest Defendants would fulfill their obligations

under the alleged contract. Accordingly, Plaintiff's cause of action for fraud is dismissed as to Defendant Wuertz and the Crest Defendants.

5) Plaintiff's Eighth Cause of Action asserts that Defendants breached their Duty of Loyalty and other Fiduciary Duties. The complaint does not allege that Defendant Wuertz or the Crest Defendants owed Plaintiff any such duties, and does not allege facts that would support the imposition of these duties. Accordingly, Plaintiff's cause of action for Breach of Loyalty/Fiduciary Duty is dismissed as to Defendant Wuertz and the Crest Defendants.

6) Plaintiff's Ninth Cause of Action alleges that the Defendants committed the tort of Civil Conspiracy. A civil conspiracy is a combination of two or more persons joining for the purpose of injuring and causing special damage to the plaintiff. A civil conspiracy cannot exist when the alleged acts arise in the context of a principal-agent relationship because such acts do not involve separate entities, and agents for a corporation acting in the scope of their duties cannot conspire with the corporation. McMillan v. Oconee Mem'l Hosp., Inc., 626 S.E.2d 884, 886-887 (S.C. 2006) (*citations omitted*). The Amended Complaint alleges that all Defendants, including Defendant Wuertz, were acting in the course and scope of their employment at all times relevant to the allegations of the Complaint. Thus, the Complaint states a cause of action for civil conspiracy against the Crest Defendants, but it does not properly allege that cause of action against Defendant Wuertz. Accordingly Plaintiff's cause of Action for civil conspiracy is dismissed as to Defendant Wuertz.

7) Defendant's Tenth Cause of Action asserts an equitable claim for Promissory Estoppel against all Defendants. Defendants' Motion to Dismiss this cause of action is denied.

8) Plaintiff's Eleventh Cause of action asserts an equitable claim for Quantum Meruit. Essentially, this claim asserts that Defendants received petroleum product and failed to pay for it. However, the Amended Complaint does not allege that Defendant's Bridge or Girardeau received any of the Plaintiff's product, and it does not allege that Defendant Wuertz received product other than in the course and scope of his employment as a Director of the Crest Defedndants. Accordingly, Plaintiff's cause of action for Quantum Meruit is dismissed as to Defendants Wuertz, Bridge, and Girardeau.

9) Plaintiff's Twelfth cause of action asserts that Defendants Breached their Duty of Good Faith. There is a duty of good faith implied in every contract. Commercial Credit Corp. v. Nelson Motors, Inc., 147 S.E.2d 481 (S.C. 1966). While the breach of this duty can support a claim for breach of contract, the independent tort of breach of this duty is only applicable to the breach of an insurance contract. Williams v. Riedman, 529 S.E.2d 28, 36 (S.C. App. 2000). Therefore, it is not a separate legally cognizable cause of in the context of the allegations contained in the Amended Complaint. Plaintiff's cause of action for Breach of the Duty of Good Faith is therefore dismissed as to all Defendants.

10) Plaintiff's Thirteenth and Fourteenth causes of action (misnumbered XII and XIII) assert that Defendants violated the South Carolina Unfair Trade Practices Act and the South Carolina Trade Secrets Act. The Amended Complaint does not allege that Defendant Wuertz committed any act that would support these causes of action outside of the course and scope of his employment as Director of the Crest Defendants. Therefore, Plaintiff's causes of action for Unfair Trade Practices and Misappropriation of Trade Secrets are dismissed as to Defendant Wuertz.

11) Defendants have asked the Court to rule that Plaintiff should not be allowed to further Amend its Complaint. This portion of the Defendants' Motion is denied. Plaintiff's oral motion for leave to amend its complaint is hereby granted.

IT IS SO ORDERED!

The Honorable Diane S. Goodstein
Circuit Court Judge

11-8, 2013
St. George, South Carolina

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

CERTIFIED COPY

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP1801227

Innovative Waste Management Inc	**Edward H Girardeau**	**Crest Energy Partners Gp**	**Crest Energy Partners LP**
Rodney Bridge	**Crest Energy Partners LP**	**Dunhill Products GP, LLC**	**Dunhill Products LP**
		Henry Wuertz	**Edward H Girardeau**
		Rodney Bridge	**Innovative Waste Management Inc**
		C. Russ Lloyd	
PLAINTIFF(S)		**DEFENDANT(S)**	

2013 DEC -3 PM 1:58

CLERK OF COURT
DORCHESTER COUNTY

Submitted by: | **Attorney for:** ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

2153 12/3/2013

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

Edgar Dickson

Circuit Court Judge **Judge Code** **Date**

For Clerk of Court Office Use Only

This judgment was entered on **12/3/2013**, and a copy mailed first class or placed in the appropriate attorney's box on **12/3/2013**, to attorneys of record or to parties (when appearing pro se) as follows:

William Michael Gruenloh 9 Broad St Ste C Charleston, SC 29401-3037
Frederick John Jekel PO Box 2579 Mt. Pleasant, SC 29465-2579

ATTORNEY(S) FOR THE PLAINTIFF(S)

David B. Marvel 636 King Street Charleston, SC 29403

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER INNOVATIVE WASTE MANAGEMENT, INC., Plaintiff, vs. CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendants. EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendant and Third Party Plaintiffs vs. INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD, Plaintiff and Third Party Defendant CREST ENERGY PARTNERS, L.P. Defendant and Third Party Plaintiff, vs. INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant.	IN THE COURT OF COMMON PLEAS CASE NO: 2012-CP-18-1227 **CONSENT CONFIDENTIALITY ORDER**

CERTIFIED COPY
2013 DEC -3 PM 4:39
CLERK OF COURT
DORCHESTER COUNTY

1/

Whereas, the parties to this Consent Confidentiality Order ("parties"), have stipulated that certain discovery material is and should be treated as confidential, and have agreed to the terms of this order; accordingly, it is this 29th day of October, 2013,

ORDERED:

1. **Scope.** All documents produced in the course of discovery, all responses to discovery requests and all deposition testimony and deposition exhibits and any other materials which may be subject to discovery (hereinafter collectively "documents") shall be subject to this Order concerning confidential information as set forth below.

2. **Form and Timing of Designation.** Confidential documents shall be so designated by placing or affixing the word "CONFIDENTIAL" on the document in a manner which will not interfere with the legibility of the document and which will permit complete removal of the Confidential designation. Documents shall be designated CONFIDENTIAL prior to, or contemporaneously with, the production or disclosure of the documents. Inadvertent or unintentional production of documents without prior designation as confidential shall not be deemed a waiver, in whole or in part, of the right to designate documents as confidential as otherwise allowed by this Order.

3. **Documents Which May be Designated Confidential.** Any party and any non-party who has been served with a subpoena may designate documents as confidential but only after review of the documents by an attorney[1] who has, in good faith, determined and certified

[1] The attorney who reviews the documents and certifies them to be CONFIDENTIAL must be admitted to the Bar of at least one state but need not be admitted to practice in the South Carolina and need not apply for *pro hac vice* admission. By signing the certification, counsel submits to the jurisdiction of this court in regard to the certification.

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that the documents contain information protected from disclosure by statute, sensitive personal information, trade secrets, or confidential research, development, or commercial information. The certification shall be made concurrently with the disclosure of the documents, using the form attached hereto at Attachment A which shall be executed subject to the standards of Rule 11 of the South Carolina Rules of Civil Procedure. Information or documents which are available in the public sector may not be designated as confidential.

4. **Depositions.** Portions of depositions shall be deemed confidential only if designated as such when the deposition is taken or within seven business days after receipt of the transcript. Such designation shall be specific as to the portions to be protected.

5. **Protection of Confidential Material.**

a. **General Protections.** Documents designated CONFIDENTIAL under this Order and any information contained therein shall not be used or disclosed by the parties or counsel for the parties or any other persons identified below (¶ 5.b.) for any purposes whatsoever other than preparing for and conducting the litigation in which the documents were disclosed (including any appeal of that litigation).

b. **Limited Third Party Disclosures.** The parties and counsel for the parties shall not disclose or permit the disclosure of any documentsor information designated CONFIDENTIAL under the terms of this Order to any other person or entity except as set forth in subparagraphs (1)-(5) below, and then only after the person to whom disclosure is to be made has executed an acknowledgment, that he or she has read and understands the terms of this Order and is bound by it. Subject to these requirements, the

following categories of persons may be allowed to review documents which have been designated CONFIDENTIAL pursuant to this Order:

(1) counsel and employees of counsel for the parties who have responsibility for the preparation and trial of the lawsuit;

(2) parties and employees of a party to this Order but only to the extent counsel shall certify that the specifically named individual party or employee's assistance is necessary to the conduct of the litigation in which the information is disclosed,

(3) court reporters engaged for depositions and those persons, if any, specifically engaged for the limited purpose of making photocopies of documents;

(4) experts (hereinafter referred to collectively as "experts") employed by the parties or counsel for the parties to testify in trial of the lawsuit; and

(5) other persons only upon consent of the producing party or upon order of the court and on such conditions as are agreed to or ordered.

c. **Control of Documents.** Counsel for the parties shall take reasonable efforts to prevent unauthorized disclosure of documents designated as Confidential pursuant to the terms of this order. Counsel shall maintain a record of those persons, including employees of counsel, who have reviewed or been given access to the documents along with the originals of the forms signed by those persons acknowledging their obligations under this Order.

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d. **Copies.** All copies, duplicates, extracts, summaries or descriptions (hereinafter referred to collectively as "copies"), of documents designated as Confidential under this Order or any portion of such a document, shall be immediately affixed with the designation "CONFIDENTIAL" if the word does not already appear on the copy. All such copies shall be afforded the full protection of this Order.

5. **Filing of Confidential Materials.** In the event a party seeks to file any material that is subject to protection under this Order with the court, that party shall take appropriate action to insure that the documents receive proper protection from public disclosure including: (1) filing a redacted document with the consent of the party who designated the document as confidential; (2) where appropriate (*e.g.* in relation to discovery and evidentiary motions), submitting the documents solely for *in camera* review; or (3) where the preceding measures are not adequate, seeking permission to file the document under seal. Absent extraordinary circumstances making prior consultation impractical or inappropriate, the party seeking to submit the document to the court shall first consult with counsel for the party who designated the document as confidential to determine if some measure less restrictive than filing the document under seal may serve to provide adequate protection. This duty exists irrespective of the duty to consult on the underlying motion. Nothing in this Order shall be construed as a prior directive to the Clerk of Court to allow any document be filed under seal.

6. **Greater Protection of Specific Documents.** No party may withhold information from discovery on the ground that it requires protection greater than that afforded by this Order unless the party moves for an Order providing such special protection.

7. **Challenges to Designation as Confidential.** Any CONFIDENTIAL designation is subject to challenge. The following procedures shall apply to any such challenge.

a. The burden of proving the necessity of a Confidential designation remains with the party asserting confidentiality.

b. A party who contends that documents designated CONFIDENTIAL are not entitled to confidential treatment shall give written notice to the party who affixed the designation of the specific basis for the challenge. The party who so designated the documents shall have fifteen (15) days from service of the written notice to determine if the dispute can be resolved without judicial intervention and, if not, to move for an Order confirming the Confidential designation.

c. Notwithstanding any challenge to the designation of documents as confidential, all material previously designated CONFIDENTIAL shall continue to be treated as subject to the full protections of this Order until one of the following occurs:

(1) the party who claims that the documents are confidential withdraws such designation in writing;

(2) the party who claims that the documents are confidential fails to move timely for an Order designating the documents as confidential as set forth in paragraph 7.b. above; or

(3) the court rules that the documents should no longer be designated as confidential information.

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d. Challenges to the confidentiality of documents may be made at any time and are not waived by the failure to raise the challenge at the time of initial disclosure or designation.

8. **Treatment on Conclusion of Litigation.**

a. **Order Remains in Effect.** All provisions of this Order restricting the use of documents designated CONFIDENTIAL shall continue to be binding after the conclusion of the litigation unless otherwise agreed or ordered.

b. **Destruction of CONFIDENTIAL Documents.** Within thirty (30) days after the conclusion of the litigation, including conclusion of any appeal, all documents treated as confidential under this Order, including copies as defined above (¶5.d.) shall be destroyed by the receiving party, and that party shall provide the opposing party an Affidavit of Destruction so stating. Notwithstanding the above requirements to destroy documents, counsel may retain attorney work product including an index which refers or relates to information designated CONFIDENTIAL so long as that work product does not duplicate verbatim substantial portions of the text of confidential documents. This work product continues to be Confidential under the terms of this Order. An attorney may use his or her work product in a subsequent litigation provided that its use does not disclose the confidential documents.

11. **Order Subject to Modification.** This Order shall be subject to modification on motion of any party or any other person who may show an adequate interest in the matter to intervene for purposes of addressing the scope and terms of this Order. The Order shall not,

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however, be modified until the parties shall have been given notice and an opportunity to be heard on the proposed modification.

12. **No Judicial Determination.** This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery. Nothing herein shall be construed or presented as a judicial determination that any specific document or item of information designated as CONFIDENTIAL by counsel is subject to protection under Rule 26(c) of the Federal Rules of Civil Procedure or otherwise until such time as a document-specific ruling shall have been made.

13. **Persons Bound.** This Order shall take effect when entered and shall be binding upon: (1) counsel who signed below and their respective law firms; and (2) their respective clients.

CIRCUIT COURT JUDGE
FIRST JUDICIAL CIRCUIT

Dated: 11/13/13
Saint George, South Carolina

WE CONSENT:

DAVID B. MARVEL, ESQUIRE
PRENNER MARVEL, PA
636 King Street
Charleston, South Carolina 29403
(8430 722-7250
ATTORNEY FOR DEFENDANTS

WILLIAM M. GRUENLOH, ESQUIRE
PATRICK A. CHISUM, ESQUIRE
GRUENLOH LAW FRIM
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 474-1890

8

AND

FREDERICK J. JEKEL, ESQUIRE
JEKEL-DOOLITTLE, LLC
P.O. Box 2579
Mt. Pleasant, South Carolina 29465-2579
(843) 654-7700
ATTORNEYS FOR PLAINTIFF

9/9

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP1801227

CLERK OF COURT
DORCHESTER COUNTY
2013 MAR 10 AM 7:53

Innovative Waste Management Inc	**Edward H Girardeau**	**Crest Energy Partners Gp, LLC**	**Crest Energy Partners LP**
Rodney Bridge	**Crest Energy Partners LP**	**Dunhill Products GP, LLC**	**Dunhill Products LP**
		Henry Wuertz	**Edward H Girardeau**
		Rodney Bridge	**Innovative Waste Management Inc**
PLAINTIFF(S)			**DEFENDANT(S)**

Submitted by: **Attorney for:** ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; (formal order to follow) ☒ Statement of Judgment by the Court: **The Parties' consent motion to have this matter designated as a Complex Case is granted and the Honorable Maité Murphy will retain jurisdiction over this case.**

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Diane S. Goodstein | **2112** | 3/7/2014

Circuit Court Judge/Chief Administrative Judge | **Judge Code** | **Date**

For Clerk of Court Office Use Only

This judgment was entered on 3/7/2014, and a copy mailed first class or placed in the appropriate attorney's box on 3/7/2014, to attorneys of record or to parties (when appearing pro se) as follows:

William Michael Gruenloh 192 East Bay Street, Suite 202 Ste C Charleston, SC 29401-3037
Frederick John Jekel PO Box 2579 Mt. Pleasant, SC 29465-2579
Patrick Aulton Chisum 192 East Bay Street, Suite 202 Charleston, SC 29401

ATTORNEY(S) FOR THE PLAINTIFF(S)

David B. Marvel 636 King Street Charleston, SC 29403
Kenneth George Goode Jr. 636 King Street Charleston, SC 29403

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

INNOVATIVE WASTE MANAGEMENT, INC.,
Plaintiff,

vs.

CREST ENERGY PARTNERS GP, L.L.C., CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ And EDWARD H. GIRARDEAU.

IN THE COURT OF COMMON PLEAS

CASE NO: 2012-CP-18-1227

FILED RECORDED
2015 APR -6 PM 4:40
CLERK OF COURT
DORCHESTER COUNTY

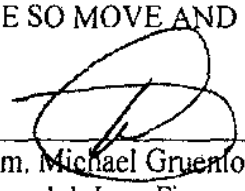
ORDER

The Plaintiff has moved this Court to quash a subpoena served upon Regions Bank seeking "[a]ny and all account records for any and all accounts in the name of Innovative Waste Management, Inc., Innovative Resource Management, or C. Russ Lloyd, and any other accounts for which C. Russ Lloyd is a signatory, from January 1, 2009 through December 31, 2011." Third Party Defendant C. Russ Lloyd has recently moved to dismiss certain causes of action against him, which Plaintiff and Lloyd believe could affect the proper scope of the subpoena. Accordingly, the parties have agreed to a partial resolution of the Motion to Quash as follows: within 10 days of service of this order, Regions bank shall respond in part to the subpoena by producing account information and bank records for Innovative Waste Management (a/k/a Innovative Resource Management) for the time period July 2009 through July 2010. The remainder of Plaintiff's Motion to Quash is otherwise continued and shall be heard contemporaneously with Plaintiff's Motion to Dismiss. IT IS SO ORDERED!

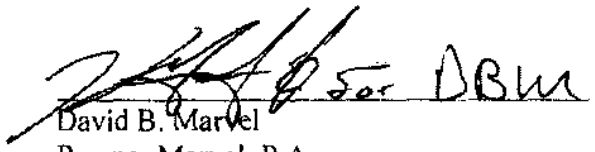
April ~~June~~ 6, 2015
St. George, South Carolina

Maite' Murphy
The Hon. Maite D. Murphy
Circuit Court Judge

WE SO MOVE AND CONSENT:



Wm. Michael Gruenloh
Gruenloh Law Firm
9 Broad Street, Suite C
Charleston, South Carolina 29401
Attorney for Plaintiff



David B. Marvel
Prenner Marvel, P.A.
636 King Street
Charleston, South Carolina 29403
Attorney for Defendants

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP1801227

2015 APR -6 PM 4:40
CLERK OF COURT
DORCHESTER COUNTY

PLAINTIFF(S)		DEFENDANT(S)	
Innovative Waste Management Inc Crest Energy Partners LP	Edward H Girardeau	Crest Energy Partners Gp, LLC Dunhill Products GP, LLC Henry Wuertz Innovative Waste Management Inc	Crest Energy Partners LP Dunhill Products LP Edward H Girardeau C. Russ Lloyd

Submitted by: **Attorney for:** ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

Maité Murphy	2166	4/6/2015
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on **4/6/2015**, and a copy mailed first class or placed in the appropriate attorney's box on **4/6/2015**, to attorneys of record or to parties (when appearing pro se) as follows:

William Michael Gruenloh/Patrick Aulton Chisum 192 East Bay Street, Suite 202 Ste C Charleston, SC 29401-3037
Frederick John Jekel PO Box 2579 Mt. Pleasant, SC 29465-2579

David B. Marvel 636 King Street Charleston, SC 29403

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Cheryl Graham

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

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CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER	IN THE COURT OF COMMON PLEAS
INNOVATIVE WASTE MANAGEMENT, INC. Plaintiff, vs. CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, and EDWARD H. GIRARDEAU Defendants.	CASE NO. 2012-CP-18-1227 **ORDER ON DEFENDANTS' MOTION TO QUASH**
CREST ENERGY PARTNERS, L.P. and EDWARD H. GIRARDEAU Defendants and Third Party Plaintiffs, vs. INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant,	

2015 APR -6 PM 4:40
CLERK OF COURT
DORCHESTER COUNTY

This matter comes before the Court on the defendants' Motion to Quash and for Protective Order filed December 5, 2014. Defendants sough to quash subpoenas issued by the Plaintiff. At the time of the hearing only two subpoenas were at issue (Wells Fargo and Margavio & Schmidt) as the parties resolved the issues with regard to the AST&T subpoena.

This Court heard arguments on the motion in chambers on April 6, 2015. At the hearing the issues argued centered around the relevancy and scope of the subpoenas at issue.

This Court having reviewed the subpoenas, reviewed the memorandum and heard arguments, ORDERS ADJUDGES AND DECREES:

The subpoenas issued to Wells Fargo and Accountants Margavio & Schmidt are relevant;

The scope of the subpoenas shall be limited to the years 2009 to the present; and

Plaintiff shall re-issue the subpoenas in accordance with this Order.

6 April, 2015
St. George, S.C.

Honorable Maite Murphy
Circuit Judge First Judicial Circuit

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP1801227

Innovative Waste Management Inc **Crest Energy Partners LP**	**Edward H Girardeau**	**Crest Energy Partners Gp, LLC** **Dunhill Products GP, LLC** **Henry Wuertz** **Innovative Waste Management Inc**	**Crest Energy Partners LP** **Dunhill Products LP** **Edward H Girardeau** **C. Russ Lloyd**
PLAINTIFF(S)		**DEFENDANT(S)**	

2012 SEP 6 PM 4:40
CLERK OF COURT
DORCHESTER COUNTY

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

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CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

Maité Murphy	2166	4/6/2015
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on **4/6/2015**, and a copy mailed first class or placed in the appropriate attorney's box on **4/6/2015**, to attorneys of record or to parties (when appearing pro se) as follows:

William Michael Gruenloh/Patrick Aulton Chisum 192 East Bay Street, Suite 202 Ste C Charleston, SC 29401-3037
Frederick John Jekel PO Box 2579 Mt. Pleasant, SC 29465-2579

David B. Marvel 636 King Street Charleston, SC 29403

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 3/2013)

ELECTRONICALLY FILED - 2019 Jun 18 11:24 AM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER	)	IN THE COURT OF COMMON PLEAS
INNOVATIVE WASTE MANAGEMENT, INC. Plaintiff,	)	CASE NO. 2012-CP-18-1227
vs.	)	**ORDER GRANTING PLAINTIFF'S THIRD MOTION TO COMPEL**
CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, and EDWARD H. GIRARDEAU Defendants.	)	

This matter came before the Court June 5, 2019 on Plaintiff Innovative Waste Management, Inc.'s Motion to Compel Defendants Crest Energy Partners GP, L.L.C., Crest Energy Partners L.P., Dunhill Products GP, L.L.C., Dunhill Products L.P., Henry Wuertz, and Edward H. Girardeau, to produce certain financial information. The Court having considered all filings, argument, and proffers of Counsel rules as follows:

1. An Authorized Principal for each of the Defendants Crest Energy Partners GP, L.L.C., Crest Energy Partners L.P., Dunhill Products GP, L.L.C., Dunhill Products, L.P., and the individual Defendant Henry Wuertz, shall sign their authorizations, appended as Exhibits A – E to this order, requiring the production of the files of their accountants from 2009 to the Present.

2. An Authorized Principal for each of the Defendants Crest Energy Partners GP, L.L.C., Crest Energy Partners L.P., Dunhill Products GP, L.L.C., Dunhill Products, L.P., and the individual Defendants Henry Wuertz, shall sign their authorizations, appended as Exhibits F – J to this order, requiring the production of materials

ELECTRONICALLY FILED - 2019 Jun 18 11:24 AM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227

responsive to the Subpoena request to Wells Fargo from 2009 to the Present.

3. The authorizations shall be signed and executed within seven (7) days of this order.

4. All Defendants shall provide current, sworn, certified financial statements sufficient to set out their wealth and income to Plaintiff within twenty-one (21) days of this order.

5. The Court upon a finding of the failure of Defendants to comply with a previous order of the Court and a failure to produce relevant discoverable material to Plaintiff shall bear costs and fees for Plaintiff's bringing this motion in the amount of **$ 1, 950.00** as supported by the affidavit and testimony of Plaintiff's Counsel.

IT IS SO ORDERED

_____
The Honorable Maité Murphy

Date: June _____ 2019

_____, South Carolina

ELECTRONICALLY FILED - 2019 Jun 18 11:24 AM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227

Dorchester Common Pleas

Case Caption:	Innovative Waste Management Inc , plaintiff, et al VS Crest Energy Partners Gp, LLC , defendant, et al
Case Number:	2012CP1801227
Type:	Order/Compel

So Ordered

s/ Maite Murphy 2166

Electronically signed on 2019-06-18 10:50:21 page 3 of 3

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Dorchester
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2012CP1801227

Innovative Waste Management Inc et al
PLAINTIFF(S)

Crest Energy Partners Gp, LLC et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☑ **DECISION BY THE COURT**. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*: ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☑ Statement of Judgment by the Court:

On June 18, 2019, this Court entered an Order Granting Third Motion to Compel which, among other things, directed Defendants to execute authorizations and provide financial statements by way of Authorized Principals. On July 5, 2019, Defendants moved the Court to reconsider, alter and/or amend this June 18 Order. The June 18 Order is now amended only to allow these documents and statements to be executed by or on behalf of such entities by either an Authorized Principal or Accounting Professional, and the remainder of the relief requested in Defendants' motion is hereby denied.

ORDER INFORMATION

This order ☐ ends ☑ does not end the case. ☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 08/01/2019 .

Crest Energy Partners LP
Edward H Girardeau
Innovative Waste Management Inc

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Dorchester Common Pleas

Case Caption:	Innovative Waste Management Inc , plaintiff, et al VS Crest Energy Partners Gp, LLC , defendant, et al
Case Number:	2012CP1801227
Type:	Order/Electronic Form 4

So Ordered

s/ Maite Murphy 2166

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STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER	)	IN THE COURT OF COMMON PLEAS
	)	
	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC. Plaintiff,	)	
	)	
vs.	)	**ORDER GRANTING PLAINTIFF'S MOTION FOR SANCTIONS PURSUANT TO S.C.R.C.P. 37**
	)	
CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, and EDWARD H. GIRARDEAU Defendants.	)	

This matter came before the Court pursuant to Plaintiff's Motion for Sanctions filed September 13, 2019 and requesting an expedited hearing pursuant to SCRCP Rule 40(a)(2) and 40(h). All parties had an opportunity to issue written briefings to the Court prior to oral argument held in Calhoun County on September 23, 2019.[1]

Plaintiff brought its motion for sanctions after Defendants Crest Energy Partners GP, LLC, Crest Energy Partners, L.P., Dunhill Products GP, LLC, Dunhill Products, L.P., and Henry Wuertz's (hereinafter the "Wuertz Defendants") refused to comply with this Court's August 1, 2019 order granting Plaintiff's Third Motion to Compel and requested that the Court find them in contempt and grant sanctions for their refusal to comply. The Court, having reviewed and considered the case history, current posture, all materials submitted, and oral arguments finds that the Wuertz Defendants have engaged in a deliberate pattern of discovery abuse and willfully failed

[1] Attorney Marvel, counsel for Crest Energy Partners GP, LLC, Crest Energy Partners, L.P., Dunhill Products, GP, LLC, Dunhill Products, L. P., and Henry Wuertz agreed to the expedited hearing timeline sought by Plaintiff in their motion. These Defendants represented they would provide written briefing prior to the week of the expedited hearing but no briefing was filed or provided at the hearing. *Correspondence to the Court on September 18, 2019 at 12:52 pm and 1:23pm.*

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to follow this Court's August 1, 2019 Order. For these reasons, as set out in detail below, the Court grants Plaintiff's Motion for Sanctions pursuant to Rule 37 of the South Carolina Rules of Civil Procedure and hereby strikes all pleadings of the Wuertz Defendants.

FACTUAL HISTORY

The Court makes the following findings of fact in the issuance of its order. This case was filed in South Carolina Circuit Court on May 11, 2012. Plaintiff alleges that the Defendants failed to pay certain invoices for the purchase of petroleum products and interfered with and wrongfully acquired certain business accounts held by Plaintiff. Plaintiff has alleged that such actions were accomplished through fraud and misrepresentation and that such actions resulted in the loss of Plaintiff's future profits.

Prior Discovery Orders Regarding Defendants' Financial Information

Plaintiff issued its first set of Interrogatories and Requests for Production, including requests for Defendants' past and current financial information on October 2, 2012. The Defendants failed to respond to Plaintiff's discovery requests and on January 31, 2013 Plaintiff filed its first Motion to Compel. The parties entered into a Consent Order on March 15, 2013 in which the Defendants promised to provide discovery requests, including the financial information sought by Plaintiff and to pay Plaintiff's attorney's fees as a sanction for its discovery abuse. The Defendants failed to comply with the Consent Order and Plaintiff filed an Amended Motion to Compel. The Court granted that motion on August 22, 2013 and ordered Defendants to produced discovery including sworn, certified financial statements.

Plaintiff was forced to file a second Motion to Compel on August 27, 2013 when Defendants again failed to comply with the Court's Order. On October 3, 2013 the Court ordered Defendants to provide their financial information and sanctioned the Defendants $2,000.00 for

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their failure to comply the Court's August 22, 2013 Order. In her Order Judge Goodstein included the following language:

> "…(b) In lieu of producing the documents requested in Plaintiff's First Supplemental Request for Production nos. 3 and 5, Defendants shall produce the working papers such as W-2's, 1099s, K-1's, ect., used in preparation of Defendants' state and federal tax returns for the period of 2008 – 2012. (c) Nothing set out in this paragraph shall be construed as any limitation upon Plaintiff's right to seek additional discovery on these issues in the future."

In March 2015 the Plaintiff issued subpoenas to Defendants' bank (Wells Fargo) and accountant (Margavio and Schmidt) requiring the production of Defendants' bank and accountant records from 2009 to the present date. Defendants filed a Motion to Quash. At the hearing on Defendants' Motion to Quash, Defendants argued that the scope of Plaintiff's subpoenas was overbroad and the information sought was not relevant. The Plaintiff argued that the subpoenas were necessary due to Defendants continuing failure to respond to discovery requests, failure to follow the Court's prior orders, and were directly relevant to Plaintiff's claims that Defendants had taken millions of dollars in business from Plaintiff. The Court denied Defendants' Motion to quash and found that bank and accountant records from 2009 through the present were relevant and should be disclosed.

On April 8, 2015 the parties were ordered to mediate this case. At mediation a settlement was reached in which Defendants agreed to pay a settlement amount within 30 days. The Defendants failed to pay the agreed upon settlement amount and breached the settlement agreement. Issues resulting from the failed settlement were appealed and the case was stayed pending and order of the Court of Appeals for three years.

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Defendants' Refusal to Comply with this Court's August 1, 2019 Ruling

The case was remanded back to this Court in March 2019 and an order for a date certain trial to begin on November 19, 2019 was issued. The Plaintiff demanded that Defendants provide updated financial statements and re-issued a subpoena in Louisiana for Margavio & Schmidt (Defendants' CPA) as previously ordered in the Court's April 6, 2015 Order.

Defense Counsel advised that he would get back to Plaintiff's Counsel regarding those issues prior to an April 22, 2019 teleconference scheduled with the Court. Defendants' Counsel did not provide any response on those issues prior to the April 22nd teleconference. During the April 22nd teleconference with this Court, Plaintiff's Counsel informed the Court of various issues preventing the Plaintiff from obtaining the previously ordered financial records including Defendants refusal to sign a Consent Order for the domestication of an out of state subpoena and third party efforts to quash the Plaintiff's Louisiana subpoena served upon the CPA (despite the Court's earlier ruling). For these reasons, the Plaintiff requested that the Court order Defendants to provide executed authorizations for the production of its CPA/financial records. In response, Defense Counsel advised the Court that he required until May 6, 2019 to provide the discovery Plaintiff sought. Defense Counsel did not provide the discovery by May 6, 2019 and on May 15, 2019 Plaintiff filed its Third Motion to Compel seeking the production of Defendants' financial information and requesting monetary sanctions.

In an order dated June 18, 2019 this Court granted Plaintiff's requested relief ordering Defendants to sign authorizations for the release of their financial and CPA information within 7 days of the order and to produce sworn certified financial statements within 21 days of the Order. The Court also sanctioned Defendants for their noncompliance and discovery abuse in the amount of One Thousand Nine Hundred and Fifty Dollars ($1,950.00). On June 25, 2019, the due date for

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the signed authorizations, Counsel for the Wuertz Defendants filed a motion to amend the Court's order pursuant to S.C.R.C.P. 59. The Court reviewed briefings from the parties and on August 1, 2019 issued an order amending its June 18th Order still granting the relief requested by Plaintiffs but altering its original Order allowing different classes of individuals to sign the requested authorizations. The authorizations were to be signed within seven days and financial statements were to be produced within 21 days.

The record shows that on August 9, 2019, after the Court's deadline had passed for the Defendants' production of authorizations and payment of sanctions, Defense Counsel for the Wuertz Defendants sent an e-mail to Plaintiff's counsel representing that he had not seen the Order and would obtain a copy of it. Plaintiff's Counsel sent a communication sixteen minutes later stating the deadline had already passed and requesting information on when Counsel for the Wuertz Defendants would provide the authorizations.

On Monday August 12, 2019 Defense Counsel requested copies of the authorizations that were to be signed. Plaintiff had previously provided Defense Counsel with copies of these authorizations. Counsel for the Wuertz Defendants responded nine hours later stating that he did not believe there would be any issue getting all the signed authorizations to Plaintiff's counsel by August 16, 2019. On August 19, 2019 Defense Counsel stated that Mr. Wuertz was "meeting with the accountant later today" and he expected to have "something by tomorrow morning." Plaintiff's Counsel responded via e-mail later that day again asking for Counsel to provide the signed authorizations for Mr. Wuertz's tax returns within two days of the e-mail. No response was received. On August 23, 2019, Plaintiff's counsel sent Defense Counsel a letter, pursuant to S.C.R.C.P. 11, stating that they had failed to comply with the Court's order and requesting Compliance before Noon on August 28, 2019. Counsel for the Wuertz Defendants e-mailed

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Plaintiff's Counsel at 11:00am on August 28, 2019 requesting until the end of the day to comply with the Court's August 1, 2019 Order. Defendants provided nothing further on August 28, 2019.

On August 29, 2019 Counsel for Defendant Girardeau sent a sworn financial statement which also included language seeking to reserve his right to supplement the information contained in the financial statement at a later time. On August 29, 2019 Counsel for the Wuertz Defendants produced certain tax documents for 2016 and 2017 tax years of Crest Energy Partners LP, and a financial statement for Henry Wuertz. Defense Counsel's e-mail closes by stating "Stand by, more to come." No additional productions or communications were provided by Counsel for the Crest Defendants, Dunhill Defendants, and Wuertz that day.

On August 30, 2019 counsel for the Wuertz Defendants attached a letter from Sean K. Butler, an accountant who represented in the letter to have previously prepared tax returns for Crest Energy Partners, L.P. and is "familiar with that entity's corporate structure and financial condition." This document claimed that none of the Crest Defendants nor Dunhill Defendants have any real income reflected on the 2016 nor 2017 tax years and have not filed tax returns for 2018. It was not a financial statement for any entity and the Court finds it was not be responsive to the Court's Order. The e-mail transmitting that letter from Counsel for the Wuertz Defendants again stated "More to come…"

No further discovery materials were produced. The Wuertz Defendants never produced the signed Court-ordered authorizations for the CPA records nor paid the $1,950.00 in monetary sanctions. On August 30, 2019 Counsel for the Wuertz Defendants sent a letter to the Court stating he had complied as much as he would with the August 1st Order of the Court and believed his actions to be substantially compliant with that Order. Defense Counsel further requested that this

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Court hold him in Contempt for his and his client's refusal to comply with the Court's order so that he could appeal the August 1, 2019 Order.

Plaintiff offered unchallenged evidence that on September 3, 2019 they received by courier what purported to be a Notice of Appeal. Counsel for the Wuertz Defendants admitted that the Notice of Appeal served on Plaintiff was not filed with this Court or the Court of Appeals. The certificate of service contained in the document delivered to Plaintiff swore that the NOA had been served upon Plaintiff's Counsel four days earlier, on August 30, 2019. Plaintiff also offered unchallenged evidence that Counsel for the Wuertz defendants had previously threatened an appeal of the Court's August 1, 2018 order and at that time Plaintiff's Counsel had advised Mr. Marvel that an appeal of the discovery order would be interlocutory. The Court finds that the Notice of Appeal served upon Plaintiff and the threat of Appeal was intended to cause delay.

At oral argument on September 23, 2019, Defense Counsel argued that he had substantially complied with the Court's order, that his clients were unable to pay the monetary sanctions ordered by the Court, and requested the Court to issue an order finding the Wuertz Defendants in Contempt so they could appeal the August 1, 2019 discovery order. Defense Counsel further stated that he was aware he could not file the threatened appeal regarding the August 1, 2019 Order without being held in contempt because the appeal would be interlocutory. Defendants did not advise Plaintiff or the Court of its inability to pay the award of attorney's fees at any point prior to the September 23, 2019 hearing and failed to offer any proof of that assertion. No memorandum or motion seeking relief from the monetary sanctions due to an inability to pay was filed. Defense Counsel also stated that he had been ordered by his client to appeal <u>any order</u> issued by the Court.

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ANAYLSIS

Pursuant to Rule 37, SCRCP, when a party fails to respond to discovery requests or obey an order to provide or permit discovery, the court may "make such orders in regard to the failure as are just." Rule 37(b)(2), SCRCP. "Rule 37 expressly grants the trial court power to order judgment by default for either violation of a court order, or upon motion, for a party's failure to respond to certain discovery requests." *Karppi v. Greenville Terrazzo Co.*, 327 S.C. 538, 542, 489 S.E. 2d 679, 682 (Ct. App. 1997) (citing Rule 37(b)(2)(C) & (d)). "Discovery sanctions are imposed to penalize those whose conduct may be deemed to warrant such a sanction, and to deter those who might be tempted to such conduct in the absence of such a deterrent." *Creighton v. Coligny Plaza Ltd.Pshp.*, 334 S.C. 96, 122-23, 512 S.E.2d 510 (Ct.App.1998) *citing Karppi v. Greenville Terrazzo Co.*, 327 S.C. 538, 545, 489 S.E.2d 679, 683 (Ct.App. 1997) (*quoting National Hockey League v. Metropolitan Hockey Club, Inc.*, 427 U.S. 639 (1976). It is in the discretion of this Court to award sanctions for Plaintiff's failure to respond fully to discovery requests and refuses to obey court orders. *Downey v. Dixon,* 294 S.C. 42, 45, 362 S.E.2d 317, 318 (Ct.App. 1987).

When discovery violations show bad faith, willful disobedience, or gross indifference to another litigants' rights, it is justified to strike that party's pleadings. *QZO, Inc. v. Moyer*, 358 S.C. 246, 255, 594 S.E.2d 541, 546 (2004). When determining the proper sanction, the Court should consider the precise nature of the discovery sought, the discovery posture of the case, willfulness, and the degree of the prejudice. *See Samples v. Mitchell*, 329 S.C. 105, 112, 495 S.E.2d 213, 216 (1997). Where a party's right to discovery is abused, prejudice must be presumed unless the party failing to submit the discovery can show a lack of prejudice. *Downey v. Dixon*, 294 S.C. 42, 46, 362 S.E.2d 317, 319 (Ct. App. 1987).

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Prior to Plaintiff bringing its Motion for Sanctions, the Defendants had entered into a Consent Order and the Court granted three separate Motions to Compel – all regarding the Defendants failure to provide discovery responses relating to the financial information sought by Plaintiff. Two of those orders included monetary sanctions against the Defendants for the failure to comply with Rule 37. Plaintiff's motions continued to seek the enforcement of previous Court ordered discovery and were necessary as a result of Defendants' noncompliance with prior orders and its failure to follow the Rules of Civil Procedure. The Court had denied the Defendant's Motion to Quash certain financial discovery, holding that the discovery requested was necessary for the Plaintiff's case and not overbroad. All parties were aware that the character of the discovery sought had been found to be relevant and discoverable by the Trial Court in multiple orders and should be produced.

Defendants representations to Plaintiff and the Court during the April 22, 2019 conference that they would produce the sought discovery, failing to and forcing a Motion to Compel, and the subsequent willful noncompliance with the Court's August 1, 2019 Order is a continuation of its dilatory tactics throughout this case which has prejudiced Plaintiff's ability to support their claims with discoverable information and prepare for trial. Counsel for the Wuertz Defendants was aware that a trial was imminent. Defendants made numerous representations that they would produce the discovery both prior to and subsequent to this Court's Order, all along breaching the deadlines and extensions to deadlines granted by Plaintiff. In the wake of those representations, Defendants failure to comply with the August 1st Order of the Court and request for contempt demonstrates a clear willful disobedience towards Court orders and disregard for the Plaintiff's rights.

The Wuertz Defendant's counsel's letter to the Court dated August 30, 2019 announcing their failure to comply with and intent to appeal the order cites to *Metts v. Mims*, 384 S.C. 491,

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682 S.E.2d 813 (2009) and to *Davis v. Parkview Apartments*, 409 S.C. 266, 762 S.E.2d 535 (2014). These cases outline the proper procedure for requesting contempt to Appeal a discovery order and document a case where a party had its pleadings struck for feigning compliance multiple times before eventually requesting contempt.

As set out in *Davis* and *Metts*, if the Wuertz Defendants believed the discovery requested was inappropriate, privileged, or they were not obligated to produce it according to the rules, they should have stated that clearly and affirmatively prior to or at least during the April 22, 2019 teleconference, or at latest, immediately after the Court's ruling. In choosing to make false representations to opposing counsel and then further feign compliance with the order of the Court, the Wuertz Defendants wasted months of time before requesting Contempt for the purpose of manufacturing an appealable issue. These actions alone are sufficient to grant an order of sanctions striking the pleadings of these Defendants pursuant to *Davis v. Parkview*. When taken as a whole in context with the Defendants prior discovery abuse, repeated monetary sanctions and continuing noncompliance with orders and the Rules of Civil Procedure, it is apparent to this Court that no other sanction is likely to have an effect on the behavior of these Defendants.

The Court finds from a review of the totality of the record that the Wuertz Defendant's conduct is in bad faith, is willfully disobedient to the orders of the Court, and demonstrates a gross indifference to the Plaintiff's rights seeking to delay a case on the eve of trial. Having considered the nature of the discovery sought, the discovery posture of the case, the Wuertz Defendant's willfulness, and the degree of prejudice the noncompliance has caused to the Plaintiff, it is the holding of this Court that the Pleadings of Crest Energy Partners GP, LLC, Crest Energy Partners L.P., Dunhill Products GP, LLC, Dunhill Products, L.P., and Henry Wuertz shall be struck in accordance with Rule 37 of the South Carolina Rules of Civil Procedure.

IT IS SO ORDERED

_____

The Honorable Maité Murphy

Date: _____ 2019

_____, South Carolina

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Dorchester Common Pleas

Case Caption:	Innovative Waste Management Inc , plaintiff, et al VS Crest Energy Partners Gp, LLC , defendant, et al
Case Number:	2012CP1801227
Type:	Order/Sanctions

So Ordered

s/ Maite Murphy 2166

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STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER	IN THE COURT OF COMMON PLEAS
INNOVATIVE WASTE MANAGEMENT, INC. Plaintiff, versus CREST ENERGY PARTNERS GP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE Defendants.	CASE NO. 2012-CP-18-1227 **SECOND AMENDED COMPLAINT**
EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendants and Third Party Plaintiffs, versus INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant.	
CREST ENERGY PARTNERS L.P. Defendants and Third Party Plaintiffs, versus INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant.	

TO THE HONORABLE COURT:

NOW COMES the Plaintiff, Innovative Waste Management, by and through its undersigned counsel, complaining of the above named Defendants Crest Energy Partners GP L.L.C., Crest Energy Partners L.P., Dunhill Products GP, L.L.C., Dunhill Products L.P., Henry Wuertz, Edward H. Girardeau and Rodney Bridge, and would respectfully show unto the Court and jury the following:

I. THE PARTIES AND JURISDICTION

1. Plaintiff, Innovative Waste Management, Inc. (hereinafter referred to as "IWM") is a corporation organized, existing and doing business in Dorchester County and under the laws of the State of South Carolina.

2. Defendant Crest Energy Partners GP, L.L.C. is a foreign limited liability company organized in the State of Texas and may be served through its registered agent Henry Wuertz at 7026 Old Katy Road, Suite 249, Houston, Texas 77024.

3. Defendant Crest Energy Partners L.P. is a foreign limited partnership organized in the State of Texas and may be served through its registered agent Henry Wuertz at 7026 Old Katy Road, Suite 249, Houston, Texas 77024.

4. At all times relevant, Defendants Crest Energy L.L.C. and Crest Energy LP (hereinafter collectively referred to as "Defendant Crest") were the de facto successors in interest for Dunhill Products GP, L.L.C.

5. Defendant Dunhill Products GP, L.L.C., is a foreign limited liability company, organized in the State of Florida and may be served through its registered agent Henry Wuertz at 7026 Old Katy Road, Suite 249, Houston, Texas 77024.

6. Defendant Dunhill Products L.P. is a foreign limited liability company organized in the State of Florida and may be served through its registered agent Henry Wuertz at 7026

Old Katy Road, Suite 249, Houston, Texas 77024.

7. Upon information and belief, Defendants Dunhill Products GP, L.L.C. and Dunhill Products L.P. (hereinafter collectively referred to as "Defendant Dunhill") no longer conduct business and have merged into Defendant Crest. At all times relevant Crest and Dunhill were operating as the same company and legal entity.

8. Defendant Henry Wuertz (hereinafter referred to as "Defendant Wuertz"), is the president of Defendant Dunhill and is an individual director of Defendant Crest. He resides in the State of Texas and may be served at 3207 Banbury Place Houston, Texas 77027.

9. Defendant Edward H. Girardeau (hereinafter referred to as "Defendant Girardeau") is an individual who was formerly a high-level employee of IWM and was during the relevant time frame an employee of Defendants Crest and Dunhill.

10. Defendant Girardeau is a citizen of the State South Carolina and may be may be served at 171 Hardee Farm Lane, Walterboro, SC 29488.

11. Defendant Rodney Bridge (hereinafter referred to as "Defendant Bridge") is an individual who was formerly a high-level employee of IWM and was during the relevant times an employee of Defendants Crest and Dunhill.

12. Defendant Bridge is a citizen of the State of South Carolina and may be served at his residence located at 107 Crossing Water Street, Summerville, South Carolina 29486.

13. At all times relevant, Defendants were, either directly or indirectly, through third parties, agents, employees, or relative entities, doing business in the State of South Carolina in the County of Dorchester.

14. This Court has subject matter jurisdiction of this matter, as the Plaintiff and Defendant Bridge are citizens of the State of South Carolina.

15. This Court has personal jurisdiction over each Defendant pursuant to S.C. Code Ann.

§36-2-803 because, among other things, each regularly conducts business in South Carolina, solicited customer and clients in South Carolina, entered into a contractual relationship with a party in South Carolina, committed tortious acts in South Carolina, caused tortious injury in South Carolina, and consciously availed themselves of the protection of the law of South Carolina.

16. This is proper venue for this action in that Plaintiff is domiciled in the State of South Carolina in the County of Dorchester and all relevant transactions took place in, and/or originated in, and/or were to be performed in the State of South Carolina in the County of Dorchester.

II. FACTUAL ALLEGATIONS

17. IWM is in the business of purchasing recycled petroleum products and residuals from manufacturing processes and reselling such material for profit.

18. Defendants Crest and Dunhill are also in the business of purchasing and reselling petroleum products for profit.

19. Shell Refining Company (hereinafter referred to as "Shell") is in the business of selling petroleum products.

20. Prior to April of 2010, IWM had established a course of business and an account with Shell under which it purchased damaged or recyclable petroleum products sold by Shell and sold such products to third parties for profit.

21. Lion Oil is in the business of selling petroleum products.

22. Prior to April of 2010, IWM had established a course of business where it purchased petroleum products from Lion Oil and sold them to the third parties for profit.

23. Prior to April 20, 2010, Defendants Girardeau and Bridge were high-level employees of IWM whose responsibilities included, among other things, managing the business

transactions and accounts between IWM, Shell, Lion Oil, and a number of other companies which were customers and clients of IWM.

24. At all times during their employment with IWM, Defendants Girardeau and Bridge were entrusted with and had access to IWM's client and contact list, its method of doing business, details regarding acceptable profit margins, and other confidential information and trade secrets which were utilized in IWM's business.

25. The confidential and trade secret information with which Defendants Girardeau and Bridge were entrusted was of great commercial value both to IWM and to other companies in competing or similar business, including Defendants Wuertz, Dunhill, and Crest.

26. At all times relevant, IWM took reasonable precautions to protect its confidential information and trade secret information from disclosure to third parties and such information was not publicly available.

27. In March of 2010, IWM entered into an agreement with Defendant Dunhill and its President, Defendant Wuertz, for the sale of approximately 15,017 Barrels (bbls) of petroleum that IWM acquired from Shell.

28. The agreed upon purchase price of the 15,017 bbls of petroleum was to be determined by the market value on the date of sale which was $75.387 per barrel for a total purchase price of $1,132,115.98.

29. Under the terms of the agreement between IWM and Defendants Dunhill and Wuertz, Dunhill was to prepay for the petroleum before taking possession of it.

30. Pursuant to the agreement, IWM invoiced Dunhill on March 23, 2010 for the petroleum.

31. The terms of the agreement required Defendants Dunhill and Wuertz to wire payment for the petroleum to IWM's bank account in South Carolina and, in return, IWM would

provide Dunhill Wuertz with the "nomination" which allowed the petroleum to be loaded and shipped to Dunhill.

32. Defendants Girardeau and Bridge were the managers of the Shell – IWM account and were responsible for ensuring that the prepayment for the petroleum was received in IWM's account prior to the release of the nomination to Dunhill.

33. Unbeknownst to IWM at the time, Defendants Girardeau and Bridge, while still employed by IWM, began making plans, no later than March 2010, to leave the employment of IWM and work for Defendants Dunhill, Wuertz, and/or Crest.

34. Defendants Wuertz, Dunhill, and Crest were aware that Defendants Girardeau and Bridge were high-level employees of IWM who had access to certain confidential and trade secret information that would be useful and of value to Defendants Wuertz, Dunhill, and Crest.

35. Defendants Wuertz, Dunhill, and Crest were aware that Defendants Girardeau and Bridge were in an employee relationship with IWM.

36. Defendants Wuertz, Dunhill, and Crest were also aware that Defendant Bridge and Girardeau had the capacity, if not authority, to move the 15,017 bbls of petroleum into Dunhill's' possession without Dunhill making the required prepayment.

37. While still employed by IWM, Defendant Girardeau met with Defendant Wuertz at his home in New Orleans in March of 2010 for the express purpose of negotiating the terms of Girardeau's future employment with Dunhill/Crest.

38. At all times material Defendants Bridge and Girardeau were in communication with one another and Defendants Wuertz, Dunhill, and Crest for the purpose of negotiating the terms of future employment for both Girardeau and Bridge with Defendants Wuertz, Dunhill and Crest.

39. Soon after the March 2010 meeting and while they were still employed with IWM, Defendants Girardeau and Bridge began stalling and/or purposely putting off the closing of contracts with a number of Plaintiff's clients for whom Girardeau and Bridge served as liaison.

40. Defendants Girardeau and Bridge purposefully stalled, postponed and otherwise interfered with pending and/or prospective IWM contracts with Lion Oil, Wayne Heftye, Esso/Imperial Oil, Colonial Pipeline, Exxon Joliet, Albermarle, Shell Oil, and potentially others, with the intention of taking such clients and pending contracts with them to their soon to be new employer Defendants Wuertz, Dunhill, and Crest.

41. Defendants Wuertz, Dunhill, and Crest were aware of Defendants Girardeau and Bridge's actions of stalling or otherwise interfering with pending and prospective contractual relations.

42. Defendants Wuertz and Dunhill encouraged and directed Girardeau and Bridge to intentionally bring such prospective clients and contracts with them to Dunhill.

43. Defendants' actions of purposefully stalling, postponing and otherwise interfering with IWM's prospective contractual relations caused IWM to lose such prospective contractual relations and the profits from such prospective contractual relations.

44. Prior to April 20, 2010, Russ Lloyd, the president of IWM, was unaware that Defendants Girardeau and Bridge were making plans and in negotiations with Defendants Wuertz and Dunhill to leave the employ of IWM and to go work for Defendant Wuertz at Dunhill.

45. Russ Lloyd advised and confirmed with Defendants Girardeau and Bridge on multiple occasions prior to April 2, 2010, that the 15,017 bbls of petroleum were not to be released to Defendants Dunhill and Wuertz until full prepayment was received in IWM's account.

46. Defendants Girardeau and Bridge were aware that they had been given express orders and instructions by their then employer, Russ Lloyd of IWM, that they were not to allow the shipment of the petroleum until and unless full prepayment of was received in IWM's account.

47. On or about April 2, 2010, Mr. Lloyd left his office for vacation with the explicit assurances of Defendants Girardeau and Bridge that they would be personally responsible for verifying that the full prepayment due from Dunhill and Wuertz was received prior to releasing the nomination and allowing the shipment of the petroleum to Defendants Dunhill and Wuertz.

48. On April 5, 2010, Defendants Girardeau and Bridge defied the direct orders and instructions of their employer Russ Lloyd and IWM and provided Defendants Dunhill and Wuertz with the nomination for the loading and shipping of the 15,017 bbls of oil with full knowledge that the payment of $1,132,115.98 due from Dunhill and Wuertz had not yet been received.

49. With full knowledge that payment of $1,132,115.98 had not yet been sent to IWM as agreed, Defendants Dunhill and Wuertz accepted the nomination and caused the 15,017 bbls of petroleum to be shipped to Dunhill.

50. On April 5, 2010, Defendants Girardeau and Bridge also arranged to have an additional 8000 bbls of petroleum, which was the property of IWM, to be loaded on the same vessel as the 15,017 bbls.

51. Defendants Girardeau and Bridge did not have authorization from IWM or Mr. Lloyd to sell or move the additional 8000 bbls of petroleum, nor did Defendants Girardeau or Bridge discuss the additional 8000 bbls of oil with Mr. Lloyd at any time prior to the shipment on April 5, 2010.

52. Defendants Girardeau and Bridge did not document the shipment of the 8000 bbls and, as a result, there was no record of this transaction aside from their communications with their co-defendants and the shipping records.

53. No payment was made by Defendants Dunhill or Wuertz for the 8000 bbls of petroleum and neither IWM nor Mr. Lloyd were aware of or approved this transaction.

54. By and through the illicit and unauthorized action of Defendants Girardeau and Bridge, 23,017 bbls of petroleum (the original 15,017 bbls and the additional 8000 bbls) was shipped to and received by Defendant Dunhill and Wuertz on April 5, 2010, without any payment made to IWM whatsoever.

55. As a result of Defendant Girardeau and Bridge's actions of releasing the petroleum without the agreed upon pre-payment and Defendant Wuertz and Crest's actions of taking the petroleum without prepaying as agreed, IWM was unable to pay Shell for the petroleum.

56. As a result of Defendants' actions, IWM was forced to enter into a repayment arrangement with Shell that resulted in further financial losses to IWM.

57. Prior to April 5, 2010, Defendants Girardeau, Bridge, Wuertz, and Dunhill were aware that their actions would cause IWM to be unable to pay Shell and cause IWM to go into arrears on its Shell account.

58. Prior to April 5, 2010, Defendants Girardeau, Bridge, Wuertz, and Dunhill were aware that if IWM went into arrears on its Shell account, Dunhill would gain a competitive advantage and would be able to acquire business from Shell that had previously been slated for IWM.

59. Prior to April 5, 2010, Defendants Girardeau, Bridge, Wuertz, and Dunhill conspired to create a situation where IWM would be in arrears to Shell thereby giving Dunhill an

illicit trade advantage on business that had been slated to go to IWM and for all future business with the Shell environmental department in Houston.

60. Upon returning from vacation, Mr. Lloyd discovered that the 15,017 bbls of petroleum had been shipped and that, despite his instruction to Defendant Girardeau and Bridge and their assurances of the same, no prepayment had been received by Dunhill or Wuertz for the petroleum.

61. After examining the shipping records for the 15,017 bbls of petroleum, Mr. Lloyd discovered the shipment of the additional 8000 bbls of petroleum to Dunhill and which was shipped to Defendants Dunhill and Wuertz through the illicit and unauthorized actions of Defendant Girardeau and Bridge.

62. Upon discovering the shipment of the 8000 bbls, IWM invoiced Dunhill and Wuertz at the parties existing contract price of $75.387 per/bbl for the total of $603,096.

63. IWM invoiced Defendants Dunhill and Wuertz a total of $1,735,211.98 for the transaction described above.

64. Defendants Dunhill and Wuertz made a partial payment of $693,114.58, but claimed that no additional monies were owed.

65. Defendant Dunhill and Wuertz advised that an accounting would be provided by then CFO Barbara Waters no later than August 24, 2010, which, according to Defendant Wuertz, Dunhill, and Crest, would substantiate their claim that IWM was not owed any additional monies for their petroleum shipped to Defendants Dunhill and Wuertz on April 5, 2010.

66. After promising IWM an accounting, Defendant Wuertz expressly advised and ordered his then CFO Barbara Waters to cease her accounting efforts and to make no further payments to IWM.

67. IWM made multiple requests for the promised accounting but no accounting was provided nor has any further payment been made on the outstanding invoices.

68. Sometime in or around August of 2010, Defendant Dunhill ceased doing business and merged into Defendant Crest.

69. Sometime in or around August of 2010, Defendant Wuertz, who had previously served as the President of Dunhill, became a director of Defendant Crest.

70. Within two weeks of the April 5, 2010, shipment of 23,017 bbls of petroleum to Dunhill and Wuertz, Defendants Girardeau and Bridge formally began working for Defendants Dunhill and Wuertz in Houston, Texas.

71. Defendants Girardeau and Bridge were employed by Dunhill's successor company Crest Energy and have been employed continuously by Defendant Crest until late 2013.

72. On April 19, 2010, Defendant Bridge secretly entered the offices of IWM after business hours for the purpose of misappropriating a number of notebooks, assets, and other data, all of which were the property of IWM.

73. On April 19, 2010, Defendant Bridge misappropriated certain property and information from IWM including confidential and trade secret information concerning IWM's clients, margins, and method of doing business.

74. Prior to April 20, 2010, Defendant Girardeau misappropriated certain property and information from IWM including confidential and trade secret information concerning IWM's clients, margins, and method of doing business.

75. The property and information misappropriated by Defendant Bridge and Girardeau from IWM had independent economic value, actual and/or potential, from not being generally known to and not being readily ascertainable by proper means by the public or any other person who can obtain economic value from its disclosure or use including Defendants

Crest, Dunhill, and Wuertz.

76. The property and information misappropriated by Defendants Bridge and Girardeau collectively and individually was capable of making and did in fact make a substantial difference in the efficiency of IWM's process, marketing, commercial strategy, and overall business operations and business performance.

77. The property and information misappropriated by Defendant Bridge and Girardeau from IWM was the subject of reasonable efforts by IWM to maintain its secrecy and was not in the public domain.

78. Upon information and belief, Defendant Bridge and Girardeau's co-defendants were aware of and directed Bridge and Girardeau's misappropriation of IWM's confidential and trade secret information.

79. The property and information misappropriated by Defendant Bridge and Girardeau from IWM, including confidential and trade secret information, was shared with Defendant Bridge's co-defendants Wuertz, Dunhill, and Crest.

80. Defendants knew or should have known that the information shared with them by Bridge and Girardeau was confidential and trade secret information that had been misappropriated from IWM.

81. Defendants Wuertz, Dunhill, and Crest paid Bridge and Girardeau a higher salary than its existing employees with a substantial percentage of the revenue of Crest/Dunhill business, numerous club memberships, and other incentives.

82. Defendant Wuertz, Dunhill, and Crest paid Bridge and Girardeau higher than market value compensation in consideration of and in return for the delivery of petroleum on April 5, 2010, executing their plan to place IWM in arrears with Shell and the illicit trade advantage brought to Crest/Dunhill by Girardeau and Bridge's misappropriation and

sharing of IWM confidential and trade secrets information.

83. Defendants have utilized the confidential and trade secret information from IWM, including knowledge of the relationship with Shell and other customers and clients of IWM that they acquired by and through IWM to interfere with IWM's existing prospective contractual relations.

84. Defendants have utilized the confidential and trade secret information of IWM to gain an illicit trade advantage and place themselves in a position as directed vendors with Shell and other companies with whom IWM previously enjoyed a profitable contractual relationship.

85. As a result of Defendants' action, specifically its intentionally placing IWM into arrears with Shell, interfering with IWM's existing and potential contractual relations, and misappropriation and use of confidential information and trade secrets, IWM has lost business and accounts it had previously enjoyed and which it otherwise would have continued to have under its existing course of business.

86. Upon information and belief, defendants Girardeau and Bridge were offered employment and compensation by their co-defendants in consideration of and in return for effectuating the delivery of the 23,017 bbls of petroleum described above, intentionally placing IWM into arrears with Shell, interfering with IWM's existing and potential contractual relations, for the delivery of IWM's confidential and trade secret information, and for the delivery of pending contracts with prospective clients of IWM.

87. Upon information and belief, the prospective contractual relations of IWM which were purposefully stalled, postponed, and otherwise interfered with by Defendants for an improper purpose were later closed and or consummated by Defendants after Defendants Girardeau and Bridge became officially employed by Defendants Dunhill, Crest, and

Wuertz.

88. Defendants illicitly received millions of dollars in profit as a result of the interference with Plaintiff's prospective contractual relations.

89. The conduct of Defendants, as set forth above, has had a serious adverse effect, including millions of dollars in economic losses, loss of high level employees, loss of reputation and standing in the community, and other negative effects upon the business of IWM.

90. Defendants continue to utilize the confidential and trade secret information it misappropriated from Plaintiff to the pecuniary gain of Defendants and to the continuing detriment to Plaintiff.

III. CAUSES OF ACTION

COUNT I
(Breach of Contract)

91. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

92. That Defendants Wuertz, Dunhill, and its successor company Crest entered into binding contract with Plaintiff for the sale of the petroleum described above.

93. That Defendants Wuertz, Dunhill, and Crest unjustifiably failed perform their duties under the contract; specifically by failing to pay the amounts which they agreed to pay in return for the petroleum described above.

94. That as a direct and proximate result of the aforesaid breach, the Plaintiff has been damaged in an amount in excess of $1 million.

95. Whereby the Plaintiff is entitled to judgment against the Defendants Wuertz, Dunhill, and Crest, jointly and severally, in the sum of such actual damages plus interest to be determined by the jury, together with the cost of this action.

COUNT II
(Breach of Contract Accompanied by Fraudulent Act)

96. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

97. That Defendants' Wuertz, Dunhill, and Crest unjustifiably failed to perform their duties under the contract for the sale of petroleum, specifically they failed to pay the amounts that they agreed to pay in return for the petroleum described above, and thereby breached the contract.

98. The Defendants Wuertz, Dunhill, and Crest acted with fraudulent intent to deprive the Plaintiff of proceeds from the sale of the petroleum described above.

99. The Defendants Wuertz, Dunhill, and Crest never had any intention of paying for the petroleum described above as evidenced by their actions as set out herein.

100. That Defendants Wuertz, Dunhill, and Crest acted with fraudulent intent when they caused to be released and/or received the petroleum described above without paying for such petroleum.

101. That Defendants Wuertz, Dunhill, and Crest made material misrepresentations and omissions to IWM including but not limited to advising IWM that it would be paid in full for the petroleum before such petroleum was released to Defendants.

102. Defendants Wuertz, Dunhill, and Crest intended the Plaintiff to rely and act upon such material representations and omissions.

103. Plaintiff was unaware that such representations were false, had a right to act upon such representations, and did act upon such representation in reliance that such representations were true.

104. As a direct and proximate result of the Defendants breach of contract accompanied by a fraudulent act, Plaintiff has suffered actual and consequential damages.

105. Wherefore, Plaintiff is entitled to judgment against Defendants Wuertz, Dunhill and Crest, jointly and severally, for actual, consequential, and punitive damages, as well as

attorneys' fees and costs plus interest that a jury may find together with the cost of this action.

COUNT III
(Conversion)

106. The Plaintiff incorporates all previous paragraphs by reference as fully set forth therein.

107. The Plaintiff submitted invoices to Defendants for the petroleum products discussed above.

108. That the Plaintiff had lawful interest in and the right to the possession of the petroleum described above and/or the proceeds with Defendants agreed to pay in return for such petroleum.

109. That Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge converted the petroleum described above and/or the proceeds that Defendants agreed to pay in return for such petroleum by refusing to pay the Plaintiff the full agreed upon price.

110. That Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge's use of the petroleum described above and/or the proceeds that Defendants agreed to pay in return for such petroleum was without the permission of the Plaintiff.

111. That as the direct and proximate result of the aforesaid conversion outlined above, the Plaintiff has been damaged.

112. Wherefore, the Plaintiff is entitled to judgment against the Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge, jointly and severally, in the sum of such actual damages plus interest that a jury may find, together with the cost of this action.

COUNT IV
(Tortious Interference with Contractual Relationship)

113. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth therein.

114. That IWM had a contractual relationship with Shell, Lion Oil, and other vendors for the

continued sale of off-spec or recyclable petroleum products.

115. That Defendants' Wuertz, Dunhill, Crest, Girardeau, and Bridge had full knowledge of the aforementioned contracts and relationship.

116. That Defendants' Wuertz, Dunhill, Crest, Girardeau, and Bridge intentionally procured and facilitated the breach of such contracts.

117. That Defendants' Wuertz, Dunhill, Crest, Girardeau, and Bridge acted in the absence of justification and with malice for the express purpose of gaining an illicit trade advantage with such clients.

118. As a direct and proximate cause of Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge's tortious interference, Plaintiff has suffered damages, including economic damages.

119. That a contractual, employer/employee relationship existed between IWM and Defendant Girardeau and Bridge.

120. That Defendant Wuertz, Dunhill, and Crest had full knowledge of the aforementioned contractual relationship.

121. That Defendants' Wuertz, Dunhill, and Crest intentionally procured and facilitated the breach of such contracts.

122. That Defendants Wuertz, Dunhill, and Crest acted in the absence of justification.

123. As a direct and proximate cause of the Defendants' Wuertz, Dunhill, and Crest's tortious interference, the Plaintiff has suffered damages.

124. Plaintiff is entitled to judgment against Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge, jointly and severally, for actual, consequential, and punitive damages, as well as attorneys' fees and cost, plus interest that jury may find together with the cost of this action.

COUNT V
(Intentional Interference with Prospective Contractual Relations.)

125. The Plaintiff incorporates all previous paragraphs by reference as fully set forth therein.

126. The Plaintiff, prior to March 2010, had long standing contractual relationships and/or a course of business with Shell Oil, Lion Oil, and other customers relative to the purchase of various petroleum products.

127. Prior to March 2010, plaintiff IWM had successfully cultivated a considerable long-term business relationship with such customers that generated a substantial amount of reoccurring and regular business.

128. Shell and Lion Oil's long term repeat business was included in IWM's annual business forecast for proposals and contract agreements, allowing IWM to plan appropriately for its future proposals, contract submissions, and or cooperative agreements.

129. The continuing nature of the long-term arrangements between Plaintiff IWM and its suppliers, Shell, Lion Oil and others, permitted IWM to forecast, prepare, and plan appropriately for expanded future purchases of petroleum products from such customers.

130. The nature of the conduct between IWM and its prospective contractual relations implied from facts and circumstances illustrates a mutual intent to carry on current and future contracts.

131. That IWM had potential or prospective readily identifiable contractual relationships with Shell, Lion Oil, Wayne Heftye, Esso/Imperial Oil, Colonial Pipeline, Exxon Joliet, Albermarle, and other vendors for the continued sale and or brokerage of certain products.

132. While still employed at IWM, Defendants Bridge and Girardeau intentionally and purposely stalled or postponed certain prospective contractual relationships that they had been working on to prevent IWM from closing and consummating such contracts.

133. Defendants Wuertz, Dunhill, and Crest were aware of Girardeau and Bridge's actions of stalling or otherwise interfering with pending and prospective contractual relations.

134. Defendants Wuertz, Dunhill, and Crest encouraged and directed Girardeau and Bridge to intentionally bring such prospective clients and prospective contracts with them to Dunhill and thereby interfered with Plaintiffs' prospective contractual relationships.

135. Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge did intentionally interfere with Plaintiff's prospective contractual relationships with Shell Oil, Lion Oil, and others, and the Defendants interference with such potential contractual relations continues today.

136. Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge's intentional interference with Plaintiff's prospective contractual relations was accomplished through the use of improper means, including but not limited to utilizing confidential information and trade secrets of Plaintiff IWM to secure those perspective contractual relationships for themselves.

137. As a direct result of Defendants' interference, after April 2010, Shell, Lion Oil, and other former trade partners ceased engaging in regular contractual relationships with the Plaintiff IWM.

138. Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge did intentionally interfere with Plaintiff's perspective contractual relationships for the improper purpose of poaching IWM's clients.

139. Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge did intentionally misrepresent the financial condition of IWM to Shell and other IWM trading partners to intentionally interfere with and undermine Plaintiffs perspective contractual relationship with Shell.

140. Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge utilized improper methods and conspired to intentionally place IWM in financial arrears with Shell with the improper

purpose of making IWM look financially unstable, thereby making Defendants Crest and Dunhill appear as a preferred business partner for Shell and Lion Oil.

141. Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge did intentionally interfere with IWM's perspective contractual relations with Shell and Lion Oil through the use of improper methods and for an improper purpose.

142. As a direct and proximate cause of the Defendants' intentional interference with Plaintiffs prospective contractual relations, Plaintiff has suffered actual and consequential damages, including lost profits.

143. Wherefore Plaintiff prays for a judgment against the Defendants jointly and severally for actual, consequential, and punitive damage related to the Defendants intentional interference with prospective relations.

COUNT VI
(Constructive Fraud)

144. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

145. Defendants Wuertz, Crest, Dunhill, Girardeau, and Bridge made various material representations and omissions as set out above that were false and which they knew or should have known to be false.

146. Defendants intended the Plaintiff to rely and act upon such representations.

147. Plaintiff was unaware that such representations were false, had a right to act upon such representations, and did act upon such representations in reliance that such representations were true.

148. As a direct and proximate result of Defendants' dishonest acts and false representations, Plaintiff has suffered damages.

149. Plaintiff is entitled to judgment against Defendants, jointly and severally, for actual, consequential, and punitive damages, as well as attorney's fees and costs, plus interest

that the jury may find together with the costs of this action.

COUNT VII
(Fraud and Misrepresentation)

150. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

151. Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge made material representations to the Plaintiff with regard to the April 2010 purchase of petroleum products as set out above which were false and which they knew to be false or should have known to be false.

152. Defendants made material misrepresentations and/or omissions to the Plaintiff with regard to not releasing the nomination until funds were received which were false and which they knew to be false or should have known to be false.

153. Defendants Wuertz, Dunhill, Crest, Girardeau, and Bridge intended the Plaintiff to rely and act upon such representations.

154. Plaintiff was unaware that such representations were false, had a right to act upon such representations and did act upon such representations in reliance that such representations were true.

155. As a direct and proximate result of Defendants dishonest acts and false representations Plaintiff has suffered damages.

156. Plaintiff entitled to judgment against Defendants, Wuertz, Dunhill, Crest, Girardeau, and Bridge jointly and severally, for actual, consequential, and punitive damages, attorney's fees and cost, plus interest that the jury may find together with the cost of this action.

COUNT VIII
(Breach of Duty of Care, Breach of Fiduciary Duty and Breach of Duty of Loyalty)

157. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

158. Defendants Girardeau and Bridge were high-level employees of IWM who were placed

in a position of trust.

159. Pursuant to the Laws of the State of South Carolina, Defendants Girardeau and Bridge owed a fiduciary duty, a duty of loyalty, and a duty of care to the Plaintiff.

160. That Defendants Girardeau and Bridge breached these duties by acting for and on behalf of their own pecuniary interest and by self-dealing at the expense and to the detriment of the Plaintiff.

161. Defendants' actions constitute a willful, wanton, and reckless breach of fiduciary duty owed to Plaintiff.

162. Wherefore, the Plaintiff has suffered actual damages in an amount to be determined by the jury.

163. As a direct and proximate result of Defendants Girardeau and Bridge breach of fiduciary duty, the Plaintiff is entitled to judgment against Defendants Girardeau and Bridge, joint and severally, for actual, consequential, and punitive damages, attorney's fees and cost, plus interest that the jury may find together with the costs of this action.

COUNT IX
(Aiding and abetting a breach of fiduciary duty.)

164. The Plaintiff incorporates all previous paragraphs by reference as fully set forth therein.

165. Prior to April 2010, Defendants Wuertz, Dunhill and Crest were aware that Defendants Girardeau and Bridge were employees of and had a fiduciary relationship with the Plaintiff IWM.

166. Defendants Girardeau and Bridge breached their fiduciary duty to Plaintiff IWM by and through their unauthorized acquisition and disclosure of IWM confidential information and trade secrets, and by disobeying the express instructions of IWM by providing 23,017 bbls of petroleum to Defendants Wuertz and Dunhill without first receiving the agreed upon prepayment.

167. Defendants Wuertz, Dunhill, and Crest were aware of the fact that Defendants Girardeau and Bridge intended to breach their fiduciary duties as employees of IWM and encouraged and assisted them to breach such duties by providing the promise of future employment, money, and other resources necessary for the carrying out of the breach of duties described herein.

168. Defendants Wertz, Dunhill and Crest knowingly aided in Girardeau and Bridge's breach of fiduciary duty by providing employment to Girardeau and Bridge as well as providing the resources needed to carry out the breaches of fiduciary duty described herein.

169. As a direct and proximate result of the Defendants Wuertz, Dunhill, and Crest aiding and abetting in the breach of fiduciary duties, Plaintiff IWM has suffered actual and consequential damages associated with such aiding and abetting.

170. Wherefore Plaintiff prays for judgment against Defendants Wuertz, Dunhill, and Crest, jointly and severally, for actual and punitive damages associated with the Defendants aiding abetting Girardeau and Bridge's breach of fiduciary duties to IWM.

COUNT X
(Civil Conspiracy)

171. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

172. That Defendants Dunhill, Crest, Girardeau, and Bridge, through their willful and malicious acts and omissions, did join together in the conversion of funds and/or petroleum rightfully belonging to the Plaintiff for the sole purpose of causing injury to the Plaintiff.

173. That Defendants, through their willful and malicious acts and omissions, did join together in an effort to misappropriate IWM's high-level employees and certain confidential and trade secret information rightfully belonging to the Plaintiff for the sole purpose of gaining an illicit trade advantage and causing injury to the Plaintiff.

174. That Defendants Dunhill, Crest, Girardeau, and Bridge, through their willful and malicious acts and omissions, did join together for the purpose of creating a baseless and false wage claim causing injury to Plaintiff and finical gain for Defendants.

175. That the Defendants acts have caused special damages to the Plaintiff including but not limited to the costs associated with repaying Shell due to Defendants' failure to pay for the petroleum noted herein, the costs associated with replacing and training high level employees, attorneys fees and costs in defending the baseless wage claim, and other damages in an amount to be determined.

176. That Plaintiff is entitled to judgment against the Defendants Dunhill, Crest, Girardeau, and Bridge, jointly and severally, in the sum of such special damages that naturally and proximately resulted from the wrongful acts done in pursuance of Defendants' conspiracy and which are directly resulting from the same, plus interest that the jury may find together with the cost of this action.

COUNT XI
(Promissory Estoppel)

177. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

178. Defendants Wuertz, Dunhill and Crest made an unambiguous promise to Plaintiff to provide payment in return for the shipment of the petroleum products discussed in detail above.

179. Plaintiff reasonably relied upon such promises made by Defendants Wuertz, Dunhill, and Crest.

180. Defendants Wuertz, Dunhill, and Crest intended for Plaintiff to rely upon its promise.

181. Defendants Wuertz, Dunhill, and Crest broke their promises to Plaintiff as set forth above.

182. As a direct and proximate result of Defendants' false promises, Plaintiff has suffered

damages.

183. Plaintiff is entitled to judgment against Defendant, jointly and severally, for actual, consequential, and punitive damages, attorney's fees and costs, plus interest that the jury may find together with the costs of this action.

COUNT XII
(Quantum Meruit)

184. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

185. Plaintiff conferred a benefit on Defendants as discussed above when it shipped to Defendants 23,017 bbls of petroleum.

186. Defendants Dunhill and Crest have received that petroleum and have realized a benefit from it.

187. Defendants Dunhill and Crest have retained the benefit they have received and have failed to pay Plaintiff; it is unjust for Defendants to retain such benefit without paying the Plaintiff for such benefit.

188. Plaintiff is entitled to judgment against Defendants Dunhill and Crest, jointly and severally, for actual, consequential, and punitive damages, attorney's fees and costs, plus interest that the jury may find together with the cost of this action.

COUNT XIII
(Unfair Trade Practices)

189. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

190. That Defendants Dunhill, Crest, Girardeau, and Bridge have engaged in unfair trade practices and deceptive acts while conducting business in South Carolina.

191. That the unfair trade practices and acts of Defendants Dunhill, Crest, Girardeau, and Bridge have an adverse impact on the public interest, are capable of repetition, and have been repeated.

192. That the use of unfair deceptive methods, acts, and practices by Defendants Dunhill, Crest, Girardeau, and Bridge were willful and in violation of South Carolina Code §39-5-20 *et seq.*

193. As a direct and proximate result of said violations, Plaintiff has suffered damages.

194. Plaintiff is entitled to judgment against the defendants Dunhill, Crest, Girardeau, and Bridge, jointly and severally, for actual damages, attorney's fees, and treble damages pursuant to South Carolina Code §39-5-20 *et seq.*

COUNT XIV
(Misappropriation of Trade Secrets pursuant to SC Code Ann. §39-8-20)

195. The Plaintiff incorporates all previous paragraphs by reference as if fully set forth herein.

196. Defendants Dunhill, Crest, Girardeau, and Bridge misappropriated or acquired by improper means certain confidential information, knowledge, and property as alleged above.

197. Defendants Dunhill, Crest, Girardeau, and Bridge knew and/or should have known that the confidential trade secrets information, knowledge, and data were acquired by improper means.

198. The information misappropriated by Defendants included confidential trade secret information concerning IWM's clients, contracts, business model, methods, techniques, and procedures.

199. The property and information misappropriated by Defendants from IWM contained both actual and potential independent economic value.

200. The misappropriated information was not readily nor easily ascertainable by persons capable of obtaining economic value from its disclosure or use, including Defendants.

201. The property and information misappropriated by Defendant Bridge from IWM did, collectively and individually; in fact make a substantial difference in the efficiency of

IWM's commercial marketing, business strategies, operation, performance, and future development.

202. The property and information misappropriated by Defendants Dunhill, Crest, Girardeau, and Bridge from IWM was the subject of reasonable efforts by IWM to maintain its secrecy.

203. Defendants Dunhill, Crest, Girardeau, and Bridge utilized the misappropriated trade secrets of IWM to their pecuniary gain and to the pecuniary detriment of IWM.

204. The Defendants Dunhill, Crest, Girardeau, and Bridge's illicit actions as alleged herein were the proximate cause of Plaintiff's injury and damages.

205. Plaintiff is entitled to damage including the actual loss caused by the misappropriation or the unjust enrichment caused by misappropriation.

206. Plaintiff is entitled to judgment against Defendants Dunhill, Crest, Girardeau, and Bridge, jointly and severally, for the actual loss caused by the misappropriation or the unjust enrichment caused by misappropriation, consequential, and punitive damages, attorney's fees and cost, plus interest that the jury may find together with the costs of this action or any other damages awardable under South Carolina Code §39-8-20 through 40.

WHEREFORE, Plaintiff prays for judgment against Defendants Crest, Dunhill, Wuertz, Girardeau, and Bridge for actual and punitive damages, treble damages, attorney's fees and costs, plus interest, and for other further relief as this Court may deem just and proper.

Counsel for the Plaintiff

By: _____

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Date: March 6, 2014
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **PLAINTIFF'S SECOND AMENDED COMPLAINT** in the above matter were served on the below named parties and/or their respective counsel and /or agents by Mail and Email, on the date below

David B. Marvel
Prenner Marvel, P.A.
636 King Street
Charleston, SC 29403
dave@prennermarvel.com
Attorneys for Defendants

By: _____
Patrick Aulton Chisum

Date: March 6, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER INNOVATIVE WASTE MANAGEMENT, INC., Plaintiff, vs. CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendants.	IN THE COURT OF COMMON PLEAS CASE NO: 2012-CP-18-1227
CREST ENERGY PARTNERS, L.P., EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendants and Third Party Plaintiffs vs. C. RUSS LLOYD, Third Party Defendant	

ANSWER TO SECOND AMENDED COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT OF DEFENDANTS CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., AND HENRY WUERTZ

COMES NOW DEFENDANTS, Crest Energy Partners GP, LLC, Crest Energy Partners, L.P., Dunhill Products, GP, LLC, Dunhill Products, L.P., and Henry Wuertz, through undersigned counsel, who hereby Answer the Second Amended Complaint as follows:

FOR A FIRST DEFENSE

1. The Second Amended Complaint fails to state certain claims upon which relief may be granted, and which must be dismissed pursuant to Rule 12(b)(6), SCRCP.

FOR A SECOND DEFENSE

These Defendants collectively answer the allegations set forth in the individually numbered paragraphs contained in Plaintiff's Second Amended Complaint as follows:

2. Any allegation not explicitly admitted herein is denied.

3. The allegations of Paragraphs 1 through 3 of the Second Amended Complaint are admitted.

4. Paragraphs 4, 5, 6, 7, and 8 of the Second Amended Complaint are denied as stated. These Defendants deny that Dunhill Products GP, LLC or Dunhill Products, L.P. are entities in existence, and it is further averred that Defendants Dunhill Products GP, LLC and Dunhill Products, L.P. changed their corporate names to Crest Energy Partners GP, LLC and Crest Energy Partners, L.P., respectively, and that Defendant Wuertz is a member of Crest Energy Partners GP, LLC.

5. With regard to Paragraph 9 and 10 of the Second Amended Complaint, these Defendants admit that Girardeau was formerly employed by the Plaintiff and by Crest Energy Partners, L.P. Otherwise, denied.

6. With regard to Paragraph 11 of the Second Amended Complaint, Defendants admit that Bridge was formerly employed by the Plaintiff and by Crest Energy Partners, L.P. Otherwise, denied

7. Paragraph 12 of the Second Amended Complaint is Admitted.

8. Paragraphs 13 through 16 contain legal conclusions not requiring a response from these Defendants. It is admitted that Plaintiff and Defendants Bridge and Girardeau are citizens of South Carolina, otherwise denied.

9. Paragraph 17 of the Second Amended Complaint is Denied.

10. With regard to Paragraph 18 of the Second Amended Complaint, Defendants admit that Defendant Crest is in the business of purchasing and reselling petroleum products for profit, among other things.

11. These Defendants admit Paragraph 19.

12. These Defendants deny Paragraph 20.

13. These Defendants admit Paragraph 21.

14. Paragraph 22 of the Second Amended Complaint is denied as stated. These Defendants admit that the Plaintiff was involved in certain petroleum related business transactions with Lion Oil prior to April 2010.

15. With regard to Paragraph 23 of the Second Amended Complaint, Defendants admit that Defendants Bridge and Girardeau were formerly employed by the Plaintiff, and that in the course of their employment they brokered and/or managed certain transactions with Shell. Otherwise, denied.

16. Defendants deny Paragraph 24 of the Second Amended Complaint existed, and further deny that IWM "entrusted" Defendants Bridge and Girardeau with anything.

17. Defendants deny Paragraphs 25 and 26 of the Second Amended Complaint.

18. With regard to Paragraphs 27 through 32 of the Second Amended Complaint, Defendants admit that IWM and Dunhill/Crest entered into one or more agreements by which IWM was required to supply Dunhill/Crest with certain quantities of petroleum products at

certain prices. Defendants further admit that IWM transmitted an invoice to Dunhill requesting payment of $1,132,115.98, which Defendants deny that Dunhill or Crest owed. Defendants deny entering into the agreement described in Paragraphs 27 through 32 of the Second Amended Complaint. Defendants further crave reference to any and all contracts and or memoranda of agreement and deny any and all allegations inconsistent therewith. Otherwise, denied.

19. These Defendants deny paragraphs 33 through 61 of the Second Amended Complaint.

20. With regard to Paragraphs 62 through 64 of the Second Amended Complaint, Defendants admit that Plaintiff transmitted invoices to Crest/Dunhill demanding payment in the total amount of $1,735,211. Defendants further admit that Crest/Dunhill made payment on these invoices in the amount of $693,114.58, and that Plaintiff was informed that no further payment was owed by Crest/Dunhill. Otherwise, denied.

21. With regard to Paragraphs 65 and 66 of the Second Amended Complaint, Defendants admit that Defendant Wuertz informed Plaintiff that Crest/Dunhill would provide an accounting of funds that IWM owed to Crest/Dunhill on a prior joint venture between the two companies, and that no such accounting was transmitted at the time, because Crest was continuing to pay expenditures and the entirety of the transaction had not been completed. Otherwise, denied.

22. Defendants deny Paragraphs 67 through 70 of the Second Amended Complaint.

23. With regard to Paragraph 71 of the Second Amended Complaint, the Answering Defendants admit that Defendants Girardeau and Bridge were employed by Crest Energy Partners, L.P., from late April 2010 until September 2012.

24. Defendants deny Paragraphs 72 through 206 of the Second Amended Complaint.

FOR A THIRD DEFENSE
BY WAY OF AFFIRMATIVE DEFENSES

25. The Defendants invoke the affirmative defense of accord and satisfaction.

26. The Defendants invoke the affirmative defense of payment.

27. The Defendants invoke the affirmative defense of failure to join an indispensable party.

28. The Defendants invoke the affirmative defense of waiver.

29. The Defendants invoke the affirmative defense of laches.

30. The Defendants invoke the affirmative defense of estoppel, both equitable and promissory.

31. The Defendants invoke the affirmative defense of set-off.

32. The Defendants invoke the affirmative defense of unclean hands.

33. The Plaintiff's claims are barred by failure of consideration.

34. The Plaintiff's claims are barred by the statute of frauds.

35. The Plaintiff's claims are barred by Plaintiff's failure to comply with statutory requirements.

36. The Plaintiff's claims are barred by failure of a condition precedent.

37. The Plaintiff's claims are barred by Plaintiff's first material breach.

FOR A FOURTH DEFENSE BY CREST ENERGY PARTNERS, L.P.,
BY WAY OF A COUNTER-CLAIM AGAINST INNOVATIVE WASTE MANAGEMENT, INC. AND THIRD PARTY CLAIM AGAINST C. RUSS LLOYD

38. The foregoing paragraphs are incorporated herein as if restated verbatim.

39. C. Russ Lloyd is a citizen and resident of the State of South Carolina, Dorchester County, who is the President of the Plaintiff IWM.

40. As previously averred, Defendant Crest Energy Partners, L.P. is the successor in interest to Defendant Dunhill Products, L.P. The companies are referred to hereafter as "Crest".

41. In December, 2009, Defendant Crest and Plaintiff IWM entered into a partnership/joint venture for the purchase of a large amount of petroleum product from Shell Oil's Montreal facility. This product was loaded at the Shell terminal onto the M/V NORTH FIGHTER and delivered to Crest.

42. The intent of the partnership was to refine and re-sell the petroleum product for profit.

43. As 50/50 partners in this joint venture, Crest and IWM were to share equally in any profit or loss in the refining and re-sale of the petroleum product.

44. On or about December 29, 2009, Crest transmitted payment in the amount of $3,617,450 to IWM to cover the cost of the petroleum products. Of this amount, IWM transmitted $1,402,500 to Shell for the cost of the product, refunded $1,714,950 to Crest, and retained $500,000 for itself in "advance profits".

45. Thereafter, and unbeknownst to Crest, Lloyd transferred these "advance profits" to his own personal benefit, to pay an outstanding debt to the Internal Revenue Service.

46. The product received by Crest in relation to this joint venture had ultimate purchase, transportation, storage and refining costs of $10,827,743.87.

47. The product received by Crest was ultimately sold to third parties for $10,337,201.98.

48. Therefore, the joint venture between crest and IWM incurred a net loss of $490,541.89. IWM's 50% share of this net loss is $245,270.95.

49. On December 30, 2009, IWM advanced itself $500,000 in profit from the joint venture that was never realized.

50. On or about March 23, 2010, IWM brokered a deal between Crest and Shell Oil Products by which Crest obtained 15,017 barrels of crude oil at a price of $75.387 per barrel. IWM invoiced Crest a total amount of $1,132,115.98 for this Oil.

51. Due to the losses that Crest was incurring on the joint venture, Crest invoked a set-off and paid IWM $693,114.58. This was a short payment of $439,001.40.

52. IWM owed Crest a total of $745,270 for the losses on the joint venture. Following the set-off, IWM continues to owe Crest $306,259.55 plus interest, costs, and attorney's fees.

53. As stated above, Lloyd directed payment of the wrongfully withheld "advance profit" to himself or for his personal benefit, which is an act of conversion.

54. IWM and Lloyd, knowing that finds were due and owing to Crest, and with conscious indifference to its right of payment, diverted funds to pay other corporate expenses and/or disbursed the funds to Lloyd, committing the tort of conversion, and thereby being liable for the full amounts owed, plus pre-judgment interest, attorney's fees, and consequential and punitive damages.

55. IWM and Lloyd have also breached their fiduciary duties to Crest by their failure to pay to Crest $306,259.55 owed by virtue of the joint venture, thereby being liable for the full amounts owed, plus pre-judgment interest, attorney's fees, and consequential and punitive damages.

56. IWM and Lloyd have also breached their duty of good faith implied in every agreement, by their failure to pay to Crest $306,259.55 owed by virtue of the joint venture,

thereby being liable for the full amounts owed, plus pre-judgment interest, attorney's fees, and consequential and punitive damages.

WHEREFORE, having fully answered the Plaintiff's Second Amended Complaint, the Defendants pray that the same be dismissed with prejudice, and that all costs and attorney's fees be taxed against the Plaintiff, and for judgment on the counter-claims of Edward H. Girardeau, Rodney Bridge, and Crest Energy Partners, L.P. against Innovative Waste Management, Inc. and C. Russ Lloyd, joint and several, including all amounts owed, pre-judgment interest, costs, attorneys' fees, consequential damages, and punitive damages, and for all such further relief as this Honorable Court may deem just and right following the trial of this cause.

RESPECTFULLY SUBMITTED:

PRENNER MARVEL, P.A.



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ATTORNEYS FOR DEFENDANTS
AND THIRD PARTY PLAINTIFFS

April 3, 2014
Charleston, South Carolina

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon all counsel of record in this proceeding by U.S. Mail this 31 day of April, 2014.

SJ Pendleton

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER INNOVATIVE WASTE MANAGEMENT, INC., Plaintiff, vs. CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendants.	IN THE COURT OF COMMON PLEAS CASE NO: 2012-CP-18-1227
CREST ENERGY PARTNERS, L.P., EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendants and Third Party Plaintiffs vs. C. RUSS LLOYD, Third Party Defendant	

DEFENDANT EDWARD H. GIRARDEAU'S ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT

COMES NOW DEFENDANT Edward H. Girardeau, through undersigned counsel, who hereby answers the Second Amended Complaint as follows:

FOR A FIRST DEFENSE

1. The Second Amended Complaint fails to state certain claims upon which relief may be granted, and which must be dismissed pursuant to Rule 12(b)(6), SCRCP.

FOR A SECOND DEFENSE

Defendant Girardeau answers the allegations set forth in the individually numbered paragraphs contained in Plaintiff's Second Amended Complaint as follows:

2. Any allegation not explicitly admitted herein is denied.

3. The allegations of Paragraphs 1 through 3 of the Second Amended Complaint are admitted.

4. Paragraphs 4, 5, 6, 7, and 8 of the Second Amended Complaint are denied as stated. Defendant Girardeau denies that Dunhill Products GP, LLC or Dunhill Products, L.P. are entities in existence, and it is further averred that Defendants Dunhill Products GP, LLC and Dunhill Products, L.P. changed their corporate names to Crest Energy Partners GP, LLC and Crest Energy Partners, L.P., respectively, and that Defendant Wuertz is a member of Crest Energy Partners GP, LLC.

5. With regard to Paragraph 9 and 10 of the Second Amended Complaint, Defendant Girardeau admits that he was formerly employed by the Plaintiff and by Crest Energy Partners, L.P. Otherwise, denied.

6. With regard to Paragraph 11 of the Second Amended Complaint, Defendant Girardeau admits that Bridge was formerly employed by the Plaintiff and by Crest Energy Partners, L.P. Otherwise, denied

7. Paragraph 12 of the Second Amended Complaint is Admitted.

8. Paragraphs 13 through 16 contain legal conclusions not requiring a response from Defendant Girardeau. It is admitted that Plaintiff and Defendants Bridge and Girardeau are citizens of South Carolina, otherwise denied.

9. Paragraph 17 of the Second Amended Complaint is Denied.

10. With regard to Paragraph 18 of the Second Amended Complaint, Defendant Girardeau admits that Defendant Crest is in the business of purchasing and reselling petroleum products for profit, among other things.

11. Defendant Girardeau admits Paragraph 19.

12. Defendant Girardeau denies Paragraph 20.

13. Defendant Girardeau admits Paragraph 21.

14. Paragraph 22 of the Complaint is denied as stated. Defendant Girardeau admits that the Plaintiff was involved in certain petroleum related business transactions with Lion Oil prior to April 2010.

15. With regard to Paragraph 23 of the Second Amended Complaint, Defendant Girardeau admits that Defendants Bridge and Girardeau were formerly employed by the Plaintiff, and that in the course of their employment they brokered and/or managed certain transactions involving certain subdivisions or subsidiaries of the Royal Dutch Shell Oil Company. Otherwise, denied.

16. Defendant Girardeau denies Paragraph 24 of the Second Amended Complaint existed, and further denies that IWM "entrusted" Defendants Bridge and Girardeau with anything.

17. Defendant Girardeau denies Paragraphs 25 and 26 of the Second Amended Complaint.

18. With regard to Paragraphs 27 through 32 of the Second Amended Complaint, Defendant Girardeau admits that IWM and Dunhill/Crest entered into one or more agreements by which IWM was required to supply Dunhill/Crest with certain quantities of petroleum products at certain prices. Defendant Girardeau further admits that IWM transmitted an invoice

to Dunhill requesting payment of $1,132,115.98, which Defendants Dunhill and Crest denied they owed. Defendant Girardeau denies the existence of the agreement described in Paragraphs 27 through 32 of the Second Amended Complaint. Defendant Girardeau further craves reference to any and all contracts and or memoranda of agreement and deny any and all allegations inconsistent therewith. Otherwise, denied.

19. Defendant Girardeau denies paragraphs 33 through 61 of the Second Amended Complaint.

20. With regard to Paragraphs 62 through 64 of the Second Amended Complaint, Defendant Girardeau admits that Plaintiff transmitted invoices to Crest/Dunhill demanding payment in the total amount of $1,735,211. Defendant Girardeau further admits that Crest/Dunhill made payment on these invoices in the amount of $693,114.58, and that Plaintiff was informed that no further payment was owed by Crest/Dunhill. Otherwise, denied.

21. With regard to Paragraphs 65 and 66 of the Second Amended Complaint, Defendant Girardeau admits that Defendant Wuertz informed Plaintiff that Crest/Dunhill would provide an accounting of funds that IWM owed to Crest/Dunhill on a prior joint venture between the two companies, and that no such accounting was transmitted at the time, because Crest was continuing to pay expenditures and the entirety of the transaction had not been completed. Otherwise, denied.

22. Defendant Girardeau denies Paragraphs 67 through 70 of the Second Amended Complaint.

23. With regard to Paragraph 71 of the Second Amended Complaint, the Answering Defendant Girardeau admits that he and Defendant Bridge were employed by Crest Energy Partners, L.P., from late April 2010 until September 2012.

24. Defendant Girardeau denies Paragraphs 72 through 206 of the Second Amended Complaint.

FOR A THIRD DEFENSE

BY WAY OF AFFIRMATIVE DEFENSES

25. Defendant Girardeau invokes the affirmative defense of accord and satisfaction

26. Defendant Girardeau invokes the affirmative defense of payment.

27. Defendant Girardeau invokes the affirmative defense of failure to join an indispensable party.

28. Defendant Girardeau invokes the affirmative defense of waiver.

29. Defendant Girardeau invokes the affirmative defense of laches.

30. Defendant Girardeau invokes the affirmative defense of estoppel, both equitable and promissory.

31. Defendant Girardeau invokes the affirmative defense of set-off.

32. Defendant Girardeau invokes the affirmative defense of unclean hands.

33. The Plaintiff's claims are barred by failure of consideration.

34. The Plaintiff's claims are barred by the statute of frauds.

35. The Plaintiff's claims are barred by Plaintiff's failure to comply with statutory requirements.

36. The Plaintiff's claims are barred by failure of a condition precedent.

37. The Plaintiff's claims are barred by Plaintiff's first material breach.

FOR A FOURTH DEFENSE BY WAY OF A COUNTER-CLAIM AGAINST INNOVATIVE WASTE MANAGEMENT, INC. AND THIRD PARTY CLAIM AGAINST C. RUSS LLOYD

38. The foregoing paragraphs are incorporated herein as if restated verbatim.

39. C. Russ Lloyd is a citizen and resident of the State of South Carolina, Dorchester County, who is the President of the Plaintiff IWM.

40. Lloyd and IWM are "Employers" as the term is defined by S.C. Code §§ 41-10-10 and 41-10-20. They are jointly referred to as "IWM" hereafter.

41. Defendant Girardeau's employment at IWM was terminated by his resignation on or about April 20, 2010.

42. Defendant Girardeau was paid by IWM on a lagging commission basis. Commissions owed at the end of a fiscal quarter were distributed evenly in weekly payments over the following fiscal quarter.

43. Defendnat Girardeau's employment was terminated during the fiscal quarter ending May 30, 2010. On the termination date, Defendant Girardeau had not been fully paid his commission for the fiscal quarter ending January 31, 2010, nor had Defendant Girardeau been paid in full monies earned and owed for commissions in 2009.

44. The commission owed and due Defendant Girardeau earned in 2009, amounts to approximately $120,000.00, which he never received and has been withheld from Girardeau absent any reasonable explanation. Further, the only explanation given Defendant Girardeau is that the monies are being held in a personal account of Russ Lloyd, who informed Defendant Girardeau that he is unable to release the monies because he is obligated to pay income taxes on the amount.

45. The commission remaining due for the fiscal quarter ending January 31, 2010 was fully earned and was scheduled to be paid in equal installments on April 22 and 29, and May 6, 13, and 20, 2010. IWM did not make any of these scheduled payments to Girardeau, and more

than 30 days have passed following the termination of employment. The amount due and owing to Defendant Girardeau is approximately $146, 000.00 for the fiscal quarter ending January 31, 2010, making an approximate total of $321,000.00 due and owing him by IWM.

46. IWM has refused to provide Girardeau a statement of commissions owed for the fiscal quarter ending May 20, 2010, as required by S.C. Code Ann. § 41-10-30(C).

47. Such failure to provide an itemized statement of deductions or withholding of wages is violation of the laws of this state and a breach of contract between Defendant Girardeau and IWM.

48. After termination of Plaintiffs from IWM, IWM is required to pay all wages due under S.C. Code Ann. § 41-10-50, within 48 hours of termination.

49. Due to IWM's failure to provide reason for withholding wages and failure to provide Plaintiffs with wages owed them, IWM is in violation of S.C. Code Ann. § 41-10-80(C), entitling Plaintiff's to three times the full amount of the unpaid wages, plus costs and reasonable attorney's fees as provided for under that statute.

50. Further, on information and belief, IWM and Lloyd, knowing that such payments were due and owing to Girardeau and Bridge, and with conscious indifference to their right to the payments, diverted the funds to pay other corporate expenses and/or disbursed the funds to Lloyd, committing the tort of conversion, and thereby being liable for the full amounts owed, plus pre-judgment interest, attorney's fees, and consequential and punitive damages.

FOR A FIFTH DEFENSE, BY WAY OF A THIRD PARTY CLAIM AGAINST C. RUSS LLOYD

51. The foregoing paragraphs are incorporated herein as if restated verbatim.

52. On November 30, 2013, Lloyd, while acting as an agent of IWM, approached Defendant Girardeau in Williams-Brice Stadium during the football game between The University of South Carolina and Clemson University and physically attacked Girardeau, striking him several times in the face, and screaming obscenities.

53. Defendant Girardeau did nothing to provoke this attack, and was at all times acting lawfully and with due regard for his fellow human beings.

54. By his act of intentionally and willfully physically attacking Defendant Girardeau, Lloyd exceeded the bounds of all appropriate behavior, committing the torts of Assault, Battery, and Outrage.

55. Lloyd and IWM are therefore liable to Defendant Girardeau for all expenses incurred as a result of this attack, pain and suffering, and for punitive damages.

WHEREFORE, having fully answered the Plaintiff's Second Amended Complaint, the Defendants pray that the same be dismissed with prejudice, and that all costs and attorney's fees be taxed against the Plaintiff, and for judgment on the counter-claims of Edward H. Girardeau, Rodney Bridge, and Crest Energy Partners, L.P. against Innovative Waste Management, Inc. and C. Russ Lloyd, joint and several, including all amounts owed, pre-judgment interest, costs, attorneys' fees, consequential damages, and punitive damages, and for all such further relief as this Honorable Court may deem just and right following the trial of this cause.

RESPECTFULLY SUBMITTED:

PRENNER MARVEL, P.A.

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dave@prennermarvel.com
ATTORNEYS FOR DEFENDANTS
AND THIRD PARTY PLAINTIFFS

April 3, 2014
Charleston, South Carolina

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served upon all counsel of record in this proceeding by U.S. Mail this 3rd day of April, 2014.

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)

CASE NO. 2012-CP-18-1227

INNOVATIVE WASTE MANAGEMENT, INC.

Plaintiff,

versus

CREST ENERGY PARTNERS GP, L.L.C. CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE

Defendants.

EDWARD H. GIRARDEAU, and RODNEY BRIDGE,

Defendants and Third Party Plaintiffs,

versus

INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD

Plaintiff and Third Party Defendant,

CREST ENERGY PARTNERS L.P.

Defendants and Third Party Plaintiffs,

versus

INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD

Plaintiff and Third Party Defendant.

ORIGINAL

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2019 MAY -7 PM 2:07
CLERK OF COURT
DORCHESTER COUNTY

PLAINTIFFS' ANSWER TO DEFENDANT EDWARD H. GIRARDEAU'S COUNTERCLAIMS

NOW COMES the Plaintiff, Innovative Waste Management (hereinafter "IWM") and Third-Party Defendant C. Russ Lloyd (hereinafter "Lloyd"), by and through their undersigned

counsel, and hereby answer the Counterclaims of Defendant Edward H. Girardeau (hereinafter "Girardeau") as follows:

FOR A FIRST DEFENSE

1. The Counterclaims and Third-Party Complaints fail to state certain claims for which relief can be granted and must be dismissed pursuant to SCRCP 12(b).

2. The Counterclaims and Third-Party Complaints must be dismissed because the Defendants have failed to exhaust required statutory and administrative remedies.

FOR A SECOND DEFENSE

3. IWM and Lloyd provide the following answers to the allegations set forth in the individually numbered paragraphs of the Counterclaims and Third-Party Complaints and any allegation not explicitly admitted herein is denied.

4. Paragraph 38 is a statement of which no response is necessary.

5. Paragraph 39 is admitted.

6. Paragraph 40 is admitted to the extent that IWM is an employer as defined by SC Code §§ 41-10-10 and §41-10-20 but the remainder of the paragraph is denied.

7. Paragraph 41 is admitted to the extent that Defendant Girardeau issued his letter of resignation from IWM on April 20, 2012, but the remainder of the paragraph is denied.

8. Paragraphs 42 through 50 are denied.

9. Paragraph 51 is a statement of which no response is required.

10. Paragraphs 52 through 55 are denied.

FOR A THIRD DEFENSE
BY WAY OF AFFIRAMTIVE DEFENSES

11. IWM and Lloyd invoke the affirmative defense of accord and satisfaction.

12. IWM and Lloyd invoke the affirmative defense of condition precedent.

13. IWM and Lloyd invoke the affirmative defense of failure to join an indispensable party.

14. IWM and Lloyd invoke the affirmative defense of waiver.

15. IWM and Lloyd invoke the affirmative defense of *laches*.

16. IWM and Lloyd invoke the affirmative defense of estoppel, both equitable and promissory.

17. IWM and Lloyd invoke the affirmative defense of set-off.

18. IWM and Lloyd invoke the affirmative defense of unclean hands.

19. Third-Party Plaintiff's claims are barred by Failure of Consideration.

20. IWM and Lloyd invoke the affirmative defense of payment.

21. IWM and Lloyd invoke the affirmative defense of modification.

22. IWM and Lloyd invoke the affirmative defense of *In pari delicto*.

23. The claims and counterclaims of the Third-Party Plaintiffs are barred in whole or in part by the Statue of Frauds.

24. IWM and Lloyd invoke the affirmative defense of superseding and intervening negligence on the part of Defendants.

25. IWM and Lloyd invoke the affirmative defense of self-defense.

26. IWM and Lloyd invoke the affirmative defense of mutual combat.

WHEREFORE, having fully answered the Defendants' Counter-Claims, IWM and Lloyd pray that the same be dismissed with prejudice, and that all costs and attorney's fees be taxed against the Defendants, and for judgment on the claims of Plaintiff against Edward H. Girardeau, including all amounts owed, pre-judgment interest, costs, attorneys' fees, consequential damages, and punitive damages, and for all such further relief as this Honorable Court may deem just and right following the trial of this case.

GRUENLOH LAW FIRM
Counsel for the Plaintiff

By: _____

Wm. M. Gruenloh, SCBAR #12418
Patrick Aulton Chisum, SCBAR# 100571
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(843) 474-1890
(843) 577-0721 (facsimile)

And

Frederick Jekel, Esq.,
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(843) 654-7700
(888) 567-1129 (facsimile)

Date: May 6, 2014
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **PLAINTIFFS' ANSWER TO DEFENDANT EDWARD H. GIRARDEAU'S COUNTERCLAIMS,** in the above matter were served on the below named parties and/or their respective counsel and /or agents by sending accurate copies via U.S. Mail and accurate electronic copies of the same via email.

David Marvel
636 King Street
Charleston, SC 29403
Attorney for Defendants

I Ryan Neville
John Massalon
97 Broad Street
Charleston, SC 29401
Attorney for Defendant Bridge

FILED - RECORDED
2014 MAY -7 PM 2:07
CHARLESTON COUNTY
CLERK OF COURT
DORCHESTER COUNTY

By: _____

Patrick Aulton Chisum
192 East Bay Street, Suite 202
Charleston, South Carolina 29401
(843) 474-1890
(843) 577-0721 (facsimile)

Date: May 6, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER	)	2012-CP-18-1227
Innovative Waste Management, Inc.,	)	
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	April 1, 2013
	)	
Crest Energy Partners Group, et al,	)	St. George, South Carolina
	)	
DEFENDANTS.	)	

B E F O R E:

THE HONORABLE EDGAR DICKSON, Judge

A P P E A R A N C E S:

WILLIAM M. GRUENLOH, Esquire
Attorney for the Plaintiff

DAVID B. MARVEL, Esquire
Attorney for the Defendants

SHARON VIZER
Court Reporter

I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
MOTION HEARING	3			
CERTIFICATE OF REPORTER	41			

E X H I B I T S

NO.	DECRIPTION	ID	EV

No exhibits presented at hearing.

P R O C E E D I N G S

APRIL 1, 2013

(Whereupon, Court convened when the following matters were had:)

THE COURT: Morning.

MR. GRUENLOH: Good morning, Your Honor. Mike Gruenloh for the Plaintiff Innovative Waste Management.

MR. MARVEL: Morning, Your Honor. David Marvel for the defendants.

MR. GRUENLOH: I have my associate, Patrick Chisolm, here with us as well, Your Honor. Let me -- may I approach, Your Honor?

THE COURT: Yes, sir.

MR. GRUENLOH: I have a complete copy of the brief for the Court. And I'm sorry; I wanted to have these exhibits spaced out for you so it would make it a little bit easier, but I'll do my best to refer you to what we're talking about.

THE COURT: Okay.

MR. GRUENLOH: Your Honor, first thank you for hearing us today. This matter was originally set for March 15th and we deferred it pending an agreement of the parties. We spoke with the coordinator and you were gracious enough to hear us today in the event that we weren't able to resolve this. This is a discovery dispute and we certainly

hate to take the Court's time with this, but some background is necessary before we get into the substance of the motion. I'll try to do that quickly just to give you an idea what the case is about, the discovery we're seeking.

THE COURT: Okay.

MR. GRUENLOH: Your Honor, this case was originally filed in 2011 in federal court on the basis of diversity jurisdiction. One of the defendants, former employee of my client's company, Innovative Waste Management, -- I'll be referring to that as I.W.M. -- Rodney Bridge, alleged midsuit in that case that he maintains a South Carolina residence and on that basis the case was dismissed on subject matter grounds. We promptly refiled the case here.

We had a number of discovery disputes in that case and I've referenced those in our brief and I also have copies of those for the Court. Innovative Waste Management, my client, they're a local company here. They're basically a broker of recycled or residual products. What they do is they find companies that have things like slop oil that the companies don't realize that there's value in them, then they go and they find a buyer for them. So ---

THE COURT: That's impressive enough in and of itself.

MR. GRUENLOH: Their business, Your Honor, they don't have tankers. They don't have rail cars. Their business is basically a brokerage. So their client lists and the folks who they do business with and the products that they have been able to find value in, that's their confidential information, that's their lifeblood, that's their trade secret. Dunhill/Crest was a trade partner of Innovative Waste Management. The CEO of Dunhill/Crest is Henry Wuertz. He's named as an individual defendant. And two of my client's former employees, Girardeau and Bridge are also individual defendants.

In April of 2010 my client and Dunhill agreed to the terms for the sale of approximately 1.1 million dollars in oil. Then I.W.M. employees Girardeau and Bridge were responsible for handling that transaction. My client was out of the country. Before he left the country he left explicit instructions that this was a prepaid deal and that the 1.1 million dollars was to be in his account before what's called the nomination codes -- that's what they give to allow a barge to leave port -- were turned over to Dunhill. The folks who were responsible for this transaction from I.W.M. were Girardeau and Bridge.

My client came back into the country, found that the oil was gone and there was no money in his account. He also found that his employees, Girardeau and Bridge, were

gone as well.

Since that time my client invoiced Dunhill. Dunhill said, No, we don't owe you any money because you owe us on a deal that happened prior to this deal. My client requested an accounting; no accounting was ever forthcoming. When I asked Mr. Wuertz at deposition in the predecessor case where the accounting was -- excuse me -- when I asked the CFO of Dunhill where the accounting was, she said to me that Mr. Wuertz instructed her to shut the accounting down.

We have since found or my client has since found that there are a number of deals that were pending, right on the cusp of being completed in the April 2010 time frame that were stalled by his former employees, Geraldo and Bridge. We found in the predecessor case that Mr. Girardeau, my client's former employee, was meeting with Henry Wuertz at his home in New Orleans prior to the events that are complained of in the complaint for the purpose of negotiating employment.

We have also found at deposition, Mr. Rodney Bridge, former employee of my client, testified under oath that he took with him in secret after hours a number of notebooks that contained, in his words, everything that he worked on at my client's business including client's lists and the very lifeblood that I was talking to you about earlier. I

asked him if he had used those to the benefit of his current employer Dunhill/Crest. He said, Yes.

I asked him to go get those notebooks right now. And at that point counsel shut the deposition down, took him out of the room, and those notebooks were produced a couple of weeks later and they were suspiciously light.

In this case we've alleged breach of contract. We've alleged tortuous interference with contract. We've alleged breach of loyalty. And we've alleged misappropriation of trade secrets based upon the summary that I've just given Your Honor, those facts.

In response to our allegations, as I said, the defendants have said to us, No, you owe us money on a prior deal where we were supposed to be partners. We have repeatedly asked for that accounting. And in the discovery that's issued today, we've asked for the receipts. If we owe you money, give us the accounting and give us the receipts. We have also asked in the discovery that we're talking about here today that's in dispute for -- and these were in the interrogatories -- those deals that we allege were shut down and interfered with, we've said to the defendants, Tell us the business that you did with these individual companies before you ever knew about Innovative Waste Management and tell us about the business that you did with them after you met Innovative Waste Management and

specifically after my client's employees went to go work for Crest Dunhill and brought to bear his trade secrets and confidential information. We haven't gotten responses on those things.

So I would say at the heart of the issue -- there's a whole bunch of discovery that hasn't been answered and we will get into that. But at the heart of the issue, those receipts. Show us that you actually spent money on this prior deal and what business did you do with these individual companies. Those are really important things that we believe -- we're on the trial roster right now for April the 8th and we believe that we've been prejudiced as to the counterclaim and we've certainly been prejudiced as to our ability to prove the loss of business.

Just a little bit of procedural history, Your Honor. We served discovery in this case in October. I sent a couple of letters, made a couple of phone calls, got no response whatsoever. There was -- there were no responses from the defendants. This matter was set on our motion to compel for a hearing on March the 15th. The first that I heard from defense counsel was March the 12th offering to enter into a consent order. Agreeing to, I quote, respond to all outstanding discovery requests of the plaintiff by March the 22nd. We negotiated that, Your Honor. We went back and forth because, again, I always hate to bring

discovery disputes and do this motion practice before the Court. So we tried to work it out. What we came up with was an agreed order which is attached to that brief and I've go a copy of it here if you can't find it in that mess of paper, Your Honor. But the agreed order said, and again I quote, -- do we have a copy of that agreed order, Patrick? Why don't you find that for the Court so I can walk it up? -- what that agreed order said is, The defendants will respond to all of plaintiff's outstanding discovery requests no later than March the 20th.

We kept this date open just in case that didn't happen. Sure enough March 20th came around, Your Honor, and we got -- may I approach the Court?

THE COURT: Sure.

MR. GRUENLOH: This is the copy of the agreed order that we had it signed by the parties. I don't have one that's signed back by the Court back yet.

(Document handed up to the court.)

THE COURT: Y'all sent this order to me?

MR. GRUENLOH: We did, Your Honor.

THE COURT: Okay. Okay.

MR. GRUENLOH: And again I would direct the Court to the language in that agreed order that says the defendants will respond to all outstanding discovery requests of the plaintiffs no later than March the 20th.

March the 20th came around. What we got are incomplete responses to the requests for production. And I'm sure Mr. Marvel will point to the volume of the requests and that's why I lugged this box in, Your Honor. This is the paper that we've got from them. The vast majority of this are documents that were produced in the predecessor action. For some of the requests it's very, very difficult for us to figure out which documents may be responsive to which requests because we get thing likes see documents produced 1 through 2,254. That response appears a number of times in the defendants' discovery responses. Or we get, See 1 through 700 when we're asking for the receipts, the backup for the counterclaim.

So to the extent that we've been unable to be a little bit more specific on what we believe are the deficiencies with the document requests, Your Honor, it's because these responses don't enable us to go through and really understand which documents are being produced in response to which questions.

That brings me to the interrogatories. We got no responses to the interrogatories despite the fact that the defendants in an agreed order agreed to produce -- excuse me -- agreed to respond to all outstanding discovery requests. Instead what we got was a motion for protective order saying, Plaintiffs, you asked too many

interrogatories and so we're not going to answer any of them.

Now, Your Honor, they had this discovery for five, six months. They were sitting on this. I talked to Mr. Marvel a number of times about the consent order that we've entered into and not a single time was any deficiency brought up with this discovery. They also say in addition to you've asked too many, they also say, Well there's some information in here that requests financial information of the individual Defendants and you're not entitled to that information until there's a prima facie showing of punitive damages.

I'd be more than happy to put a proffer on the record right now of what goes to punitive damages in this case. I believe I've already done a little bit of it.

THE COURT: I think you have.

MR. GRUENLOH: Yeah. I'll tell Your Honor there's a Facebook page back and forth between two of my -- the Girardeau and Bridge, who are the two former employees of my client's company. At the one year anniversary of when this oil left the port without the money they're congratulating one another and saying this is the anniversary of when we left Charleston and sunk the ship and pursued our dreams. That alone, Your Honor, I think shows exactly what these defendants were doing.

But getting back to the motion to compel, we didn't get a response to a single interrogatory. And in those interrogatories we are asking questions, among other things, Tell us what business -- give us an accounting of the business that you did with these companies that -- where the transactions, the contracts, were stalled and interfered with. Tell us whether or not you eventually closed these deals. Because my client has heard through the grapevine that Crest did close these deals. But of course we can't get that information. We have issued subpoenas and we're waiting on that information.

We believe that if there were any deficiencies with the discovery, those issues ought to have been brought up in November of 2012 or December of 2012 or January or when we were negotiating the consent order in which the defendants agreed to respond to all outstanding discovery requests. We believe that them entering into the consent order about two and a half weeks ago now was just a ploy to get a little bit more time.

In Mr. Marvel's defense he has said to me -- and, you know, we have tried to keep the lines of communication open -- he has said to me, Well the reason for the delay is I've been waiting on a conflict.

THE COURT: Waiting on a what? Oh, a conflict waiver?

MR. GRUENLOH: Conflict waiver.

MR. MARVEL: I can enlighten you on that now, Your Honor, or when it's my turn.

THE COURT: I'll let him explain then I'll come back.

MR. MARVEL: Okay.

MR. GRUENLOH: What we have been told is they've been waiting on a conflict waiver, Your Honor, and that's because Girardeau and Bridge, my clients old -- former employees who went to work for Dunhill, apparently have now left Dunhill. We don't know why they left Dunhill. It may have something to do with the depositions that we took in this case and some of the facts that have come to light. But I would suggest that if it takes you six, seven, eight months to get a conflict waiver, maybe you've got a conflict.

In closing, Your Honor, we've asked the Court to strike the defendants' answer and their counterclaim. And in light of the pattern of discovery abuse that occurred in the federal case -- by the way Judge Gergel didn't get a chance to rule on that stuff before the subject matter issue came up. And I would've liked to have been heard on those issues before Judge Gergel, but here we are today. In light of the discovery abuse, the pattern of discovery abuse, in light of the agreed order that we entered into

and what appears to be the defendant's willful noncompliance with that order -- we didn't talk anything about a protective order. We didn't talk anything about any objections that the defendants may have with respect to any deficiencies in our discovery. That should have been brought up before. Pursuant to Rule 11 that should have been brought up. Was never brought up. This is just kicking the can down the road.

We believe under the -- what's the case that we cited? -- under the QZO Case, which is cited at page seven and page eight of our brief, Your Honor, we believe the defendants actions in this case are markedly similar to the defendants in that case. The trial court in that case struck the defendant's answer after they had a pattern of noncompliance with discovery. And specifically they turned over a hard drive that had been wiped. We've got some notebooks here that have been wiped. We've got an order here that hasn't been complied with. Same conduct.

If the Court is not of a mind to strike the answer and the counterclaim, we would like full responses to the requests for production. And I noted in our brief at page four there are about 30 requests for production that we just got nonanswers to. Tell us who your experts are and they cite to rule 26. Well we're on the roster for next week, Your Honor. So we've got to know if they've got an

expert at this point.

In the alternative we would ask for full responses to those requests for production, including a narrowing down of what each of the documents is responsive to. You can't say see production 1 through 2,254. If I did that I imagine that the defendants would be in here complaining of my conduct.

As to the interrogatories, we believe that any defendant -- any objections that the defendants could have made, they waived by not taking any action. It was six months, Your Honor, from the time that this discovery was served. And then we had a two-, three-day back and forth negotiating this consent order. Not a single time was any deficiency raised. We believe that to the extent they have any objections, those ought to be waived.

If the Court would like to hear on individuals as to the RFPs or individual interrogatories, I'd be happy to go through them. But our position is they've waived any objections. We need the discovery now. We need to get ready for this case.

Thank you, Your Honor.

THE COURT: Thank you, sir.

All right. Mr. Marvel?

MR. MARVEL: Your Honor, this case does have a long and tortured history. I will say that, on behalf of

my clients, that I don't believe there's an allegation in either the complaint or the counterclaim or any of the third-party claims that is not disputed by the other parties that -- and there's some -- certainly some contentious issues that are raised in this case and amongst the parties themselves. I think between Mr. Gruenloh and I we have had an open line of communication.

But frankly, we have not had the ability in the federal court case or this case to resolve any of the issues that have arisen as part of discovery. As for what went on in the federal court case, we had legitimate issues that were briefed extensively as to the issues that Mr. Gruenloh's bringing up in discovery. They weren't ruled on. We feel that we would have been -- that we would have prevailed on those issues had they been.

As to this particular issue what's before the Court is the motion to compel and our motion for protective order. Our motion for protective order relates solely to the interrogatories. And it's based solely on the rule that absent a court order to the contrary what the plaintiff gets in the way of serving interrogatories, Your Honor, is 50. And I've got, at least how I've enumerated the subparts and everything he's asked as to Defendant Girardeau there's 63 interrogatories, as to Defendant Bridge there's 63 interrogatories, as to

Defendant Wuertz there would be 71 interrogatories, and as to the corporate defendants there are basically 75. I don't think it's fair for me, Your Honor, to pick and choose which of those interrogatories he would like me to answer. That's what we did in the federal court case. He served about 35 to 40 and we answered 1 through 25 and then objected to the rest on the basis of the federal court rule.

But in this particular case, the reason why I did not think that was an appropriate response was for example in the corporate interrogatories, interrogatory number six says, State whether you currently conduct any business or have an existing business relationship with the following companies and if so, please describe such business. Indicate the names, address, and telephone numbers of any person at such company with whom you conduct business and state the amount of income that such business has generated for you and any other defendant in this litigation since April of 2010. And then there's companies that are identified as A through R underneath that interrogatory.

Now, you know, I somewhat charitably set that as maybe 23 different interrogatories. Arguably it's 54 different interrogatories.

Now as a practical matter one of the things he's asked in that course says, State the amount of income that such

business has generated for you. My clients tell me we just can't answer that question. It's not possible. Some of these companies identified here are suppliers; some of them are customers; some of them are third party venders that do things like dewater oil and transport oil and things like that that don't necessarily generate income in the sense that we get a check on a particular transaction, but in the general course of what my clients do it probably has some input on their bottom line.

Now all that being said, any response as to that request for amount of income would have to go through 30 years of my client's business and over multiple, multiple transactions that involve lots of different parts, lots of different types of oil, lots of different shipments of oil. It sometimes gets mixed, blended, refined, and then sold to third parties. There's simply not a calculable number that I can give him.

Now that being said, my response to that interrogatory as to some of those would be, you know, we may generate income but we can't calculate the numbers; some of them would be, we generate income but can't give you an exact figure as to a specific period of time; and some of them would be we don't generate any income from it. But I didn't want to take the step of picking and choosing which of those interrogatories he would like for me to answer

when some of them I can't answer and frankly there's so many of them we can't -- outside the rules with, you know, unless the Court would direct us given the facts of this case to respond to more than 50 interrogatories I think there's simply too many here for us to get to, Your Honor.

Now, the reasoning behind the delay and -- and Mr. Gruenloh's correct, all this discovery was served in October of last year. And the initial delay would have been solely on my fault because we were building and moving an office. And just -- I believe late November of last year Mr. Gruenloh and I had an email exchange in which he said, Dave, where are your answers to my interrogatories and requests to produce? And I said, I will get you that. I will -- I will -- I'm calendering it. I'm trying to get it to you the first week of December. Hadn't had a chance to do it now and I apologize for the delay.

Now at that point when I got with the my clients and started working on the interrogatories was when the issue as to two of my clients left Crest Energy for reasons wholly unrelated to the dispute between these two parties and in any way related to this case. One of my clients who -- the one who actually maintains a residence in Summerville -- his wife had a baby, got tired of flying to Houston every Monday morning, he decided to come back and start his own company and one of the other defendants

joined him in that. So from that it took me between the first week of December, given the holidays, and the end of January to get a joint-defense agreement and a conflict waiver, which, Your Honor, I'm happy to provide to you. I don't necessarily want to show it to plaintiff, but I'm happy to give it to you if you'd like to see it. But based on that -- I did not have that document until January 31st. We began working on the discovery responses. Couldn't get to it.

Mr. Gruenloh filed the motion to compel. I thought we had the issue resolved as to that at least as far as the timing of the responses went. I don't think the order -- in fact I think the order specifically preserves further argument and actually contemplates that there may be additional disputes as to the actual production. What I agreed with Mr. Gruenloh is actually to give our responses by that specific date. The trial date was moved in the event he had some issues with the discovery responses themselves. And one of my clients voluntarily paid him $500 for his time, recognizing that the issue relating to conflict waiver and the joint-defense agreement didn't have anything to do with his client. His frustration was well founded, Your Honor, and we -- so we thought we would give him some attorney's fees on it.

So, Your Honor, I think as to the requests for

production, the way that many of the requests for production are phrased are give me every document that you have that relates to dispute A or dispute B. Now that request is so broad it's difficult for us to narrow it down. And I made an attempt in our responses to requests for production to narrow things down where we could divide where they are.

Now as a practical matter, there are 2200 pages of documents. There's some additional subpoena responses that have come in. There are a lot of documents that have been produced in this case and it is difficult to weed those down. And I believe his motion states that I failed to respond to one, which I'm happy to look at and respond to. I didn't realize that that was an issue. But, Your Honor, I think we've done it as best we can as far as narrowing it down. I'm happy to do a production log for him that designates what the documents are. We think that his client should be able to go through them and recognize what they are. Maybe the lawyers can't because it's a complicated business. But they essentially relate to three different transactions that are at issue in this case and -- as well as some of the personnel files, as well as every piece of paper that was in the notebooks that he requested.

I don't know where he -- where Mr. Gruenloh has information that suggests that those responses are light,

Your Honor. I mean, we've got the original notebooks. I'm happy to provide them to the Court if you want to compare them to -- I don't have them here with me. But we produced every single document that he's asked for that we have in our possession.

THE COURT: Well I think he was concerned, as I guess I would be, if the notebooks were there at the deposition and they weren't produced at the deposition.

MR. MARVEL: Well, Your Honor, he hasn't produced -- I was not aware that they existed.

THE COURT: No, I understand that. I understand that. I understand that you were probably surprised.

MR. MARVEL: Well, Your Honor, as a practical matter they don't contain anything that is -- and this will all be flushed out at trial.

THE COURT: Right.

MR. MARVEL: Our position is they don't contain anything that's a trade secret. A lot of them are doodles; a lot of them are telephone notes, things like that. I didn't know what was in it, Your Honor. I thought that -- and on the record I thought we had an agreement at that time that at least I'd have the opportunity to look at them before we turned them over to the other side. I had no idea what was in those documents, Your Honor. And we

produced -- if anybody missed a page it would be Prolegal Copies because what I did as soon as I got back was sent them to them, had them all turned into PDF and then produced them to Mr. Gruenloh. I don't know that that took two weeks, Your Honor. It was a fairly quick process.

THE COURT: Okay.

MR. MARVEL: But he certainly has every document within those notebooks. I still have the original notebooks in my office which I'm happy to have him come review. But we went to the extra expense of actually having them scanned and sent to them.

THE COURT: Okay. All right.

MR. MARVEL: But, Your Honor, I do think -- the interrogatories, in our opinion, clearly violate the rule. We'd be happy to answer the interrogatories if he'd pare them down to 50 including subparts, which is what the rule calls for.

As for his request for sanctions, I think given the circumstances, Your Honor, this is one of those cases where in the interest of justice I don't think sanctions are appropriate in any way. We voluntarily, you know, provided Mr. Gruenloh some attorney's fees as to the delay on it. We think there's legitimate dispute as the number of interrogatories. We've done as best we can to produce the responses to request for production and we'll continue to

do that as those documents are uncovered in the course of future discovery.

THE COURT: All right. Thank you, sir.

Yes, sir?

MR. GRUENLOH: Just a couple of points and I'll be brief. First, Mr. Marvel and I have attempted to work together and I think that he's just got a difficult client and he's got a difficult case. I don't think Mr. Marvel's difficult. I want to make that clear on the record.

The Court -- it is within the Court's discretion to allow additional interrogatories if the Court sees fit. And I would go back, Your Honor, to our point on the waiver, that if at any point they would have brought this up we could have sat down and had a conversation rather than taking up the court's valuable time with this issue today. So at least as to Rule 11 I think that they've waived any objections that they could have made on the discovery.

Mr. Marvel did not talk about the financial issue and I didn't make a full proffer on the evidence that we have that we believe that goes to the punitive issue. If Your Honor would like to have a proffer on that now, I can do it in about 10 minutes.

THE COURT: No, I don't need that. I think you have told me what the problem is, employees leaving.

There's some conflicts with whether or not Mr. -- was it Wuertz?

MR. GRUENLOH: Wuertz.

THE COURT: -- who he had worked with at one time before.

MR. GRUENLOH: Well Wuertz is the CFO/owner of Dunhill, later called Crest.

THE COURT: Right.

MR. GRUENLOH: Girardeau and Bridge are the former employees.

THE COURT: All right.

MR. GRUENLOH: And as to Mr. Marvel's suggestion regarding the notebooks that he doesn't know where we get that from, first Mr. Bridge indicated in his deposition and I've attached the testimony to the -- it's the last exhibit to our brief -- he said -- I said, What was in the notebooks? And he said, Everything that I worked on for I.W.M.

I said, Including client lists? He said, Yes.

That's my client's trade secrets, Your Honor. And I understand that the argument that's coming from the other side is, Well you can find those people's names out on the Internet so that's not secret. But what you can't find on the EPA cite is the fact that those client's have particular products that have value and the profit margins

and trading partners that will buy those products. That's the trade secret that's been taken here. And when we received the notebooks two weeks later after having been shut down in the deposition that information was not in there. I had my client look at them. My client said, This is not all of the information. And if we get to the point, he would be happy to provide an affidavit or come in and raise his right hand on that issue.

THE COURT: All right. Mr. Gruenloh, let me ask you a question.

MR. GRUENLOH: Yes, Your Honor.

THE COURT: I pulled I guess the interrogatories -- the corporate interrogatories. Would that be the ones you're referring to to Mr. Wertz, Mr. Marvel?

MR. MARVEL: No, Your Honor.

MR. GRUENLOH: There are four sets.

MR. MARVEL: Four sets, Your Honor.

THE COURT: They seem to be -- they seem to be fairly redundant. Is that ---

MR. GRUENLOH: That is correct, Your Honor, they are. To some -- there's probably two or three different one in each set.

THE COURT: Okay.

MR. GRUENLOH: And that was done by design, Your Honor.

MR. MARVEL: Your Honor, the corporate interrogatories are two defendants, Crest Energy Partners ---

THE COURT: I got it. I got it. I believe I was -- the one thing ---

MR. MARVEL: They are -- I'm sorry. Your Honor.

THE COURT: Go ahead.

MR. MARVEL: I'm sorry, Your Honor. I didn't mean to interrupt you. I was going to say, the one thing that -- that -- the requests themselves may be fairly redundant but that doesn't necessarily mean that the answers would be.

THE COURT: No, thank you for that. Appreciate that.

MR. MARVEL: Otherwise he wouldn't need to serve them.

THE COURT: That's right. Everybody might have a different perspective on them. Okay.

MR. MARVEL: And, Your Honor, if I may?

THE COURT: Yes, sir.

MR. MARVEL: As to, for example as to Defendant Wuertz, what he -- what Mr. Gruenloh has numbered as interrogatory number 25 says, Set forth any and all real property, real and personal property owned whether individually, collectively, or otherwise owned and include

what other third-parties included without limit to and he's got, Bank accounts, domestic and offshore checking, saving, money market or otherwise ---

COURT REPORTER: I'm sorry. Can you slow down just a little bit?

THE COURT: Yeah, would you ---

MR. MARVEL: I apologize for that.

THE COURT: That's okay.

MR. MARVEL: Bank accounts, domestic, offshore, checking, savings, money market, balances, names of accounts, locations of accounts, holders of accounts, et cetera, that's just A. Any and all certificates of deposit, stock certificates, bonds, membership interest in LLCs, partnership interests, on and on, any and all title to vehicles, mobile homes, watercraft defendants [verbatim], deeds, mortgages, notes, contracts of sale.

I fail to see how any of this is relevant to any of the issues that are in the case and to the extent that certain financial information even could be admissible as to -- if he isn't able to prove entitlement to punitive damages, we think this goes vastly beyond what he would need to find that information out. I think that -- but at this point we would argue that -- that -- you know, that he's asking for personal information from one of the defendants and we don't think he's entitled to it. That

it's correct. I don't think there's a South Carolina case on point, but there's a number of federal -- federal decisions that say you have to at least prove that prima facie case. I don't see how Mr. Gruenloh can put together that proffer at this point given that he's an attorney and not a witness in this matter. If he's -- you know, at some late point there's some record testimony that might be able for them to actually prove as a prima facie case that fraud, right now all he has is two of our employees who were not subject to a confidentiality agreement, who are not subject to an employment agreement, left one company to go work for one of their customers, which not only happens quite frequently, and particularly in this industry, they moved to a -- they moved up, Your Honor.

What my client does is purchase and refine and then resell these products. Now what I.W.M. does is entirely different. They broker these products. They are able to find them in a specific location. They then try to find a customer for it. And I believe -- I may be paraphrasing this a little bit -- but I believe the client's testimony was they never actually purchase product until that product is actually ready for sell and under contract to sale to somebody else. They are purely a broker.

THE COURT: Well that's what he indicated at the very first.

MR. MARVEL: Correct, Your Honor.

THE COURT: His client was a broker.

MR. MARVEL: What my client does is actually buy the product and take it and mix it with other product and do a lot of things to it which are complicated and I don't understand and subject to -- to a lot of trade secret issues. And that process is entirely different from what they do. So to the extent, you know, that -- the allegation is that simply by going to work for another company, there's a prima facie case of fraud.

Your Honor, all defendants Bridge and Girardeauo did was go work for a bigger company where their opportunities were greater and where they thought they could make more money.

THE COURT: Okay. What about the receipts that he's talking about and the accounting?

MR. MARVEL: What he -- as I understand his request, there's a -- prior to the transactions that ultimately resulted in the filing of this case, ---

THE COURT: Right.

MR. MARVEL: --- there was a deal that has been sort of loosely referred to as the North Fighter because that was the name of the ship that actually carried it.

THE COURT: North?

MR. MARVEL: North Fighter. In some deposition

testimony it's referred to as Shell Montreal Trade. My clients don't do that because they've got lots of deals with Shell Montreal, but I.W.M. had one and this was it. It was a joint venture between Crest Energy Partners and I.W.M. in which they bought a shipload of some sort of slop oil from the Shell terminal in Montreal and brought it down to the Gulf Coast and then the plan was this was going to be something that we can refine fairly easily. You know, given the volume of product Shell doesn't want it, they don't know what to do with it. We're going to buy it, we're going to refine it, and we're going to make a profit off of it.

His client took a $500,000 advance profit loan beginning on the initial banking transactions from it. Now, thereafter -- his client had also chartered a second ship not realizing that he had contractually under maritime law agreed to charter that vessel. Both parties got sued for it and ended up paying $250,000 to the owner of the vessel for a ship that never showed up and never carried any product simply because they did not enter into a contract for it. That was problem number one.

Problem number two was when we got the product down into the Gulf Coast, it turned out it wasn't quite as refinable as we thought it was going to be and we had a difficult time unloading it. In fact one of the reasons

why we haven't produced everything that details the allegations in our counterclaim is because we're not done with it yet. We've still got tanks that have what we call slop water that needs to be treated and disposed of under EPA guidelines. We've got tanks and stuff that haven't been done yet so we don't know what the final costs are. The only thing we do know is given what we were able to sell as a usable product, at this point we are $693,000 in the hole, aside from the $500,000 his client already took. So, you know, that would be -- the reasoning behind where the transactions that Mr. Gruenloh first started talking about in which there was one issue where I.W.M. brokered a sale to Crest, the reason why partial payment on that transaction was withheld was because; one, we felt that they already owed us $500,000; two, it was an ongoing issue that was obviously going to turn into much greater loss for my client than it ended up -- that was anticipated from the beginning. And it was a pure joint venture.

THE COURT: Okay. And, Mr. Marvel, let me just -- I can tell this is a complex issues.

MR. MARVEL: It is, Your Honor.

THE COURT: Okay. The only way y'all are going to be able to resolve a complex issue is that if y'all give enough discovery back and forth between each other that y'all can both make -- that you're both able to determine

what the facts are and then you can report to your clients, your respective clients, what their either liability or chances of recovery are. I mean that's the way I look at it.

MR. MARVEL: And, I agree with that, Your Honor.

THE COURT: Okay.

MR. MARVEL: And I guess I failed to answer your question by way of trying to give you this background on it.

THE COURT: Yes, sir.

MR. MARVEL: The reason why we have not been able to produce all those receipts is twofold; one, we don't have them; two, to the extent he's asked for -- in the way he's asked for them we haven't quite been able to produce them because not every portion of that transaction is subject to a direct, you know, here's a purchase order, here's the check we wrote for it. Some of that product was blended and my people are in the process of trying to do that analysis. We've got a preliminary report which I did produce to Mr. Gruenloh which actually outlined all the parties that we felt originally had -- you know, that we had some expense shared with, which certainly Mr. Gruenloh can -- I'm not saying he necessarily has to do that, but he can send subpoenas to those people should he want to. We would consent to that. But to the extent -- we don't have

an issue with producing all that stuff. We haven't been able to do it yet due to the complexity of the transaction, the fact that it's simply not done yet, Your Honor.

THE COURT: Okay.

MR. GRUENLOH: And, Your Honor, just on the issue of subpoenas, you know, I could have sent out 15 subpoenas and, you know, gotten orders to domesticate them in 15 different counties and spent a couple, a few thousand dollars doing that. But I thought what I would do instead is use the rules of civil procedure and ask the defendant to narrow that down for me. That's why it's so important that they provide answers to these interrogatories so that we can move forward on this.

Also I heard Mr. Marvel just say we didn't produce receipts on our counterclaim because don't have them. And we're certainly going to attach that little bit of testimony to our forthcoming motion for summary judgment if the Court doesn't see fit to strike the counterclaim today. But this is the same claim that we've -- my client has been saying for four years, If you believe that we owe you money on this, sent us an accounting. That's the same accounting that the CFO said, Well Henry Wuertz told me to shut that down. And I would offer that as evidence of Mr. Wuertz's punitive conduct along with the fact that he admitted to meeting with my client's employees for the purpose of

offering them terms of employment a month before his company took 1.1 million dollars in oil from my client.

And I will be able to make that proffer if the Court would like.

THE COURT: Listen, okay. Just -- I was looking over one of the -- because I'm just glancing through these things. And for your record, I'm looking at interrogatories to Defendant Bridge question number one -- I mean question number six. Well that's not the one. There was one that had, Did you have any business with any of these -- our listed people prior to 2010? Did you have any business with them and if so contacts and the nature of the business and like that.

MR. GRUENLOH: Yes, sir.

THE COURT: I think that my take on that is that you want to know whether they had business with them before they were contacts for them and the general nature of that business; is that correct? Not all the specific businesses?

MR. GRUENLOH: Yes, Your Honor. And then we've got a request for production that says, Please produce any of the documents that you referred to in answering this interrogatory so we hope that we might see the business that they did with these companies that we allege they interfered with both before and after they left my client's

employment.

THE COURT: Right. But what I'm saying is before we get to -- before we get to some of the production I think we need to first find out if they had business with them. Is that -- would that be correct?

MR. GRUENLOH: It is. And maybe that was a long-winded way of asking it. But that's what we asked them for, Your Honor. Tell us what business you did before this date. Tell us what business you did after this date.

THE COURT: And, Mr. Marvel?

MR. MARVEL: Your Honor, as a practical matter may I suggest a solution for this? I don't necessarily mind responding to all these interrogatories. I didn't feel it was fair for me to pick and choose, given the vast number of them, to pick and choose which ones I should respond to given that some of them actually have legitimate objection and some of them we can't answer. Some of them just simply are going to be none. And I think Your Honor hit on it. If you would like to order that this case is complex enough that it warrants these types of interrogatories, I'd be happy to respond to them. And, you know, if I could have 20 days to do that, I'll get on a plane and go to Houston next week and get it done and come back.

THE COURT: Well I think this is a complex case.

I want them answered. Okay? I think it's about time to have them answered. Now, regarding with the -- I believe he's entitled to some basic information as far as what your client's worth is, not in the -- at this stage of the game not in the specifics that you're requesting, but I would like for y'all to -- I think he needs to be able to get some kind of valid certifiable statement of worth from your clients. You know, I don't -- you know, so that he'll have something, you know, have a general idea about what the worth is.

MR. MARVEL: I believe that we can do that, Your Honor.

THE COURT: Okay. All right.

MR. MARVEL: Any particular form? We can produce a certified financial statement from every defendant in this case, Your Honor.

THE COURT: Okay. That -- go ahead.

MR. GRUENLOH: I think that that just answered my question, but we're talking about each defendant in the case?

THE COURT: Oh, right. Right. I understand that. And if they get that, that will give me something or you something to value the case on if it comes to that. And if the case proceeds much further, we'll have another way of going.

Now let me just tell you, as far as striking anything, I'm not going to do that at this time because the case is -- I know y'all have been fighting it; I know the frustration on your behalf -- it is new to me. Okay? But my goal in this is to get the discovery complete, everybody understand the facts so that they can report to their respective clients where they're going and what the case is -- what they're facing and -- but I'm going to tell you, I'm going to want full and complete discovery and I want people to cooperate. I want both sides to cooperate. I don't have a problem with the attorneys. I understand that. I have been in probably each one of your shoes at different times. I've often said, you know, attorneys can resolve matters, it's clients who can't. But just so y'all will know what I'm looking for is I'm looking for y'all to get to the bottom of this, provide information to each other so that we can go forward in this in a intelligent and informed manner. Okay?

MR. GRUENLOH: Your Honor, in light of the fact that we've had to file this motion twice and had to spend about six, seven hours or this issue now that we think we ought not to have, we would renew our request for attorney's fees on this matter.

THE COURT: Well I'll be happy for you to submit an affidavit on it. I'll consider that. But I'm not going

to rule on that until I think about that for a little bit more.

MR. GRUENLOH: Very good. And just one closing matter, Your Honor, we are on the docket for ---

THE COURT: It's continued.

MR. GRUENLOH: Okay.

THE COURT: Okay. Do that and give me a scheduling order, okay?

MR. GRUENLOH: Very good.

THE COURT: Y'all can do that for me. Okay?

MR. GRUENLOH: We'll do it. Should we send it to Drew?

THE COURT: Yeah. And if you'd prepare the order.

MR. GRUENLOH: Yes, Your Honor.

THE COURT: Submit it to Mr. Marvel so he can review it. Mr. Marvel, if he says something that you don't like, what I ask people to do is send me a red line -- red lined with your perceived corrections.

MR. MARVEL: Okay. Thank you, Your Honor.

MR. GRUENLOH: Thank you, Your Honor.

THE COURT: Gentlemen, thank you so much.

MR. MARVEL: Your Honor, if I could have a specific time frame to give my clients?

THE COURT: How long do you -- reasonably is it

going to take you? You said 20 days. But I mean is that realistic?

MR. MARVEL: Thirty would certainly be easier for me.

THE COURT: Thirty is fine. Thank you.

END OF REQUESTED TRANSCRIPT OF RECORD

CERTIFICATE OF REPORTER

I, the undersigned Missy Brown, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned case, as recorded by Sharon Vizer and transcribed by me, relative to appeal, in the Circuit Court for Dorchester County, South Carolina, on the 1st day of April 2013.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 9, 2013

Missy Brown

Court Reporter

STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS

COUNTY OF DORCHESTER 2012-CP-18-1227

Innovative Waste Management)

) TRANSCRIPT OF RECORD

-vs-)

) June 5, 2019

Crest Energy Partners GP, LLC,)

Crest Energy Partners, L.P.,)

Dunhill Products GP, LLC,)

Dunhill Products L.P., Henry)

Wuertz, and Edward H. Girardeau)

) St. George, South Carolina

B E F O R E:

The Honorable Maite Murphy, Judge

A P P E A R A N C E S:

William Gruenloh, Esquire
Attorney for the Plaintiff

David Marvel, Esquire
Attorney for the Defendants

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
First Judicial Circuit

EXHIBITS

NO	DESCRIPTION	ID	EVIDENCE

NO EXHIBITS INTRODUCED

THE COURT: Good morning everyone. Please have a seat.

MR. GRUENLOH: Good morning.

MR. MARVEL: Good morning.

THE COURT: Are the parties ready to proceed?

MR. GRUENLOH: We are, Your Honor.

THE COURT: All right. You may go forward.

MR. GRUENLOH: May it please the Court.

THE COURT: Yes, sir.

MR. GRUENLOH: Your Honor, Mike Gruenloh for the plaintiff, Innovative Waste Management. As Your Honor knows, this is an older case. I should say on the outset, by the way, I've got my co-counsel, Fritz Jekel, with me and also Tom Drazan from my office.

THE COURT: Good morning.

MR. JEKEL: Good morning.

MR. DRAZAN: Good morning, Your Honor.

MR. GRUENLOH: Your Honor, as the Court knows, this is an older case. We were before the Court in 2013 seeking this financial discovery that we're here again today for. Judge Dickson ruled that financial discovery, namely, the financial -- the sworn, certified financial statements by the defendants were relevant and should be produced.

I brought with me a transcript of the hearing from when we were before Judge Dickson. We were talking about relevance, but we were also talking back then about the defendants' collectability. I offered a punitive proffer to the Court at that time, and on that basis, Judge Dickson ordered the defendants to provide certified, sworn financial statements sufficient for the plaintiff to understand the defendants' wealth and income. That's what the Court ordered.

When Judge Dickson ordered that, the defendants failed to comply. We were back here on plaintiff's second motion to compel. Judge Goodstein ordered sanctions. We finally got the financial statements. The issue that we have with the financial statements is given that the case has, you know, been up on appeal for a while, and we're back on remand, the information on those financial statements is essentially worthless to us.

We've got very fluid defendants. One of them is facing a federal indictment and trial for dumping in Texas. We don't have any idea what -- that's Henry Wuertz. We don't have any idea what his financial situation is, but we know that it's a lot different from what it was in 2013. The same can be said for each

of the corporate defendants.

Mr. Marvel has represented that they're no longer doing business. But I think it's important for the Court to know that when we filed this suit these companies were showing profits, tens of millions of dollars, and then we come full circle to the mediation where they have told us that they're so destitute that they can't even pay the settlement agreement. So that's the issue on the financial statements. And we would just ask the Court to order them to provide sworn, certified financial statements, just like Judge Dickson ordered them to do in 2013.

You may remember we were before the Court on a conference call on this, and I had hoped that we were going to be able to work this out. The -- I've gotten a letter from Mr. Marvel on the way to court this morning, and I just read it. And it appears that he is now saying that they will provide the financial statements for Mr. Wuertz and for Mr. Girardeau. We want financial statements for all of the defendants. We want them to be sworn.

The second piece of discovery, Your Honor, that we are seeking relates to an order that you entered in 2015 right before the case settled, and that is this: We served subpoenas on the defendants' bank and account.

They then moved to quash those subpoenas. Your order -- Your Honor heard arguments on that, and they said that it was not relevant. We talked about issues of collectability. It is relevant too, Your Honor.

Remember, our client is alleging that we've got a 12-million dollar business loss, in addition to a million dollars from the theft of oil. And as that money is coming out of our client's coffers, the money has got to be going somewhere.

So in addition to just matters of collectability, even though these transactions are far removed, we're talking about a business loss, the taking of a client, which has continued to be profitable for these defendants. So we are entitled to know what money they have received in their accounts from that business account.

So, I just want to be clear on that because we're not here only talking about punitive damages. I've talked about the fact that we can, and I believe that we have shown a prima facia case of punitive damages before. We have made a proffer to Judge Dickson on that, and I'm certainly willing to go into that now. My point is, Your Honor, they're relevant, and they also go to matters of collectability as it relates to punitive damages.

What's happened with those subpoenas is we issued the subpoena to Margavio and Schmidt back in 2015 before the case resolved, or we thought it had resolved. Margavio and Schmidt, that's the accountant, they responded to it, and we have records up through 2013, CPA records, for the defendants.

We have re-served that subpoena, and Margavio and Schmidt got counsel in Louisiana, and they have moved to quash. And now I understand that an order has been entered in Louisiana to quash our subpoena in Louisiana.

So what we have, and we have this situation with the bank subpoena as well. Your Honor has ordered that the information is relevant, discoverable, but we go into another jurisdiction, and then we have to fight there. And so I don't want to say that they're thumbing their nose at the authority of this Court, but that's what's happened.

So the gist of our argument on the bank records and on the CPA records that we've previously requested by subpoena is that we don't want to have to play any more games. We don't want to have to go fight in Louisiana or Texas. What we want is for them to sign authorizations that allow us to get their records. The CPA records and the banking records are the property

of these defendants.

So if Mr. Marvel stands up and says, well, we've got concerns in Louisiana, or we've got concerns in Texas, no, Your Honor, these are their records. They have the authority. Just like in an accident case, someone has the authority to authorize their medical records, they have the authority to release their financial records.

Those are our arguments in a nutshell. Just like the financial statements, Your Honor, even though Margavio and Schmidt replied to that subpoena, that gives us information up through 2013. That tells us nothing about their current status. So in a nutshell, we want updated financial information that we can rely upon.

As it relates to the letter that I got from Mr. Marvel this morning, it sounds like he's now willing to produce some of this. But this is the third motion to compel that we've had to bring. Two times the defendant has been ordered to pay sanctions in this case. All of our motions to compel have been granted. And then we get a letter, not a memorandum in opposition, but a letter on the way to the courthouse saying, all right, maybe we can produce some of it.

This started when the case was remanded

back, and I sent a letter to Mr. Marvel in March. And we couldn't get an agreement, really couldn't get him on the phone, and then we had to have a conference with Your Honor. So this is just an example of the type of thing that shouldn't be taking our time, and it shouldn't be taking your time. Thank you.

THE COURT: Thank you, Counsel. Mr. Marvel.

MR. MARVEL: Thank you, Your Honor. I do apologize for this taking up the Court's time. I have a couple of issues with what I think are relevant versus what Mr. Gruenloh has stated just then.

The previous order, Judge Dickson's order and then Judge Goodstein's order, dealt with a number of different issues, most of which was, I believe, culminated in about 13,000 pages of documents being produced, and Judge Goodstein's order did order a $2,000 sanction. I don't recall there being another sanction. I recall that being the only one.

But as it pertains to this particular argument today, Judge Dickson ordered us, in lieu of all sorts of other things that they were trying to get that he found was not producible, he said we should produce a financial statement -- a sworn, financial statement showing the defendants' wealth and income, which we did. Judge Goodstein's order does not mention that

whatsoever. That was not, to my recollection, an issue by the time -- the other issues that were involved in Judge Dickson's order came up before Judge Goodstein. Of course, this is all before the case was designated complex and appointed to Your Honor.

So, I don't think it's a fair representation to say that we continually ignore that portion of the order. When I first responded to, after our teleconference -- my letter was May 7th. We talked about me getting back to him by May 6th, and I was unable to do that, but I was able to get to him in a pretty thorough letter, which he has attached to his motion, the following day.

At that point, I told him that we were willing to produce the financial statements. And so as an aside, as for Mr. Wuertz, the pollution -- I believe it's a natural resource damage case that he's involved in. Somehow his wealth and income is relevant to the process by which if he's found guilty it will determine what his fine is. And so there is an engaged outside accountant who is reviewing records, tax records, assets, anything that is in the process of producing a certified, financial report as to Mr. Wuertz.

And so what my thought process on that was let's get that. I originally thought I would have had

it a month ago, but the trial got put off, the accountants got put off. And so it's my understanding they completed their work this week, and this is in the letter that I sent to you, Mr. Gruenloh, this morning. I expect to have a copy of that next week.

My thought on providing that to Mr. Gruenloh was actually to give him more information than what was in the original personal financial statements that we provided because I think this is going to be a pretty thorough review of Mr. Wuertz's assets, income, what companies he may or may not be involved in, that sort of thing, and where he's getting his income from.

So, I think that -- in offering that, I believe that I went far beyond what Judge Dickson ordered us to do, and I think it would be a helpful document for Mr. Gruenloh to review.

And as to Mr. Girardeau, he is, as we speak, getting a heart stent at MUSC. He's got congestive heart failure and Stage III renal cancer. He expects to be discharged after getting the stent in the next couple of days. He said that he can essentially jump on that immediately and get the certified financial statements on the same form that we provided previously, just an updated version of that. I don't expect that to be significant.

The defendants, if Your Honor recalls, the entity defendants are -- Crest Energy Partners GP, LLC is the general partner of Crest Energy Partners Limited Partnership, which is another defendant. Dunhill Products GP, LLC and Dunhill Products L.P. are actually -- they're the same entity. Dunhill Products' name was changed to Crest Energy Partners GP, LLC. And Dunhill Products LLP's name was changed to Crest Energy Partners, LLP.

So we're really only talking about two companies. They have kept the same tax ID number. As far as the Texas secretary of state is concerned, it was a name change to an existing corporation. So there's only two entities.

And what I proposed a month or so ago to Mr. Gruenloh, and I don't think I have gotten a response to, was, hey, why don't I get, you know, an executed 4506T form, get the transcripts from the IRS that are going directly to him. I've submitted that personally.

And those will -- and what I did it for was for 2015 to the present. And there's two things that those will show. If a return was filed, basically, all the information that comes in on the return will be in a reduced form so that it's basically easier to read. And if no return was filed for those years,

then the IRS will send a certification of no return filed letter.

And my point in doing that is if I or Mr. Wuertz or anybody tells Mr. Gruenloh, hey, Crest Energy Partners is just simply not doing business, it doesn't have any assets, the fact of the matter is he's not going to believe it. So, you know, coming from the IRS -- directly from the IRS to Mr. Gruenloh will provide him the best avenue for that information that I think that we can give him.

So, I think we have done our best, and we have certainly done it in good faith, to attempt to comply with what we think our obligations are in supplementing the financial documents, even though, you know, I think there are legal arguments to the contrary we're willing to do it because I think Mr. Gruenloh's view of collectability, I think he should be able to review that and be able to make decisions accordingly, so we're willing to produce those documents.

Now on the subpoenas, we had nothing to do with the motion to quash in Louisiana. Margavio and Schmidt hired their own lawyers. My understanding is that their malpractice coverage provides if you get a subpoena, here's our legal department, call us,

and we'll give you advice on it.

For whatever reason, they felt that it was quashable under Louisiana law and procedure. I didn't go to the hearing; I haven't seen a transcript. I have seen a copy of the order that I understand is being submitted to the judge, but they didn't contest it. They filed a motion to quash the subpoena. It wasn't contested by the plaintiff, and the judge granted it. I don't know what else can be done about that and ---

THE COURT: What about the authorization so that your client just signs, and they get those records without having to go through all that?

MR. MARVEL: Well, I don't know what the basis, first of all, for their complete objection would be. But in any event, I think that requiring us to sign an authorization that would then essentially require us to produce records that Judge Dickson said in 2013 we did not have to produce I don't think is, technically, a function of procedure.

What I did tell Mr. Gruenloh, as to the Wells Fargo subpoena, is that to the best of mine and my client's knowledge, there is no connection between the defendants and Wells Fargo currently. There may have been years ago when we were taking depositions, but

that's not current. I don't know what Wells Fargo would say to that. But the fact is that they haven't tried that.

Your Honor ordered them to reissue the subpoena, and they never did. They haven't even gone to Harris County, Texas yet. If they go to Harris County, Texas, and Wells Fargo chooses to contest the subpoena -- in my letter I told him that we would take no action to contest that subpoena. They have to serve it.

We don't have a relationship with Wells Fargo that we can simply authorize them to pull records from six years ago out of a vault or wherever they keep them, assuming they do have them, to produce for his purposes.

I would imagine that almost every piece of information that's going to be in those records was already previously produced, and, in fact, that subpoena Your Honor ordered to reissue it, and he chose not to do that. I don't have a good explanation for that. But I don't think -- there's certainly not an order in place that has directed me or my client to do anything in particular that hasn't been complied with.

The Margavio and Schmidt subpoena was the original one. After Your Honor issued the order,

they did comply with that subpoena. So then the question then becomes what -- after that time by which they produced it, your order said to produce from 2009 to the present, which at that point was in 2015. And the records appear to go through the 2013 tax year, which probably makes sense. I don't know why they wouldn't have the 2014 return filed by 2015.

But in any event, that's what we've got. And when we had our teleconference a few weeks ago, neither one of us actually even remembered getting those records. It turned out that Mr. Gruenloh did get them. He provided me with a copy of them; I reviewed them. You know, there may be some discrepancy between 2013 and 2015 that can be complied with now at this point.

So we're talking about transactions from 2010 involving companies that aren't in existence. Mr. Girardeau doesn't work in any capacity with Mr. Wuertz. He's a real estate agent in Walterboro, South Carolina. The original defendant, Rodney Bridge, they released. Those are the two people that they claimed took their book of business, moved to my client, but they moved on. My client doesn't -- Mr. Wuertz's anyway, doesn't have any ongoing business connection that he didn't already have before with anybody that they're claiming was involved in that transaction.

So, I mean, the fact of the matter is that -- I understand that Mr. Gruenloh wants information on what collectability issues are. You know, I don't want to argue about whether or not that is relevant in an admissibility context because I understand, you know, what Mr. Gruenloh's arguments are as to where he might be able to find punitive damages. I don't think that's going to happen, but I think he could certainly make an articulated argument that that's producible.

But under that, the law is that he's entitled -- he's not entitled to every single aspect of every transaction that Mr. Wuertz is involved in until he gets a judgment. At this point -- or unless it's directly related to his claim, but that isn't the case.

So, you know, I think that producing what we have offered to produce satisfies what he's required to obtain in an analysis of I have a claim for punitive damages, the defendants' wealth and income is relevant to that calculation by a jury, and therefore, I need evidence put up there. We're willing to give him that evidence.

THE COURT: Response, Mr. Gruenloh?

MR. GRUENLOH: Thank you, Your Honor. First, Your Honor, Exhibit No. 1 to our memorandum

includes an affidavit, and I'm not going to go into any more about what's been done before, but that provides a pretty good timeline for the Court.

As it relates to the financial statements, what I have heard Mr. Marvel say today is that Mr. Girardeau and Mr. Wuertz are going to provide updated financial statements. I haven't heard him say that the rest of the defendants, whether they are the same or separated -- I know that there are four names.

There are two Crest defendants, and there are two Dunhill defendants. We need financial statements for those. They were previously ordered. I think that if they do that, that closes the door on the financial statements as it relates to the subpoena -- the subpoenas I should say.

The reason, and Mr. Marvel knows this, the reason that we have an issue with the Wells Fargo subpoena is we tried to -- we went to Harris County, and they said Your Honor's order wasn't sufficient for them to domesticate the subpoena. What they needed was a consent order signed by Mr. Marvel. I sent that consent order to Mr. Marvel, and we have never gotten a signed copy of that consent order back. So, with all due respect, it's not because we have just decided not to issue it.

On one hand, they're saying we don't object to you issuing the subpoenas because they understand that this Court has already ruled that the information is relevant. But, on the other hand, they're saying we're not going to sign the authorizations.

That causes me, as plaintiff's counsel, to ask some questions, Your Honor. Why is that? And it's because they know that there are opportunities for them to fight in other jurisdictions, for third parties to come in and keep this information from being produced.

If they're not objecting to us issuing the subpoena, then what could the possible objection be for them simply signing the authorization? We've been here -- we've been doing this since 2013 for gosh sakes. Let's get them to just sign this so that we don't have any more gamesmanship.

There was one other thing that I wanted to -- Mr. Marvel said they don't have a relationship with Wells Fargo such that they could get six years of bank records. These are their bank records. So it may be difficult. They may need to pick up the phone; they may need to figure out that procedure. But none of that would matter honestly if they signed the authorization. Let us take the authorization,

and then go deal with Wells Fargo and the CPA. Excuse me, Your Honor.

And we may find this out with the financial statements that they are saying that they are producing, but if he's saying to us now on the record that they don't do banking with Wells Fargo anymore, then maybe we could put on the record who they do bank with, and we can get authorizations signed by those financial entities because if you look at what's happening here today, Your Honor, and with all due respect to Mr. Marvel, he's chipping away our arguments which are based upon prior rulings of this Court.

And the prior rulings, the spirit of the rulings, were you have shown that these defendants have engaged in intentional conduct, these defendants have claimed that even though they made millions of dollars just a couple of years before, now they are destitute, the records are relevant, produce them, and yet here we are. So, I do have -- I was going to read some of Judge Dickson's transcript because he told us to ---

THE COURT: If you have an extra copy of it.

MR. GRUENLOH: I do. I'm going to leave it with you. He tells us to cooperate and that, you know, enough of these shenanigans. That was 2013. I also have, Your Honor, if I may, and I have given this

to Mr. Marvel, a proposed order.

THE COURT: All right. Thank you, gentlemen. I'll take the time to review your memorandums and the history and let you know.

MR. GRUENLOH: Thank you, Your Honor.

MR. MARVEL: Your Honor, if I may rebut, if you have a couple of minutes.

THE COURT: No, sir. I think we've heard enough. If there's another argument that you would like to submit, I'd be happy to look at it.

MR. MARVEL: Okay, thank you.

THE COURT: You also wanted -- you had a motion for dates certain as well.

MR. GRUENLOH: We did, and thank you for reminding me, Your Honor. You had given us two dates previously, and I wasn't sure which of those dates might work out for the Court. One was in November, and the other one -- maybe they were both in November. Do you remember when they were?

THE COURT: I think November was the only option.

MR. GRUENLOH: Yeah, okay.

THE COURT: Or early 2020.

MR. MARVEL: We vote for November.

MR. GRUENLOH: Yeah.

MR. MARVEL: And this is going to be a comment; this isn't really an argument so much. What Mr. Gruenloh -- I'm just looking at this, it was attached -- one of his attachments to the motion. What he has provided to the Court saying that I refused to sign is a consent order to domesticate subpoena on Wells Fargo. I would certainly sign that, and I'm happy to do it right now and hand it to him, and you can execute the order to domesticate subpoena.

We already went through all this, and that was the first of the motion to quash, if I recall, but I'm happy to sign a new one of these. This is -- in form and substance, I believe that this is what Your Honor ordered.

And, at that point, this consent order needs to go to Harris County, Texas. It's your order allowing them to domesticate subpoena. If Wells Fargo chooses to fight it for some reason, like I said -- and they want to then say this is what Mr. Wuertz needs to do or whoever needs to do to do that, I think that we are willing to do that. I know of no reason why Wells Fargo would not respond to an actual -- a properly domesticated subpoena.

MR. GRUENLOH: Your Honor, we sent that back to them in March. I'm comfortable with the relief that

we've requested at this point. However, if they want to sign that as well, we'll issue the subpoena, and we'll also issue the authorization because we need the records.

THE COURT: Why don't we do this. Go ahead and sign it, then submit it to the Court along with everything else, and I'll take everything under advisement and review everything.

MR. GRUENLOH: Thank you very much. I hope you have a nice day. Oh, and on the date certain issue, we were looking at November?

THE COURT: November 18th.

MR. GRUENLOH: November 18th.

THE COURT: Look at the calendar, and we'll coordinate on that. Go ahead and submit a proposed order and have to give it court administration to make sure. One or two weeks, right?

MR. GRUENLOH: I think we can get it down to less than that.

THE COURT: Let's hope. I've heard crazy things. They say a day, and then it's three days.

MR. GRUENLOH: Well, we've had a lot of time to pare it down.

THE COURT: Okay. Sounds good. All right. So get your calendars for that date, then submit

a proposed order, and we'll have to get with court administration.

MR. GRUENLOH: We'll give it to you today.

MR. MARVEL: And what is that date, Your Honor?

THE COURT: November 18th.

MR. MARVEL: Okay. Were we going to make this part of the court record? Do you want us to submit this ---

MR. GRUENLOH: You sign that and give it to ---

MR. MARVEL: Oh, gotcha. Gotcha.

THE COURT: Have a good day.

MR. GRUENLOH: You too, Your Honor.

(End of Transcript of Record)

CERTIFICATE OF REPORTER

State of South Carolina)
County of Dorchester)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Circuit Court for Dorchester County, South Carolina, on the 5th of June, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 3, 2019

_____
Yvestre Torres
Circuit Court Reporter

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS
DORCHESTER COUNTY 2012-CP-18-01227

INNOVATION WASTE MANAGEMENT, INC.,	:	
Plaintiff,	:	
vs.	:	TRANSCRIPT OF RECORD
CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, and EDWARD H. GIRARDEAU:	:	
Defendants.	:	

September 23, 2019
St. Matthews, South Carolina

B E F O R E

The Honorable Maite Murphy, Judge Presiding.

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I N D E X

PROCEEDINGS 3

CERTIFICATE OF DELIVERY 27

E X H I B I T S

(NONE OFFERED)

P R O C E E D I N G S

* * *

MONDAY, SEPTEMBER 23, 2019

ST. MATTHEWS, SOUTH CAROLINA

* * *

THE COURT: Good morning, counsel. I am in receipt of your motion for sanctions pursuant to South Carolina Rule of Civil Procedure 37 and, Mr. Marvel, your letter asking me to hold you in contempt.

I will allow the plaintiff to proceed first.

MR. GRUENLOH: Thank you, Your Honor. First, we appreciate your fitting us in this morning.

A little bit of context of how we got here. I am not going to belabor this point, because I have been before the Court before talking about what has become a pattern of dilatory delay tactics that have been used in this case.

Back in October of 2012 with the first filing of this case, I served discovery seeking financial information from the defendants. They did not respond at all. We had to file our first motion to compel. Just before our first motion to compel was scheduled to be heard, we entered into a consent order with the defendants, which they breached.

Then we did an amended motion to compel, which was

actually our second motion to compel. Judge Dixon heard that and found that the financial information was relevant, and he ordered that it be produced. He ordered that the tax returns be produced. They failed to do that. Then a couple of months later, we were in front of Judge Goodstein for essentially our third motion to compel.

Judge Goodstein sanctioned these defendants, requiring them to pay $2,000. She found that the financial information was relevant. Very importantly, we believe Judge Goodstein agreed with us, and she ordered these defendants to provide all of the backup information for their tax returns.

So Judge Dixon and Judge Goodstein have ordered that this information is relevant. Judge Goodstein ordered that the information be produced. We didn't receive that information from the defendants. So what we did is we attempted to subpoena the information directly from the accountant and the bank.

We were before Your Honor on the Defendant's motion to quash that subpoena. Your Honor, again, found that the information was relevant and ordered the defendants to comply with the subpoena. We went and mediated the case. We entered into what we believe is a sham settlement agreement, which was breached. It had a

number of years in the Court of Appeals. During that time, the CPA provided a partial response to our subpoena.

We have gone through that response. It does not include all of the backup information that we had been seeking. It includes tax returns and a couple of other documents. It does not include the Quickbooks files, and all of the things that Judge Goodstein ordered that we were entitled to in 2013, nor does it include what Your Honor claimed we were entitled to, which was the entire file.

If you recall, when this case came out of the Court of Appeals, we had a conference call with Your Honor. I sent a letter to Mr. Marvel saying, "We would like to update this discovery." That got us nowhere, so we had a conference call with Your Honor.

Mr. Marvel represented, "Yeah. I think we are going to be able to provide everything." That did not materialize after a number of extensions were granted. Then we were before the Court on our third motion to compel, which was effectively our fourth motion to compel. Your Honor gave your ruling in June on that. The defendants asked for you to reconsider that ruling, and the Court ultimately did and issued an order on August 1st.

Your August 1st order required them to provide signed authorizations specifically for the accountant's files. The reasons for that -- we argued back and forth in the courtroom then. I don't know if Your Honor recalls that. I won't get into it in great detail today. Suffice it to say, Your Honor found that it was relevant. Because these defendants were fighting in Texas and Louisiana to keep the subpoenas from being complied with, Your Honor said, "Yes. We agree." You provided this authorization so that we can finally get these records.

Again, this is information that was requested in 2012. My children weren't born yet, and I had no gray hair in my beard at that time. I was reasonably optimistic. Here we are in 2019 still trying to get this information.

Going forward a bit, the August 1st ruling, of course, came out from the Court. We have contacted Mr. Marvel. After about ten days had gone by -- the Court gave Mr. Marvel seven days to comply. Mr. Marvel said, "Oh. I wasn't aware of that."

Then we granted an extension. Then we granted another extension. Then we got emails that said, "More to come. I am producing this now. More to come. I just need another extension. I am meeting with the

accountant today. I am meeting with Mr. Wuertz today." Ultimately, all of that, by the way, Your Honor, is attached to our motion as Exhibit 1.

Ultimately, what we got was the letter that Mr. Marvel sent to me that said, "I am producing these two tax returns and the statement that was signed by the accountant. I think this is substantial compliance, but just in case the Court thinks that it's not substantial compliance, find me in contempt pursuant to Davis v. Parkview.

Let me talk a second about hedging your bets. The appropriate procedure for a defendant who finds themselves in the situation, I guess, that Mr. Marvel found himself in where he cannot comply with the order, is set out in the case of Metts v. Mims.

The appropriate procedure is to say, "Your Honor, that presents a problem. I cannot do it. Find me in contempt, and do that immediately."

It's not to hedge your bets. It's not to do a partial production, ask for an extension, and employ dilatory delay tactics.

The case that Mr. Marvel asked this Court to rely upon, Davis v. Parkview -- that's exactly what the plaintiff did. It had their pleadings struck, because they did exactly what Mr. Marvel has done here. They

hedged their bets. They said, "We will provide it. We will provide it."

The defendant in that case even threatened an appeal, which is why we are a couple of weeks behind. Mr. Marvel sent the letter to us saying, "Here is our notice of appeal," but he didn't serve it anywhere. That is just a continuation of seven years of delay tactics.

If you look at the Davis v. Parkview case, about Page 581, 582, it goes into the analysis. It says as we are talking about the facts in this case. Everything from the threat of appeal that never happens to willful disobedience of Court orders.

If you look at Griffen and Davis v. Parkview, they set a very clear roadmap for when Your Honor has the authority to strike the defendant's pleadings. They are when a defendant has engaged in willful disobedience when it has become a pattern, or when there is prejudice to the other litigants. All of those things are present here in this case.

As it relates to willful disobedience -- for all of our arguments, Mr. Marvel has stood up here and said, "I think that I have complied." Now there can be no question, because he has written a letter to Your Honor saying, "I am not providing any more, albeit after him

hedging his bets and buying him a month-and-a half time to respond. So we have a check mark, certainly, for willful disobedience.

As it relates to the prejudice of us -- first of all, the case Downing v. Dixon stands for the proposition that if another litigant fails to follow the Rules of Civil Procedure, prejudice is then presumed.

Here we have a trial set for November 18. We have been in litigation with these folks for a number of years. This discovery request was made back in 2012. We have got Judge Dixon, Judge Goodstein, and Your Honor all saying that this information is relevant, and, yet, it still hasn't been produced.

As it relates to our ability to prosecute our case, we have a case where we are alleging millions of dollars of lost profits of business. So when they stand up in this courtroom -- if we have a trial -- they stand up in this courtroom and say, "Where did the money go? It wasn't in our accounts. We are poor as paupers."

That not only prejudices our ability to prove our case so that we can say, "See it's right here." It also provides a defense for them. So there can be no question of the prejudice at this point.

As to -- let me just go back to be clearer. Metts v. Mims sets out the procedure by which a defendant

ought to seek contempt if they are in a situation. In that case, when the defendant came clean right away and said, "I am not going to be able to do this," the Court found the defendant in contempt, no striking of the pleadings.

In the case of Davis v. Parkview, however, which is exactly analogous to this case, which is the case that Mr. Marvel has asked this Court to follow, that defendant did exactly what Mr. Marvel has done, and their pleadings were stricken. That case was held up on appeal, and the Trial Court said, "There is more than enough here to justify the Trial Court's finding."

There is no doubt that whatever order issues from this Court, it is going to be appealed by Mr. Marvel, whether it's a contempt order or whether it's striking the pleadings. I would ask the Court that if you are considering striking the pleadings, that whatever orders are issued from this Court, they will happen simultaneously. I expect that as soon as that order is issued, we will have a notice of appeal.

If Your Honor simply finds Mr. Marvel in contempt, as he has asked for, first of all, that would be the opposite of what the Davis v. Parkview case says, I believe.

Secondly, that would be the Court rewarding a

defendant for behavior that has gone on for years that has become a pattern and for which there is a clear roadmap that you need to strike these pleadings.

I expect that Mr. Marvel will get up and say, "I gave him all the tax returns. That is substantial compliance."

First of all, there is no such term in our legal lexicon when it comes to complying with discovery. Either you comply with the Court's orders or you do not comply with the Court's orders.

We stood up before Your Honor and talked about all the reasons why we need this specific release. Absent this specific relief signing the authorizations, it allows them to piecemeal send us what they want to send us and continue with their noncompliance.

I did want to point out that -- I think I have already done this -- Mr. Marvel in his correspondence noted that he was with Mr. Wuertz. He was working with the accountant. So this isn't a situation where, "I am unavailable," or a situation where, "We don't know what is going to happen."

This is a situation where, if they knew they were not going to be able to make this productions, they ought to have stood up and said -- just like they did in the Metts v. Mims case -- that this is not a production

that we are willing to make.

Again, Your Honor, if the Court issues a contempt ruling that allows Mr. Marvel a vehicle by which to appeal, then that is essentially rewarding this behavior. If we are going to be in the Court of Appeals, we think at this point we ought be in the Court of Appeals on the ultimate issue.

One final word on prejudice. I do expect that Mr. Marvel is going to get up and say, "You have got everything. You have got all of these tax returns and everything."

I want to be very clear that what they have not produced is the one thing this Court has ordered them to produce; that is, the signed authorizations.

This isn't, "I couldn't get it because of the computer, because it's too burdensome." This is Mr. Wuertz' signature on a piece of paper that he has refused to provide us and again thumbing his nose at this Court's jurisdiction. So we would ask you -- just as Mr. Marvel has -- to follow the Davis v. Parkview case, strike their pleadings, find them in contempt.

A quick note on Mr. Girardeau. Mr. Barker has -- all of the conduct up until a couple of few weeks ago that we have complained about was also in Mr. Girardeau's category. However, he has provided us a

financial statement, which is what he was required to provide us. What he has not done -- nor have these defendants -- is he has not paid any of the sanctions that this Court has ordered.

What I have said to Mr. Barker is that while we don't believe that the financial statement that Mr. Girardeau gave us is either full or accurate, he has complied with the letter of the law paying the sanctions. If he is agreeable to giving us a short deposition of Mr. Girardeau where we can go over that financial statement with him and pay the sanctions, which was a part of this Court's order, then we would not include them in this.

I want to point out something very important. Mr. Girardeau has separate pleadings. So if Your Honor were to strike the pleadings of the Wuertz, Crest, and Dunhill defendants, that would have virtually no effect upon Mr. Girardeau's pleadings.

Thank you, Your Honor.

THE COURT: Mr. Marvel.

MR. MARVEL: Thank you, Your Honor. I think Mr. Gruenloh's argument has gone far beyond the issues that are here before the Court today. I am glad he did. I would like to point out to the Court this series of hyperbole that Mr. Gruenloh is so prone to. His first

statement was the first motion to compel.

He said that Judge Dixon ordered us to produce the information that Mr. Gruenloh is still seeking -- that is a 100% untrue representation of the record from Judge Dixon's order.

"In lieu of detailed responses to plaintiff's, interrogatories and request for production which seek information related to the income and wealth of the defendants, each defendant shall provide a sworn or certified financial statement indicating its/his net worth." That is Judge Dixon's ruling.

Judge Goodstein's order on the motion, which did order us to pay Mr. Gruenloh's attorney's fees, which we did promptly, had nothing to do with financial information. Well, not this time. What he was seeking at that point, which we argued was not only burdensome but confidential trade secret material -- which Judge Goodstein found that it was not, and we were ordered to produce it and we didn't was our history of contractual transactions with the companies Exxon, Conco -- all the companies that Mr. Gruenloh says that Mr. Girardeau and Mr. Wuertz took it, their business, the plaintiff's business, to Crest when they went to go work for Crest in Houston.

That is what that ruling was about. It had nothing

to do with following Judge Dixon's ruling.

The first time the financial information came back up after Judge Dixon's ruling was when Mr. Gruenloh served a subpoena on Margavio & Schmidt, who is Mr. Wuertz' personal accountant. This is not the accountant for the company. This is Mr. Wuertz' personal accountant. Don't forget, the vast majority of all the plaintiffs -- most of which we still argue should be dismissed and will be dismissed at the trial -- are against the companies. They are against Crest Energy Partners and not against Mr. Wuertz. Mr. Wuertz is tied into some of that because he was the CEO of those companies.

There is an allegation that his personal conduct in relation to those falls into some of those causes of action, but not all of the causes of action that Mr. Gruenloh claims that he is entitled to punitive damages on are even against Mr. Wuertz.

So he filed a subpoena to Margavio & Schmidt to produce Mr. Wuertz' personal financial information, including work papers and all of that, to which I filed a Motion to Quash, which you heard a few months back. At that point you denied the Motion to Quash.

We argued at that point that the information he was seeking was irrelevant, because what Mr. Gruenloh is

actually trying to do is engage in supplemental proceedings before he has got a judgment. I don't think he is entitled to do that. At that point, we said "Okay. Serve your subpoena." We didn't contest it any further. They responded to the subpoena within the time frame that the Court ordered. Today is the first time I ever heard that that production was somehow incomplete, but that wasn't our production. That was Margavio & Schmidt's production.

So we come back from appeal, which, for the record, was not a dilatory tactic by my client. If you recall, I didn't even vigorously contest whether the case should be dismissed. I thought Mr. Gruenloh's remedy was to go chase the settlement document, because then he had a contract. That was the only argument I have ever made on that issue.

The fact that we were on appeal for three years wasn't something that my client argued vigorously at that point. It certainly wasn't a dilatory tactic on our part. So we get back from appeal. Mr. Gruenloh serves another subpoena on Margavio & Schmidt, which we didn't contest. They did it in Louisiana, and Mr. Gruenloh -- nobody actually appeared for the motion. I don't know what to do about that.

Beyond that, the only order that has been

disobeyed, the only order of yours that has been disobeyed in this case, was disobeyed by Mr. Gruenloh, because you ordered him to serve the Wells Fargo subpoena in 2013, and he never did.

I signed a consent form for him to get the subpoena in Texas both the last time we were before you in the courthouse and in 2013.

He has still never served a subpoena on them. I have represented to the Court and to Mike that we are not going to contest that subpoena, but he has got to serve it. Your order referenced authorizations, but there were none attached. The ones that Mr. Gruenloh has provided go far beyond what I think Well Fargo would be willing to produce.

The information that he is requesting -- first of all, I don't know what they have. I haven't asked them what they have. I don't know what they are willing to produce. Crest Energy Partners has been out of business for years, so I don't know what they have or what they are willing to produce at this point.

Until he serves that subpoena, none of us are going to comply. If he serves that subpoena and then they tell us what they have and ask us to sign an authorization, we will sign it. I will represent that to the Court. I will represent that to Mr. Gruenloh.

That is where we are. As a practical matter, that's the only point at which my clients have ever come before you, Your Honor, and said, "We have produced everything that we able to produce right now."

That is why I believe that I followed the procedure the Mike outlined. I alerted the Court before Mike sought sanctions. I have not seen Mr. Wuertz virtually since the day we mediated this case. I don't believe that I ever told Mike that I was with him. I have spoken to the accountant that produced both the document that was attached to my letter, which outlines the issues related to Crest Energy Partners, and reviewed personal financial statements, which from my understanding is a term of art in accounting that relates to Mr. Weurtz' wealth and ability to answer a judgment which states that his net worth is negative 750.

That is what Judge Dixon ordered us to produce. I actually went beyond what Atwater said, because I produced the reviewed statement versus just Mr. Wuertz' statement on that. It took some time to get that, because Mr. Wuertz was working with the accountant -- which relates to another case in Louisiana on that note.

I produced it as soon as it was available and as soon as I had it. I wasn't asking for extensions. I

knew what I believed what we were going to produce, and we produced all of that to this point, Your Honor.

So the first time that the opportunity has arisen for me to address those issues with the Court is now, and that is what sparked my letter. My concern, and the reason why it was on that particular day, was because we were 30 days out from that window.

I think it's debatable that that was an appealable issue, but certainly if this Court rules, as we have asked, to simply hold one or all of my clients in contempt on that issue without sanctions -- because we have requested it so we can appeal the ruling later to the financial information.

I have addressed that issue with you before in depth, but this is the issue that we have brought up to the Court.

At that point, the immediate response from Mr. Gruenloh's office was, "Wait a minute. We haven't even asked for sanctions." Now they are asking for them. So that issue has been rectified, but at point they were not even asking for that relief from the Court.

We brought this to the Court's attention, because I believe it could have been appealable then. Once Your Honor indicated that you were willing to rule on the issue after briefing, I served the notice of appeal. I

elected not to file it, because certainly once Your Honor rules on the issue, that would be appealable. There is no question about that.

The one thing that I did not want to do is file a notice of appeal and have you issue it as an interlocutory, unappealable discovery order. That would have been a dilatory tactic. That is not what I am trying to do. I am trying to get these issues ruled on so that we can produce what we believe we are supposed to produce.

With all due respect, Your Honor, I understand your ruling, and I disagree with it. My clients have asked me to appeal it. I am in a Catch 22 situation, because I face the ire of the Court on one side and the inability to appeal the judgment on the other. It's a situation in which the only relief that I can request is for Your Honor to hold my clients' in contempt.

As to Mr. Girardeau, I do not believe that any issues at the previous hearing even have anything to do with Mr. Girardeau. I understand that my clients owe attorney's fees to Mr. Gruenloh, but, frankly, they can't pay it. Crest doesn't have bank debt. Crest isn't in business. There is no such company Dunhill Products. Mr. Wuertz' net worth is, as I have said, is negative seven years. There is an inability to pay

here. We don't believe that we should be required to produce documents, one, that Mr. Gruenloh hasn't subpoenaed.

Two, that Mr. Gruenloh chose not to contest in Louisiana. We believe that Judge Dixon's order was the standing order in the case; therefore, until today, nobody has really asked us to produce the documents that Mr. Gruenloh is asking us to produce. They are not our documents. He subpoenaed them from other parties or nonparties. Until he follows the proper procedure for doing that, Your Honor, I don't think there is anything for my client to be sanctioned for.

As a practical matter, I don't believe that the Rules of Civil Procedure have a provision that allows the Court to order a party to execute a document that the party doesn't already have in their possession. The Court can certainly order Wells Fargo or Margavio & Schmidt to produce the documents.

I don't know what they would say to that, and I don't know that the Court has jurisdiction over that, but I don't believe that the information that Mr. Gruenloh is seeking is something that is allowed under the Rules of Civil Procedure.

So those are all issues that we do intend to appeal. I think we have done this in good faith. We

have produced reviewed financial statements, all of the available tax returns related to the entities, the statement from the accountant, Mr. Wuertz' personal financial statement, and the one that I produced before. I would ask that the Court keep that out of the public record. It essentially says the same thing; that the company is defunct. They are not an entity.

That is the position I am in. I think the relief we sought was appropriate and the proper procedure. So we would ask the Court to enter that finding without additional sanctions against my client so that he can pursue the matter on appeal.

THE COURT: Mr. Marvel, let me ask you this question. You are obviously an officer of the Court. So what you are telling me is that I am going to take what you say as if you are under oath today; do you understand?

MR. MARVEL: Certainly.

THE COURT: All right. Your letter to me is basically to find your client in contempt. For contempt that requires a willful violation of this Court's order. You are under oath telling me that your client has willfully violated this Court's order so that you can appeal; is that correct?

MR. MARVEL: My client has directed me to pursue an

appeal.

THE COURT: Because they have failed to comply with this Court's orders. You have multiple orders awarding sanctions and awarding compliance with the discovery process that have not been complied with. This has been going on for seven years.

Judge Dixon's order of 2012, I do recall that motions hearing and motions subsequent to that, because circumstances have changed. As stated in that order, the grammar of what was discoverable in 2015, 2016 has changed. Your client has failed to abide by all of these Court orders -- refuses to do so. Now you are asking me to hold them in contempt. So you are telling me that they are in willful violation of these Court's orders. Is that what you are asking me?

MR. MARVEL: First of all, the record is clear --

THE COURT: The record is clear, sir. Just answer my question. Yes or no, are you asking me to find your client in contempt for being in willful violation of this Court's orders? Is that what you are asking me to do?

MR. MARVEL: I am asking for the Court to find us in contempt, not because we believe that we have violated any prior order, but to the extent that Mr. Gruenloh is requesting that my clients sign the

authorizations that Mr. Gruenloh has provided us, to my knowledge, is the only thing that we have not done in compliance with that order.

THE COURT: Well --

MR. MARVEL: Your Honor --

THE COURT: Please let me finish. I didn't interrupt you during your presentation.

You have filed nothing to the effect that they couldn't afford the sanctions; that you would not be able to comply without any financial documentation.

The documentation has been requested, and you have filed piecemeal responses and nothing to back up what was previously ordered by Judge Goodstein before I even heard the case.

So you have multiple years of willful disobedience of this Court's order, and now you are asking me to find you in contempt, so that basically you can appeal and put this case off three or four more years.

That is basically what you are asking me to do; is that correct?

MR. MARVEL: We do intend to appeal the Court's order. That is correct, Your Honor. I don't believe that the failure to pay the attorney's fees is willful.

THE COURT: But you didn't file anything that you couldn't pay. There has been nothing filed with this

Court, that I am aware of, that once that order was issued, you filed any financial statement saying, "We just can't pay it." You just didn't do it.

MR. MARVEL: That is correct, Your Honor. We didn't file anything.

THE COURT: So multiple Court orders. You just didn't do it. Multiple Court orders you just didn't do it.

So, counsel, anything else you would like the Court to consider at this juncture?

MR. MARVEL: No, Your Honor. I guess my only point on that issue is that we wanted to produce everything that we could and that we felt was available to produce.

THE COURT: Sir, wanting to do something and then backing it up is a whole different ballgame from just appearing in court and saying, "I will do it one of these days." You are wanting to do it and not providing responses as to why you can't do it or your inability to do it is a whole different ballgame, sir. So this constant manipulation of the process really is, quite frankly, not reasonably optimistic that you will ever comply with this Court's orders.

Anything further from the plaintiff that you would like me to consider?

MR. GRUENLOH: No, Your Honor.

THE COURT: Counsel, I will notify you of the Court's order shortly.

MR. BARKER: Your Honor, I am Jake Barker. I am from Graybill, Lansche & Vinzani. I apologize I was late getting here, but I did learn a lot over the last couple of days and over the weekend.

I think what is important from my client's perspective is there is an order directing my client -- referring to Number 4 of the order -- I believe the only thing directed to Mr. Girardeau is that "All defendants shall provide current, sworn, certified financial statements."

After that reconsideration Mr. Marvel filed, we then did provide a personal financial statement, which speaks for itself. My client is swearing under oath that this is his financial statement.

So certainly on its face it complies with the order. If they have issue with its completeness or accuracy, which would be news to me if they brought that up. This idea that Mr. Girardeau -- because he has substantially complied with the order -- is now going to be subject to the sanctions -- in terms of attorney's fees I am referring to now. Mr. Marvel's clients have this procedural issue that, frankly, my client does not, seems quite inequitable.

THE COURT: I agree with you, sir. I understood from the plaintiff that they are not holding you responsible for that conduct.

MR. BARKER: I would just note that Mr. Girardeau is a separate defendant with separate pleadings. Striking his pleadings would be well outside the realm of reason beyond this point.

THE COURT: If I understand from the plaintiff, that is not what they are asking. I think they clearly stated that you were not included; that they are willing to work with you on whatever discovery you are able to produce.

MR. BARKER: Your Honor, I have to say that I wouldn't ever, ever do this, but my wife has got a medical procedure. I am out the door. Whatever you rule, I will have to live with it. I am so late. I have to go. I am sorry.

THE COURT: I hope she is well, Mr. Barker.

(Whereupon, Mr. Barker left the proceedings.)

MR. MARVEL: I want to make sure I understand you correctly. The financial statements that you ordered us to produce that he was just referring to -- those have been produced. I just want to be clear on that, to make Mr. Gruenloh clear on that. We have produced a statement from the accountant as to Mr. Wuertz. We

produced a statement from the same accountant as to entities that says that they are not in business. I believe that we have, not substantially, but I believe we have absolutely complied.

THE COURT: Counsel, any response to that?

MR. GRUENLOH: They have provided financial statements, Your Honor. We think it's more of the same. They have provided what they want us to see. That is the reason why we asked for the authorizations. That is why Judge Goodstein back in 2013 ordered them to comply with that request.

THE COURT: Thank you, counsel. Have a nice afternoon.

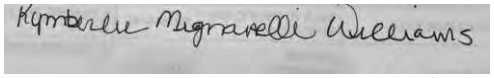
- - -END OF TRANSCRIPT- - -

CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 1st Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas Court for Calhoun County, South Carolina, on the 23rd day of September, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

This, the 25th day of November, 2019.



KYMBERLEE M. WILLIAMS, CSR/RPR

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER	IN THE COURT OF COMMON PLEAS
INNOVATIVE WASTE MANAGEMENT, INC. Plaintiff, versus CREST ENERGY PARTNERS GP, L.L.C., CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE Defendants.	CASE NO. 2012-CP-18-1227
EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendants and Third Party Plaintiffs, versus INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant.	**PLAINTIFF'S MOTION TO COMPEL ANSWERS TO DISCOVERY**
CREST ENERGY PARTNERS L.P. Defendants and Third Party Plaintiffs, versus INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant.	

NOW COMES Plaintiff Innovative Waste Management, Inc., (hereinafter "IWM") by and through its undersigned counsel, and hereby submits this Motion to Compel, pursuant to Rule 37 of the South Carolina Rules of Civil Procedure, on the grounds that Defendants Crest Energy Partners GP, L.L. C., Crest Energy Partners L.P., Dunhill Products GP, L.L.C., Dunhill Products L.P., Henry Wuertz, Edward H. Girardeau, and Rodney Bridge have failed to provide responses to Plaintiff's First Request for Production of Document and Plaintiff's First Set of Interrogatories, both served on October 2, 2012. For the reasons stated below, Plaintiff respectfully request that this Court enter an Order compelling Defendants to provide responsive documents and answers, and award any other relief this Court deems necessary and appropriate, including but not limited to awarding attorney fees incurred for the bringing of this motion. In support of its motion, Plaintiff states:

1. Plaintiff served discovery on Defendants on October 2, 2012 (*See* Plaintiff's First Request for Production, attached as Exhibit A; Plaintiff's First Set of Interrogatories, attached as Exhibit B; and Affidavit of Gruenloh, attached as Exhibit C).
2. After 30 days had passed since service of Plaintiff's First Request for Production and Plaintiff's First Set of Interrogatories, counsel for Plaintiff sent counsel for Defendants, David B. Marvel, an e-mail on November 15, 2012, asking when Defendants responses would be received. (*See* Exhibit C; and November 15, 2012 Email to Marvel, attached as Exhibit D).
3. Counsel for Defendants responded advising that discovery answers would be provided in the first week of December 2012. (*See* Exhibit C; and Exhibit D).
4. The promised responses were not received the first week of December and on January 7, 2013 Plaintiff made a final attempt to confer with Defendants pursuant SCRCP 11(a)

regarding the failure of Defendants to respond to discovery and advised that if discovery responses were not received by January 14, 2013 Plaintiff would be forced to file a motion to compel discovery[1]. (*See* January 7, 2013 letter, attached as Exhibit E).

5. As of the date of this motion, Plaintiff has received no response to the January 7, 2013 letter or its October 2, 2012 discovery requests.

6. As a result of Defendants' failure to provide any discovery responses as set out above, Plaintiff's counsel has been forced to spend time seeking the intervention of this Honorable Court in order to obtain discovery to which Plaintiff is rightfully entitled. (See Exhibit C).

WHEREFORE Plaintiff respectfully requests that the Court, enter an Order:

1. Compelling Defendants to immediately provide full and responsive answers to the discovery attached hereto and described herein;

2. Awarding Plaintiff the attorneys' fees and costs incurred in connection with this motion, pursuant to SCRCP 37(a)(4), *see Ball v. Canadian American Express*, 314 S.C. 272, 442 S.E.2d 620, 623 (Ct. App. 1994); and

3. For such other and further relief as the Court deems necessary and appropriate.

A proposed Order is attached hereto for the Court's consideration.

Respectfully Submitted,

GRUENLOH LAW FIRM
Counsel for Plaintiff and Third Party Defendant

By: _____

Wm. M. Gruenloh SCBAR #12418
Patrick Aulton Chisum SCBAR #100571
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 474-1890

1 In the predecessor case filed in federal court, Plaintiff was similarly forced to file a motion to compel discovery *see Innovative Waste Management, Inc. v. Crest Energy Partners Group, LLC, et al.* 2:10-cv-01023-RMG (dismissed for lack of subject matter jurisdiction.)

(843) 577-0721 (facsimile)

Date: January 28, 2013
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.	)	
Plaintiff,	)	
versus	)	
	)	**PLAINTIFF'S REQUESTS TO PRODUCE TO DEFENDANT BRIDGE**
CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	
Defendants.	)	

To: David B. Marvel, Attorney for the Defendant

Plaintiff about named, by and through undersigned counsel, hereby serves the following Request for Production on the Defendant pursuant to South Carolina Rule of Civil Procedure Rule 34. Defendant has 30 days from the date of service hereof to provide written response to these requests and to provide full and complete answers to these Requests for Production, in writing, under oath. If hereinafter you are asked to produce documents or other materials which are not in your possession, but you are aware of who may have some, please either obtain a copy and produce same or set forth the name, current address and telephone number of the person or entity who may be in possession of same. Defendant's response shall be separately and fully stated in writing and under oath. oath.

DEFINITIONS

1. "You" and "your" shall mean Defendants, as well as their/its agents, attorneys, and any other individual or entity associated or affiliated with them or purporting to act on their/its behalf.

2. "Defendant" means any and all of the above-named Defendants and further means all officers, employees, agents, attorneys, and/or representatives of Defendants.

3. "Writing" or "document" as used herein shall be understood to mean all originals and drafts of any kind of written, graphic, printed, typed, or otherwise recorded matter, however produced or reproduced, whether or not privileged, and whether or not in the actual or constructive possession, custody, care or control or you, your agents, employees, and attorneys, included but not limited to all contracts of any nature, all correspondence, tapes, disks, microfilms, photographs, telegrams, notes, sound recordings, minutes of meeting, memoranda of all types, interoffice communications, reports, contracts, licenses, agreements, ledgers, books of accounts, vouchers, bank checks invoices, purchase orders, charge slips, hotel charges, copies of tax returns tax reports, receipts, working papers, computers printouts, computer generated or electronic data, computer disks, statistical records, delivery records, stenographers' notebooks, desk calendars, appointment books, diaries, time sheets and logs, and any paper or recording similar thereto, where made or received by you.

4. The singular of any word herein shall be deemed to include the plural of such word and the plural shall include the singular. The masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine. The word "and" shall be deemed to include the word "or" and the word "or" shall be deemed to include the word "and." Each of the functional words "each," "any," and "all" shall be deemed to include each of the other functional words.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business, or governmental entity or subdivision, agency, department, and any "person" by whom such "person" was controlled with respect to the matter in question.

6. A communication, document, or writing "relating," "related," or "which relates" to any given subject means communication, document or writing that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

INSTRUCTIONS

1. In the event that any objection is made to the production of any document fairly comprised within the scope of the following requests, you shall furnish in lieu of the production of such a documents, a list of each document withheld from production together with the following information: (a) the reason for withholding production; (b) a statement of the facts constituting the basis for you withholding; and (c) a brief description of the document withheld, including: (i) the date upon which the document originated; (ii) the identify of its author or preparer; (iii) the identity of each person who was a recipient of the document; (iv) the specific request which encompasses the document; (v) a brief description of the subject matter of the document; and (vi) the identify of all persons who have personal knowledge of the subject matter.

2. For each request of part thereof that you refuse to respond to on the grounds of

burdensomeness, the response should state: (a) the number of files and /or documents needed to be searched; (b) the location of each such file; (c) the number of hours required to conduct the search; and (d) the estimated cost of the search in dollars.

3. If any document requested herein or fairly comprised within the scope of the request has been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (a) the date of origin; (b) a brief description of such document; (c) the author or preparer of the document; (d) the date on which the document was lost or destroyed; and (e) a brief statement of the manner in which the document was lost or destroyed.

4. With respect the following requests, you shall identify and/or prepare all documents which are known to you or which can be located to discovered by you through diligent effort on the part of you, your employees, representatives, attorneys, accountants, including but not limited to all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys, or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

5. These Requests for Production shall be deemed continuing in nature. Should Defendants acquire additional documents responsive to these requests after serving responses hereto, the responses shall be supplemented immediately.

DOCUMENT REQUESTS

1. Produce copies of all non-privileged statements of parties or witnesses to this action.

RESPONSE:

2. Produce all documents or any writings in the Defendants possession, custody or control which relate to the events alleged in the Complaint.

RESPONSE:

3. Produce all documents referred to by Defendant in answering Plaintiff's First Set of Interrogatories.

RESPONSE:

4. Provide all communications between Defendant and any other party in this action which relate to the matters alleged in Plaintiff's Complaint.

RESPONSE:

5. Produce the report and file of any and all experts that have been consulted in this matter.

RESPONSE:

6. Produce a curriculum vitae or resume for each individual whom you may call as an expert witness during the trial of this case.

RESPONSE:

7. Produce a copy of any contract, agreement, note, letter or other document that governs or relates to Plaintiff's relationship with Defendant in this action.

RESPONSE:

8. Produce a copy of any invoices, bills or other documents that Plaintiff contend evidence any party's damages, including but not limited to the damages alleged in your Counterclaim in this action.

RESPONSE:

9. Produce copies of any documents that relate to contract of sale entered into on March 2010 between Defendants and Plaintiff.

RESPONSE:

10. Produce copies of any documents that relate to any business relationship between you and any other Defendant in this action.

RESPONSE:

11. Produce all documents relating to your employment with Defendants Dunhill and or Crest including terms of employment, start dates and compensation.

RESPONSE:

12. Produce all documents evidencing the existence of any debt owed to you by Russ Lloyd or Plaintiff as alleged in your counter-claim.

RESPONSE:

13. Produce an accounting of all monies and other compensation received by you and paid by any other Defendant ion this lawsuit.

RESPONSE:

14. Produce a complete and unredacted/unedited version of the notebooks that you took from the offices of Plaintiff on the last date of your employment with Plaintiff. (If some privilege is claimed with respect to certain portions of the notebooks please provide a privilege log.)

RESPONSE:

15. Produce your last three years of tax returns.

RESPONSE:

Respectfully submitted,
Counsel for the Defendant

William M. Gruenloh
9 Broad Street, Suite C
Charleston, S.C. 29401
(843) 577-0027
(843) 577-0721 (facsimile)

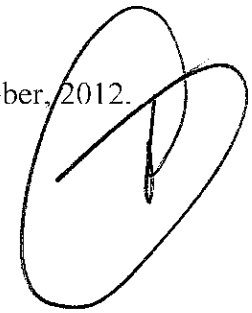
October 2, 2012
Charleston, SC

CERTIFICATE OF SERVICE

I, the undersigned, Mike Gruenloh of Cone Gruenloh Law Firm, certify that **PLAINTIFF'S FIRST SET OF REQUESTS TO PRODUCE DOCUMENTS TO DEFENDANT BRIDGE** were mailed with proper postage affixed from Charleston, SC and emailed to attorneys for the Defendants:

David B. Marvel
Prenner Marvel
Attorney for Defendant
Crest Energy Partners Group LLC
90 Queen Street
Charleston, South Carolina 29401

on the 17 Day of October, 2012.



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.	)	
Plaintiff,	)	
	)	
versus	)	
	)	**PLAINTIFF'S REQUESTS TO PRODUCE TO DEFENDANT GIRARDEAU**
CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	
Defendants.	)	

To: David B. Marvel, Attorney for the Defendant

Plaintiff about named, by and through undersigned counsel, hereby serves the following Request for Production on the Defendant pursuant to South Carolina Rule of Civil Procedure Rule 34. Defendant has 30 days from the date of service hereof to provide written response to these requests and to provide full and complete answers to these Requests for Production, in writing, under oath. If hereinafter you are asked to produce documents or other materials which are not in your possession, but you are aware of who may have some, please either obtain a copy and produce same or set forth the name, current address and telephone number of the person or entity who may be in possession of same. Defendant's response shall be separately and fully stated in writing and under oath. oath.

DEFINITIONS

1. "You" and "your" shall mean Defendants, as well as their/its agents, attorneys, and any other individual or entity associated or affiliated with them or purporting to act on their/its behalf.

2. "Defendant" means any and all of the above-named Defendants and further means all officers, employees, agents, attorneys, and/or representatives of Defendants.

3. "Writing" or "document" as used herein shall be understood to mean all originals and drafts of any kind of written, graphic, printed, typed, or otherwise recorded matter, however produced or reproduced, whether or not privileged, and whether or not in the actual or constructive possession, custody, care or control or you, your agents, employees, and attorneys, included but not limited to all contracts of any nature, all correspondence, tapes, disks, microfilms, photographs, telegrams, notes, sound recordings, minutes of meeting, memoranda of all types, interoffice communications, reports, contracts, licenses, agreements, ledgers, books of accounts, vouchers, bank checks invoices, purchase orders, charge slips, hotel charges, copies of tax returns tax reports, receipts, working papers, computers printouts, computer generated or electronic data, computer disks, statistical records, delivery records, stenographers' notebooks, desk calendars, appointment books, diaries, time sheets and logs, and any paper or recording similar thereto, where made or received by you.

4. The singular of any word herein shall be deemed to include the plural of such word and the plural shall include the singular. The masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine. The word "and" shall be deemed to include the word "or" and the word "or" shall be deemed to include the word "and." Each of the functional words "each," "any," and "all" shall be deemed to include each of the other functional words.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business, or governmental entity or subdivision, agency, department, and any "person" by whom such "person" was controlled with respect to the matter in question.

6. A communication, document, or writing "relating," "related," or "which relates" to any given subject means communication, document or writing that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

INSTRUCTIONS

1. In the event that any objection is made to the production of any document fairly comprised within the scope of the following requests, you shall furnish in lieu of the production of such a documents, a list of each document withheld from production together with the following information: (a) the reason for withholding production; (b) a statement of the facts constituting the basis for you withholding; and (c) a brief description of the document withheld, including: (i) the date upon which the document originated; (ii) the identify of its author or preparer; (iii) the identity of each person who was a recipient of the document; (iv) the specific request which encompasses the document; (v) a brief description of the subject matter of the document; and (vi) the identify of all persons who have personal knowledge of the subject matter.

2. For each request of part thereof that you refuse to respond to on the grounds of

burdensomeness, the response should state: (a) the number of files and /or documents needed to be searched; (b) the location of each such file; (c) the number of hours required to conduct the search; and (d) the estimated cost of the search in dollars.

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4. With respect the following requests, you shall identify and/or prepare all documents which are known to you or which can be located to discovered by you through diligent effort on the part of you, your employees, representatives, attorneys, accountants, including but not limited to all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys, or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

5. These Requests for Production shall be deemed continuing in nature. Should Defendants acquire additional documents responsive to these requests after serving responses hereto, the responses shall be supplemented immediately.

DOCUMENT REQUESTS

1. Produce copies of all non-privileged statements of parties or witnesses to this action.

RESPONSE:

2. Produce all documents or any writings in the Defendants possession, custody or control which relate to the events alleged in the Complaint.

RESPONSE:

3. Produce all documents referred to by Defendant in answering Plaintiff's First Set of Interrogatories.

RESPONSE:

4. Provide all communications between Defendant and any other party in this action which relate to the matters alleged in Plaintiff's Complaint.

RESPONSE:

5. Produce the report and file of any and all experts that have been consulted in this matter.

RESPONSE:

6. Produce a curriculum vitae or resume for each individual whom you may call as an expert witness during the trial of this case.

RESPONSE:

7. Produce a copy of any contract, agreement, note, letter or other document that governs or relates to Plaintiff's relationship with Defendant in this action.

RESPONSE:

8. Produce a copy of any invoices, bills or other documents that Plaintiff contend evidence any party's damages, including but not limited to the damages alleged in your Counterclaim in this action.

RESPONSE:

9. Produce copies of any documents that relate to contract of sale entered into on March 2010 between Defendants and Plaintiff.

RESPONSE:

10. Produce copies of any documents that relate to any business relationship between you and any other Defendant in this action.

RESPONSE:

11. Produce all documents relating to your employment with Defendants Dunhill and or Crest including terms of employment, start dates and compensation.

RESPONSE:

12. Produce all documents evidencing the existence of any debt owed to you by Russ Lloyd or Plaintiff as alleged in your counter-claim.

RESPONSE:

13. Produce an accounting of all monies and other compensation received by you and paid by any other Defendant in this lawsuit.

RESPONSE:

14. Produce your last three years of tax returns.

RESPONSE:

Respectfully submitted.
Counsel for the Defendant

William M. Gruenloh
9 Broad Street, Suite C
Charleston, S.C. 29401
(843) 577-0027
(843) 577-0721 (facsimile)

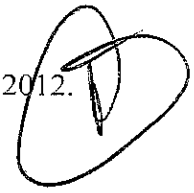
October 2, 2012
Charleston, SC

CERTIFICATE OF SERVICE

I, the undersigned, Mike Gruenloh of Cone Gruenloh Law Firm, certify that **PLAINTIFF'S FIRST SET OF REQUESTS TO PRODUCE DOCUMENTS TO DEFENDANT GIRARDEAU** were mailed with proper postage affixed from Charleston, SC and emailed to attorneys for the Defendants:

David B. Marvel
Prenner Marvel
Attorney for Defendant
Crest Energy Partners Group LLC
90 Queen Street
Charleston, South Carolina 29401

on the 11th Day of October, 2012.



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.	)	
Plaintiff,	)	
	)	
versus	)	
	)	**PLAINTIFF'S REQUESTS TO PRODUCE TO DEFENDANT WUERTZ**
CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C. DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	
Defendants.	)	

To: David B. Marvel, Attorney for the Defendant

Plaintiff about named, by and through undersigned counsel, hereby serves the following Request for Production on the Defendant pursuant to South Carolina Rule of Civil Procedure Rule 34. Defendant has 30 days from the date of service hereof to provide written response to these requests and to provide full and complete answers to these Requests for Production, in writing, under oath. If hereinafter you are asked to produce documents or other materials which are not in your possession, but you are aware of who may have some, please either obtain a copy and produce same or set forth the name, current address and telephone number of the person or entity who may be in possession of same. Defendant's response shall be separately and fully stated in writing and under oath. oath.

DEFINITIONS

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INSTRUCTIONS

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4. With respect the following requests, you shall identify and/or prepare all documents which are known to you or which can be located to discovered by you through diligent effort on the part of you, your employees, representatives, attorneys, accountants, including but not limited to all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys, or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

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RESPONSE:

2. Produce all documents or any writings in the Defendants possession, custody or control which relate to the events alleged in the Complaint.

RESPONSE:

3. Produce all documents referred to by Defendant in answering Plaintiff's First Set of Interrogatories.

RESPONSE:

4. Provide all communications between Defendant and any other party in this action which relate to the matters alleged in Plaintiff's Complaint.

RESPONSE:

5. Produce the report and file of any and all experts that have been consulted in this matter.

RESPONSE:

6. Produce a copy of any contract, agreement, note, letter or other document that governs or relates to Defendant's relationship with Plaintiff in this action.

RESPONSE:

7. Produce a copy of any contract, agreement, note, letter or other document that governs or relates to Defendant's relationship with any other party to this action.

RESPONSE:

8. Produce all documents relating to your employment of Defendants Girardeau and Bridge including terms of employment, start dates and compensation.

RESPONSE:

9. Produce all documents evidencing the existence and or terms of the alleged joint venture between you and Plaintiff referenced in your Counterclaim.

RESPONSE:

10. Produce all documents evidencing the exchange of any petroleum product and/or any funds related to the alleged joint venture referenced in your counter-claim.

RESPONSE:

11. Produce any documents that support your allegation that Russ Lloyd illicitly retained or converted any funds related to the alleged joint venture referenced in your counter-claim.

RESPONSE:

12. Produce any and all documents, including but not limited to any inspection, chemical testing, appraisal or any other evidence of the market value of the petroleum referred to in paragraph 54 of your counter-claim.

RESPONSE:

13. Produce any and all documents which support or relate to any costs that you incurred as alleged in paragraph 54 of your counter-claim.

RESPONSE:

14. Produce any and all documents which evidence any ownership, management or other pecuniary interest you may have in any vendor, company or other third party which you contend participated in the transportation, storage or refining of the petroleum referred to in paragraph 54 of your counter-claim .

RESPONSE:

15. Produce any and all documents which evidence the amount that you bought and sold the petroleum referred to in paragraph 54 of your Counterclaim including the dates of such purchase and sale.

RESPONSE:

16. Produce all documents you contend support the allegations made in Paragraphs 48 through 62 of your Counterclaim.

RESPONSE:

17. Produce an accounting of all transactions between Plaintiff and Defendants including but not limited to the transactions that took place on April 10, 2010 and the transaction referred to in Paragraph 49 through 62 of your Counterclaim.

RESPONSE:

18. Produce copies of any documents that relate to any business relationship of the Defendant with of the other parties to this action.

RESPONSE:

19. Produce the employee file of Defendants Girardeau and Bridge.

RESPONSE:

20. Produce an accounting of all monies and other compensation paid by you or any other Defendant to Defendants Bridge and Girardeau.

RESPONSE:

21. Produce copies of any documents that relate to any business relationship you contend existed between Shell Oil and any Defendant to this action prior to April 2010.

RESPONSE:

22. Produce a copy of your last three years of tax returns.

RESPONSE:

Respectfully submitted,
Counsel for the Defendant

William M. Gruenloh
9 Broad Street, Suite C
Charleston, S.C. 29401
(843) 577-0027
(843) 577-0721 (facsimile)

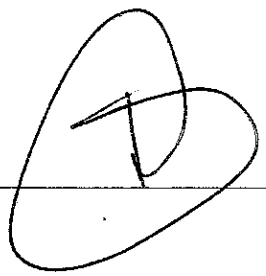
October 2, 2012
Charleston, SC

CERTIFICATE OF SERVICE

I, the undersigned, Mike Gruenloh of Cone Gruenloh Law Firm, certify that **PLAINTIFF'S FIRST SET OF REQUESTS TO PRODUCE DOCUMENTS TO DEFENDANT WUERTZ** were mailed with proper postage affixed from Charleston, SC and emailed to attorneys for the Defendants:

David B. Marvel
Prenner Marvel
Attorney for Defendant
Crest Energy Partners Group LLC
90 Queen Street
Charleston, South Carolina 29401

on the 11 Day of October, 2012.

BY: 

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.	)	
Plaintiff,	)	
versus	)	
	)	**PLAINTIFF'S REQUESTS TO PRODUCE TO DEFENDANTS CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P.**
CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	
Defendants.	)	

To: David B. Marvel, Attorney for the Defendant

Plaintiff about named, by and through undersigned counsel, hereby serves the following Request for Production on the Defendant pursuant to South Carolina Rule of Civil Procedure Rule 34. Defendant has 30 days from the date of service hereof to provide written response to these requests and to provide full and complete answers to these Requests for Production, in writing, under oath. If hereinafter you are asked to produce documents or other materials which are not in your possession, but you are aware of who may have some, please either obtain a copy and produce same or set forth the name, current address and telephone number of the person or entity who may be in possession of same. Defendant's response shall be separately and fully stated in writing and under oath. oath.

DEFINITIONS

1. "You" and "your" shall mean Defendants, as well as their/its agents, attorneys, and any other individual or entity associated or affiliated with them or purporting to act on their/its behalf.

2. "Defendant" means any and all of the above-named Defendants and further means all officers, employees, agents, attorneys, and/or representatives of Defendants.

3. "Writing" or "document" as used herein shall be understood to mean all originals and drafts of any kind of written, graphic, printed, typed, or otherwise recorded matter, however produced or reproduced, whether or not privileged, and whether or not in the actual or constructive possession, custody, care or control or you, your agents, employees, and attorneys, included but not limited to all contracts of any nature, all correspondence, tapes, disks, microfilms, photographs, telegrams, notes, sound recordings, minutes of meeting, memoranda of all types, interoffice communications, reports, contracts, licenses, agreements, ledgers, books of accounts, vouchers, bank checks invoices, purchase orders, charge slips, hotel charges, copies of tax returns tax reports, receipts, working papers, computers printouts, computer generated or electronic data, computer disks, statistical records, delivery records, stenographers' notebooks, desk calendars, appointment books, diaries, time sheets and logs, and any paper or recording similar thereto, where made or received by you.

4. The singular of any word herein shall be deemed to include the plural of such word and the plural shall include the singular. The masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine. The word "and" shall be deemed to include the word "or" and the word "or" shall be deemed to include the word "and." Each of the functional words "each," "any," and "all" shall be deemed to include each of the other functional words.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business, or governmental entity or subdivision, agency, department, and any "person" by whom such "person" was controlled with respect to the matter in question.

6. A communication, document, or writing "relating," "related," or "which relates" to any given subject means communication, document or writing that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

INSTRUCTIONS

1. In the event that any objection is made to the production of any document fairly comprised within the scope of the following requests, you shall furnish in lieu of the production of such a documents, a list of each document withheld from production together with the following information: (a) the reason for withholding production; (b) a statement of the facts constituting the basis for you withholding; and (c) a brief description of the document withheld, including: (i) the date upon which the document originated; (ii) the identify of its author or preparer; (iii) the identity of each person who was a recipient of the document; (iv) the specific request which encompasses the document; (v) a brief description of the subject matter of the document; and (vi) the identify of all persons who have personal knowledge of the subject matter.

2. For each request of part thereof that you refuse to respond to on the grounds of

burdensomeness, the response should state: (a) the number of files and /or documents needed to be searched; (b) the location of each such file; (c) the number of hours required to conduct the search; and (d) the estimated cost of the search in dollars.

3. If any document requested herein or fairly comprised within the scope of the request has been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (a) the date of origin; (b) a brief description of such document; (c) the author or preparer of the document; (d) the date on which the document was lost or destroyed; and (e) a brief statement of the manner in which the document was lost or destroyed.

4. With respect the following requests, you shall identify and/or prepare all documents which are known to you or which can be located to discovered by you through diligent effort on the part of you, your employees, representatives, attorneys, accountants, including but not limited to all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys, or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

5. These Requests for Production shall be deemed continuing in nature. Should Defendants acquire additional documents responsive to these requests after serving responses hereto, the responses shall be supplemented immediately.

DOCUMENT REQUESTS

1. Produce copies of all non-privileged statements of parties or witnesses to this action.

RESPONSE:

2. Produce all documents or any writings in the Defendants possession, custody or control which relate to the events alleged in the Complaint.

RESPONSE:

3. Produce all documents referred to by Defendant in answering Plaintiff's First Set of Interrogatories.

RESPONSE:

4. Provide all communications between Defendant and any other party in this action which relate to the matters alleged in Plaintiff's Complaint.

RESPONSE:

5. Produce the report and file of any and all experts that have been consulted in this matter.

RESPONSE:

6. Produce a curriculum vitae or resume for each individual whom you may call as an expert witness during the trial of this case.

RESPONSE:

7. Produce a copy of any contract, agreement, note, letter or other document that governs or relates to Plaintiff's relationship with Defendant in this action.

RESPONSE:

8. Produce a copy of any invoices, bills or other documents that Plaintiff contend evidence any party's damages, including but not limited to the damages alleged in your Counterclaim in this action.

RESPONSE:

9. Produce copies of any documents that relate to contract of sale entered into on March 2010 between Defendants and Plaintiff.

RESPONSE:

10. Produce copies of any documents that relate to any business relationship between you and any other Defendant in this action.

RESPONSE:

11. Produce all documents relating to your employment of Defendants Girardeau and Bridge including terms of employment, start dates and compensation.

RESPONSE:

12. Produce all documents evidencing the existence and or terms of the alleged joint venture between you and Plaintiff referenced in your Counterclaim.

RESPONSE:

13. Produce all documents evidencing the exchange of any petroleum product and/or any funds related to the alleged joint venture referenced in your counterclaim.

RESPONSE:

14. Produce any documents that support your allegation that Russ Lloyd illicitly retained or converted any funds related to the alleged joint venture referenced in your Counterclaim.

RESPONSE:

15. Produce any and all documents, including but not limited to any inspection, chemical testing, appraisal or any other evidence of the market value of the petroleum referred to in paragraph 54 of your counter-claim.

RESPONSE:

16. Produce any and all documents which support or relate to any costs that you incurred as alleged in paragraph 54 of your counter-claim.

RESPONSE:

17. Produce any and all documents which evidence any ownership, management or other pecuniary interest you may have in any vendor, company or other third party which you contend participated in the transportation, storage or refining of the petroleum referred to in paragraph 54 of your counter-claim .

RESPONSE:

18. Produce any and all documents which evidence the amount that you bought and sold the petroleum referred to in paragraph 54 of your Counterclaim including the dates of such purchase and sale.

RESPONSE:

19. Produce all documents you contend support the allegations made in Paragraphs 48 through 62 of your Counterclaim.

RESPONSE:

20. Produce an accounting of all transactions between Plaintiff and Defendants including but not limited to the transactions that took place on April 10, 2010 and the transaction referred to in Paragraph 49 through 62 of your Counterclaim.

RESPONSE:

21. Produce copies of any documents that relate to any business relationship of the Defendant with of the other parties to this action.

RESPONSE:

22. Produce the employee file of Defendants Girardeau and Bridge.

RESPONSE:

23. Produce an accounting of all monies and other compensation paid by you or any other Defendant to Defendants Bridge and Girardeau.

RESPONSE:

24. Produce the last three years of tax returns for Crest Energy Partners G.P. LLC, Crest Energy Partners LP, Dunhill Products GP, LLC and Dunhill Products LP.

RESPONSE:

25. Produce the last three years of annual accountant/accounting statements for Crest Energy Partners G.P. LLC, Crest Energy Partners LP, Dunhill Products GP, LLC and Dunhill Products LP.

RESPONSE:

Respectfully submitted,
Counsel for the Defendant

William M. Gruenloh
9 Broad Street, Suite C
Charleston, S.C. 29401
(843) 577-0027
(843) 577-0721 (facsimile)

October 2, 2012
Charleston, SC

CERTIFICATE OF SERVICE

I, the undersigned, Mike Gruenloh of Cone Gruenloh Law Firm, certify that **PLAINTIFF'S FIRST SET OF REQUESTS TO PRODUCE DOCUMENTS TO DEFENDANTS CRESTAND DUNHILL** were mailed with proper postage affixed from Charleston, SC and emailed to attorneys for the Defendants:

David B. Marvel
Prenner Marvel
Attorney for Defendant
Crest Energy Partners Group LLC
90 Queen Street
Charleston, South Carolina 29401

on the 4th Day of October, 2012.

BY: _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.	)	
Plaintiff,	)	
versus	)	
	)	**PLAINTIFF'S INTERROGATORIES TO DEFENDANT BRIDGE**
CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	
Defendants.	)	

To: David B. Marvel, Attorney for the Defendant

Plaintiff, by and through counsel, hereby propound and serve upon Defendant Bridge the following interrogatories. They are to be answered to the extent of all information which is in Defendant's possession or control or within the possession or control of its attorneys, investigators, or others representatives, under oath, within thirty (30) days of service hereof and in accordance with Rule 33 of the South Carolina Rules of Civil Procedure.

DEFINITIONS

1. A "document" whether singular or plural shall mean any and all original copies by whatever means, written, printed, typed, recorded, or other graphic manner of any kind or nature and all mechanical or electrical sounds recording and any copies and transcriptions thereof, and all computer data files in the possession, custody, and/or control of the Defendants or the Defendants' counsel or known by the Defendants to exist.

2. "Identify" when used in reference to an individual shall mean to state his or her full name, present or last known address, present or last known telephone number, present or last known position in a business affiliation, and employer, title, and position at the time in question.

3. "identify" when used in reference to a document means to state the date, author type of document, i.e. letter, memorandum, telegram, chart, note, application, etc., or other means of

identification, and its present location and custodian. If any such document is no longer in the Defendants' possession or subject to the Defendants' control, state what disposition was made of the document.

4. "Person" or "individual" whether singular or plural shall include natural persons, corporations, firms, partnerships, proprietorships, associations, and/or organizations and entities.

5. "You" and "your" shall mean the Defendants herein.

6. "IWM" means Innovative Waste Management."

INSTRUCTIONS

1. If a privilege to an answer is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for such claim.

2. If a refusal to answer to Interrogatory is stated on the grounds of burdensomeness, identify the number and nature of the documents needed to be searched, the location of the documents, and the number of person hours and amount of cost required to conduct the search.

3. Answer each Interrogatory on the basis of the entire knowledge of the Defendants including without limitation information in the possession of the Defendants' consultants, investigators, representatives, agents, and attorneys.

4. If an Interrogatory cannot be answered in full, answer to the fullest extent possible and specify all reasons for the inability to answer in full.

5. Each Interrogatory should be answered completely and separately for each Defendant.

6. If an Interrogatory calls for information that is in your possession do not simply refer to the complaint or other pleadings but instead provide a full response in the space provided.

INTERROGATORIES

1. Please state the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

   ANSWER:

2. List the names and addresses of any expert witnesses whom the party proposes to use as a

witness at the trial of the case.

ANSWER:

3. As to each expert, describe the basis for his expertise and the substance of his opinions.

ANSWER:

4. For each party known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a written copy of any written or recorded statements taken from such witnesses.

ANSWER:

5. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.

ANSWER:

6. State whether you had any business dealings with the following companies while you were employed by Plaintiff and, if so, please describe such business and indicate the names, addresses and telephone numbers of any persons who you dealt with at such businesses:

   a. Gulf Stream Tanker Chartering

   b. Shell Oil

   c. Amspec L.L.C.

   d. Sunoco

   e. Dow

   f. Albermarle

   g. Exxon

   h. United Solutions Inc.

i. Colonial Pipeline

j. Texas Molecular

k. Cross Oil

l. Esso/Imperial Oil

m. Conoco Phillips

n. CVR Energy Coffeeville Resources

o. Century DRO Signal Oil and Chemical Co.

p. Eastman Chemical

q. Lion Oil, and

r. Macquarie Energy Trading.

ANSWER:

7. State whether you had any business dealings with the following companies since you have been employed by Defendants Crest and or Dunhill and, if so, please describe such business, state the income you and/or any other Defendant in this lawsuit derived as a result of such business and indicate the names, addresses and telephone numbers of any persons who you dealt with at such companies:

   a. Gulf Stream Tanker Chartering

   b. Shell Oil

   c. Amspec L.L.C.

   d. Sunoco

   e. Dow

   f. Albermarle

   g. Exxon

h. United Solutions Inc.

i. Colonial Pipeline

j. Texas Molecular

k. Cross Oil

l. Esso/Imperial Oil

m. Conoco Phillips

n. CVR Energy Coffeeville Resources

o. Century DRO Signal Oil and Chemical Co.

p. Eastman Chemical

q. Lion Oil, and

r. Macquarie Energy Trading.

8. Describe any business relationship you have/had with any defendant in this lawsuit and indicate when such business relationship began and when it ended.

ANSWER:

9. State whether you have had any change in your employment or affiliation with any Defendant in this lawsuit since 2011 and if so please describe such change and the reason for such change.

ANSWER:

10. On what date did you first discuss or have any communications with any defendant in this lawsuit or any agent of any defendant in this lawsuit, the possibility of employment with any defendant in this lawsuit?

ANSWER:

11. Provide a detailed accounting of all monies received from Plaintiff and/or Russ Lloyd

indicating the dates such monies were received and what pay periods and/or services such monies were for. If monies received were for commissions please note the name of the client and the amount of the sale/transaction giving rise to the commission.

ANSWER:

12. Provide a detailed accounting of all monies you contend you are owed by Plaintiff and/or Russ Lloyd indicating the dates such monies were earned and what date you contend the monies should have been paid to you. If the monies you contend are owed are related to commissions please note the name of the client, the amount of the sale/transaction giving rise to the commission and the date that such sale/transaction was closed.

ANSWER:

13. Were you offered employment by any other defendant in this case and, if so, please state when such offer was made, who made such offer, the compensation that was offered, what the job entailed and what conditions, if any were placed upon such offer of employment.

ANSWER:

14. State the names of all companies, entities or individuals who employ you or with whom you are currently affiliated, what your job title is, what your responsibilities are and what your compensation is.

ANSWER:

15. State whether you have any evidence to suggest that IWM has been paid(in full or in part) for the oil shipped to Dunhill on April 10, 2010 and if so, please describe such evidence and provide copies of any documents which support such evidence..

ANSWER:

16. State whether you have any evidence to suggest that Plaintiff or any other party to this lawsuit owe you money and if so, please describe such evidence and such alleged debt, including when such debt arose and the amount of such debt.

ANSWER:

17. State the names of any persons with whom you have shared any part of the notebooks you took from the office of the Plaintiff on the date of your last day employed by Plaintiff.

ANSWER:

18. Set forth any and all real and personal property owned, whether individually, collectively, or otherwise owned including with other third-parties, including but not limited to the following;

    a. Any and All domestic or offshore bank accounts, including, checking, savings, money market, or otherwise, in the name of Defendants, including without limitation balances, names of accounts, location of accounts, holder of accounts, etc.;

    b. Any and all certificated of deposits, stock certificates in any publicly held or closely held corporation, as well as any bonds owned by Defendants, membership interest in any and all limited liability companies, partnership interest in any and all partnerships, and any and all interest in any other form of business entity, including joint ventures, whiter domestic or offshore, detailing without limitations and with particularity percentage of ownership, amount of revenue generated for each entity, etc.;

    c. Any and all titles to vehicles, mobile homes, or water craft owned by Defendants, detailing a description of each item including year, model, serial number, vehicle identification number, present value and the amount of any lien thereon;

d. Any and all deeds, Mortgages, Notes, Contracts of Sale, and Settlement or closing Statements relating to any real estate transactions involving Defendants;

e. Any and all real property, including without limitation (county, state, jurisdiction), whether domestic or offshore;

f. Any and all life insurance policies owned by Defendants, along with any information pertaining to any loans outstanding on any of said policies;

g. Any and all items of jewelry or art owned by Defendants, including a description of each item and its most appraised evaluation;

h. Any and all lease of realty or personally in favor of Defendants;

i. Any and all books, recorded, documents, or writings concerning the financial status of defendants not herein before specified, including any and all interest in any form of trust, and

j. Any and all tax receipts, tax returned tax supplemental forms, and any and all other documents, forms or letters filed with the United States Internal Revenue Service, and any other State Tax authority within the last five years.

ANSWER:

Respectfully submitted,
Counsel for the Defendant

William M. Gruenloh
9 Broad Street, Suite C
Charleston, S.C. 29401
(843) 577-0027
(843) 577-0721 (facsimile)

October 3, 2012

CERTIFICATE OF SERVICE

I, the undersigned, Mike Gruenloh of Cone Gruenloh Law Firm, certify that **PLAINTIFF'S FIRST SET OF INTEROGATORIES TO DEFENDANT BRIDGE** were emailed and mailed with proper postage affixed from Charleston, SC and emailed to attorneys for the Defendants:

David B. Marvel
Prenner Marvel
Attorney for Defendant
Rodney Bridge
90 Queen Street
Charleston, South Carolina 29401

on the 4th Day of October, 2012.

By: _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.	)	
Plaintiff,	)	
	)	
versus	)	
	)	**PLAINTIFF'S INTERROGATORIES TO DEFENDANT GIRARDEAU**
CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	
Defendants.	)	

To: David B. Marvel, Attorney for the Defendant

Plaintiff, by and through counsel, hereby propound and serve upon Defendant Bridge the following interrogatories. They are to be answered to the extent of all information which is in Defendant's possession or control or within the possession or control of its attorneys, investigators, or others representatives, under oath, within thirty (30) days of service hereof and in accordance with Rule 33 of the South Carolina Rules of Civil Procedure.

DEFINITIONS

1. A "document" whether singular or plural shall mean any and all original copies by whatever means, written, printed, typed, recorded, or other graphic manner of any kind or nature and all mechanical or electrical sounds recording and any copies and transcriptions thereof, and all computer data files in the possession, custody, and/or control of the Defendants or the Defendants' counsel or known by the Defendants to exist.

2. "Identify" when used in reference to an individual shall mean to state his or her full name, present or last known address, present or last known telephone number, present or last known position in a business affiliation, and employer, title, and position at the time in question.

3. "identify" when used in reference to a document means to state the date, author type of document, i.e. letter, memorandum, telegram, chart, note, application, etc., or other means of

identification, and its present location and custodian. If any such document is no longer in the Defendants' possession or subject to the Defendants' control, state what disposition was made of the document.

4. "Person" or "individual" whether singular or plural shall include natural persons, corporations, firms, partnerships, proprietorships, associations, and/or organizations and entities.

5. "You" and "your" shall mean the Defendants herein.

6. "IWM" means Innovative Waste Management."

INSTRUCTIONS

1. If a privilege to an answer is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for such claim.

2. If a refusal to answer to Interrogatory is stated on the grounds of burdensomeness, identify the number and nature of the documents needed to be searched, the location of the documents, and the number of person hours and amount of cost required to conduct the search.

3. Answer each Interrogatory on the basis of the entire knowledge of the Defendants including without limitation information in the possession of the Defendants' consultants, investigators, representatives, agents, and attorneys.

4. If an Interrogatory cannot be answered in full, answer to the fullest extent possible and specify all reasons for the inability to answer in full.

5. Each Interrogatory should be answered completely and separately for each Defendant.

6. If an Interrogatory calls for information that is in your possession do not simply refer to the complaint or other pleadings but instead provide a full response in the space provided.

INTERROGATORIES

1. Please state the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

   ANSWER:

2. List the names and addresses of any expert witnesses whom the party proposes to use as a

witness at the trial of the case.

ANSWER:

3. As to each expert, describe the basis for his expertise and the substance of his opinions.

ANSWER:

4. For each party known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a written copy of any written or recorded statements taken from such witnesses.

ANSWER:

5. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.

ANSWER:

6. State whether you had any business dealings with the following companies while you were employed by Plaintiff and, if so, please describe such business and indicate the names, addresses and telephone numbers of any persons who you dealt with at such businesses:

   a. Gulf Stream Tanker Chartering

   b. Shell Oil

   c. Amspec L.L.C.

   d. Sunoco

   e. Dow

   f. Albermarle

   g. Exxon

   h. United Solutions Inc.

i. Colonial Pipeline

j. Texas Molecular

k. Cross Oil

l. Esso/Imperial Oil

m. Conoco Phillips

n. CVR Energy Coffeeville Resources

o. Century DRO Signal Oil and Chemical Co.

p. Eastman Chemical

q. Lion Oil, and

r. Macquarie Energy Trading.

ANSWER:

7. State whether you had any business dealings with the following companies since you have been employed by Defendants Crest and or Dunhill and, if so, please describe such business, state the income you and/or any other Defendant in this lawsuit derived as a result of such business and indicate the names, addresses and telephone numbers of any persons who you dealt with at such companies:

a. Gulf Stream Tanker Chartering

b. Shell Oil

c. Amspec L.L.C.

d. Sunoco

e. Dow

f. Albermarle

g. Exxon

h. United Solutions Inc.

i. Colonial Pipeline

j. Texas Molecular

k. Cross Oil

l. Esso/Imperial Oil

m. Conoco Phillips

n. CVR Energy Coffeeville Resources

o. Century DRO Signal Oil and Chemical Co.

p. Eastman Chemical

q. Lion Oil, and

r. Macquarie Energy Trading.

8. Describe any business relationship you have/had with any defendant in this lawsuit and indicate when such business relationship began and when it ended.

ANSWER:

9. State whether you have had any change in your employment or affiliation with any Defendant in this lawsuit since 2011 and if so please describe such change.

ANSWER:

10. On what date did you first discuss or have any communications with any defendant in this lawsuit or any agent of any defendant in this lawsuit, the possibility of employment with any defendant in this lawsuit?

ANSWER:

11. Provide a detailed accounting of all monies received from Plaintiff and/or Russ Lloyd indicating the dates such monies were received and what pay periods and/or services such

monies were for. If monies received were for commissions please note the name of the client and the amount of the sale/transaction giving rise to the commission.

ANSWER:

12. Provide a detailed accounting of all monies you contend you are owed by Plaintiff and/or Russ Lloyd indicating the dates such monies were earned and what date you contend the monies should have been paid to you. If the monies you contend are owed are related to commissions please note the name of the client, the amount of the sale/transaction giving rise to the commission and the date that such sale/transaction was closed.

ANSWER:

13. Were you offered employment by any other defendant in this case and, if so, please state when such offer was made, who made such offer, the compensation that was offered, what the job entailed and what conditions, if any were placed upon such offer of employment.

ANSWER:

14. State the names of all companies, entities or individuals who employ you or with whmo youa re currently affiliated, what your job title is, what your responsibilities are and what your compensation is.

ANSWER:

15. State whether you have any evidence to suggest that IWM has been paid(in full or in part) for the oil shipped to Dunhill on April 10, 2010 and if so, please describe such evidence and provide copies of any documents which support such evidence..

ANSWER:

16. State whether you have any evidence to suggest that Plaintiff or any other party to this lawsuit owe you money and if so, please describe such evidence and such alleged debt, including when such debt arose and the amount of such debt.

ANSWER:

17. State when you first became aware that Defendant Bridge took notebooks from the offices of the Plaintiff that contained information relating to everything Defendant Bridge was working on while employed by Plaintiff.

ANSWER:

18. State whether you had any communication with Defendant Bridge about what he could or should bring with him upon his resignation and departure from Plaintiff and, if so, please state the date(s) and substance of such communication(s).

ANSWER:

19. Set forth any and all real and personal property owned. whether individually, collectively, or otherwise owned including with other third-parties, including but not limited to the following;

    a. Any and All domestic or offshore bank accounts, including, checking, savings, money market, or otherwise, in the name of Defendants, including without limitation balances, names of accounts, location of accounts, holder of accounts, etc.;

    b. Any and all certificated of deposits, stock certificates in any publicly held or closely held corporation, as well as any bonds owned by Defendants, membership interest in any and all limited liability companies, partnership interest in any and all partnerships, and any and all interest in any other form of business entity, including joint ventures, whiter domestic or offshore, detailing without limitations and with

particularity percentage of ownership, amount of revenue generated for each entity, etc.;

c. Any and all titles to vehicles, mobile homes, or water craft owned by Defendants, detailing a description of each item including year, model, serial number, vehicle identification number, present value and the amount of any lien thereon;

d. Any and all deeds, Mortgages, Notes, Contracts of Sale, and Settlement or closing Statements relating to any real estate transactions involving Defendants;

e. Any and all real property, including without limitation (county, state, jurisdiction), whether domestic or offshore;

f. Any and all life insurance policies owned by Defendants, along with any information pertaining to any loans outstanding on any of said policies;

g. Any and all items of jewelry or art owned by Defendants, including a description of each item and its most appraised evaluation;

h. Any and all lease of realty or personally in favor of Defendants;

i. Any and all books, recorded, documents, or writings concerning the financial status of defendants not herein before specified, including any and all interest in any form of trust, and

j. Any and all tax receipts, tax returned tax supplemental forms, and any and all other documents, forms or letters filed with the United States Internal Revenue Service, and any other State Tax authority within the last five years.

ANSWER:

Respectfully submitted,
Counsel for the Defendant

William M. Gruenloh
9 Broad Street, Suite C
Charleston, S.C. 29401
(843) 577-0027
(843) 577-0721 (facsimile)

October 3, 2012

CERTIFICATE OF SERVICE

I, the undersigned, Mike Gruenloh of Cone Gruenloh Law Firm, certify that **PLAINTIFF'S FIRST SET OF INTEROGATORIES TO DEFENDANT GIRARDEAU** were emailed and mailed with proper postage affixed from Charleston, SC and emailed to attorneys for the Defendants:

David B. Marvel
Prenner Marvel
Attorney for Defendant
Rodney Bridge
90 Queen Street
Charleston, South Carolina 29401

on the 1st Day of October, 2012.

By: _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.	)	
Plaintiff,	)	
	)	
versus	)	
	)	**PLAINTIFF'S INTERROGATORIES TO DEFENDANT WUERTZ**
CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	
Defendants.	)	

To: David B. Marvel, Attorney for the Defendant

Plaintiff, by and through counsel, hereby propound and serve upon Defendant Bridge the following interrogatories. They are to be answered to the extent of all information which is in Defendant's possession or control or within the possession or control of its attorneys, investigators, or others representatives, under oath, within thirty (30) days of service hereof and in accordance with Rule 33 of the South Carolina Rules of Civil Procedure.

DEFINITIONS

1. A "document" whether singular or plural shall mean any and all original copies by whatever means, written, printed, typed, recorded, or other graphic manner of any kind or nature and all mechanical or electrical sounds recording and any copies and transcriptions thereof, and all computer data files in the possession, custody, and/or control of the Defendants or the Defendants' counsel or known by the Defendants to exist.

2. "Identify" when used in reference to an individual shall mean to state his or her full name, present or last known address, present or last known telephone number, present or last known position in a business affiliation, and employer, title, and position at the time in question.

3. "identify" when used in reference to a document means to state the date, author type of document, i.e. letter, memorandum, telegram, chart, note, application, etc., or other means of

identification, and its present location and custodian. If any such document is no longer in the Defendants' possession or subject to the Defendants' control, state what disposition was made of the document.

4. "Person" or "individual" whether singular or plural shall include natural persons, corporations, firms, partnerships, proprietorships, associations, and/or organizations and entities.

5. "You" and "your" shall mean the Defendants herein.

6. "IWM" means Innovative Waste Management."

INSTRUCTIONS

1. If a privilege to an answer is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for such claim.

2. If a refusal to answer to Interrogatory is stated on the grounds of burdensomeness, identify the number and nature of the documents needed to be searched, the location of the documents, and the number of person hours and amount of cost required to conduct the search.

3. Answer each Interrogatory on the basis of the entire knowledge of the Defendants including without limitation information in the possession of the Defendants' consultants, investigators, representatives, agents, and attorneys.

4. If an Interrogatory cannot be answered in full, answer to the fullest extent possible and specify all reasons for the inability to answer in full.

5. Each Interrogatory should be answered completely and separately for each Defendant.

6. If an Interrogatory calls for information that is in your possession do not simply refer to the complaint or other pleadings but instead provide a full response in the space provided.

INTERROGATORIES

1. Please state the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

   ANSWER:

2. List the names and addresses of any expert witnesses whom the party proposes to use as a

witness at the trial of the case.

ANSWER:

3. As to each expert, describe the basis for his expertise and the substance of his opinions.

ANSWER:

4. For each party known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a written copy of any written or recorded statements taken from such witnesses.

ANSWER:

5. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case.

ANSWER:

6. Describe the business relationship you have/had with Defendants Girardeau and Bridge and indicate when such business relationship began and when it ended.

ANSWER:

7. State the first date that you first discussed the possibility of employing Defendants Bridge and/or Girardeau.

ANSWER:

8. State whether you have entered into any business arrangements, contracts, joint venture agreements or other transactions with Plaintiff and or Russ Lloyd and describe the subject matter of such agreements and indicate the dates that such arrangements were entered into.

ANSWER:

9. State whether you had any business dealings with the following companies prior to April

2010 and, if so, please describe such business and indicate the names, addresses and telephone numbers of any persons who you dealt with at such businesses:

a. Gulf Stream Tanker Chartering

b. Shell Oil

c. Amspec L.L.C.

d. Sunoco

e. Dow

f. Albermarle

g. Exxon

h. United Solutions Inc.

i. Colonial Pipeline

j. Texas Molecular

k. Cross Oil

l. Esso/Imperial Oil

m. Conoco Phillips

n. CVR Energy Coffeeville Resources

o. Century DRO Signal Oil and Chemical Co.

p. Eastman Chemical

q. Lion Oil, and

r. Macquarie Energy Trading.

ANSWER:

10. State whether you had any business dealings with the following companies since April 2010 and, if so, please describe such business, state the income you and/or any other Defendant in

this lawsuit derived as a result of such business and indicate the names, addresses and telephone numbers of any persons who you dealt with at such companies:

a. Gulf Stream Tanker Chartering

b. Shell Oil

c. Amspec L.L.C.

d. Sunoco

e. Dow

f. Albermarle

g. Exxon

h. United Solutions Inc.

i. Colonial Pipeline

j. Texas Molecular

k. Cross Oil

l. Esso/Imperial Oil

m. Conoco Phillips

n. CVR Energy Coffeeville Resources

o. Century DRO Signal Oil and Chemical Co.

p. Eastman Chemical

q. Lion Oil, and

r. Macquarie Energy Trading.

ANSWER:

11. Describe any business relationship you have/had with any defendant in this lawsuit and indicate when such business relationship began and when it ended.

ANSWER:

12. State whether you have had any change in your employment or affiliation with any Defendant in this lawsuit since 2011 and if so please describe such change.

ANSWER:

13. State the names of all partnerships, ventures, companies, investment trusts or other business entities in which you have any control or ownership interest and state the nature of your interest in such entity.

ANSWER

14. State whether you have any evidence to suggest that IWM has been paid(in full or in part) for the oil shipped to Dunhill on April 10, 2010 and if so, please describe such evidence and provide copies of any documents which support such evidence..

ANSWER:

15. Provide a detailed accounting, including the dates received/paid of the following:

    a. All monies received from or paid to Plaintiff or Russ Lloyd, the purpose for which such funds were paid ore received and the dates such funds were paid or received;

    b. All petroleum products received from or sent to Plaintiff or Russ Lloyd, the dates such products were shipped or received and the compensation you were to provide or receive for such products;

    c. All monies you contend are owed to you by Plaintiff or Russ Lloyd.

ANSWER:

16. State whether you had an agreement with Plaintiff and/or Russ Lloyd to provide compensation in return for the oil products that were shipped to Dunhill/Crest on April 10, 2010 and if so what the terms of such agreement were.

ANSWER:

17. State whether you have any evidence to suggest that Plaintiff or any other party to this lawsuit owe you money and if so, please describe such evidence and such alleged debt, including when such debt arose and the amount of such debt.

ANSWER:

18. Set forth the names and addresses of any person, entity or company that you contend was paid any compensation related to the transportation, storage and/or refining of the petroleum referred to in Paragraph 54 of your counter-claim.

ANSWER:

19. State the names and addresses of any person, entity or company that you contend purchased the petroleum referred to in Paragraph 54 of your counter-claim and describe the terms of the sale of such petroleum.

ANSWER:

20. State whether you have currently or have had in the past any affiliation, control, ownership interest or any business relationship whatsoever with any of the entities or persons listed in your response to Interrogatories 20 and 21 and, if so, describe such relationship and state when such relationship began and ended.

ANSWER:

21. State the dates that the petroleum referred to in Paragraph 54 of your counter-claim was transferred into your possession or control and the date that such petroleum was sold.

ANSWER:

22. State whether you have been paid in full for the petroleum referred to in Paragraph 54 of your counter-claim and, if not, please explain what you believe is owed and the basis for yoru contention. .

ANSWER:

23. Please state whether you or any other Defendant in this lawsuit retains any ownership interest or control over the petroleum referred to in Paragraph 54 of your counter-claim.

ANSWER:

24. Please describe any role that Macqueary Trading or Mike Macqueary had in the sale or purchase of the petroleum referred to in Paragraph 54 of your counter-claim.

ANSWER:

25. Set forth any and all real and personal property owned, whether individually, collectively, or otherwise owned including with other third-parties, including but not limited to the following;

    a. Any and All domestic or offshore bank accounts, including, checking, savings, money market, or otherwise, in the name of Defendants, including without limitation balances, names of accounts, location of accounts, holder of accounts, etc.;

    b. Any and all certificated of deposits, stock certificates in any publicly held or closely held corporation, as well as any bonds owned by Defendants, membership interest in any and all limited liability companies, partnership interest in any and all partnerships, and any and all interest in any other form of business entity, including joint ventures, whiter domestic or offshore, detailing without limitations and with particularity percentage of ownership, amount of revenue generated for each entity;

c. Any and all titles to vehicles, mobile homes, or water craft owned by Defendants, detailing a description of each item including year, model, serial number, vehicle identification number, present value and the amount of any lien thereon;

d. Any and all deeds, Mortgages, Notes, Contracts of Sale, and Settlement or closing Statements relating to any real estate transactions involving Defendants;

e. Any and all real property, including without limitation (county, state, jurisdiction), whether domestic or offshore;

f. Any and all life insurance policies owned by Defendants, along with any information pertaining to any loans outstanding on any of said policies;

g. Any and all items of jewelry or art owned by Defendants, including a description of each item and its most appraised evaluation;

h. Any and all lease of realty or personally in favor of Defendants;

i. Any and all books, recorded, documents, or writings concerning the financial status of defendants not herein before specified, including any and all interest in any form of trust, and

j. Any and all tax receipts, tax returned tax supplemental forms, and any and all other documents, forms or letters filed with the United States Internal Revenue Service, and any other State Tax authority within the last five years.

ANSWER:

Respectfully submitted,
Counsel for the Defendant

William M. Gruenloh
9 Broad Street, Suite C
Charleston, S.C. 29401
(843) 577-0027
(843) 577-0721 (facsimile)

October 3, 2012

CERTIFICATE OF SERVICE

I, the undersigned, Mike Gruenloh of Cone Gruenloh Law Firm, certify that **PLAINTIFF'S FIRST SET OF INTEROGATORIES TO DEFENDANT WUERTZ** were emailed and mailed with proper postage affixed from Charleston, SC and emailed to attorneys for the Defendants:

David B. Marvel
Prenner Marvel
Attorney for Defendant
Rodney Bridge
90 Queen Street
Charleston, South Carolina 29401

on the 4th Day of October, 2012.

By: _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.	)	
Plaintiff,	)	
	)	
versus	)	
	)	**PLAINTIFF'S INTERROGATORIES TO DEFENDANTS CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P.**
CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	
Defendants.	)	

To: David B. Marvel, Attorney for the Defendant

Plaintiff, by and through counsel, hereby propound and serve upon Defendant the following interrogatories. They are to be answered to the extent of all information which is in Defendant's possession or control or within the possession or control of its attorneys, investigators, or others representatives, under oath, within thirty (30) days of service hereof and in accordance with Rule 33 of the Rules of Civil Procedure.

DEFINITIONS

1. A "document" whether singular or plural shall mean any and all original copies by whatever means, written, printed, typed, recorded, or other graphic manner of any kind or nature and all mechanical or electrical sounds recording and any copies and transcriptions thereof, and all computer data files in the possession, custody, and/or control of the Defendants or the Defendants' counsel or known by the Defendants to exist.

2. "Identify" when used in reference to an individual shall mean to state his or her full name, present or last known address, present or last known telephone number, present or last known position in a business affiliation, and employer, title, and position at the time in question.

3. "identify" when used in reference to a document means to state the date, author type of document, i.e. letter, memorandum, telegram, chart, note, application, etc., or other means of

identification, and its present location and custodian. If any such document is no longer in the Defendants' possession or subject to the Defendants' control, state what disposition was made of the document.

4. "Person" or "individual" whether singular or plural shall include natural persons, corporations, firms, partnerships, proprietorships, associations, and/or organizations and entities.

5. "You" and "your" shall mean the Defendants herein.

INSTRUCTIONS

1. If a privilege to an answer is claimed, identify each matter as to which the privilege is claimed, the nature of the privilege, and the legal and factual basis for such claim.

2. If a refusal to answer to Interrogatory is stated on the grounds of burdensomeness, identify the number and nature of the documents needed to be searched, the location of the documents, and the number of person hours and amount of cost required to conduct the search.

3. Answer each Interrogatory on the basis of the entire knowledge of the Defendants including without limitation information in the possession of the Defendants' consultants, investigators, representatives, agents, and attorneys.

4. If an Interrogatory cannot be answered in full, answer to the fullest extent possible and specify all reasons for the inability to answer in full.

5. Each Interrogatory should be answered completely and separately for each Defendant.

INTERROGATORIES

1. Please state the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER:

2. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.

ANSWER:

3. As to each expert, describe the basis for his expertise and the substance of his opinions.

ANSWER:

4. For each party known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a written copy of any written or recorded statements taken from such witnesses.

ANSWER:

5. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relates to the claim, counterclaim, or defense in the case.

ANSWER:

6. State whether you currently conduct any business or have an existing business relationship with the following companies and, if so, please describe such business or business relationship; indicate the month and year that such relationship began; state the names, addresses and telephone numbers of the persons at such company with whom you conduct business and state the amount of income that such business has generated for you or any other Defendant in this litigation since April 2010:

    a. Gulf Stream Tanker Chartering

    b. Shell Oil

    c. Amspec L.L.C.

    d. Sunoco

    e. Dow

    f. Albermarle

    g. Exxon

    h. United Solutions Inc.

i. Colonial Pipeline

j. Texas Molecular

k. Cross Oil

l. Esso/Imperial Oil

m. Conoco Phillips

n. CVR Energy Coffeeville Resources

o. Century DRO Signal Oil and Chemical Co.

p. Eastman Chemical

q. Lion Oil, and

r. Macquarie Energy Trading.

ANSWER

7. Provide a detailed accounting of all monies received from or paid to Plaintiff or Russ Lloyd from 2009 until the present and state the purpose for which such funds were paid and the dates such funds were received.

ANSWER:

8. Provide an accounting of all monies you contend are owed to you by Plaintiff or Russ Lloyd including the dates that such amounts became due and the purpose for which such monies are allegedly owed.

ANSWER:

9. State whether you have any evidence to suggest that Plaintiff or any other party to this lawsuit owe you or any other party to this lawsuit money and if so, please describe such evidence and such alleged debt, including when such debt arose and the amount of such debt.

ANSWER:

10. State whether Defendants and Girardeau are currently employed by you and whether Defendants Girardeau and Bridge are employed or associated with any other business or entity owned, operated or controlled in any way by you or any other Defendant in this litigation.

ANSWER:

11. State the names and addresses of any company, person or other entity which you allege had any role in the purchase, sale, transportation, storage and/or refining of the petroleum referred to in Paragraph 54 of your counter-claim and state the role or purpose that each listed person, company or entity had/has.

ANSWER:

12. State whether you or any other Defendant in this litigation has or had any ownership interest, management or control in/of any company or entity listed in your response to Interrogatory number 12.

ANSWER:

13. Provide an accounting of all costs referred to in Paragraph 54 of your Answer and Counterclaim, including but not limited to the dates that such costs were incurred, the purpose for such costs and the names of any companies you contend were paid any money for the "transportation, storage and refining" of the petroleum referred to in Paragraphs 49 through 62 of your Counterclaim.

ANSWER:

14. State the purchase price (the price actually paid) of the petroleum referred to in your counter-claim.

ANSWER:

15. State the final sale price (the price you actually sold the petroleum for) of the petroleum referred to in your counter-claim and indicate when and how such payment was made.

ANSWER:

16. State whether you or any agent of yours did any estimation whatsoever of the transportation, storage or refining costs of the petroleum referred to in your counter-claim and, if so, please state what such estimated cost were.

ANSWER:

17. Describe any difficulties or unexpected issues that caused any increase in the "transportation, storage and refining of the petroleum referred to in your counter-claim.

ANSWER:

18. State the date that you first determined that you would hire Defendant Girardeau.

ANSWER:

19. State the date that you first determined that you would hire Defendant Bridge.

ANSWER:

20. State when you or any agent of yours first became aware the Defendant Bridge was utilizing and/or sharing with your employees information contained in notebooks taken from Plaintiff's offices.

ANSWER:

21. State whether you or any agent of yours has at any time while he/she was employed by your firm, made use of, in any way, any information contained in the notebooks of Defendant Bridge which contained "everything that [Defendant Bridge] worked on" at IWM.

ANSWER:

Respectfully submitted.
Counsel for the Defendant

William M. Gruenloh
9 Broad Street, Suite C
Charleston, S.C. 29401
(843) 577-0027
(843) 577-0721 (facsimile)

October 3, 2012

CERTIFICATE OF SERVICE

I, the undersigned, Mike Gruenloh of Cone Gruenloh Law Firm, certify that **PLAINTIFF'S FIRST SET OF INTEROGATORIES TO DEFENDANTS CREST AND DUINHILL** were emailed and mailed with proper postage affixed from Charleston, SC and emailed to attorneys for the Defendants:

David B. Marvel
Prenner Marvel
Attorney for Defendant
Rodney Bridge
90 Queen Street
Charleston, South Carolina 29401

on the 4th Day of October, 2012.

By: _____

EXHIBIT C

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER	IN THE COURT OF COMMON PLEAS
INNOVATIVE WASTE MANAGEMENT, INC. Plaintiff, versus CREST ENERGY PARTNERS GP, L.L.C. CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C. DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE Defendants.	CASE NO. 2012-CP-18-1227
EDWARD H. GIRARDEAU, and RODNEY BRIDGE, Defendants and Third Party Plaintiffs, versus INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant.	**AFFIDAVIT OF WM. MICHAEL GRUENLOH**
CREST ENERGY PARTNERS L.P. Defendants and Third Party Plaintiffs, versus INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD Plaintiff and Third Party Defendant.	

1. My name is Wm. Michael Gruenloh, Esq., I am counsel for the Plaintiff and Third Party Defendants in the above captioned action. I have never been accused or convicted of a felony. I am of sound mind. I am over the age of eighteen (18) and have personal knowledge of the facts herein.

2. I served Plaintiff's First Request for Production and Plaintiff's First Set of Interrogatories on Defendants on October 2, 2012.

3. On November 15, 2012, I sent an email to Defendants' counsel David B. Marvel, requesting an update on when the discovery requests would be answered.

4. David B. Marvel responded that the discovery answers would be provided in the first week of December 2012.

5. When the promised responses were not received, I attempted to confer with Defendants in writing on January 7, 2013 pursuant to SCRCP11 (a) regarding the missing discovery responses. The letter was followed up with a telephone call in which I spoke with Mr. Marvel and requested answers to the discovery responses.

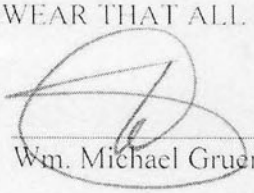
6. I have spent 1.5 hours attempting to confer with Defendants on the missing answers to Plaintiff's discovery requests and have spent 2.5 hours drafting the motion to compel which would not have been necessary had Defendants complied with the rules of procedure and provided responses in this matter.

7. My standard hourly billing rate is $300/hr.

FURTHER AFFIANT SAYETH NOUGHT.

SIGNATURE ON THE NEXT PAGE

I SWEAR THAT ALL STATEMENTS HEREIN ARE TRUE AND ACCURATE.



Wm. Michael Gruenloh, Esq.

SWORN TO AND SUBSCRIBED before me,
The undersigned on this 25th day of January 2013



NOTARY PUBLIC FOR THE
STATE OF SOUTH CAROLINA
My Commission Expires: April 29, 2018

EXHIBIT D

---------- Forwarded message ----------
From: **David B. Marvel** <dave@prennermarvel.com>
Date: Thu, Nov 15, 2012 at 3:01 PM
Subject: Re: IWM v. Crest
To: william gruenloh <mike@gruenlohlaw.com>

Mike- hope all is well. I don't think you need my consent to that but sure. I had to put this case on the back burner for a bit, but will get your discovery rolling next week anticipating responses by first week of December. thanks for your patience.

On Nov 14, 2012, at 11:19 AM, "william gruenloh" <mike@gruenlohlaw.com> wrote:

David,

Hope all is well and you are settled into your new office. Can you give me an update on when we can expect discovery answers? Also, are you agreeable to a consent order allowing the domestication of the Shell subpoena?

--
Gruenloh Law Firm

Mike Gruenloh, Esq. | 9 Broad Street Suite C | Charleston, SC 29401
Phone: 843 474-1890 | Facsimile: 843 577-0721 | www.gruenlohlaw.com

CONFIDENTIALITY NOTICE: This electronic mail transmission has been sent by an attorney. It may contain information that is confidential, privileged, proprietary or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy, or disseminate this message, or any part of it, or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of its inadvertent transmission. There is no intent on the part of the sender to waive any privilege, including the attorney/client privilege, that may attach to this communication. Thank you for your cooperation.

IRS CIRCULAR 230 NOTICE: To assure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing, or recommending to another party any transaction or matter addressed in this communication or attachment.

EXHIBIT E

Gruenloh
Law Firm

9 Broad Street · Suite C
Charleston, South Carolina 29401

Wm. Michael Gruenloh

DELIVERED VIA EMAIL ONLY

David B. Marvel
Prenner Marvel
636 King Street
Charleston, South Carolina 29401

January 7, 2013

Re: IWM v. Crest et. al.

Dear David:

We served discovery in this matter on October 2, 2012. On November 15, 2012 I wrote you enquiring about responses and you advised that discovery answers would be provided the first week of December, 2012. As of the today's date, we have not received Defendants' discovery answers. Please consider this our notice and attempt to confer on this issue prior to the filing of a motion to compel. If we have not received answers to discovery by January 14, 2012 we will be forced to seek court intervention.

Also, you previously advised that you were willing to consent to our motion for the domestication of out of state subpoenas. I previously forwarded the attached consent order via email. If the consent order meets with your approval please sign it and return it to our office.

Respectfully,

s/*Mike Gruenloh*

Wm. M. Gruenloh

Enclosure(s)

(843) 474-1890 (office) · (843) 577-0721 (fax) · www.gruenlohlaw.com · mike@gruenlohlaw.com

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF DORCHESTER)	CASE NO: 2012-CP-18-1227
)	
INNOVATIVE WASTE MANAGEMENT, INC.,)	
)	
Plaintiff,)	
)	**MOTION FOR PROTECTIVE ORDER**
vs.)	
)	
CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE,)	
)	
Defendants.)	
EDWARD H. GIRARDEAU, and RODNEY BRIDGE,)	
)	
Defendant and Third Party Plaintiffs)	
)	
vs.)	
)	
INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD,)	
)	
Plaintiff and Third Party Defendant)	
CREST ENERGY PARTNERS, L.P.)	
)	
Defendant and Third Party Plaintiff,)	
)	
vs.)	
)	
INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD)	
)	
Plaintiff and Third Party Defendant.)	

COMES NOW DEFENDANTS, through undersigned counsel, who hereby move this Honorable Court, pursuant to Rule 26(c), SCRCP, for an order protecting these Defendants from certain discovery which has been sought by the Plaintiff. As grounds for this Order, the Defendants would show unto the Court as follows:

1) Plaintiffs served undersigned counsel with the interrogatories attached as Exhibit A, to be answered by Defendants Crest Energy Partners GP, LLC, Crest Energy Partners, L.P., Dunhill Products GP, LLC., and Dunhill Products L.P. These Interrogatories contain a minimum of 75 inquiries, in violation of Rule 33(b)(9), SCACR. Further, the Defendants request that the Court impose a protective order restricting the release of some information sought by the Plaintiff through these interrogatories.

2) Plaintiffs served undersigned counsel with the interrogatories attached as Exhibit B, to be answered by Defendant Henry Wuertz. These Interrogatories contain a minimum of 71 inquiries, in violation of Rule 33(b)(9), SCACR. In addition, the Interrogatory which is Numbered 19 by the Plaintiff requests information that is irrelevant to any cause of action stated in the lawsuit, and which is otherwise not reasonably calculated to lead to the discovery of admissible evidence. Further, the Defendants request that the Court impose a protective order restricting the release of some information sought by the Plaintiff through these interrogatories.

3) Plaintiffs served undersigned counsel with the interrogatories attached as Exhibit C, to be answered by Defendant Rodney Bridge. These Interrogatories contain a minimum of 63 inquiries, in violation of Rule 33(b)(9), SCACR. In addition, the Interrogatory which is Numbered 18 by the Plaintiff requests information that is

irrelevant to any cause of action stated in the lawsuit, and which is otherwise not reasonably calculated to lead to the discovery of admissible evidence.

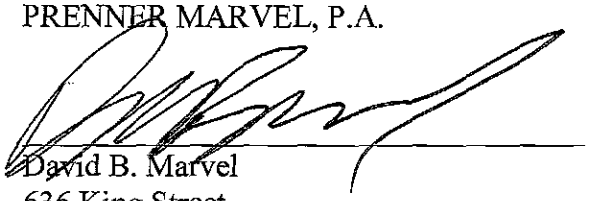
4) Plaintiff served undersigned counsel with the interrogatories attached as Exhibit D, to be answered by Defendant Edward Girardeau. These Interrogatories contain a minimum of 63 inquiries, in violation of Rule 33(b)(9), SCACR. In addition, the Interrogatory which is Numbered 19 by the Plaintiff requests information that is irrelevant to any cause of action stated in the lawsuit, and which is otherwise not reasonably calculated to lead to the discovery of admissible evidence.

The number of interrogatories served by the Plaintiff is patently objectionable, and Defendants are unable to discern which interrogatories Plaintiff would prefer to be answered. Therefore, Defendants request that the Plaintiff pare those interrogatories, including subparts, to 50 or less, at the direction of the Court.

Accordingly, the Defendants respectfully request that this Honorable Court GRANT this motion and issue a Protective Order, pursuant to Rule 26(c), stating as follows:

1) That the Plaintiff shall re-serve its interrogatories on counsel of record, limited in number to fifty interrogatories, including sub-parts, and that Defendants shall respond to these interrogatories within fifteen days of Service;
2) That the Plaintiff's Interrogatories seeking information on the assets of the individual parties be stricken and not be re-served; and
3) Stating such restrictions on confidentiality, use, and disclosure that the Court may deem right and just following a hearing on this cause.

RESPECTFULLY SUBMITTED:
PRENNER MARVEL, P.A.



David B. Marvel
636 King Street
Charleston, South Carolina 29403
Ph. (843) 722 7250
Fax (843)722 7260
dave@prennermarvel.com
Attorneys for Defendants

March 19, 2013
Charleston, SC

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	
	)	
INNOVATIVE WASTE MANAGEMENT, INC.	)	CASE NO. 2012-CP-18-1227
Plaintiff,	)	
versus	)	
	)	
CREST ENERGY PARTNERS GP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE	)	
Defendants.	)	
	)	
EDWARD H. GIRARDEAU, and RODNEY BRIDGE,	)	
Defendants and Third Party Plaintiffs,	)	
versus	)	
	)	
INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD	)	
Plaintiff and Third Party Defendant,	)	
	)	
CREST ENERGY PARTNERS L.P.	)	
Defendants and Third Party Plaintiffs,	)	
versus	)	
	)	
INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD	)	
Plaintiff and Third Party Defendant,	)	

AMENDED MOTION TO COMPEL

NOW COMES Plaintiff Innovative Waste Management, Inc., (hereinafter "IWM") by and through its undersigned counsel, and hereby submits this Amended Motion to Compel, pursuant to Rule 37 of the South Carolina Rules of Civil Procedure, on the grounds that Defendants Crest

Energy Partners GP, L.L. C., Crest Energy Partners L.P., Dunhill Products GP, L.L.C., Dunhill Products L.P., Henry Wuertz, Edward H. Girardeau, and Rodney Bridge (collectively referred to as "Defendants") have failed to provide discovery responses to all outstanding discovery requests and have thereby willfully failed to comply with this Court's March 15, 2013 Order. For the reasons stated below, Plaintiff respectfully request that this Court enter an Order awarding any relief this Court deems necessary and appropriate, including but not limited to striking Defendant's answer and counter-claim, and awarding attorney fees incurred for the bringing of this motion. In support of its motion, Plaintiff states as follows.

FACTUAL AND PROCEDURAL HISTORY

This case stems from the Defendants' theft of over $1 million of oil from Plaintiff in April 2010 along with the misappropriation and use of Plaintiff's trade secrets, all in conjunction and conspiracy with their co-defendants and for the purpose of illicitly using such information for their personal gain and for the profit of their new employer Defendants Dunhill, Crest and Wuertz.

Plaintiff served written discovery on Defendants, including interrogatories and document requests, on October 2, 2012 (See Exhibit 1.) Defendants provided no answers whatsoever and Plaintiffs made multiple attempts to confer with Defendants between November 2012 and January 2013. (See Exhibit 2.) Plaintiff filed its motion to compel on January 31, 2013. On March 8, 2013, the Court informed the parties that this matter was set for hearing on March 15, 2013. On March 12th Defendants' counsel David Marvel contacted Plaintiff's counsel and offered to enter into a consent order under which Defendants would be ordered to "serve responses to all outstanding discovery requests on or before Friday March 22, 2013." (See Exhibit 3.) Counsel conferred multiple times regarding this issue in an attempt to negotiate a

resolution and, on March 15th, counsel reached an agreement for a consent order under which Defendants would "serve responses to all outstanding discovery requests on or before Wednesday March 20, 2013." In addition, it was agreed, upon receiving the approval of the Court, that the March 15th hearing would be continued to April 1, 2013 pending Defendants' compliance with the Order. (See Exhibit 4.) Defendants also agreed to pay $500 to Plaintiff's counsel in recognition of and compensation for the hours Plaintiff's counsel has been forced to spend on this issue but refused to agree to include any mention of that in the Consent Order. (See Exhibit 5.)

On March 20, 2013 Defendants provided the attached responses to Plaintiff's Requests for Production and a Motion for Protective Order. (See Exhibit 6) Defendants also provided a CD that contains 2254 documents, the majority of which are duplicate copies or documents previously produced by Plaintiff in the predecessor of this case.[1] The CD does not contain a document index and the discovery responses give overbroad bates ranges referring to the entire 2254 page production making it impossible to determine which documents in the CD purport to be responsive to which requests. For example, Plaintiff request Defendants to produce any documents that evidence the damages alleged in Defendants' counterclaim. Defendants refer

---

1 The Defendants in this case have a long history of discovery abuses that date back to the predecessor of this suit *Innovative Waste Management v. Crest Energy Partners Group, LLC, Dunhill Products Group, LLC, Henry Wuertz, Edward H. Girarduau and Rodney Bridge* 2:11-cv-01023-RMG filed April 29, 2011in South Carolina District Court. In that case, Defendants failed to provide full answers to discovery and Plaintiff was forced to file a Motion to Compel Answers to Discovery. Plaintiff was also forced to file a motion regarding Defendants' conduct at the deposition of Rodney Bridge wherein defense counsel removed Defendant Bridge from the deposition while a question was pending regarding a number of notebooks taken by Bridge which contained Plaintiff's trade secrets. (See Case no. 2:11-cv-01023-RMG, dckt nos. 29 &34) That case was dismissed on subject matter jurisdiction grounds (Defendant Bridge alleged mid-suit that he was still a resident of South Carolina) prior to those issues being decided by the Court.

Plaintiffs' to "Defendants' Production 1-2254." (See Exhibit 6, Response to Request for Production no. 8 to Girardeau and Bridge.) As a result, Plaintiff is unable to make any determination of the sufficiency of the majority of Defendants' responses. In addition, there are 30 document requests which Defendants have failed to provide any responsive answer or responsive documents. (See Exhibit 6, Responses to Requests for Production nos. 5, 6, 11 and 13 to Bridge; Nos. 5, 6, 11 to Girardeau; Nos. 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 to Wuertz and Nos. 5, 6, 8, 22, 23, 24 and 25.) Plaintiffs have also discovered that at least one request for production was omitted from Defendants' responses. (See Exhibit 6, Responses to Request for Production of Girardeau omitting RFP no. 14.) But for Plaintiff's side by side comparison of the original discovery requests and Defendants' responses, this omission by Defendants would not have been discovered.

Defendants provided no responses to the interrogatories. Instead, Defendants filed the attached Motion for Protective Order in which they raise three objections: 1) that the interrogatories exceed the permissible number and are therefore objectionable pursuant to SCRCP 33(b)(9); 2) that the Court impose a protective order restricting the release of "some information sought by Plaintiff,"[2] and 3) that certain interrogatories served upon individual Defendants Henry Wuertz, Gerry Girardeau and Rodney Bridge are irrelevant. (See Exhibit 6.)

Not a single one of these issues/objections was discussed or raised by Mr. Marvel at any time prior to Defendants serving its deficient discovery response and Motion for Protective Order on March 20th. When Mr. Marvel met and conferred with Plaintiff's counsel regarding the Consent Order, he assumedly had reviewed the discovery requests, considering they had been pending for 6 months, and was aware of any alleged deficiencies in such discovery that might be

2 Defendants' objection is so vague as to make it impossible to determine what the objection is and to which discovery requests it refers.

raised. However, Mr. Marvel did not raise any issue regarding such alleged deficiencies as is required by SCRCP Rule 11(a). In turn, Plaintiff's counsel relied upon Mr. Marvel's assurances as set out in the Consent Order that responses would be provided "to all outstanding discovery requests."

DISCUSSION

South Carolina Rule of Civil Procedure 33(a) states that "the party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories . . ." If, after proper service of Rule 33 interrogatories, the party upon which interrogatories were served has not complied are not answered in a timely fashion the Court, upon motion, may make "such orders in regard to the failure as are just" to remedy the non-compliance. SCRCP 37(d). Among the orders available, the Court may issue "an order that . . . designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party making the order; an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence; [or] an order striking out pleadings or parts thereof, or staying further proceedings . . . or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party." *Id.*

The decision of whether or not to award sanctions is generally entrusted to the discretion of the trial court. QZO, Inc. v. Moyer, 358 S.C. 246, 255, 594 S.E.2d 541, 546 (Ct. App. 2004); Fields v. Regional Med. Ctr. Orangeburg, 354 S.C. 445, 581 S.E.2d 489 (Ct. App. 2003) (decision of what kind and whether to impose discovery sanctions is left to sound discretion of Circuit Court); Karppi v. Greenville Terrazzo Co., 327 S.C. 538, 489 S.E.2d 679

(Ct.App.1997) (noting that imposition of sanctions is generally entrusted to sound discretion of Circuit Court). When a party fails to obey an order relating to discovery, the trial court may strike that party's pleadings and enter a default judgment. QZO, 358 S.C. at 256, 594 S.E.2d at 547; Griffin Grading & Clearing, Inc. v. Tire Serv. Equip. Mfg. Co., 334 S.C. 193, 198, 511 S.E.2d 716, 718 (Ct.App.1999) (citing Rule 37(b)(2)(c), SCRCP); Karppi, 327 S.C. at 542, 489 S.E.2d at 682 (explaining that Rule 37, SCRCP, expressly grants trial court power to order judgment by default for either the violation of a court order or, upon motion, for party's failure to respond to certain discovery requests). When a sanction "would be tantamount to granting a judgment by default, the moving party must show bad faith, willful disobedience or gross indifference to its rights to justify the sanction." QZO, 358 S.C. at 257, 594 S.E.2d at 547 (citing Griffin, 334 S.C. at 198-99, 511 S.E.2d at 719). Before invoking this severe remedy, the trial court must determine that there is some element of bad faith, willfulness, or gross indifference to the rights of other litigants. Karppi, 327 S.C. at 543, 489 S.E.2d at 682.

In QZO, Inc. v. Moyer, Defendant Moyer was accused of starting a competing ambulance service using the trade secrets of QZO, Inc., or Palmetto Ambulance Service ("Palmetto"). Key in this theft of trade secrets was a computer belonging to Palmetto that was taken by Moyer and which supposedly contained information to substantiate Palmetto's allegations. The Court ordered a Temporary Restraining Order preventing Moyer from using any proprietary information on the computer and ordering the immediate delivery of the computer to either Palmetto or a neutral third party. Instead, Moyer delivered the computer 7 days after the issuance of the Temporary Restraining Order, and when the computer was delivered, its hard drive had clearly been wiped. In response to this abuse of discovery and willful disregard of the Order, the circuit court judge awarded sweeping sanctions, striking Moyer's pleading and awarding a

judgment of liability for Palmetto in full. While the sanctions were duly noted as being severe, they were found to be appropriate upon appeal and were not deemed to be an abuse of discretion by the circuit court judge.

In this case, the requested discovery was due on November 7, 2012. No response whatsoever was made by Defendants until March 20, 2013. In attempts to act professionally and facilitate resolution of the matter at hand, counsel for Plaintiff has afforded a large amount of patience to Defendants and their counsel and made many attempts to confer on these issues. Those efforts were ignored. It was only when the matter was set for hearing that Mr. Marvel finally contacted counsel for Plaintiff in an attempt to negotiate a consent order. At no time did counsel for Defendants give any indication that there were any alleged deficiencies regarding the discovery requests.

The Consent Order entered into by the parties was a binding agreement pursuant to Rule 43(k). It is unambiguous in that it requires Defendants to "serve responses to all outstanding discovery requests on or before Wednesday March 20, 2013." Defendants have plainly failed to do that and their production is insufficient in light of the situation in numerous ways as noted herein. It now appears as if the Consent Order was nothing more than a ploy on the part of Defendants to buy additional time, time that cannot be spared by the Plaintiff given this case's position on the trial docket.

Moreover, pursuant to SCRCP Rule 11(a), Mr. Marvel had a duty to confer with Plaintiff's counsel regarding any issues with the interrogatories before making a Motion for a Protective Order. This was not done. As noted above, Defendants have refused to answer a single interrogatory based on their objection that there were too many questions and that it was "unclear" which of the questions should be answered. This non-response is in violation of the

terms of the March 15th Consent Order and outside the parameters of professional conduct.

Defendants conduct in this case is markedly similar to that of the defendant in QZO. Inc. v. Moyer. Just as in QZO, Defendants in this case have exhibited a pattern of willful disregard for discovery procedures and have willfully violated an Order of this Court. Counsel for Plaintiffs has exhausted all attempts at good faith communications, has been forced to file numerous motions and still has not received the discovery to which his client is entitled. This willful disregard has caused undue prejudice to Plaintiff's ability to prepare its case and to prepare a defense to Defendants' counter-claim.

The Defendants' conduct has been present in both this case and the prior federal court case, civil action no. 2:11-cv-01023-RMG. As noted in FN1 above, Defendants were asked in the predecessor case to produce notebooks that were admittedly taken by Defendant Bridge secretly, in the dark of night, prior to his leaving Plaintiffs' employ. The notebooks contained IWM trade secrets in the form of client lists and "everything [Defendant Bridge] worked on at IWM." (See Exhibit 7. See also case no. 2:11-cv-01023-RMG, dckt nos. 29 &34.) Defendants' counsel stopped the deposition when questions were pending regarding this issue, removed Defendant Bridge from eth room so he could not answer and delayed their production of the notebooks for two weeks. (See Exhibit 7 and case no. 2:11-cv-01023-RMG , dckt no. 34.) Upon delivery, it became clear that many pages had been removed from the notebooks.

Defendants' misconduct here is more egregious than that of the Defendant in QZO. Defendants have exhibited a pattern of discovery abuse in two different courts, willfully delaying responses, tampering with evidence, acting in bad faith and with gross indifference to the rights of the Plaintiff and ignoring a Court Order. Accordingly, it would be more than appropriate and within the purview of the Court to strike Defendants Answer and counter-claim.

CONCLUSION

This matter is on the trial roster for April 8, 2013. The Defendants' pattern of discovery abuse including its non-answers in this case, its non-compliance with numerous rules of civil procedure and its failure to abide by the plain language of the March 15th Consent Order have caused undue prejudice to Plaintiff to prepare its case and prepare a defense to Defendants' counterclaim. Plaintiff respectfully requests that this Court strike Defendants Motion for Protective Order apply any and all sanctions available for Defendants willful misconduct and violation of the Court's Order, including payment of attorney's fees and striking the Defendants' answer and counterclaim pursuant to SCRCP Rules 11(a), 37(d) and 43(k).

Respectfully Submitted,

GRUENLOH LAW FIRM
Counsel for Plaintiff and Third Party Defendant

By: _____

Wm. M. Gruenloh SCBAR #12418
Patrick Aulton Chisum SCBAR #100571
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 474-1890
(843) 577-0721 (facsimile)

Date: March 23, 2013
Charleston, South Carolina

FILED-RECORDED
2013 MAR 25 PM 4:40
CLERK OF COURT
DORCHESTER COUNTY

EXHIBIT 2

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

CASE NO 2012-CP-18-1227

INNOVATIVE WASTE MANAGEMENT, INC

Plaintiff

vs

CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS LP, DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS LP, HENRY W. FRITZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE

Defendants

EDWARD H. GIRARDEAU, and RODNEY BRIDGE,

Defendants and Third Party Plaintiffs

vs

INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD

Plaintiff and Third Party Defendant

CREST ENERGY PARTNERS LP

Defendants and Third Party Plaintiffs

vs

INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD

Plaintiff and Third Party Defendant

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CHERYL [illegible]
CLERK OF COURT
DORCHESTER COUNTY

AFFIDAVIT OF WM. MICHAEL GRUENLOH

1. My name is Wm. Michael Gruenoch, Esq., I am counsel for the Plaintiff and Third Party Defendants in the above captioned action. I have never been accused or convicted of a felony. I am of sound mind, I am over the age of eighteen (18) and have personal knowledge of the facts herein.

2. I served Plaintiff's First Requests for Production and Plaintiff's First Set of Interrogatories on Defendants on October 2, 2012.

3. On November 15, 2012, I sent an email to Defendants' counsel David B. Marvel requesting an update on when the discovery requests would be answered.

4. David B. Marvel responded that the discovery answers would be provided in the first week of December 2012.

5. When the promised responses were not received, I moved to confer with Defendants in writing on January 7, 2013 pursuant to Rule 191.2. I co-signed the letter regarding the missing discovery responses. The letter was followed by a telephone call in which I spoke with Mr. Marvel and requested answers to the discovery responses.

6. I have spent 1.5 hours attempting to confer with Defendants on the missing answers to Plaintiff's discovery requests and have spent 2.5 hours drafting the motion to compel which would not have been necessary had Defendants complied with the rules of procedure and provided [illegible]

My Standard hourly fee for [illegible] is $[illegible].

[illegible]

[illegible]

I SWEAR THAT ALL STATEMENTS HEREIN ARE TRUE AND ACCURATE.

Wm. Michael Gruenloh, Esq.

SWORN TO AND SUBSCRIBED before me,
the undersigned on this 25th day of January 2018.

NOTARY PUBLIC FOR THE
STATE OF SOUTH CAROLINA
My Commission Expires: April 29, 2018

---------- Forwarded message ----------
From: **David B. Marvel** <dave@prennermarvel.com>
Date: Thu, Nov 15, 2012 at 3:01 PM
Subject: Re: IWM v. Crest
To: william gruenloh <mike@gruenlohlaw.com>

Mike - hope all is well. I don't think you need my consent to that but sure. I had to put this case on the back burner for a bit - but will get your discovery rolling next week anticipating responses by first week of December. Thanks for your patience.

On Nov 14, 2012, at 11:19 AM, "william gruenloh" <mike@gruenlohlaw.com> wrote:

Dave:

Hope all is well and you are settled into your new office. Can you give me an update on when we can expect discovery answers? Also, are you agreeable to a consent order allowing the domestication of the Shell subpoena?

Gruenloh Law Firm

Mike Gruenloh, Esq. | 9 Broad Street - Suite C | Charleston, SC 29401
Phone: 843-974-4890 | Facsimile: 843-577-0231 | www.gruenlohlaw.com

Gruenloh
Law Firm

9 Broad Street · Suite C
Charleston, South Carolina 29401

Wm. Michael Gruenloh

DELIVERED VIA E-MAIL ONLY

[illegible]

Re: [illegible]

[illegible]

We served [illegible] on October [illegible], 2017. On November 15, 2017 I [illegible] regarding absent responses and you advised that those answers would be provided the first week of December, 2017. As of the [illegible] date we have not received Defendants discovery answers. Please consider this our notice and attempt to confer on this issue prior to the filing of a motion to compel. If we have not received answers to discovery by January 11, 2018 we will be forced to seek court intervention.

Also, you previously advised that you were willing to consent to our motion for the domestication of our out of state subpoenas. I previously forwarded the attached consent order via email. If the consent order meets with your approval please sign it and return it to our office.

Respectfully,

[illegible]

Wm. Michael Gruenloh

Enclosures:

[illegible] mike@gruenlohlaw.com

EXHIBIT 3

FILED-RECORDED
2013 MAR 25 PM 4:40
CLERK OF COURT
DORCHESTER COUNTY

PRENNER • MARVEL, P.A.
ATTORNEYS AT LAW
PROCTORS IN ADM RALTY
535 KING STREET
CHARLESTON, SOUTH CAROLINA 29403

DANIEL L. PRENNER
DAVID B. MARVEL (SC, GA)
KENNETH G. GOODE, JR.

PHONE: (843) 722-7250
FACSIMILE: (843) 722-7280
www.prennermarvel.com

March 12, 2013

2013 MAR 25 PM 4:41
CLERK OF COURT
DORCHESTER COUNTY
FILED-RECORDED

VIA FACSIMILE (843) 577-0721
William M. Gruenloh, Esq.
Gruenloh Law Firm, LLC
9 Broad Street, Suite C
Charleston, South Carolina 29401

RE: Innovative Waste Management, Inc. v. Crest Energy Partners Group
Case No: 2012-CP-18-1227

Dear Mike,

It was a pleasure speaking with you today. I have attached a proposed consent Order relating to your discovery motion. Please review this and let me know if you will consent to this; if so I will submit it to the Judge.

To date, you have not provided us with any responses that you have received to your subpoenas, pursuant to our request of October 15, 2012. Please provide us with copies of those responses at your soonest convenience.

As you know, we are on the docket for the week of April 8, 2013. I would like to request that Judge Dickson set a date certain, given the number of out of state witnesses we will have. Please let me know as soon as possible if you will consent to my motion.

I also need to set a couple of depositions of some IWM employees and Dr. Wood. Let me know what days during the week of the 25th work for you, and please contact Dr. Wood to see what days he is available between now and April 8, 2013.

Thank you for your cooperation. Please do not hesitate to call if you have any questions or concerns.

Sincerely,

David B. Marvel

DBM/sp
Enclosure

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	CASE NO: 2012-CP-18-1227
	)	
INNOVATIVE WASTE MANAGEMENT, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, And RODNEY BRIDGE,	)	

IT APPEARING THAT the Plaintiff has moved this Court to compel the Defendants to provide responses to its Interrogatories and Requests for Production propounded on October 2, 2012; and IT NOW APPEARING that the Parties have consented pursuant to the South Carolina Rule of Civil Procedure 37 to this Order on Plaintiff's Motion to Compel Responses to Discovery. IT IS THEREFORE HEREBY ORDERED, ADJUDGED, AND DECREED that the Defendants shall serve responses to all outstanding discovery requests on or before Friday March 22, 2013. If Defendants fail to do so, Plaintiff may apply to the Court for an Order awarding Plaintiff its costs and attorneys' fees incurred in prosecuting this Motion. This Order is without prejudice to Plaintiff's right to move to compel additional responses should it contend that Defendants' responses are inadequate.

IT IS SO ORDERED!

Presiding Judge

March ___, 2013
St. George, South Carolina

Gruenloh
Law Firm

9 Broad Street - Suite C
Charleston, South Carolina 29401

Wm. Michael Gruenloh

DELIVERED VIA EMAIL ONLY

David B. Marvel
Peter C. Marvel
9 Broad Street
Charleston, South Carolina 29401

March 2, 2015

Re: IWM v. Crest et. al.

Dear David:

Thank you for your letter. I note that it is the first response to my January 7, 2015 correspondence requesting discovery answers that were due from your client on November 7, 2012. In your letter you request that we enter into a Consent Order to allow an additional ten (10) days to answer discovery. You provide no explanation for the four (4) month delay nor does the Consent Order address the many hours my firm has been forced to put in as a result of your clients' failure to comply with the Rules of Civil Procedure. Also, given your clients' history of discovery abuse and the impending trial date in this case, my client is unwilling to [illegible] With that said, I would prefer not to have to [illegible] If your client is willing to provide full discovery as soon as reasonably practicable and pay my reasonable hours spent on this issue, I am willing to [illegible] Consent Order.

Next you raise the issue of the subpoenas served upon Shell and McQueary Trading. As you know, we had to go through the Texas court system to domesticate our out of state subpoenas. The subpoenas were approved and served in February. We will provide copies of all documents received pursuant to the subpoenas when they are received.

Regarding your request that we consent to a motion for a date certain, I cannot consent to any such motion at this time.

As to your request for depositions, I will check with Dr. Wood's office regarding his availability. Please let me know when depositions you would like to take and I will do my best to get available dates prior to [illegible] would have preferred that we had received this request before the case was [illegible]

Sincerely,

Wm. M. Gruenloh

(843) 422-1860 (office) (843) 577-0720 (fax) www.gruenlohlaw.com mike@gruenlohlaw.com

FILED-RECORDED
2013 MAR 25 PM 4:41
CLERK OF COURT
DORCHESTER COUNTY

EXHIBIT 4

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS

CASE NO: 2012-CP-18-1227

INNOVATIVE WASTE MANAGEMENT, INC.,

Plaintiff,

vs.

CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE,

Defendants.

CONSENT ORDER ON PLAINTIFF'S MOTION TO COMPEL

FILED FOR RECORD
2013 MAR 25 PM 4:41
CLERK OF COURT
DORCHESTER COUNTY

EDWARD H. GIRARDEAU, and RODNEY BRIDGE,

Defendant and Third Party Plaintiffs

vs.

INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD,

Plaintiff and Third Party Defendant

CREST ENERGY PARTNERS, L.P.,

Defendant and Third Party Plaintiff,

vs.

INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD

Plaintiff and Third Party Defendant.

Mike Gruenloh, Esq. | 9 Broad Street Suite C Charleston, SC 29401
Phone: 843-474-1890 | Facsimile: 843 577-0721 | www.gruenlohlaw.com

[Quoted text hidden]

David B. Marvel < dave@prennermarvel.com> Thu, Mar 14, 2013 at 5:11 PM
To: william gruenloh <mike@gruenlohlaw.com>
Cc: Patrick Aulton Chisum <patrick@gruenlohlaw.com>

Sorry I haven't had a chance to look at it. Will have it back to you in the morning.
[Quoted text hidden]

David B. Marvel < dave@prennermarvel.com> Fri, Mar 15, 2013 at 6:47 AM
To: Patrick Aulton Chisum <patrick@gruenlohlaw.com>
Cc: william gruenloh <mike@gruenlohlaw.com>

Mike. I don't want to agree in a court order that $500 is reasonable compensation for this type of discovery dispute. I recommended that to the client as a courtesy, but I don't want it to ever appear to anyone else that it was imposed as a sanction against them or me. That being said, I'm willing to write you that check today. So please remove that portion from the Order and let me know when you can send someone by to pick it up. Thanks.
[Quoted text hidden]

<IWM M2C Consent Order0001.pdf>

Mike Gruenloh < gruenlohlaw1@gmail.com> Fri, Mar 15, 2013 at 8:32 AM
To: "David B. Marvel" <dave@prennermarvel.com>
Cc: Patrick Aulton Chisum <patrick@gruenlohlaw.com>, william gruenlon <mike@gruenlohlaw.com>

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Best regards,

David B. Marvel

Prenner Marvel, P.A.

636 King Street

Charleston, South Carolina 29403

Ph. (843) 722-7250

Fax (843) 722-7260

dave@prennermarvel.com

From: Mike Gruenloh [mailto:gruenlohlaw1@gmail.com]
Sent: Friday, March 15, 2013 8:32 AM
To: David B. Marvel
Cc: Patrick Aulton Chisum; william gruenloh
Subject: Re: IWM Consent Order

[Quoted text hidden]

2 attachments

- **12-1227 Consent Order on Motion to Compel.pdf** 45K
- **IOLTA check 2381 to Gruenloh.pdf** 20K

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https://mail.google.com/mail/u/0/?ui=2&ik=b6996bd4ca&view=pt&q=marvel&qs=true&s... 4/3/2013

PRENNER • MARVEL P.A.
ATTORNEYS AT LAW
PROCTORS IN ADMIRALTY
[illegible]

DANIEL L. PRENNER
DAVID B. MARVEL (SC, GA)
KENNETH G. GOODE, JR.

PHONE (843) 722-3900
FACSIMILE (843) 722-3950
www.prennermarvel.com

March 15, 2013

BY HAND

William M. Gruenloh, Esq.
Gruenloh Law Firm, LLC
9 Broad Street, Suite C
Charleston, South Carolina 29401

RE: Innovative Waste Management, Inc. v. Crest Energy Partners Group
Case No: 2012-CP-18-1227

Dear Mike,

I have enclosed the original executed Consent Order on Plaintiff's Motion to Compel along with our firm's trust account check No. 2381 in the amount of $500 made payable to your firm as attorneys for Innovative Waste Management, Inc.

I appreciate your courtesy on the Motion to Compel, and note that the payment herewith is made by my client Crest Energy Partners GP, LLC, as a courtesy to your client noting that the delays in formulating our responses to your discovery related to the business operations and relationships of and between my clients, which are only tangentially related to the issues presented by this case.

Pursuant to our agreement we will respond to outstanding discovery by next Wednesday, and I look forward to moving this matter forward. If you have any questions, comments, or concerns, please do not hesitate to call.

Sincerely,

David B. Marvel

DBM/sp
Enclosures

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2013 MAR 25 PM 4:41
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

EXHIBIT 5

william gruenloh< gruenlohlaw1@gmail.com>

IWM v. Crest

w lliam gruenloh< mike@gruenlohlaw com>
To: "David B Marvel" <dave@prennermarvel com>

Thu, Mar 14, 2013 at 11:31 AM

David

To confirm our earlier conversation, I am negotiable on the amount of attorneys' fees to be paid to my office in connection with the pending motion to compel You suggested $400 and I believe that is a bit light given the hours we have been forced to spend on it However, my bigger issue is the fact that this case is coming up for trial in April and we still have no discovery responses Given the prior responses to discovery in the federal case, I'm anticipating that we may have disagreements regarding your clients' responses once they are received One thought is that we might push this matter to the next motion hearing date to give you a chance to provide answers. That would also give me a chance to evaluate the discovery and determine whether we need the court's assistance This would eliminate the need for us to go to the court twice on discovery issues. Of course this option is dependant upon the court's willingness to push the motion to the next available date My review of the court roster suggests we might be able to get on the docket April1 if necessary

I'd like to hear from you today on these two issues

Gruenloh Law Firm

Mike Gruenloh, Esq. | 9 Broad Street Suite C | Charleston, SC 29401
Phone: 843 474-1890 | Facsimile: 843 577-0721 | www.gruenlohlaw.com

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CLERK OF COURT
DORCHESTER COUNTY

Gmail william gruenloh< gruenlohlaw1@gmail.com>

IWM Consent Order

9 messages

Patrick Aulton Chisum< patrick@gruenlohlaw com> Thu, Mar 14, 2013 at 3 26 PM
To dave@prennermarvel com
Cc william gruenloh <mike@gruenlohlaw com>

Mr Marvel

Attached is our proposed Consent Order After you have reviewed the order please sign and forward the original to our office Once we have received it we will file it with the court

Thanks

Patrick

Gruenloh Law Firm

Patrick Aulton Chisum, Esq. | 9 Broad Street Suite C | Charleston, SC 29401
Phone: 843 474-1890 | Facsimile: 843 577-0721 | www.gruenlohlaw.com

IWM M2C Consent Order0001.pdf
81K

w lliam gruenloh< mike@gruenlohlaw com> Thu, Mar 14, 2013 at 4 50 PM
To dave@prennermarvel com
Cc Patrick Aulton Chisum <patrick@gruenlohlaw com>

Dave

Could you please let us know by 10 00 am tomorow morning if you have any disagreement with the consent order we forwarded earlier today

Gruenloh Law Firm

Mike Gruenloh, Esq. | 9 Broad Street Suite C | Charleston, SC 29401
Phone: 843 474-1890 | Facsimile: 843 577-0721 | www.gruenlohlaw.com

---

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Subject: Re: IWM Consent Order

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2 attachments

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william gruenloh< mike@gruenlohlaw.com> Fri, Mar 15, 2013 at 10:21 AM
To: "David B. Marvel" <dave@prennermarvel.com>
Cc: Patrick Aulton Chisum <patrick@gruenlohlaw.com>

My practice is to include every part of the agreement between the parties in the Consent Order. The payment your client agreed to make to my firm is clearly part of the agreement and is in response to our request that the court award sanctions for the failure to comply with the rules of procedure which resulted in my firm having to engage in motion practice. Hopefully, we will not be back before the court on discovery related issues but if the payment of my time becomes an issue we will put the correspondence and our understanding on the record and let the court decide if it was a courtesy. We'll have someone by your office to pick up the Order and check today.

I'm glad we were able to avoid a trip to Dorchester today and look forward to receiving your client's responses next Wednesday

--

Gruenloh Law Firm
Mike Gruenloh, Esq. | 9 Broad Street Suite C | Charleston, SC 29401
Phone: 843 474-1890 | Facsimile: 843 577-0721 | www.gruenlohlaw.com

[Quoted text hidden]

wi liam gruenloh< mike@gruenlohlaw com> Fri, Mar 15, 2013 at 10:22 AM
To: Trevor Threet <trthreet@charlestonlaw edu>

[Quoted text hidden]

--

Gruenloh Law Firm

Mike Gruenloh, Esq. | 9 Broad Street Suite C | Charleston, SC 29401
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DBM/sp
Enclosures

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2013 MAR 25 PM 4:41
CLERK OF COURT
FORCHESTER COUNTY

EXHIBIT 7

00001

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

INNOVATIVE WASTE MANAGEMENT, INC., Plaintiff,	)	
v.	)	Civil Action No. 2:11-cv-01023-RMG
CREST ENERGY PARTNERS GROUP, LLC, CREST ENERGY PARTNERS L.P., et al. Defendant.	)	

****

ORAL DEPOSITION OF
RODNEY S. BRIDGE
FEBRUARY 2, 2012

****

ORAL DEPOSITION OF RODNEY S. BRIDGE, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 2nd of February, 2012, from 9:07 a.m. to 12:54 p.m., and continuing at 2:54 p.m. to 3:37 p.m., before Mona S. Whitmarsh, CSR, RPR, in and for the State of Texas, reported by machine shorthand, at the offices of Stratos Legal Services, L.P.; 4295 San Felipe, Suite 125; Houston, Texas, pursuant to the provisions stated on the record or attached hereto.

FILED RECORDED
2013 MAR 25 PM 4:41
CLERK OF COURT
DORCHESTER COUNTY

00044

about the payment that was to have been received for this trade?

MR. MARVEL: Object to the form.

A No.

Q (BY MR. GRUENLOH) So your testimony is that you just set the deal up by the use of your contacts; and then you stepped away from it?

MR. MARVEL: Object to form.

A I wouldn't say, "stepped away from it."

Q (BY MR. GRUENLOH) Explain to me why you wouldn't say that.

A I mean, I was involved with Gerry and the deal. I -- Gerry was the lead on the deal. I did any kind of -- anything to do to help the deal go through or anything he needed me to do.

Q I asked you earlier about where you stored your contacts for Shell, and you indicated at your office at IWM. When you left IWM for the last time on April 19th, did you take that notebook that you were referring to earlier with you?

A Yes.

Q All right. Aside from Mr. Fred Goodson, what other contact information was in that notebook?

A Everything I work on.

Q Everything that you worked on for my client's

00045

company? For IWM?
A Personal stuff when I was -- you know, personal stuff is involved in those notebooks, too.
Q Let me ask you a specific question then: When you left your office at IWM for the last time on April 19th, you took a notebook with you, correct?
A Correct.
Q All right. And did that notebook have all of the contact information in it that you used to conduct business on behalf of my client's company?
A Yes.
Q Have you used that notebook and those -- that contact information in any way after April 19th, 2010?
MR. MARVEL: Object to form.
A Yes.
Q (BY MR. GRUENLOH) In what way?
A In conducting business.
Q For what company?
A Crest Energy.
Q Have you been successful at doing that?
MR. MARVEL: Object to form.
A What's your definition of "success"?
Q (BY MR. GRUENLOH) Have you made a profit for your company by using those contacts and that information that was contained in that notebook?

00046

A Yes.
Q Can you tell me what order of magnitude?
MR. MARVEL: Object to form.
A I don't understand that question.
Q (BY MR. GRUENLOH) Can you tell me how much money you have made for your new company by using the information --
A I have no idea.
Q Is it millions?
A I have no idea.
Q Is that knowable?
A I am sure once --
MR. MARVEL: Object to form.
A -- the numbers are calculated. I don't know.
Q (BY MR. GRUENLOH) Well, is it knowable or not?
A I'm sure it is.
Q Now, when you went over to Dunhill on April 20th, 2010, did you continue to trade with Shell? Strike that.
When you went over to Dunhill on April 20th, 2010, did you continue to conduct business with Shell?
A Yes.
Q Can you give me the names of the contacts that you conducted business with at Shell in, let's say, the first six months of 2010 while you were at Dunhill?

00052

like the real four horsemen, I guess.
MR. MARVEL: Off the record.
(OFF-THE-RECORD DISCUSSION.)
Q (BY MR. GRUENLOH) All right. So I asked you for your list of clients earlier and your counsel objected and you said that you believe that that was proprietary information.
How about -- can you give me a list of the refineries that your company does business with now?
MR. MARVEL: Same objection.
I'll instruct you not to answer. That's confidential information.
Q (BY MR. GRUENLOH) Do you believe that the list of refineries that your company does business with is confidential information?
A I mean, it can be public knowledge. I mean...
Q How would we find that out?
A Go to the EPA website, type in Envirofacts.
Q Type in what, I'm sorry?
A EPA website, Envirofacts, punch in 2911. That will give you a list of every refinery in the United States.
Q And will it tell us who does business with whom?
A No.

00053

Q You are not willing to tell me today, based upon your counsel's instructions, who your company does business with in terms of refineries, are you?
A Correct.
Q All right. Can you tell me if your company holds any management contracts with any refineries?
A I think that's proprietary information.
MR. MARVEL: Let me explain what I think he asked. I mean, it's his question; but I think he was asking you do you know if your company has any management contracts with any refinery, period. Yes-or-no question.
A That's a proprietary question.
MR. CREW: You can answer it.
MR. MARVEL: I am not suggesting that you know or don't.
THE WITNESS: Okay.
A Yes.
MR. MARVEL: It's either "yes" or "no" or --
Q (BY MR. GRUENLOH) It does?
A Yes.
Q How many?
MR. MARVEL: That may be proprietary.
A Proprietary.

00054

Q (BY MR. GRUENLOH) Your counsel has told you that it's proprietary --
A I think everything you are asking is proprietary --
Q I see.
A -- when it comes to asking me about if we manage a refinery.
Q Let's change subjects then. How about --
MR. MARVEL: Object to relevancy as well.
Q (BY MR. GRUENLOH) How about the method by which your company disposes of water?
MR. MARVEL: That would be trade secret.
A Trade secret.
Q (BY MR. GRUENLOH) You are not willing to tell me that today?
A No.
Q Okay.
MR. MARVEL: Just -- I've sort of been doing this haphazardly; but when I raise these objections, let's include for the future that that's a relevance objection as well.
Q (BY MR. GRUENLOH) Aside from the notebook that we talked about earlier -- strike the "aside" part. New question.
The notebook that we talked about earlier that

00055

you maintained in your office at IWM, that had the list of contacts, clients and trading partners, right?

A It wasn't a list.

Q What was it?

A My notes.

Q And it contained contact information and other information regarding clients and trading partners, correct?

A Correct.

Q Do you still have that notebook?

A Yes.

Q Where is it?

A It's in my desk.

Q Your desk where?

A In Houston.

Q Here in Houston?

A Uh-huh.

Q All right. When we take a break today to take Mr. Wuertz' deposition, you are going to come back after that deposition is over; and we are going to conclude your deposition today. Can you bring that notebook with you?

MR. CREW: No.

A No.

Q (BY MR. GRUENLOH) Why not?

00056

MR. CREW: Let's go off the record.
MR. GRUENLOH: No. Let's stay on the record.
MR. MARVEL: Let's go off the record, and then we will put it back on.
MR. CREW: We are going to excuse him -- go out of the room -- because I am going to make an objection here or I am going to talk to Dave and Dave can make the objection, however we are going to handle it.
(Reporter's Note: Mr. Bridge left the conference room.)
(OFF-THE-RECORD DISCUSSION.)
MR. MARVEL: Let's go back on the record.
MR. GRUENLOH: I want to get the judge on the line.
MR. CREW: We are going to give it to you --
MR. GRUENLOH: This is outrageous.
MR. MARVEL: Why don't we do this.
MR. GRUENLOH: This is outrageous.
MR. MARVEL: We haven't even looked at it yet.
MR. GRUENLOH: Outrageous.
MR. MARVEL: Okay. All right. Call him.

00066

Q Now, I believe you have already testified that you did not store the information that's in this notebook on the computer system, correct?

MR. MARVEL: Object to form.

A No.

Q (BY MR. GRUENLOH) Okay. Now, on April 19th do you remember about what time you left IWM?

A I don't recall.

Q Did you fly out to Houston that night, or did you fly out to Houston the following morning?

A Tuesday morning.

Q Was it nighttime when you left the building for the last time at IWM?

A Yes.

Q Can you tell me approximately what time?

A Probably around 11:00.

Q 11:00 p.m.?

A Uh-huh.

Q Was there anybody at the building while you were cleaning out your belongings and took the notebook and the telephone that we have talked about?

A No.

Q And I believe we have already discussed the fact that you did not tell Mr. Lloyd when you spoke with him on the 19th that you were leaving his employ,

00210

A Sure.
Q You testified earlier that you and Mr. Girardeau had no discussions regarding the fact that you were leaving Innovative Waste Management prior to your arrival in Houston; is that correct?
MR. MARVEL: Object to form.
A Correct.
Q (BY MR. GRUENLOH) And when was the first time that you and Mr. Girardeau -- well, let me ask this: Did you and Mr. Girardeau ever get together and discuss this claim that you have made for outstanding wages?
A Since this lawsuit?
Q Well, have you ever? Let's start there.
A What do you mean by "have you ever"?
Q Have you and Mr. Girardeau ever gotten together and talked about your wage claim?
A I don't know.
Q Did you and Mr. Girardeau get together and talk about a wage claim prior to your employment with Dunhill?
A No.
MR. GRUENLOH: Let's mark this as 31.
(EXHIBIT 31 WAS MARKED.)
Q (BY MR. GRUENLOH) All right. Sir, I'm showing you Exhibit No. 26 --

00211

A Okay.
Q -- and Exhibit No. 31, and we are going to do that side-by-side thing that we did before. Okay?
A Okay.
Q If you look at "Please forward" on Exhibit No. 26 on and "Please forward" on Exhibit No 31 on, can you tell me: Aside from the addresses, are those exactly the same?
A Similar.
Q What is the difference?
A Russ -- I mean, excuse me, Gerry talks about the opportunities Russ gave him, yada, yada, yada.
Q Right. I'm just talking about your wage claim here where it says, "Please forward" on your e-mail and the rest of the paragraph and on his e-mail it says, "Please forward" and the rest of the paragraph. Look at those two paragraphs and tell me, sir: Aside from the address, are those exactly the same?
A They look similar.
Q No, no, no.
My question is: Aside from the address, are those exactly the same?
A Yes.
MR. GRUENLOH: Let's take a short break. I want to go through my notes.

CERTIFICATE OF SERVICE

I, the undersigned, Patrick Aulton Chisum of the Gruenloh Law Firm, certify that **PLAINTIFF'S AMENDED MOTION TO COMPEL** was Hand Delivered to attorneys for the Defendants:

David B. Marvel
Prenner Marvel
Attorney for Defendants
636 King Street
Charleston, South Carolina 29403

on the 25th Day of March, 2013.

FILED-RECORDED
2013 MAR 25 PM 4:39
CLERK OF COURT
DORCHESTER COUNTY

By: _____
Patrick Aulton Chisum SCBAR #100571
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 474-1890
(843) 577-0721 (facsimile)

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

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Plaintiff,

vs.

CREST ENERGY PARTNERS GP, LLC, CREST ENERGY PARTNERS, L.P., DUNHILL PRODUCTS GP, LLC, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE,

Defendants.

MOTION FOR PROTECTIVE ORDER

EDWARD H. GIRARDEAU, and RODNEY BRIDGE,

Defendant and Third Party Plaintiffs

vs.

INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD,

Plaintiff and Third Party Defendant

CREST ENERGY PARTNERS, L.P.

Defendant and Third Party Plaintiff,

vs.

INNOVATIVE WASTE MANAGEMENT, INC. and C. RUSS LLOYD

Plaintiff and Third Party Defendant.

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2013 AUG 21 PM 12:18
CHERYL [illegible]
CLERK OF COURT
DORCHESTER COUNTY

COMES NOW DEFENDANTS, through undersigned counsel, who hereby move this Honorable Court, pursuant to Rule 26(c), SCRCP, for an order protecting these Defendants from certain discovery which has been sought by the Plaintiff. As grounds for this Order, the Defendants would show unto the Court as follows:

1) Plaintiff served undersigned counsel with Supplementary Production Request as to Defendants Crest and Dunhill, Defendant Wuertz, Defendant Girardeau and Defendant Bridge, attached as Exhibits A-1 through A-4. These production requests are overly burdensome given the volume of the previous discovery served on the Plaintiff, and Defendants request that the Court impose a protective order restricting the Plaintiffs from such request.

2) Further and in support of this motion, Defendants would refer to a Protective Order signed by this Honorable Court on April 1, 2013, limiting the scope of financial discovery requested of Defendants, and aver Plaintiff's are in violation of the Court's Protective Order.

Accordingly, the Defendants respectfully request that this Honorable Court GRANT this motion and issue a Protective Order, Pursuant to Rule 26(c), stating that Plaintiff's Supplementary Production Requests as to each Defendant, are overly burdensome and in violation of the Court's April 1, 2013 protective order, and the discovery not be had.

RESPECTFULLY SUBMITTED:

PRENNER MARVEL, P.A.

David B. Marvel
Kenneth G. Goode, Jr.
636 King St.
Charleston, South Carolina 29403

Ph. (843) 722-7250
Fax (843) 722 7260
dave@prennermarvel.com
kennyg@prennermarvel.com

ATTORNEYS FOR DEFENDANTS
AND THIRD PARTY PLAINTIFFS

August 16, 2013
Charleston, South Carolina

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading was mailed to all counsel of record in this proceeding this 16 day of August, 2013

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER	IN THE COURT OF COMMON PLEAS
INNOVATIVE WASTE MANAGEMENT, INC. Plaintiff, versus CREST ENERGY PARTNERS GP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE Defendants.	CASE NO. 2012-CP-18-1227 **PLAINTIFF'S FIRST SUPPLEMENTAL REQUESTS TO PRODUCE TO DEFENDANTS CREST & DUNHILL**

FILED - RECORDED
2013 AUG 21 PM 12:18
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

To: David B. Marvel, Attorney for the Defendant

Plaintiff about named, by and through undersigned counsel, hereby serves the following Request for Production on the Defendant pursuant to South Carolina Rule of Civil Procedure Rule 34. Defendant has 30 days from the date of service hereof to provide written response to these requests and to provide full and complete answers to these Requests for Production, in writing, under oath. If hereinafter you are asked to produce documents or other materials which are not in your possession, but you are aware of who may have some, please either obtain a copy and produce same or set forth the name, current address and telephone number of the person or entity who may be in possession of same. Defendant's response shall be separately and fully stated in writing and under oath. oath.

DEFINITIONS

1. "You" and "your" shall mean Defendants, as well as their/its agents, attorneys, and any other individual or entity associated or affiliated with them or purporting to act on their/its behalf.

2. "Defendant" means any and all of the above-named Defendants and further means all officers, employees, agents, attorneys, and/or representatives of Defendants.

EXHIBIT
depobook.com
ROA 7330

3. "Writing" or "document" as used herein shall be understood to mean all originals and drafts of any kind of written, graphic, printed, typed, or otherwise recorded matter, however produced or reproduced, whether or not privileged, and whether or not in the actual or constructive possession, custody, care or control or you, your agents, employees, and attorneys, included but not limited to all contracts of any nature, all correspondence, tapes, disks, microfilms, photographs, telegrams, notes, sound recordings, minutes of meeting, memoranda of all types, interoffice communications, reports, contracts, licenses, agreements, ledgers, books of accounts, vouchers, bank checks invoices, purchase orders, charge slips, hotel charges, copies of tax returns tax reports, receipts, working papers, computers printouts, computer generated or electronic data, computer disks, statistical records, delivery records, stenographers' notebooks, desk calendars, appointment books, diaries, time sheets and logs, and any paper or recording similar thereto, where made or received by you.

4. The singular of any word herein shall be deemed to include the plural of such word and the plural shall include the singular. The masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine. The word "and" shall be deemed to include the word "or" and the word "or" shall be deemed to include the word "and." Each of the functional words "each," "any," and "all" shall be deemed to include each of the other functional words.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business, or governmental entity or subdivision, agency, department, and any "person" by whom such "person" was controlled with respect to the matter in question.

6. A communication, document, or writing "relating," "related," or "which relates" to any given subject means communication, document or writing that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

INSTRUCTIONS

1. In the event that any objection is made to the production of any document fairly comprised within the scope of the following requests, you shall furnish in lieu of the production of such a documents, a list of each document withheld from production together with the following information: (a) the reason for withholding production; (b) a statement of the facts constituting the basis for you withholding; and (c) a brief description of the document withheld, including: (i) the date upon which the document originated; (ii) the identify of its author or preparer; (iii) the identity of each person who was a recipient of the document; (iv) the specific request which encompasses the document; (v) a brief description of the subject matter of the document; and (vi) the identify of all persons who have personal knowledge of the subject matter.

2. For each request of part thereof that you refuse to respond to on the grounds of burdensomeness, the response should state: (a) the number of files and /or documents needed to be searched; (b) the location of each such file; (c) the number of hours required to conduct the

search; and (d) the estimated cost of the search in dollars.

3. If any document requested herein or fairly comprised within the scope of the request has been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (a) the date of origin; (b) a brief description of such document; (c) the author or preparer of the document; (d) the date on which the document was lost or destroyed; and (e) a brief statement of the manner in which the document was lost or destroyed.

4. With respect the following requests, you shall identify and/or prepare all documents which are known to you or which can be located to discovered by you through diligent effort on the part of you, your employees, representatives, attorneys, accountants, including but not limited to all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys, or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

5. These Requests for Production shall be deemed continuing in nature. Should Defendants acquire additional documents responsive to these requests after serving responses hereto, the responses shall be supplemented immediately.

DOCUMENT REQUESTS

1. Produce an accounting of the income derived by you or any defendant in his lawsuit from the use of the notebooks referred to by Defendant Bridge at page 45, line 12 through page 46, line 16 of his February 2, 2012 deposition attached hereto.

RESPONSE:

2. Produce all records, including but not limited to any invoice receipts or correspondence regarding any communications you have had with the following companies in the time period between January 2009 and the present:

    a. Gulf Stream Tanker Chartering

    b. Shell Oil

    c. Amspec L.L.C.

    d. Sunoco

    e. Dow

f. Albermarle

g. Exxon

h. United Solutions Inc.

i. Colonial Pipeline

j. Texas Molecular

k. Cross Oil

l. Esso/Imperial Oil

m. Conoco Phillips

n. CVR Energy Coffeeville Resources

o. Century DRO Signal Oil and Chemical Co.

p. Eastman Chemical

q. Lion Oil, and

r. Macquarie Energy Trading.

RESPONSE:

3. Produce completed, properly executed originals of the following enclosed documents:

   a. Internal Revenue Service Form 4506-T for Transcripts of Tax Returns of Crest Energy Partners Group, LLC for the years 2008 through 2011;

   b. Internal Revenue Service Form 4506-T for Transcripts of Tax Returns of Crest Energy Partners LP for the years 2008 through 2011;

   c. Internal Revenue Service Form 4506-T for Transcripts of Tax Returns of Dunhill Products Group LLC for the years 2009 through 2012;

   d. Internal Revenue Service Form 4506-T for Transcripts of Tax Returns of Dunhill Products LP for the years 2009 through 2012;

4. Produce any and all documents relating to the termination of the employment of Defendants Bridge and Girardeau from Defendant Crest.

RESPONSE:

GRUENLOH LAW FIRM
Counsel for the Plaintiff

By: _____

Patrick Aulton Chisum SCBAR #100571
Wm. M. Gruenloh SCBAR # 12418
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 577-0027
(843) 577-0721 (facsimile)

Date: July 3, 2013
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **PLAINTIFF'S FIRST SUPPLEMENTAL REQUESTS FOR PRODUCTION TO DEFENDANTS CREST AND DUNHILL** in the above matter were served on the below named parties and/or their respective counsel and /or agents by personal delivery to the following address on the date below.

David B. Marvel
Prenner Marvel
636 King Street
Charleston, South Carolina 29403
Attorney for Defendants

By: _____

Patrick Aulton Chisum SCBAR #100571
Wm. M. Gruenloh SCBAR # 12418
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 577-0027
(843) 577-0721 (facsimile)

Date: July 3, 2013
Charleston, South Carolina

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

INNOVATIVE WASTE MANAGEMENT, INC., Plaintiff,	)	
v.	)	Civil Action
	)	No. 2:11-cv-01023-RMG
CREST ENERGY PARTNERS GROUP, LLC, CREST ENERGY PARTNERS L.P., et al. Defendant.	)	

****

ORAL DEPOSITION OF

RODNEY S. BRIDGE

FEBRUARY 2, 2012

****

ORAL DEPOSITION OF RODNEY S. BRIDGE, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 2nd of February, 2012, from 9:07 a.m. to 12:54 p.m., and continuing at 2:54 p.m. to 3:37 p.m., before Mona S. Whitmarsh, CSR, RPR, in and for the State of Texas, reported by machine shorthand, at the offices of Stratos Legal Services, L.P.; 4295 San Felipe, Suite 125; Houston, Texas, pursuant to the provisions stated on the record or attached hereto.

company? For IWM?

A Personal stuff when I was -- you know, personal stuff is involved in those notebooks, too.

Q Let me ask you a specific question then: When you left your office at IWM for the last time on April 19th, you took a notebook with you, correct?

A Correct.

Q All right. And did that notebook have all of the contact information in it that you used to conduct business on behalf of my client's company?

A Yes.

Q Have you used that notebook and those - that contact information in any way after April 19th, 2010?

MR. MARVEL: Object to form.

A Yes.

Q (BY MR. GRUENLOH) In what way?

A In conducting business.

Q For what company?

A Crest Energy.

Q Have you been successful at doing that?

MR. MARVEL: Object to form.

A What's your definition of "success"?

Q (BY MR. GRUENLOH) Have you made a profit for your company by using those contacts and that information that was contained in that notebook?

A Yes.

Q Can you tell me what order of magnitude?

MR. MARVEL: Object to form.

A I don't understand that question.

Q (BY MR. GRUENLOH) Can you tell me how much money you have made for your new company by using the information --

A I have no idea.

Q Is it millions?

A I have no idea.

Q Is that knowable?

A I am sure once --

MR. MARVEL: Object to form.

A -- the numbers are calculated. I don't know.

Q (BY MR. GRUENLOH) Well, is it knowable or not?

A I'm sure it is.

Q Now, when you went over to Dunhill on April 20th, 2010, did you continue to trade with Shell? Strike that.

When you went over to Dunhill on April 20th, 2010, did you continue to conduct business with Shell?

A Yes.

Q Can you give me the names of the contacts that you conducted business with at Shell in, let's say, the first six months of 2010 while you were at Dunhill?

Form **4506-T**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Request for Transcript of Tax Return

► **Request may be rejected if the form is incomplete or illegible.**

OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return.** There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first. CREST ENERGY PARTNERS GROUP, LLC	1b **First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)**
2a If a joint return, enter spouse's name shown on tax return.	2b **Second social security number or individual taxpayer identification number if joint tax return**

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Gruenloh Law Firm, Attn: Patrick Aulton Chisum, 9 Broad Street, Suite C, Charleston, SC 29401

Caution. *If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.*

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ► 1120

a **Return Transcript,** which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days . . . . . ☒

b **Account Transcript,** which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days . ☐

c **Record of Account,** which provides the most detailed information as it is a combination of the Return Transcript and the Account Transcript. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days . . . . . ☐

7 **Verification of Nonfiling,** which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days . . ☐

8 **Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript.** The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2010, filed in 2011, will not be available from the IRS until 2012. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days . . . ☐

Caution. *If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.*

9 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately. 2008 | 2009 | 2010 | 2011

Check this box if you have notified the IRS or the IRS has notified you that one of the years for which you are requesting a transcript involved **identity theft** on your federal tax return . . . . . ☐

Caution. Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** *For transcripts being sent to a third party, this form must be received within 120 days of the signature date.*

Sign Here	► **Signature** (see instructions)	**Date**
		Phone number of taxpayer on line 1a or 2a
	► **Title** (if line 1a above is a corporation, partnership, estate, or trust)	
	► **Spouse's signature**	**Date**

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about Form 4506-T at *www.irs.gov/form4506*. Information about any recent developments affecting Form 4506-T (such as legislation enacted after we released it) will be posted on that page.

General Instructions

CAUTION. *Do not sign this form unless all applicable lines have been completed.*

Purpose of form. Use Form 4506-T to request tax return information. You can also designate (on line 5) a third party to receive the information. Taxpayers using a tax year beginning in one calendar year and ending in the following year (fiscal tax year) must file Form 4506-T to request a return transcript.

Note. If you are unsure of which type of transcript you need, request the Record of Account, as it provides the most detailed information.

Tip. Use Form 4506, Request for Copy of Tax Return, to request copies of tax returns.

Where to file. Mail or fax Form 4506-T to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual transcripts (Form 1040 series and Form W-2) and one for all other transcripts.

If you are requesting more than one transcript or other product and the chart below shows two different addresses, send your request to the address based on the address of your most recent return.

Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

Chart for individual transcripts (Form 1040 series and Form W-2 and Form 1099)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559-456-5876
Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922
Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506-T can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer.

Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested tax information under the Internal Revenue Code. We need this information to properly identify the tax information and respond to your request. You are not required to request any transcript; if you do request a transcript, sections 6103 and 6109 and their regulations require you to provide this information, including your SSN or EIN. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form,** 10 min.; **Preparing the form,** 12 min.; and **Copying, assembling, and sending the form to the IRS,** 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Products Coordinating Committee
SE:W:CAR:MP:T:M:S
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where to file* on this page.

Form **4506-T**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Request for Transcript of Tax Return

▶ **Request may be rejected if the form is incomplete or illegible.**

OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return.** There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b **First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)**
CREST ENERGY PARTNERS LP	
2a If a joint return, enter spouse's name shown on tax return.	2b **Second social security number or individual taxpayer identification number if joint tax return**

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Gruenloh Law Firm, Attn: Patrick Aulton Chisum, 9 Broad Street, Suite C, Charleston, SC 29401

Caution. *If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.*

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ▶ 1120

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b **Account Transcript,** which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days . ☐

c **Record of Account,** which provides the most detailed information as it is a combination of the Return Transcript and the Account Transcript. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days . . . . . ☐

7 **Verification of Nonfiling,** which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days . . ☐

8 **Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript.** The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2010, filed in 2011, will not be available from the IRS until 2012. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days . . . ☐

Caution. *If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.*

9 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately. 2008 | 2009 | 2010 | 2011

Check this box if you have notified the IRS or the IRS has notified you that one of the years for which you are requesting a transcript involved **identity theft** on your federal tax return . . . . . ☐

Caution. Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** *For transcripts being sent to a third party, this form must be received within 120 days of the signature date.*

Phone number of taxpayer on line 1a or 2a

Sign Here

▶ **Signature** (see instructions) — **Date**

▶ **Title** (if line 1a above is a corporation, partnership, estate, or trust)

▶ **Spouse's signature** — **Date**

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about Form 4506-T at *www.irs.gov/form4506*. Information about any recent developments affecting Form 4506-T (such as legislation enacted after we released it) will be posted on that page.

General Instructions

CAUTION. *Do not sign this form unless all applicable lines have been completed.*

Purpose of form. Use Form 4506-T to request tax return information. You can also designate (on line 5) a third party to receive the information. Taxpayers using a tax year beginning in one calendar year and ending in the following year (fiscal tax year) must file Form 4506-T to request a return transcript.

Note. If you are unsure of which type of transcript you need, request the Record of Account, as it provides the most detailed information.

Tip. Use Form 4506, Request for Copy of Tax Return, to request copies of tax returns.

Where to file. Mail or fax Form 4506-T to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual transcripts (Form 1040 series and Form W-2) and one for all other transcripts.

If you are requesting more than one transcript or other product and the chart below shows two different addresses, send your request to the address based on the address of your most recent return.

Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

Chart for individual transcripts (Form 1040 series and Form W-2 and Form 1099)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559-456-5876
Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922
Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506-T can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer.

Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested tax information under the Internal Revenue Code. We need this information to properly identify the tax information and respond to your request. You are not required to request any transcript; if you do request a transcript, sections 6103 and 6109 and their regulations require you to provide this information, including your SSN or EIN. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form,** 10 min.; **Preparing the form,** 12 min.; and **Copying, assembling, and sending the form to the IRS,** 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Products Coordinating Committee
SE:W:CAR:MP:T:M:S
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where to file* on this page.

Form **4506-T**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Request for Transcript of Tax Return

► **Request may be rejected if the form is incomplete or illegible.**

OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return.** There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)
DUNHILL PRODUCTS GROUP LP	
2a If a joint return, enter spouse's name shown on tax return.	2b Second social security number or individual taxpayer identification number if joint tax return

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Gruenloh Law Firm, Attn: Patrick Aulton Chisum, 9 Broad Street, Suite C, Charleston, SC 29401

Caution. *If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.*

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ► 1120

a **Return Transcript,** which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days . . . . . ☒

b **Account Transcript,** which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days . ☐

c **Record of Account,** which provides the most detailed information as it is a combination of the Return Transcript and the Account Transcript. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days . . . . . ☐

7 **Verification of Nonfiling,** which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days . . ☐

8 **Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript.** The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2010, filed in 2011, will not be available from the IRS until 2012. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days . . . ☐

Caution. *If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.*

9 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately. 2009 | 2010 | 2011 | 2012

Check this box if you have notified the IRS or the IRS has notified you that one of the years for which you are requesting a transcript involved **identity theft** on your federal tax return . . . . . ☐

Caution. Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** *For transcripts being sent to a third party, this form must be received within 120 days of the signature date.*

Sign Here	Signature (see instructions)	Date	Phone number of taxpayer on line 1a or 2a
	Title (if line 1a above is a corporation, partnership, estate, or trust)		
	Spouse's signature	Date	

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about Form 4506-T at *www.irs.gov/form4506*. Information about any recent developments affecting Form 4506-T (such as legislation enacted after we released it) will be posted on that page.

General Instructions

CAUTION. *Do not sign this form unless all applicable lines have been completed.*

Purpose of form. Use Form 4506-T to request tax return information. You can also designate (on line 5) a third party to receive the information. Taxpayers using a tax year beginning in one calendar year and ending in the following year (fiscal tax year) must file Form 4506-T to request a return transcript.

Note. If you are unsure of which type of transcript you need, request the Record of Account, as it provides the most detailed information.

Tip. Use Form 4506, Request for Copy of Tax Return, to request copies of tax returns.

Where to file. Mail or fax Form 4506-T to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual transcripts (Form 1040 series and Form W-2) and one for all other transcripts.

If you are requesting more than one transcript or other product and the chart below shows two different addresses, send your request to the address based on the address of your most recent return.

Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

Chart for individual transcripts (Form 1040 series and Form W-2 and Form 1099)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559-456-5876
Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922
Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506-T can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer.

Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested tax information under the Internal Revenue Code. We need this information to properly identify the tax information and respond to your request. You are not required to request any transcript; if you do request a transcript, sections 6103 and 6109 and their regulations require you to provide this information, including your SSN or EIN. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form,** 10 min.; **Preparing the form,** 12 min.; and **Copying, assembling, and sending the form to the IRS,** 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Products Coordinating Committee
SE:W:CAR:MP:T:M:S
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where to file* on this page.

Form **4506-T**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Request for Transcript of Tax Return

► **Request may be rejected if the form is incomplete or illegible.**

OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return.** There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b **First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)**
DUNHILL PRODUCTS LP	
2a If a joint return, enter spouse's name shown on tax return.	2b **Second social security number or individual taxpayer identification number if joint tax return**

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Gruenloh Law Firm, Attn: Patrick Aulton Chisum, 9 Broad Street, Suite C, Charleston, SC 29401

Caution. *If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.*

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ► 1120

a **Return Transcript,** which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days . . . . . ☒

b **Account Transcript,** which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days . ☐

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7 **Verification of Nonfiling,** which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days . . ☐

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Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** *For transcripts being sent to a third party, this form must be received within 120 days of the signature date.*

Phone number of taxpayer on line 1a or 2a

Sign Here

► **Signature** (see instructions) — Date

► **Title** (if line 1a above is a corporation, partnership, estate, or trust)

► **Spouse's signature** — Date

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

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Chart for individual transcripts (Form 1040 series and Form W-2 and Form 1099)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559-456-5876
Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922
Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506-T can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer.

Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested tax information under the Internal Revenue Code. We need this information to properly identify the tax information and respond to your request. You are not required to request any transcript; if you do request a transcript, sections 6103 and 6109 and their regulations require you to provide this information, including your SSN or EIN. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form,** 10 min.; **Preparing the form,** 12 min.; and **Copying, assembling, and sending the form to the IRS,** 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Products Coordinating Committee
SE:W:CAR:MP:T:M:S
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where to file* on this page.

STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER 2013 AUG 21 PM 12:19 CHERYL GRAHAM CLERK OF COURT DORCHESTER COUNTY	) IN THE COURT OF COMMON PLEAS))
INNOVATIVE WASTE MANAGEMENT, INC. Plaintiff, versus CREST ENERGY PARTNERS GP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE Defendants.	) CASE NO. 2012-CP-18-1227))))))))))) **PLAINTIFF'S FIRST SUPPLEMENTAL REQUESTS TO PRODUCE TO DEFENDANT WEURTZ**

To: David B. Marvel, Attorney for the Defendant

Plaintiff about named, by and through undersigned counsel, hereby serves the following Request for Production on the Defendant pursuant to South Carolina Rule of Civil Procedure Rule 34. Defendant has 30 days from the date of service hereof to provide written response to these requests and to provide full and complete answers to these Requests for Production, in writing, under oath. If hereinafter you are asked to produce documents or other materials which are not in your possession, but you are aware of who may have some, please either obtain a copy and produce same or set forth the name, current address and telephone number of the person or entity who may be in possession of same. Defendant's response shall be separately and fully stated in writing and under oath. oath.

DEFINITIONS

1. "You" and "your" shall mean Defendants, as well as their/its agents, attorneys, and any other individual or entity associated or affiliated with them or purporting to act on their/its behalf.

2. "Defendant" means any and all of the above-named Defendants and further means all officers, employees, agents, attorneys, and/or representatives of Defendants.

EXHIBIT
depoback.com
ROA - 347 - 2

3. "Writing" or "document" as used herein shall be understood to mean all originals and drafts of any kind of written, graphic, printed, typed, or otherwise recorded matter, however produced or reproduced, whether or not privileged, and whether or not in the actual or constructive possession, custody, care or control or you, your agents, employees, and attorneys, included but not limited to all contracts of any nature, all correspondence, tapes, disks, microfilms, photographs, telegrams, notes, sound recordings, minutes of meeting, memoranda of all types. interoffice communications, reports, contracts, licenses, agreements, ledgers, books of accounts, vouchers, bank checks invoices, purchase orders, charge slips, hotel charges, copies of tax returns tax reports, receipts, working papers, computers printouts, computer generated or electronic data, computer disks, statistical records, delivery records, stenographers' notebooks, desk calendars, appointment books, diaries, time sheets and logs, and any paper or recording similar thereto, where made or received by you.

4. The singular of any word herein shall be deemed to include the plural of such word and the plural shall include the singular. The masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine. The word "and" shall be deemed to include the word "or" and the word "or" shall be deemed to include the word "and." Each of the functional words "each," "any," and "all" shall be deemed to include each of the other functional words.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business, or governmental entity or subdivision, agency, department, and any "person" by whom such "person" was controlled with respect to the matter in question.

6. A communication, document, or writing "relating," "related," or "which relates" to any given subject means communication, document or writing that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

INSTRUCTIONS

1. In the event that any objection is made to the production of any document fairly comprised within the scope of the following requests, you shall furnish in lieu of the production of such a documents, a list of each document withheld from production together with the following information: (a) the reason for withholding production; (b) a statement of the facts constituting the basis for you withholding; and (c) a brief description of the document withheld, including: (i) the date upon which the document originated; (ii) the identify of its author or preparer; (iii) the identity of each person who was a recipient of the document; (iv) the specific request which encompasses the document; (v) a brief description of the subject matter of the document; and (vi) the identify of all persons who have personal knowledge of the subject matter.

2. For each request of part thereof that you refuse to respond to on the grounds of burdensomeness, the response should state: (a) the number of files and /or documents needed to be searched; (b) the location of each such file; (c) the number of hours required to conduct the

search; and (d) the estimated cost of the search in dollars.

3. If any document requested herein or fairly comprised within the scope of the request has been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (a) the date of origin; (b) a brief description of such document; (c) the author or preparer of the document; (d) the date on which the document was lost or destroyed; and (e) a brief statement of the manner in which the document was lost or destroyed.

4. With respect the following requests, you shall identify and/or prepare all documents which are known to you or which can be located to discovered by you through diligent effort on the part of you, your employees, representatives, attorneys, accountants, including but not limited to all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys, or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

5. These Requests for Production shall be deemed continuing in nature. Should Defendants acquire additional documents responsive to these requests after serving responses hereto, the responses shall be supplemented immediately.

DOCUMENT REQUESTS

1. Produce an accounting of the income derived by you or any defendant in his lawsuit from the use of the notebooks referred to by you at page 45, line 12 through page 46, line 16 of your February 2, 2012 deposition attached hereto.

RESPONSE:

2. Produce all records, including but not limited to any invoice receipts or correspondence regarding any communications you have had with the following companies in the time period between January 2009 and the present:

    a. Gulf Stream Tanker Chartering;

    b. Shell Oil;

    c. Amspec L.L.C.;

    d. Sunoco;

    e. Dow;

f. Albermarle;

g. Exxon;

h. United Solutions Inc.;

i. Colonial Pipeline;

j. Texas Molecular;

k. Cross Oil;

l. Esso/Imperial Oil;

m. Conoco Phillips;

n. CVR Energy Coffeeville Resources;

o. Century DRO Signal Oil and Chemical Co.;

p. Eastman Chemical;

q. Lion Oil; and

r. Macquarie Energy Trading.

RESPONSE:

3. Produce completed, properly executed originals of the following enclosed documents:

    a. Internal Revenue Service Form 4506-T for Transcripts of Tax Returns of Henry Wuertz for the years 2008 through 2011;

RESPONSE:

4. Produce any and all documents relating to the termination of the employment of Defendants Bridge and Girardeau from Defendant Crest.

RESPONSE:

GRUENLOH LAW FIRM
Counsel for the Plaintiff

By: _____
Patrick Ashton Chisum SCBAR #100571
Wm. M. Gruenloh SCBAR # 12418

9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 577-0027
(843) 577-0721 (facsimile)

Date: July 3, 2013
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **PLAINTIFF'S FIRST SUPPLEMENTAL REQUESTS FOR PRODUCTION TO DEFENDANT WUERTZ** in the above matter were served on the below named parties and/or their respective counsel and /or agents by personal delivery to the following address on the date below..

David B. Marvel
Prenner Marvel
636 King Street
Charleston, South Carolina 29403
Attorney for Defendants

By: _____

Patrick Aulton Chisum SCBAR #100571
Wm. M. Gruenloh SCBAR # 12418
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 577-0027
(843) 577-0721 (facsimile)

Date: July 3, 2013
Charleston, South Carolina

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

INNOVATIVE WASTE MANAGEMENT, INC., Plaintiff,	)	
v.	)	Civil Action No. 2:11-cv-01023-RMG
CREST ENERGY PARTNERS GROUP, LLC, CREST ENERGY PARTNERS L.P., et al. Defendant.	)	

****

ORAL DEPOSITION OF

RODNEY S. BRIDGE

FEBRUARY 2, 2012

****

ORAL DEPOSITION OF RODNEY S. BRIDGE, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 2nd of February, 2012, from 9:07 a.m. to 12:54 p.m., and continuing at 2:54 p.m. to 3:37 p.m., before Mona S. Whitmarsh, CSR, RPR, in and for the State of Texas, reported by machine shorthand, at the offices of Stratos Legal Services, L.P.; 4295 San Felipe, Suite 125; Houston, Texas, pursuant to the provisions stated on the record or attached hereto.

company? For IWM?

A Personal stuff when I was -- you know, personal stuff is involved in those notebooks, too.

Q Let me ask you a specific question then: When you left your office at IWM for the last time on April 19th, you took a notebook with you, correct?

A Correct.

Q All right. And did that notebook have all of the contact information in it that you used to conduct business on behalf of my client's company?

A Yes.

Q Have you used that notebook and those -- that contact information in any way after April 19th, 2010?

MR. MARVEL: Object to form.

A Yes.

Q (BY MR. GRUENLOH) In what way?

A In conducting business.

Q For what company?

A Crest Energy.

Q Have you been successful at doing that?

MR. MARVEL: Object to form.

A What's your definition of "success"?

Q (BY MR. GRUENLOH) Have you made a profit for your company by using those contacts and that information that was contained in that notebook?

A Yes.

Q Can you tell me what order of magnitude?

MR. MARVEL: Object to form.

A I don't understand that question.

Q (BY MR. GRUENLOH) Can you tell me how much money you have made for your new company by using the information --

A I have no idea.

Q Is it millions?

A I have no idea.

Q Is that knowable?

A I am sure once --

MR. MARVEL: Object to form.

A -- the numbers are calculated. I don't know.

Q (BY MR. GRUENLOH) Well, is it knowable or not?

A I'm sure it is.

Q Now, when you went over to Dunhill on April 20th, 2010, did you continue to trade with Shell? Strike that.

When you went over to Dunhill on April 20th, 2010, did you continue to conduct business with Shell?

A Yes.

Q Can you give me the names of the contacts that you conducted business with at Shell in, let's say, the first six months of 2010 while you were at Dunhill?

Form **4506-T**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Request for Transcript of Tax Return

▶ **Request may be rejected if the form is incomplete or illegible.**

OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use Form **4506, Request for Copy of Tax Return.** There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first. HENRY WUERTZ	1b **First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)**
2a If a joint return, enter spouse's name shown on tax return.	2b **Second social security number or individual taxpayer identification number if joint tax return**

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Gruenloh Law Firm, Attn: Patrick Aulton Chisum, 9 Broad Street, Suite C, Charleston, SC 29401

Caution. *If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.*

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ▶ 1040

a **Return Transcript,** which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days . . . . . ☑

b **Account Transcript,** which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days . ☐

c **Record of Account,** which provides the most detailed information as it is a combination of the Return Transcript and the Account Transcript. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days . . . . . ☐

7 **Verification of Nonfiling,** which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days . . ☐

8 **Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript.** The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2010, filed in 2011, will not be available from the IRS until 2012. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days . . . ☐

Caution. *If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.*

9 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately. 2008 | 2009 | 2010 | 2011

Check this box if you have notified the IRS or the IRS has notified you that one of the years for which you are requesting a transcript involved **identity theft** on your federal tax return . . . . . ☐

Caution. Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** *For transcripts being sent to a third party, this form must be received within 120 days of the signature date.*

Sign Here	▶ Signature (see instructions)	Date
	Phone number of taxpayer on line 1a or 2a	
	▶ Title (if line 1a above is a corporation, partnership, estate, or trust)	
	▶ Spouse's signature	Date

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about Form 4506-T at *www.irs.gov/form4506*. Information about any recent developments affecting Form 4506-T (such as legislation enacted after we released it) will be posted on that page.

General Instructions

CAUTION. *Do not sign this form unless all applicable lines have been completed.*

Purpose of form. Use Form 4506-T to request tax return information. You can also designate (on line 5) a third party to receive the information. Taxpayers using a tax year beginning in one calendar year and ending in the following year (fiscal tax year) must file Form 4506-T to request a return transcript.

Note. If you are unsure of which type of transcript you need, request the Record of Account, as it provides the most detailed information.

Tip. Use Form 4506, Request for Copy of Tax Return, to request copies of tax returns.

Where to file. Mail or fax Form 4506-T to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual transcripts (Form 1040 series and Form W-2) and one for all other transcripts.

If you are requesting more than one transcript or other product and the chart below shows two different addresses, send your request to the address based on the address of your most recent return.

Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

Chart for individual transcripts (Form 1040 series and Form W-2 and Form 1099)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559-456-5876
Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922
Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506-T can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer.

Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested tax information under the Internal Revenue Code. We need this information to properly identify the tax information and respond to your request. You are not required to request any transcript; if you do request a transcript, sections 6103 and 6109 and their regulations require you to provide this information, including your SSN or EIN. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form,** 10 min.; **Preparing the form,** 12 min.; and **Copying, assembling, and sending the form to the IRS,** 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Products Coordinating Committee
SE:W:CAR:MP:T:M:S
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where to file* on this page.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF DORCHESTER)

FILED - RECORDED
2013 AUG 21 PM 12:19
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

CASE NO. 2012-CP-18-1227

INNOVATIVE WASTE MANAGEMENT, INC.

Plaintiff,

versus

CREST ENERGY PARTNERS GP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE

Defendants.

PLAINTIFF'S FIRST SUPPLEMENTAL REQUESTS TO PRODUCE TO DEFENDANT GIRARDEAU

To: David B. Marvel, Attorney for the Defendant

Plaintiff about named, by and through undersigned counsel, hereby serves the following Request for Production on the Defendant pursuant to South Carolina Rule of Civil Procedure Rule 34. Defendant has 30 days from the date of service hereof to provide written response to these requests and to provide full and complete answers to these Requests for Production, in writing, under oath. If hereinafter you are asked to produce documents or other materials which are not in your possession, but you are aware of who may have some, please either obtain a copy and produce same or set forth the name, current address and telephone number of the person or entity who may be in possession of same. Defendant's response shall be separately and fully stated in writing and under oath.

DEFINITIONS

1. "You" and "your" shall mean Defendants, as well as their/its agents, attorneys, and any other individual or entity associated or affiliated with them or purporting to act on their/its behalf.

2. "Defendant" means any and all of the above-named Defendants and further means all officers, employees, agents, attorneys, and/or representatives of Defendants.

EXHIBIT
4-3
depobook.com

3. "Writing" or "document" as used herein shall be understood to mean all originals and drafts of any kind of written, graphic, printed, typed, or otherwise recorded matter, however produced or reproduced, whether or not privileged, and whether or not in the actual or constructive possession, custody, care or control or you, your agents, employees, and attorneys, included but not limited to all contracts of any nature, all correspondence, tapes, disks, microfilms, photographs, telegrams, notes, sound recordings, minutes of meeting, memoranda of all types, interoffice communications, reports, contracts, licenses, agreements, ledgers, books of accounts, vouchers, bank checks invoices, purchase orders, charge slips, hotel charges, copies of tax returns tax reports, receipts, working papers, computers printouts, computer generated or electronic data, computer disks, statistical records, delivery records, stenographers' notebooks, desk calendars, appointment books, diaries, time sheets and logs, and any paper or recording similar thereto, where made or received by you.

4. The singular of any word herein shall be deemed to include the plural of such word and the plural shall include the singular. The masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine. The word "and" shall be deemed to include the word "or" and the word "or" shall be deemed to include the word "and." Each of the functional words "each," "any," and "all" shall be deemed to include each of the other functional words.

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6. A communication, document, or writing "relating," "related," or "which relates" to any given subject means communication, document or writing that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

INSTRUCTIONS

1. In the event that any objection is made to the production of any document fairly comprised within the scope of the following requests, you shall furnish in lieu of the production of such a documents, a list of each document withheld from production together with the following information: (a) the reason for withholding production; (b) a statement of the facts constituting the basis for you withholding; and (c) a brief description of the document withheld, including: (i) the date upon which the document originated; (ii) the identify of its author or preparer; (iii) the identity of each person who was a recipient of the document; (iv) the specific request which encompasses the document; (v) a brief description of the subject matter of the document; and (vi) the identify of all persons who have personal knowledge of the subject matter.

2. For each request of part thereof that you refuse to respond to on the grounds of burdensomeness, the response should state: (a) the number of files and /or documents needed to be searched; (b) the location of each such file; (c) the number of hours required to conduct the search; and (d) the estimated cost of the search in dollars.

3. If any document requested herein or fairly comprised within the scope of the request has been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (a) the date of origin; (b) a brief description of such document; (c) the author or preparer of the document; (d) the date on which the document was lost or destroyed; and (e) a brief statement of the manner in which the document was lost or destroyed.

4. With respect the following requests, you shall identify and/or prepare all documents which are known to you or which can be located to discovered by you through diligent effort on the part of you, your employees, representatives, attorneys, accountants, including but not limited to all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys, or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

5. These Requests for Production shall be deemed continuing in nature. Should Defendants acquire additional documents responsive to these requests after serving responses hereto, the responses shall be supplemented immediately.

DOCUMENT REQUESTS

1. Produce an accounting of the income derived by you or any defendant in his lawsuit from the use of the notebooks referred to by Defendant Bridge at page 45, line 12 through page 46, line 16 of his February 2, 2012 deposition attached hereto.

RESPONSE:

2. Produce all records, including but not limited to any invoice receipts or correspondence regarding any communications you have had with the following companies in the time period between January 2009 and the present:

    a. Gulf Stream Tanker Chartering;

    b. Shell Oil;

    c. Amspec L.L.C.;

    d. Sunoco;

    e. Dow;

    f. Albermarle;

g. Exxon;

h. United Solutions Inc.;

i. Colonial Pipeline;

j. Texas Molecular;

k. Cross Oil;

l. Esso/Imperial Oil;

m. Conoco Phillips;

n. CVR Energy Coffeeville Resources;

o. Century DRO Signal Oil and Chemical Co.;

p. Eastman Chemical;

q. Lion Oil; and

r. Macquarie Energy Trading.

RESPONSE:

3. Produce completed, properly executed originals of the following enclosed documents:

   a. Internal Revenue Service Form 4506-T for Transcripts of Tax Returns of Rodney Bridge for the years 2008 through 2011;

   b. South Carolina Department of Revenue Form SC 4506 Request for Copy of Tax Returns of Rodney Bridge for the years 2008 through 2011;

   c. Internal Revenue Service Form 4506-T for Transcripts of Tax Returns of Envision Resources Ltd. Co. for the years of 2012 through 2013; and

   d. South Carolina Department of Revenue Form SC 4506 Request for Copy of Tax Returns of Envision Resources Ltd. Co. for the years of 2012 through 2013.

4. Produce any and all documents relating to the termination of the employment of Defendants Bridge and Girardeau from Crest.

5. Produce any and all documents relating to the compensation (including benefits and other non-monetary compensation) of Bridge and Girardeau at Envision Resources Ltd. Co.

GRUENLOH LAW FIRM
Counsel for the Plaintiff

By: _____

Patrick Ashton Chisum SCBAR #100571
Wm. M. Gruenloh SCBAR # 12418
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 577-0027
(843) 577-0721 (facsimile)

Date: July 3, 2013
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **PLAINTIFF'S FIRST SUPPLEMENTAL REQUEST FOR PRODUCTION TO DEFENDANT GIRARDEAU** in the above matter were served on the below named parties and/or their respective counsel and /or agents by personal delivery to the following address on the date below.

David B. Marvel
Prenner Marvel
636 King Street
Charleston, South Carolina 29403
Attorney for Defendants

By: _____

Patrick Aulton Chisum SCBAR #100571
Wm. M. Gruenloh SCBAR # 12418
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 577-0027
(843) 577-0721 (facsimile)

Date: July 3, 2013
Charleston, South Carolina

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

INNOVATIVE WASTE MANAGEMENT, INC., Plaintiff,	)	
v.	)	Civil Action No. 2:11-cv-01023-RMG
CREST ENERGY PARTNERS GROUP, LLC, CREST ENERGY PARTNERS L.P., et al. Defendant.	)	

****

ORAL DEPOSITION OF

RODNEY S. BRIDGE

FEBRUARY 2, 2012

****

ORAL DEPOSITION OF RODNEY S. BRIDGE, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 2nd of February, 2012, from 9:07 a.m. to 12:54 p.m., and continuing at 2:54 p.m. to 3:37 p.m., before Mona S. Whitmarsh, CSR, RPR, in and for the State of Texas, reported by machine shorthand, at the offices of Stratos Legal Services, L.P.; 4295 San Felipe, Suite 125; Houston, Texas, pursuant to the provisions stated on the record or attached hereto.

company? For IWM?

A Personal stuff when I was -- you know, personal stuff is involved in those notebooks, too.

Q Let me ask you a specific question then: When you left your office at IWM for the last time on April 19th, you took a notebook with you, correct?

A Correct.

Q All right. And did that notebook have all of the contact information in it that you used to conduct business on behalf of my client's company?

A Yes.

Q Have you used that notebook and those -- that contact information in any way after April 19th, 2010?

MR. MARVEL: Object to form.

A Yes.

Q (BY MR. GRUENLOH) In what way?

A In conducting business.

Q For what company?

A Crest Energy.

Q Have you been successful at doing that?

MR. MARVEL: Object to form.

A What's your definition of "success"?

Q (BY MR. GRUENLOH) Have you made a profit for your company by using those contacts and that information that was contained in that notebook?

A Yes.

Q Can you tell me what order of magnitude?

MR. MARVEL: Object to form.

A I don't understand that question.

Q (BY MR. GRUENLOH) Can you tell me how much money you have made for your new company by using the information --

A I have no idea.

Q Is it millions?

A I have no idea.

Q Is that knowable?

A I am sure once --

MR. MARVEL: Object to form.

A -- the numbers are calculated. I don't know.

Q (BY MR. GRUENLOH) Well, is it knowable or not?

A I'm sure it is.

Q Now, when you went over to Dunhill on April 20th, 2010, did you continue to trade with Shell? Strike that.

When you went over to Dunhill on April 20th, 2010, did you continue to conduct business with Shell?

A Yes.

Q Can you give me the names of the contacts that you conducted business with at Shell in, let's say, the first six months of 2010 while you were at Dunhill?

Form **4506-T**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Request for Transcript of Tax Return

▶ **Request may be rejected if the form is incomplete or illegible.**

OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return.** There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b **First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)**
EDWARD H. GIRARDEAU	
2a If a joint return, enter spouse's name shown on tax return.	**2b Second social security number or individual taxpayer identification number if joint tax return**

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Gruenloh Law Firm, Attn: Patrick Aulton Chisum, 9 Broad Street, Suite C, Charleston, SC 29401

Caution. *If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.*

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ▶ 1040

a **Return Transcript,** which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days . . . . . ☑

b **Account Transcript,** which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days . ☐

c **Record of Account,** which provides the most detailed information as it is a combination of the Return Transcript and the Account Transcript. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days . . . . . ☐

7 **Verification of Nonfiling,** which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days . . ☐

8 **Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript.** The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2010, filed in 2011, will not be available from the IRS until 2012. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days . . . ☐

Caution. *If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.*

9 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately. 2008 | 2009 | 2010 | 2011

Check this box if you have notified the IRS or the IRS has notified you that one of the years for which you are requesting a transcript involved **identity theft** on your federal tax return . . . . . ☐

Caution. Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** *For transcripts being sent to a third party, this form must be received within 120 days of the signature date.*

Sign Here

▶ Signature (see instructions)	Date	Phone number of taxpayer on line 1a or 2a
▶ Title (if line 1a above is a corporation, partnership, estate, or trust)		
▶ Spouse's signature	Date	

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about Form 4506-T at *www.irs.gov/form4506*. Information about any recent developments affecting Form 4506-T (such as legislation enacted after we released it) will be posted on that page.

General Instructions

CAUTION. *Do not sign this form unless all applicable lines have been completed.*

Purpose of form. Use Form 4506-T to request tax return information. You can also designate (on line 5) a third party to receive the information. Taxpayers using a tax year beginning in one calendar year and ending in the following year (fiscal tax year) must file Form 4506-T to request a return transcript.

Note. If you are unsure of which type of transcript you need, request the Record of Account, as it provides the most detailed information.

Tip. Use Form 4506, Request for Copy of Tax Return, to request copies of tax returns.

Where to file. Mail or fax Form 4506-T to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual transcripts (Form 1040 series and Form W-2) and one for all other transcripts.

If you are requesting more than one transcript or other product and the chart below shows two different addresses, send your request to the address based on the address of your most recent return.

Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

Chart for individual transcripts (Form 1040 series and Form W-2 and Form 1099)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559-456-5876
Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922
Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506-T can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer.

Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested tax information under the Internal Revenue Code. We need this information to properly identify the tax information and respond to your request. You are not required to request any transcript; if you do request a transcript, sections 6103 and 6109 and their regulations require you to provide this information, including your SSN or EIN. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form,** 10 min.; **Preparing the form,** 12 min.; and **Copying, assembling, and sending the form to the IRS,** 20 min.

If you have comments concerning the accuracy of those time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Products Coordinating Committee
SE:W:CAR:MP:T:M:S
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where to file* on this page.

STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE

REQUEST FOR COPY OF TAX FORM
or Tax Account Information

▶ Please read instructions before completing this form.

SC4506
(Rev. 3/25/05)
3103

Important: **Full payment must be included with this request.**

Office Use Only
94-8001

1. Name of taxpayer(s) as shown on tax form.
EDWARD H. GIRARDEAU

2. Social security or employer identification number or license / registration / file number as shown on tax form.

3. Current name and address. (Information will be mailed to this address if no other address is provided in line 6 below.)

4. Spouse's social security number as shown on tax form.

5. Tax form number.
1040

6. If information is to be mailed to someone else, show the third party's name and address (See instructions).
Gruenloh Law Firm, ATTN: Patrick Aulton Chisum
9 Broad Street, Suite C, Charleston, SC 29401

7. Tax period(s). (example 2003, etc.)
(No more than 4 per request)
2008 | 2009 | 2010 | 2011

8. Telephone number.
( )

9. If name in third party's records differs from item 1 above, show here (See instructions).

10. Convenient time for us to call.

11. Check only one box

$5.00 each period requested	☐	Copy of individual income, corporate tax, partnership and other business returns.
		Note: *If you need these copies for court or administrative proceedings, check here* ☐
$2.50 each period requested	☐	Individual Income tax account information.
$2.50 each period requested	☐	Corporate Annual Report information only.
$1.00 each period requested	☐	Sales tax return or account information.
$1.00 each period requested	☐	Withholding Quarterly return.

Amount Due:

12. Dollar amount indicated in item 11	$5.00
13. Number of periods requested in item 7	4
14. Subtotal (multiply item 12 by item 13)	$20.00
15. South Carolina sales tax (multiply item 14 by your county's local sales tax 5%, 6% or 7%, if applicable).	$1.70
16. Total due (item 14 plus item 15)	$21.70

Signature (see instructions) | Date

Please Sign Here

Title (If item 1 above is a corporation, partnership, estate or trust)

County of the individual making the request

SC4506 Instructions

Use this form to request copies of tax return or tax account information.

Note: If you had your return filled out by a paid preparer, check first to see if you can get a copy from the preparer. This may save you both time and money.

Individual Income, Corporate, Partnership and other business returns:

Item 1. Enter the name of the individual taxpayer(s) or corporation as shown on the requested tax return.

Item 2. For individuals, the social security number is written in the manner of 000-00-0000. For businesses and certain others, the federal employer identification number should be entered.

Item 6. If you named someone else to receive the information (such as a CPA, scholarship board, or mortgage issuer), you must include the name of an individual with the address in item 6.

Item 7. Enter the year(s) of the tax form you are requesting. For fiscal year filers or requests for quarterly returns, enter the date the period ended. If you need more than four different periods, use additional request forms. Returns which were filed six or more years ago may not be available for making copies.

Item 9. Be sure to write the name of the client, student, or applicant in item 9 if it is different from the name shown in item 1. For example, item 1 may be the parents of a student applying for financial aid. Show the student's name in item 9 so the scholarship board will know which file should be associated with the return information.

Item 11. Income Tax Account Information only - Individual taxpayers will receive the information contained on the front of their return. Students applying for financial aid may be required to give the college a copy of their tax return. However, the school may permit you to use tax return information provided by South Carolina instead. **Corporate taxpayers** will receive information from their Corporate Annual Report.

Items 12 - 16. The following example shows how to calculate the amount of money you must send with your request:

Example: You have a copy of your 2003 tax return but need a copy of your 2001 and 2002 returns. Check the first box in item 11. Your cost will be $10.50 ($5.00 x 2 years plus .50 sales tax).

Write your social security number or federal employer identification number and "Form SC4506 Request" on your check. If we cannot fill your request, we will refund your money.

Sales and Withholding Tax Returns:

Copies of sales tax returns can be furnished only to the owner(s) of the business. If you are not the owner, the records must be subpoenaed.

Item 1. Name of individual or business shown on sales or withholding tax return.

Item 2. License/registration/file number should be shown on this line for sales tax copy requests.

Item 3. Copies will be mailed to the address of record if business is open. If business is closed, we will need a current mailing address.

Item 6. Sales and withholding tax copies can be mailed only to the owner(s) of the business.

Item 7. Indicate period(s) desired, showing month and year. If a complete calendar year is desired, then so indicate.

Items 12 - 16. For a copy of sales or withholding tax return or account information, the following computation should be used to figure the amount of money to send with your request: $1.00 per period multiplied (x) by the number of periods plus sales tax.

Signature

If you are not the taxpayer shown in item 1, you must send a copy of your authorization to receive the information. This will generally be a power of attorney or tax information authorization.

If the taxpayer is deceased, you must send enough evidence to establish that you are authorized to act for the taxpayer's estate.

Tax returns and return information about joint returns may be disclosed to either the husband or the wife. Only one signature is required. If your name has changed, sign form SC4506 exactly as your name appeared on the return and also sign with your current name.

Please allow at least 45 days for delivery when requesting a copy of a return, or at least 30 days when requesting return information. (You must allow at least 12 weeks processing time after a return is filed before requesting a copy or other information.)

Where to File: SC Department of Revenue, Photocopy Section, Columbia SC 29214-0014

Social Security Privacy Act Disclosure

It is mandatory that you provide your social security number on this tax form. 42 U.S.C 405(c)(2)(C)(i) permits a state to use an individual's social security number as means of identification in administration of any tax. SC Regulation 117-201 mandates that any person required to make a return to the SC Department of Revenue shall provide identifying numbers, as prescribed, for securing proper identification. Your social security number is used for identification purposes.

Form **4506-T**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Request for Transcript of Tax Return

▶ **Request may be rejected if the form is incomplete or illegible.**

OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return.** There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first. ENVISION RESOURCES LTD. CO.	**1b** First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)
2a If a joint return, enter spouse's name shown on tax return.	**2b** Second social security number or individual taxpayer identification number if joint tax return

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Gruenloh Law Firm, Attn: Patrick Aulton Chisum, 9 Broad Street, Suite C, Charleston, SC 29401

Caution. *If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.*

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ▶ 1120

a **Return Transcript,** which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days . . . . . ☑

b **Account Transcript,** which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days . ☐

c **Record of Account,** which provides the most detailed information as it is a combination of the Return Transcript and the Account Transcript. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days . . . . . ☐

7 **Verification of Nonfiling,** which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days . . ☐

8 **Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript.** The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2010, filed in 2011, will not be available from the IRS until 2012. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days . . . ☐

Caution. *If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.*

9 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately. 12/31/2012 12/31/2013

Check this box if you have notified the IRS or the IRS has notified you that one of the years for which you are requesting a transcript involved **identity theft** on your federal tax return . . . . . ☐

Caution. Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** *For transcripts being sent to a third party, this form must be received within 120 days of the signature date.*

Sign Here	**Signature** (see instructions)	**Date**
	Title (if line 1a above is a corporation, partnership, estate, or trust)	Phone number of taxpayer on line 1a or 2a
	Spouse's signature	**Date**

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about Form 4506-T at *www.irs.gov/form4506*. Information about any recent developments affecting Form 4506-T (such as legislation enacted after we released it) will be posted on that page.

General Instructions

CAUTION. *Do not sign this form unless all applicable lines have been completed.*

Purpose of form. Use Form 4506-T to request tax return information. You can also designate (on line 5) a third party to receive the information. Taxpayers using a tax year beginning in one calendar year and ending in the following year (fiscal tax year) must file Form 4506-T to request a return transcript.

Note. If you are unsure of which type of transcript you need, request the Record of Account, as it provides the most detailed information.

Tip. Use Form 4506, Request for Copy of Tax Return, to request copies of tax returns.

Where to file. Mail or fax Form 4506-T to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual transcripts (Form 1040 series and Form W-2) and one for all other transcripts.

If you are requesting more than one transcript or other product and the chart below shows two different addresses, send your request to the address based on the address of your most recent return.

Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

Chart for individual transcripts (Form 1040 series and Form W-2 and Form 1099)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559-456-5876
Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922
Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the origina' return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506-T can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer.

Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested tax information under the Internal Revenue Code. We need this information to properly identify the tax information and respond to your request. You are not required to request any transcript; if you do request a transcript, sections 6103 and 6109 and their regulations require you to provide this information, including your SSN or EIN. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form,** 10 min.; **Preparing the form,** 12 min.; and **Copying, assembling, and sending the form to the IRS,** 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Products Coordinating Committee
SE:W:CAR:MP:T:M:S
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where to file* on this page.

SC4506 Instructions

Use this form to request copies of tax return or tax account information.

Note: If you had your return filled out by a paid preparer, check first to see if you can get a copy from the preparer. This may save you both time and money.

Individual Income, Corporate, Partnership and other business returns:

Item 1. Enter the name of the individual taxpayer(s) or corporation as shown on the requested tax return.

Item 2. For individuals, the social security number is written in the manner of 000-00-0000. For businesses and certain others, the federal employer identification number should be entered.

Item 6. If you named someone else to receive the information (such as a CPA, scholarship board, or mortgage issuer), you must include the name of an individual with the address in item 6.

Item 7. Enter the year(s) of the tax form you are requesting. For fiscal year filers or requests for quarterly returns, enter the date the period ended. If you need more than four different periods, use additional request forms. Returns which were filed six or more years ago may not be available for making copies.

Item 9. Be sure to write the name of the client, student, or applicant in item 9 if it is different from the name shown in item 1. For example, item 1 may be the parents of a student applying for financial aid. Show the student's name in item 9 so the scholarship board will know which file should be associated with the return information.

Item 11. Income Tax Account Information only - Individual taxpayers will receive the information contained on the front of their return. Students applying for financial aid may be required to give the college a copy of their tax return. However, the school may permit you to use tax return information provided by South Carolina instead. **Corporate taxpayers** will receive information from their Corporate Annual Report.

Items 12 - 16. The following example shows how to calculate the amount of money you must send with your request:

Example: You have a copy of your 2003 tax return but need a copy of your 2001 and 2002 returns. Check the first box in item 11. Your cost will be $10.50 ($5.00 x 2 years plus .50 sales tax).

Write your social security number or federal employer identification number and "Form SC4506 Request" on your check. If we cannot fill your request, we will refund your money.

Sales and Withholding Tax Returns:

Copies of sales tax returns can be furnished only to the owner(s) of the business. If you are not the owner, the records must be subpoenaed.

Item 1. Name of individual or business shown on sales or withholding tax return.

Item 2. License/registration/file number should be shown on this line for sales tax copy requests.

Item 3. Copies will be mailed to the address of record if business is open. If business is closed, we will need a current mailing address.

Item 6. Sales and withholding tax copies can be mailed only to the owner(s) of the business.

Item 7. Indicate period(s) desired, showing month and year. If a complete calendar year is desired, then so indicate.

Items 12 - 16. For a copy of sales or withholding tax return or account information, the following computation should be used to figure the amount of money to send with your request: $1.00 per period multiplied (x) by the number of periods plus sales tax.

Signature

If you are not the taxpayer shown in item 1, you must send a copy of your authorization to receive the information. This will generally be a power of attorney or tax information authorization.

If the taxpayer is deceased, you must send enough evidence to establish that you are authorized to act for the taxpayer's estate.

Tax returns and return information about joint returns may be disclosed to either the husband or the wife. Only one signature is required. If your name has changed, sign form SC4506 exactly as your name appeared on the return and also sign with your current name.

Please allow at least 45 days for delivery when requesting a copy of a return, or at least 30 days when requesting return information. (You must allow at least 12 weeks processing time after a return is filed before requesting a copy or other information.)

Where to File: SC Department of Revenue, Photocopy Section, Columbia SC 29214-0014

Social Security Privacy Act Disclosure

It is mandatory that you provide your social security number on this tax form. 42 U.S.C 405(c)(2)(C)(i) permits a state to use an individual's social security number as means of identification in administration of any tax. SC Regulation 117-201 mandates that any person required to make a return to the SC Department of Revenue shall provide identifying numbers, as prescribed, for securing proper identification. Your social security number is used for identification purposes.

STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE

REQUEST FOR COPY OF TAX FORM

or Tax Account Information

▶ Please read instructions before completing this form.

SC4506
(Rev. 3/25/05)
3103

Important: **Full payment must be included with this request.**

Office Use Only

94-8001

1. Name of taxpayer(s) as shown on tax form.

   ENVISION RESOURCES LTD. CO.

2. Social security or employer identification number or license / registration / file number as shown on tax form.

3. Current name and address. (Information will be mailed to this address if no other address is provided in line 6 below.)

4. Spouse's social security number as shown on tax form.

5. Tax form number.

   1120

6. If information is to be mailed to someone else, show the third party's name and address (See instructions).

   Gruenloh Law Firm, ATTN: Patrick Aulton Chisum
   9 Broad Street, Suite C, Charleston, SC 29401

7. Tax period(s). (example 2003, etc.) (No more than 4 per request)

   2012 | 2013 | | |

8. Telephone number.

   ( )

9. If name in third party's records differs from item 1 above, show here (See instructions).

10. Convenient time for us to call.

11. Check only one box

$5.00 each period requested	☐	Copy of individual income, corporate tax, partnership and other business returns. **Note:** *If you need these copies for court or administrative proceedings, check here* ☐
$2.50 each period requested	☐	Individual Income tax account information.
$2.50 each period requested	☐	Corporate Annual Report information only.
$1.00 each period requested	☐	Sales tax return or account information.
$1.00 each period requested	☐	Withholding Quarterly return.

Amount Due:

12. Dollar amount indicated in item 11	$5.00
13. Number of periods requested in item 7	4
14. Subtotal (multiply item 12 by item 13)	$20.00
15. South Carolina sales tax (multiply item 14 by your county's local sales tax 5%, 6% or 7%, if applicable).	$1.70
16. Total due (item 14 plus item 15)	$21.70

Signature (see instructions) Date

Please Sign Here

Title (If item 1 above is a corporation, partnership, estate or trust)

County of the individual making the request

FILED - RECORDED
2013 AUG 21 PM 12:19
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF DORCHESTER)	
)	CASE NO. 2012-CP-18-1227
INNOVATIVE WASTE MANAGEMENT, INC.)	
Plaintiff,)	
versus)	
)	**PLAINTIFF'S FIRST SUPPLEMENTAL REQUESTS TO PRODUCE TO DEFENDANT BRIDGE**
CREST ENERGY PARTNERS GROUP, L.L.C, CREST ENERGY PARTNERS L.P., DUNHILL PRODUCTS GROUP, L.L.C, DUNHILL PRODUCTS L.P., HENRY WUERTZ, EDWARD H. GIRARDEAU, and RODNEY BRIDGE)	
Defendants.)	

To: David B. Marvel, Attorney for the Defendant

Plaintiff about named, by and through undersigned counsel, hereby serves the following Request for Production on the Defendant pursuant to South Carolina Rule of Civil Procedure Rule 34. Defendant has 30 days from the date of service hereof to provide written response to these requests and to provide full and complete answers to these Requests for Production, in writing, under oath. If hereinafter you are asked to produce documents or other materials which are not in your possession, but you are aware of who may have some, please either obtain a copy and produce same or set forth the name, current address and telephone number of the person or entity who may be in possession of same. Defendant's response shall be separately and fully stated in writing and under oath.

DEFINITIONS

1. "You" and "your" shall mean Defendants, as well as their/its agents, attorneys, and any other individual or entity associated or affiliated with them or purporting to act on their/its behalf.

EXHIBIT
A - 41
ADA - 375

2. "Defendant" means any and all of the above-named Defendants and further means all officers, employees, agents, attorneys, and/or representatives of Defendants.

3. "Writing" or "document" as used herein shall be understood to mean all originals and drafts of any kind of written, graphic, printed, typed, or otherwise recorded matter, however produced or reproduced, whether or not privileged, and whether or not in the actual or constructive possession, custody, care or control or you, your agents, employees, and attorneys, included but not limited to all contracts of any nature, all correspondence, tapes, disks, microfilms, photographs, telegrams, notes, sound recordings, minutes of meeting, memoranda of all types, interoffice communications, reports, contracts, licenses, agreements, ledgers, books of accounts, vouchers, bank checks invoices, purchase orders, charge slips, hotel charges, copies of tax returns tax reports, receipts, working papers, computers printouts, computer generated or electronic data, computer disks, statistical records, delivery records, stenographers' notebooks, desk calendars, appointment books, diaries, time sheets and logs, and any paper or recording similar thereto, where made or received by you.

4. The singular of any word herein shall be deemed to include the plural of such word and the plural shall include the singular. The masculine shall be deemed to include the feminine, and the feminine shall be deemed to include the masculine. The word "and" shall be deemed to include the word "or" and the word "or" shall be deemed to include the word "and." Each of the functional words "each," "any," and "all" shall be deemed to include each of the other functional words.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business, or governmental entity or subdivision, agency, department, and any "person" by whom such "person" was controlled with respect to the matter in question.

6. A communication, document, or writing "relating," "related," or "which relates" to any given subject means communication, document or writing that constitutes, contains, embodies, evidences, reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject, including without limitation documents concerning the preparation of other documents.

INSTRUCTIONS

1. In the event that any objection is made to the production of any document fairly comprised within the scope of the following requests, you shall furnish in lieu of the production of such a documents, a list of each document withheld from production together with the following information: (a) the reason for withholding production; (b) a statement of the facts constituting the basis for you withholding; and (c) a brief description of the document withheld, including: (i) the date upon which the document originated; (ii) the identify of its author or preparer; (iii) the identity of each person who was a recipient of the document; (iv) the specific request which encompasses the document; (v) a brief description of the subject matter of the document; and (vi) the identify of all persons who have personal knowledge of the subject matter.

2. For each request of part thereof that you refuse to respond to on the grounds of

burdensomeness, the response should state: (a) the number of files and /or documents needed to be searched; (b) the location of each such file; (c) the number of hours required to conduct the search; and (d) the estimated cost of the search in dollars.

3. If any document requested herein or fairly comprised within the scope of the request has been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (a) the date of origin; (b) a brief description of such document; (c) the author or preparer of the document; (d) the date on which the document was lost or destroyed; and (e) a brief statement of the manner in which the document was lost or destroyed.

4. With respect the following requests, you shall identify and/or prepare all documents which are known to you or which can be located to discovered by you through diligent effort on the part of you, your employees, representatives, attorneys, accountants, including but not limited to all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys, or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

5. These Requests for Production shall be deemed continuing in nature. Should Defendants acquire additional documents responsive to these requests after serving responses hereto, the responses shall be supplemented immediately.

DOCUMENT REQUESTS

1. Produce an accounting of the income derived by you or any defendant in his lawsuit from the use of the notebooks referred to by you at page 45, line 12 through page 46, line 16 of your February 2, 2012 deposition attached hereto.

RESPONSE:

2. Produce all records, including but not limited to any invoice receipts or correspondence regarding any communications you have had with the following companies in the time period between January 2009 and the present:

    a. Gulf Stream Tanker Chartering;

    b. Shell Oil;

    c. Amspec L.L.C.;

    d. Sunoco;

e. Dow;

f. Albermarle;

g. Exxon;

h. United Solutions Inc.;

i. Colonial Pipeline;

j. Texas Molecular;

k. Cross Oil;

l. Esso/Imperial Oil;

m. Conoco Phillips;

n. CVR Energy Coffeeville Resources;

o. Century DRO Signal Oil and Chemical Co.;

p. Eastman Chemical;

q. Lion Oil; and

r. Macquarie Energy Trading.

RESPONSE:

3. Produce completed, properly executed originals of the following enclosed documents:

   a. Internal Revenue Service Form 4506-T for Transcripts of Tax Returns of Rodney Bridge for the years 2008 through 2011;

   b. South Carolina Department of Revenue Form SC 4506 Request for Copy of Tax Returns of Rodney Bridge for the years 2008 through 2011;

   c. Internal Revenue Service Form 4506-T for Transcripts of Tax Returns of Envision Resources Ltd. Co. for the years of 2012 through 2013; and

   d. South Carolina Department of Revenue Form SC 4506 Request for Copy of Tax Returns of Envision Resources Ltd. Co. for the years of 2012 through 2013.

4. Produce any and all documents relating to the termination of the employment of Defendants Bridge and Girardeau from Defendant Crest.

RESPONSE:

5. Produce any and all documents relating to the compensation (including benefits and other non-monetary compensation) of Bridge and Girardeau at Envision Resources Ltd. Co.

RESPONSE:

GRUENLOH LAW FIRM
Counsel for the Plaintiff

By: _____

Patrick Aulton Chisum SCBAR #100571
Wm. M. Gruenloh SCBAR # 12418
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 577-0027
(843) 577-0721 (facsimile)

Date: July 3, 2013
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of **PLAINTIFF'S FIRST SUPPLEMENTAL REQUEST FOR PRODUCTION TO DEFENDANT BRIDGE** in the above matter were served on the below named parties and/or their respective counsel and /or agents by personal delivery to the following address on the date below.

David B. Marvel
Prenner Marvel
636 King Street
Charleston, South Carolina 29403
Attorney for Defendants

By: _____

Patrick Aulton Chisum SCBAR #100571
Wm. M. Gruenloh SCBAR # 12418
9 Broad Street, Suite C
Charleston, South Carolina 29401
(843) 577-0027
(843) 577-0721 (facsimile)

Date: July 3, 2013
Charleston, South Carolina

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

INNOVATIVE WASTE MANAGEMENT, INC., Plaintiff,	)	
v.	)	Civil Action No. 2:11-cv-01023-RMG
CREST ENERGY PARTNERS GROUP, LLC, CREST ENERGY PARTNERS L.P., et al. Defendant.	)	

****

ORAL DEPOSITION OF

RODNEY S. BRIDGE

FEBRUARY 2, 2012

****

ORAL DEPOSITION OF RODNEY S. BRIDGE, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 2nd of February, 2012, from 9:07 a.m. to 12:54 p.m., and continuing at 2:54 p.m. to 3:37 p.m., before Mona S. Whitmarsh, CSR, RPR, in and for the State of Texas, reported by machine shorthand, at the offices of Stratos Legal Services, L.P.; 4295 San Felipe, Suite 125; Houston, Texas, pursuant to the provisions stated on the record or attached hereto.

company? For IWM?

A Personal stuff when I was -- you know, personal stuff is involved in those notebooks, too.

Q Let me ask you a specific question then: When you left your office at IWM for the last time on April 19th, you took a notebook with you, correct?

A Correct.

Q All right. And did that notebook have all of the contact information in it that you used to conduct business on behalf of my client's company?

A Yes.

Q Have you used that notebook and those -- that contact information in any way after April 19th, 2010?

MR. MARVEL: Object to form.

A Yes.

Q (BY MR. GRUENLOH) In what way?

A In conducting business.

Q For what company?

A Crest Energy.

Q Have you been successful at doing that?

MR. MARVEL: Object to form.

A What's your definition of "success"?

Q (BY MR. GRUENLOH) Have you made a profit for your company by using those contacts and that information that was contained in that notebook?

A Yes.

Q Can you tell me what order of magnitude?

MR. MARVEL: Object to form.

A I don't understand that question.

Q (BY MR. GRUENLOH) Can you tell me how much money you have made for your new company by using the information --

A I have no idea.

Q Is it millions?

A I have no idea.

Q Is that knowable?

A I am sure once --

MR. MARVEL: Object to form.

A -- the numbers are calculated. I don't know.

Q (BY MR. GRUENLOH) Well, is it knowable or not?

A I'm sure it is.

Q Now, when you went over to Dunhill on April 20th, 2010, did you continue to trade with Shell? Strike that.

When you went over to Dunhill on April 20th, 2010, did you continue to conduct business with Shell?

A Yes.

Q Can you give me the names of the contacts that you conducted business with at Shell in, let's say, the first six months of 2010 while you were at Dunhill?

Form **4506-T**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Request for Transcript of Tax Return

▶ **Request may be rejected if the form is incomplete or illegible.**

OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return**. There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)
RODNEY BRIDGE	
2a If a joint return, enter spouse's name shown on tax return.	2b Second social security number or individual taxpayer identification number if joint tax return

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Gruenloh Law Firm, Attn: Patrick Aulton Chisum, 9 Broad Street, Suite C, Charleston, SC 29401

Caution. *If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.*

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ▶ 1040

a **Return Transcript,** which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days . . . . . ☑

b **Account Transcript,** which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days . ☐

c **Record of Account,** which provides the most detailed information as it is a combination of the Return Transcript and the Account Transcript. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days . . . . . ☐

7 **Verification of Nonfiling,** which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days . . ☐

8 **Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript.** The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2010, filed in 2011, will not be available from the IRS until 2012. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days . . . ☐

Caution. *If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.*

9 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately. 2008 | 2009 | 2010 | 2011

Check this box if you have notified the IRS or the IRS has notified you that one of the years for which you are requesting a transcript involved **identity theft** on your federal tax return . . . . . ☐

Caution. Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** *For transcripts being sent to a third party, this form must be received within 120 days of the signature date.*

Sign Here

▶ Signature (see instructions)	Date	Phone number of taxpayer on line 1a or 2a
▶ Title (if line 1a above is a corporation, partnership, estate, or trust)		
▶ Spouse's signature	Date	

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about Form 4506-T at *www.irs.gov/form4506*. Information about any recent developments affecting Form 4506-T (such as legislation enacted after we released it) will be posted on that page.

General Instructions

CAUTION. *Do not sign this form unless all applicable lines have been completed.*

Purpose of form. Use Form 4506-T to request tax return information. You can also designate (on line 5) a third party to receive the information. Taxpayers using a tax year beginning in one calendar year and ending in the following year (fiscal tax year) must file Form 4506-T to request a return transcript.

Note. If you are unsure of which type of transcript you need, request the Record of Account, as it provides the most detailed information.

Tip. Use Form 4506, Request for Copy of Tax Return, to request copies of tax returns.

Where to file. Mail or fax Form 4506-T to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual transcripts (Form 1040 series and Form W-2) and one for all other transcripts.

If you are requesting more than one transcript or other product and the chart below shows two different addresses, send your request to the address based on the address of your most recent return.

Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

Chart for individual transcripts (Form 1040 series and Form W-2 and Form 1099)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559-456-5876
Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922
Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506-T can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer.

Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested tax information under the Internal Revenue Code. We need this information to properly identify the tax information and respond to your request. You are not required to request any transcript; if you do request a transcript, sections 6103 and 6109 and their regulations require you to provide this information, including your SSN or EIN. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form,** 10 min.; **Preparing the form,** 12 min.; and **Copying, assembling, and sending the form to the IRS,** 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Products Coordinating Committee
SE:W:CAR:MP:T:M:S
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where to file* on this page.

STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE

REQUEST FOR COPY OF TAX FORM

or Tax Account Information

▶ Please read instructions before completing this form.

SC4506
(Rev. 3/25/05)
3103

Important: **Full payment must be included with this request.**

Office Use Only

94-8001

1. Name of taxpayer(s) as shown on tax form.

   RODNEY BRIDGE

2. Social security or employer identification number or license / registration / file number as shown on tax form.

3. Current name and address. (Information will be mailed to this address if no other address is provided in line 6 below.)

4. Spouse's social security number as shown on tax form.

5. Tax form number.

   1040

6. If information is to be mailed to someone else, show the third party's name and address (See instructions).

   Gruenloh Law Firm, ATTN: Patrick Aulton Chisum
   9 Broad Street, Suite C, Charleston, SC 29401

7. Tax period(s). (example 2003, etc.) (No more than 4 per request)

   2008 | 2009 | 2010 | 2011

8. Telephone number.

   ( )

9. If name in third party's records differs from item 1 above, show here (See instructions).

10. Convenient time for us to call.

11. Check only one box

$5.00 each period requested	☐	Copy of individual income, corporate tax, partnership and other business returns.
		Note: *If you need these copies for court or administrative proceedings, check here* ☐
$2.50 each period requested	☐	Individual income tax account information.
$2.50 each period requested	☐	Corporate Annual Report information only.
$1.00 each period requested	☐	Sales tax return or account information.
$1.00 each period requested	☐	Withholding Quarterly return.

Amount Due:

12. Dollar amount indicated in item 11	$5.00
13. Number of periods requested in item 7	4
14. Subtotal (multiply item 12 by item 13)	$20.00
15. South Carolina sales tax (multiply item 14 by your county's local sales tax 5%, 6% or 7%, if applicable).	$1.70
16. Total due (item 14 plus item 15)	$21.70

Signature (see instructions) Date

Please Sign Here

Title (If item 1 above is a corporation, partnership, estate or trust)

County of the individual making the request

SC4506 Instructions

Use this form to request copies of tax return or tax account information.

Note: If you had your return filled out by a paid preparer, check first to see if you can get a copy from the preparer. This may save you both time and money.

Individual Income, Corporate, Partnership and other business returns:

Item 1. Enter the name of the individual taxpayer(s) or corporation as shown on the requested tax return.

Item 2. For individuals, the social security number is written in the manner of 000-00-0000. For businesses and certain others, the federal employer identification number should be entered.

Item 6. If you named someone else to receive the information (such as a CPA, scholarship board, or mortgage issuer), you must include the name of an individual with the address in item 6.

Item 7. Enter the year(s) of the tax form you are requesting. For fiscal year filers or requests for quarterly returns, enter the date the period ended. If you need more than four different periods, use additional request forms. Returns which were filed six or more years ago may not be available for making copies.

Item 9. Be sure to write the name of the client, student, or applicant in item 9 if it is different from the name shown in item 1. For example, item 1 may be the parents of a student applying for financial aid. Show the student's name in item 9 so the scholarship board will know which file should be associated with the return information.

Item 11. Income Tax Account Information only - Individual taxpayers will receive the information contained on the front of their return. Students applying for financial aid may be required to give the college a copy of their tax return. However, the school may permit you to use tax return information provided by South Carolina instead. **Corporate taxpayers** will receive information from their Corporate Annual Report.

Items 12 - 16. The following example shows how to calculate the amount of money you must send with your request:

Example: You have a copy of your 2003 tax return but need a copy of your 2001 and 2002 returns. Check the first box in item 11. Your cost will be $10.50 ($5.00 x 2 years plus .50 sales tax).

Write your social security number or federal employer identification number and "Form SC4506 Request" on your check. If we cannot fill your request, we will refund your money.

Sales and Withholding Tax Returns:

Copies of sales tax returns can be furnished only to the owner(s) of the business. If you are not the owner, the records must be subpoenaed.

Item 1. Name of individual or business shown on sales or withholding tax return.

Item 2. License/registration/file number should be shown on this line for sales tax copy requests.

Item 3. Copies will be mailed to the address of record if business is open. If business is closed, we will need a current mailing address.

Item 6. Sales and withholding tax copies can be mailed only to the owner(s) of the business.

Item 7. Indicate period(s) desired, showing month and year. If a complete calendar year is desired, then so indicate.

Items 12 - 16. For a copy of sales or withholding tax return or account information, the following computation should be used to figure the amount of money to send with your request: $1.00 per period multiplied (x) by the number of periods plus sales tax.

Signature

If you are not the taxpayer shown in item 1, you must send a copy of your authorization to receive the information. This will generally be a power of attorney or tax information authorization.

If the taxpayer is deceased, you must send enough evidence to establish that you are authorized to act for the taxpayer's estate.

Tax returns and return information about joint returns may be disclosed to either the husband or the wife. Only one signature is required. If your name has changed, sign form SC4506 exactly as your name appeared on the return and also sign with your current name.

Please allow at least 45 days for delivery when requesting a copy of a return, or at least 30 days when requesting return information. (You must allow at least 12 weeks processing time after a return is filed before requesting a copy or other information.)

Where to File: SC Department of Revenue, Photocopy Section, Columbia SC 29214-0014

Social Security Privacy Act Disclosure

It is mandatory that you provide your social security number on this tax form. 42 U.S.C 405(c)(2)(C)(i) permits a state to use an individual's social security number as means of identification in administration of any tax. SC Regulation 117-201 mandates that any person required to make a return to the SC Department of Revenue shall provide identifying numbers, as prescribed, for securing proper identification. Your social security number is used for identification purposes.

Form **4506-T**
(Rev. January 2012)
Department of the Treasury
Internal Revenue Service

Request for Transcript of Tax Return

▶ **Request may be rejected if the form is incomplete or illegible.**

OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return.** There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b **First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)**
ENVISION RESOURCES LTD. CO.	
2a If a joint return, enter spouse's name shown on tax return.	2b **Second social security number or individual taxpayer identification number if joint tax return**

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Gruenloh Law Firm, Attn: Patrick Aulton Chisum, 9 Broad Street, Suite C, Charleston, SC 29401

Caution. *If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your IRS transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.*

6 **Transcript requested.** Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ▶ 1120

a **Return Transcript,** which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120A, Form 1120H, Form 1120L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days . . . . ☑

b **Account Transcript,** which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 30 calendar days . ☐

c **Record of Account,** which provides the most detailed information as it is a combination of the Return Transcript and the Account Transcript. Available for current year and 3 prior tax years. Most requests will be processed within 30 calendar days . . . . . ☐

7 **Verification of Nonfiling,** which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days . . ☐

8 **Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript.** The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2010, filed in 2011, will not be available from the IRS until 2012. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 45 days . . . ☐

Caution. *If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.*

9 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately. 12/31/2012 12/31/2013

Check this box if you have notified the IRS or the IRS has notified you that one of the years for which you are requesting a transcript involved **identity theft** on your federal tax return . . . . . ☐

Caution. Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, **either** husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note.** *For transcripts being sent to a third party, this form must be received within 120 days of the signature date.*

Sign Here	Signature (see instructions)	Date	Phone number of taxpayer on line 1a or 2a
	Title (if line 1a above is a corporation, partnership, estate, or trust)		
	Spouse's signature	Date	

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about Form 4506-T at *www.irs.gov/form4506*. Information about any recent developments affecting Form 4506-T (such as legislation enacted after we released it) will be posted on that page.

General Instructions

CAUTION. *Do not sign this form unless all applicable lines have been completed.*

Purpose of form. Use Form 4506-T to request tax return information. You can also designate (on line 5) a third party to receive the information. Taxpayers using a tax year beginning in one calendar year and ending in the following year (fiscal tax year) must file Form 4506-T to request a return transcript.

Note. If you are unsure of which type of transcript you need, request the Record of Account, as it provides the most detailed information.

Tip. Use Form 4506, Request for Copy of Tax Return, to request copies of tax returns.

Where to file. Mail or fax Form 4506-T to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual transcripts (Form 1040 series and Form W-2) and one for all other transcripts.

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Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Order a Transcript" or call 1-800-908-9946.

Chart for individual transcripts (Form 1040 series and Form W-2 and Form 1099)

If you filed an individual return and lived in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address	RAIVS Team Stop 6716 AUSC Austin, TX 73301 512-460-2272
Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming	RAIVS Team Stop 37106 Fresno, CA 93888 559 456-5876
Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia	RAIVS Team Stop 6705 P-6 Kansas City, MO 64999 816-292-6102

Chart for all other transcripts

If you lived in or your business was in:	Mail or fax to the "Internal Revenue Service" at:
Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, or A.P.O. or F.P.O. address	RAIVS Team P.O. Box 9941 Mail Stop 6734 Ogden, UT 84409 801-620-6922
Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin	RAIVS Team P.O. Box 145500 Stop 2800 F Cincinnati, OH 45250 859-669-3592

Line 1b. Enter your employer identification number (EIN) if your request relates to a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (ITIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P. O. box, include it on this line.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note. If the address on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address.

Line 6. Enter only one tax form number per request.

Signature and date. Form 4506-T must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the information be sent to a third party, the IRS must receive Form 4506-T within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.

Individuals. Transcripts of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506-T exactly as your name appeared on the original return. If you changed your name, also sign your current name.

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Partnerships. Generally, Form 4506-T can be signed by any person who was a member of the partnership during any part of the tax period requested on line 9.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

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You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506-T will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form,** 10 min.; **Preparing the form,** 12 min.; and **Copying, assembling, and sending the form to the IRS,** 20 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506-T simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Products Coordinating Committee
SE:W:CAR:MP:T:M:S
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224

Do not send the form to this address. Instead, see *Where to file* on this page.

STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE

REQUEST FOR COPY OF TAX FORM
or Tax Account Information

▶ Please read instructions before completing this form.

SC4506
(Rev. 3/25/05)
3103

Important: **Full payment must be included with this request.**

Office Use Only
94-8001

1. Name of taxpayer(s) as shown on tax form.
   ENVISION RESOURCES LTD. CO.

2. Social security or employer identification number or license / registration / file number as shown on tax form.

3. Current name and address. (Information will be mailed to this address if no other address is provided in line 6 below.)

4. Spouse's social security number as shown on tax form.

5. Tax form number.
   1120

6. If information is to be mailed to someone else, show the third party's name and address (See instructions).
   Gruenloh Law Firm, ATTN: Patrick Aulton Chisum
   9 Broad Street, Suite C, Charleston, SC 29401

7. Tax period(s). (example 2003, etc.) (No more than 4 per request)
   2012 | 2013 | | |

8. Telephone number.
   ( )

9. If name in third party's records differs from item 1 above, show here (See instructions).

10. Convenient time for us to call.

11. Check only one box

$5.00 each period requested	☐	Copy of individual income, corporate tax, partnership and other business returns.
		Note: *If you need these copies for court or administrative proceedings, check here* ☐
$2.50 each period requested	☐	Individual income tax account information.
$2.50 each period requested	☐	Corporate Annual Report information only.
$1.00 each period requested	☐	Sales tax return or account information.
$1.00 each period requested	☐	Withholding Quarterly return.

Amount Due:

12. Dollar amount indicated in item 11	$5.00
13. Number of periods requested in item 7	4
14. Subtotal (multiply item 12 by item 13)	$20.00
15. South Carolina sales tax (multiply item 14 by your county's local sales tax 5%, 6% or 7%, if applicable).	$1.70
16. Total due (item 14 plus item 15)	$21.70

Signature (see instructions) Date

Please Sign Here

Title (If item 1 above is a corporation, partnership, estate or trust)

County of the individual making the request

SC4506 Instructions

Use this form to request copies of tax return or tax account information.

Note: If you had your return filled out by a paid preparer, check first to see if you can get a copy from the preparer. This may save you both time and money.

Individual Income, Corporate, Partnership and other business returns:

Item 1. Enter the name of the individual taxpayer(s) or corporation as shown on the requested tax return.

Item 2. For individuals, the social security number is written in the manner of 000-00-0000. For businesses and certain others, the federal employer identification number should be entered.

Item 6. If you named someone else to receive the information (such as a CPA, scholarship board, or mortgage issuer), you must include the name of an individual with the address in item 6.

Item 7. Enter the year(s) of the tax form you are requesting. For fiscal year filers or requests for quarterly returns, enter the date the period ended. If you need more than four different periods, use additional request forms. Returns which were filed six or more years ago may not be available for making copies.

Item 9. Be sure to write the name of the client, student, or applicant in item 9 if it is different from the name shown in item 1. For example, item 1 may be the parents of a student applying for financial aid. Show the student's name in item 9 so the scholarship board will know which file should be associated with the return information.

Item 11. Income Tax Account Information only - Individual taxpayers will receive the information contained on the front of their return. Students applying for financial aid may be required to give the college a copy of their tax return. However, the school may permit you to use tax return information provided by South Carolina instead. **Corporate taxpayers** will receive information from their Corporate Annual Report.

Items 12 - 16. The following example shows how to calculate the amount of money you must send with your request:

Example: You have a copy of your 2003 tax return but need a copy of your 2001 and 2002 returns. Check the first box in item 11. Your cost will be $10.50 ($5.00 x 2 years plus .50 sales tax).

Write your social security number or federal employer identification number and "Form SC4506 Request" on your check. If we cannot fill your request, we will refund your money.

Sales and Withholding Tax Returns:

Copies of sales tax returns can be furnished only to the owner(s) of the business. If you are not the owner, the records must be subpoenaed.

Item 1. Name of individual or business shown on sales or withholding tax return.

Item 2. License/registration/file number should be shown on this line for sales tax copy requests.

Item 3. Copies will be mailed to the address of record if business is open. If business is closed, we will need a current mailing address.

Item 6. Sales and withholding tax copies can be mailed only to the owner(s) of the business.

Item 7. Indicate period(s) desired, showing month and year. If a complete calendar year is desired, then so indicate.

Items 12 - 16. For a copy of sales or withholding tax return or account information, the following computation should be used to figure the amount of money to send with your request: $1.00 per period multiplied (x) by the number of periods plus sales tax.

Signature

If you are not the taxpayer shown in item 1, you must send a copy of your authorization to receive the information. This will generally be a power of attorney or tax information authorization.

If the taxpayer is deceased, you must send enough evidence to establish that you are authorized to act for the taxpayer's estate.

Tax returns and return information about joint returns may be disclosed to either the husband or the wife. Only one signature is required. If your name has changed, sign form SC4506 exactly as your name appeared on the return and also sign with your current name.

Please allow at least 45 days for delivery when requesting a copy of a return, or at least 30 days when requesting return information. (You must allow at least 12 weeks processing time after a return is filed before requesting a copy or other information.)

Where to File: SC Department of Revenue, Photocopy Section, Columbia SC 29214-0014

Social Security Privacy Act Disclosure

It is mandatory that you provide your social security number on this tax form. 42 U.S.C 405(c)(2)(C)(i) permits a state to use an individual's social security number as means of identification in administration of any tax. SC Regulation 117-201 mandates that any person required to make a return to the SC Department of Revenue shall provide identifying numbers, as prescribed, for securing proper identification. Your social security number is used for identification purposes.

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)

FILED - RECORDED
2013 AUG 21 PM 12:18
CHERYL GUENTZ
CLERK OF COURT
DORCHESTER COUNTY

INNOVATIVE WASTE MANAGEMENT, INC.
Plaintiff,

vs.

CREST ENERGY PARTNER, LLC, et al.
Defendant.

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

CASE NO.: 2012-CP-18-1227

MOTION AND ORDER INFORMATION

FORM AND COVERSHEET

Plaintiff's Attorney:	Defendant's Attorney:
WILLIAM M. GRUENLOH, Bar No. _____ Address: 9 Broad Street, Suite C Charleston, South Carolina 29401 Phone: 843-577-0027 Fax _____ E-mail: _____Other: _____	David B. Marvel, Bar No. 68803 Kenneth G. Goode, Jr. Bar No.: 100368 Address: 636 King Street Charleston, South Carolina 29403 Phone: 843-722-7250 Fax843-722-7260 E-mail: dave@prennermarvel.com Other: kennyg@prennermarvel.com

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: Motion for Protective Order
Estimated Time Needed: 15 minutes Court Reporter Needed: ☒ **YES**/☐ **NO**

SECTION II: Motion/Order Type

☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

_____ 8/21/13
Signature of Attorney for ☐ Plaintiff /☒ Defendant Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $_____
☐ EXEMPT: (check reason)
- ☐ Rule to Show Cause in Child or Spousal Support
- ☐ Domestic Abuse or Abuse and Neglect
- ☐ Indigent Status ☐ State Agency v. Indigent Party
- ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
- ☐ Motion for Stay in Bankruptcy
- ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
- ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
  Name of Court Reporter: _____
- ☐ Other: _____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____

CLERK'S VERIFICATION

Collected by:_____ Date Filed: _____
☐ MOTION FEE COLLECTED: $ _____
☐ CONTESTED – AMOUNT DUE: $ _____

SCCA 233 (11/2003)