

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**May 12 2021**

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

**SC Court of Appeals**

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 II**

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STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

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.

IN THE COURT OF COMMON PLEAS

CASE NO. 2012-CP-18-122

**ORIGINAL**

FILED - RECORDED  
2013 AUG 27 AM 10:05  
CHERYL GARRAM  
CLERK OF COURT  
DORCHESTER COUNTY

**PLAINTIFF'S 2nd MOTION TO  
COMPEL ANSWERS TO DISCOVERY  
AND RESPONSE IN OPPOSITION TO  
DEFENDANTS' MOTION FOR  
PROTECTIVE ORDER**

Plaintiff Innovative Waste Management, Inc., (hereinafter "IWM") by and through its undersigned counsel, hereby submits this 2<sup>nd</sup> Motion to Compel, pursuant to Rule 37 of the South Carolina Rules of Civil Procedure. Defendants have failed to provide full responses to the discovery requests served upon them by Plaintiffs on October 2, 2012, specifically Plaintiff's First set of Interrogatories, and have thereby willfully failed to comply with this Court's March 15<sup>th</sup> and June 3, 2013 Orders regarding such discovery. *See* Defendants' Discovery Responses attached as Exhibit A; March 15, 2013 Order attached as Exhibit B and June 3, 2013 Order attached as Exhibit C.

In addition, Defendants have failed to provide any answers to the supplemental discovery served upon them on July 3, 2013 (hereafter referred to as the "supplemental discovery"). *See* Plaintiff's Supplemental Request for Production, attached as Exhibit D. When Plaintiffs advised Defendants of its failure to answer the supplemental discovery and attempted to confer on that issue Defendants filed a Motion for Protective Order. Plaintiff responds to the Defendants' allegations in that motion and hereby incorporates herein its response to Defendants' Motion for Protective Order. Plaintiff has made numerous efforts to confer with Defendants regarding these matters but all of those efforts have proven futile. *See* Affidavit of Wm. M. Gruenloh, attached as Exhibit E.

For the reasons set out below, Plaintiff respectfully requests that this Court enter an Order compelling Defendants to provide full responses to the First Set of Interrogatories and Plaintiff's Supplemental Requests for Production and awarding any relief this Court deems necessary and appropriate, including but not limited to striking Defendants' answer and counter-claim, and awarding attorney fees incurred for the bringing of this motion.

## I. FACTUAL AND PROCEDURAL HISTORY

This case stems from the Defendant's theft of over \$1 million dollars of oil from Plaintiff in April 2010. Defendants Bridge and Girardeau are former employees of the Plaintiff who went to work for Defendant Dunhill/Crest at approximately the same time that they facilitated the theft of oil. In addition to the theft of oil, the Defendants Bridge and Girardeau misappropriated and used Plaintiff's trade secrets and interfered with the Plaintiffs' existing and prospective contractual relationships. This was done in conjunction and conspiracy with their co-defendants for the purpose of illicitly using such information for personal gain and for the profit of their new employer Defendants Dunhill, Crest and Wuertz.

### A. Defendants' Pattern of Discovery Abuse

Defendants have a long history of discovery abuse that dates back to the original lawsuit styled *Innovative Waste Management v. Crest Energy Partners Group, LLC, Dunhill Products Group, LLC, Henry Wuertz, Steven Frietsch, Edward H. Girardau and Rodney Bridge* 2:11-cv-01023-RMG filed in the South Carolina District Court on April 29, 2011.<sup>1</sup> See Exhibit E at ¶ 2. Defendants have engaged in an ongoing pattern of ignoring discovery responses, requesting extensions, failing to meet negotiated deadlines, providing inadequate and incomplete discovery responses and not complying with court orders. See Exhibit E at ¶¶ 2- 6. This motion is actually the 3<sup>rd</sup> motion to compel Plaintiffs have been forced to file. See 2:11-cv-01023-RMG dckt nos. 29 & 34.

Defendants' discovery abuse has not been limited to written discovery. For example, Defendant Bridge admitted in his deposition that, after business hours on the last night of his employment with Plaintiff, he took certain notebooks from Plaintiffs that contained "everything

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<sup>1</sup> This 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.

he worked on" for Plaintiff, including client lists, profit margins, etc. Defendant Bridge further admitted that he had used the misappropriated information in the notebooks to conduct business for the benefit of his new employer Crest. *See* Deposition of Bridge attached as Exhibit F; *see also* 2:11-cv-01023-RMG dckt nos. 29 &34). At that time Plaintiff's counsel requested that Defendant Bridge go to his nearby office, retrieve the notebooks (which should have been produced in discovery) and bring them back to the deposition. Defense counsel then stopped the deposition while questions were pending regarding this issue, removed Defendant Bridge from the room so he could not answer the question and delayed their production of the notebooks for two weeks. Upon delivery, it became clear that many pages had been removed from the notebook. *See* Exhibit E at ¶5.

Defendants continued this pattern of discovery abuse in its written responses to discovery. Plaintiff served interrogatories and document requests on October 2, 2012. *See* Exhibit A. Plaintiff attempted to confer with Defendants when Defendants failed to provide timely answers to the first set of discovery requests. *See* Exhibit F, at ¶¶7-10. In response, Defendant's counsel provided numerous assurances and representations that responses to the discovery were forth coming. *See* Exhibit E at ¶10. After nearly three months of broken promises and blown deadlines, Plaintiff was forced to file a motion to compel on January 31, 2013. It was only after the 1<sup>st</sup> motion to compel was set for hearing that defense counsel agreed to enter into a Consent Order setting out its agreement to respond to such discovery. *See* Exhibit B. However, when Defendants served responses to Plaintiff's Request for Production on March 20, 2013 they failed to comply with the terms of the March 15<sup>th</sup> Order. Instead, they provided a CD that contained 2254 documents, the majority of which were duplicate copies of documents previously produced by Plaintiff in the Federal Court action and which have no apparent

relevance to the discovery requests. *See* Exhibit E at ¶15. Defendants failed to provide an index or reference to which, if any, document request the documents were intended to be responsive and, as a result, the response was essentially meaningless. *See* Exhibit E at ¶¶16-17. Defendants also failed to provide any response whatsoever to at many of the interrogatories and completely omitted Request for Production number 14 submitted to Defendant Girardeau.<sup>2</sup> Further, despite the fact that Defendants had negotiated and agreed to provide discovery responses pursuant to the terms of the Consent Order. Defendants filed a Protective Order in which they raised three issues that had not been raised in the six months Plaintiff's discovery requests had been pending. *See* Exhibit E at ¶18. As a result, Plaintiff was forced to file its Amended Motion to Compel.

A hearing was held before Judge Dickson on the Amended Motion to Compel which resulted in Judge Dickson ordering Defendants to "respond to Plaintiff's previously served Interrogatories no later than July 1, 2013 and "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." *See* Exhibit C.

## **B. The Current Deficiencies in Defendants' Responses to Discovery**

### **1. Many of the October 2, 2012 Discovery Requests are Still Unanswered Despite Two Court Orders.**

In response to the Court's ruling, on May 1, 2013 Defendants served upon Plaintiff unsigned supplemental responses to Plaintiff's discovery requests. *See* Exhibit E at ¶21. Again, many of Defendant's responses were incomplete. Specifically, Defendants failed to provide complete responses to Interrogatories 6 and 7 to Bridge and Girardeau, 9 and 10 to Wuertz and 6 to Crest. *See* Exhibit E at ¶¶20-22. These discovery requests are essential to determining the

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<sup>2</sup> This omission would not have been discovered but for a side by side comparison of the original discovery requests and Defendants' incomplete responses.

amount of business Defendants did with Plaintiff's current and prospective contractual relationships – both before and after Defendants Girardeau and Bridge jumped ship and went to work for Dunhill/Crest. *See* Exhibit A.

**a. The Unanswered Discovery Served upon Bridge and Girardeau**

Interrogatory 6 to Bridge and Girardeau request whether they had any business dealings with certain companies while they were employed by Plaintiff, and if so, requests a description of such business and the names, addresses and telephone numbers of any person who you dealt with at such businesses. *See* Exhibit A. Defendants failed to answer the interrogatory with any particularity as to the business dealing with each listed entity and failed to provide the requested names, addresses and telephone numbers. Interrogatory 7 to Bridge and Girardeau request similar information but for a time period *since* they had been employed by Defendant Crest and/or Dunhill. Instead of answering this interrogatory, Defendants simply refer Plaintiffs to their responses to Interrogatory 6, which seeks different information from a different time period. *See* Exhibit A.

**b. The Unanswered Discovery Served upon Wuertz**

Defendants treated Interrogatories 9 and 10 to Defendant Wuertz,<sup>3</sup> the same way. Interrogatory 9 to Wuertz requested information *prior to April 2010*, and Interrogatory 10 requests information *since April 2010*. Again, Defendants failed to answer with any particularity and instead of answering Interrogatory 10, they simply refer Plaintiff to their response in Interrogatory 9, which seeks different information from a different time period. *See* Exhibit A.

**c. The Unanswered Discovery Served upon Crest**

Finally, Interrogatory 6 to Defendant Crest requests information on whether it currently

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<sup>3</sup> These Interrogatories to Defendant Wuertz seek the same information as Interrogatories 6 and 7 to Defendant Bridge.

has business dealings with certain companies and if so, the nature of those dealings since April 2010. Crest failed to answer the interrogatory with any particularity as to the business dealings and each listed entity. *See* Exhibit A. Crest failed to provide the names, address or telephone numbers of the persons who it dealt with at the listed companies and failed to provide the amount of income derived from such business since April 2010. *See* Exhibit A.

**d. Plaintiffs Attempts to Confer were Futile.**

Plaintiff attempted to confer with Defendants on the deficiencies noted above but Defendant's only response was to produce a signed copy of the previously unsigned discovery responses with no substantive changes to the responses. *See* Exhibit E at ¶¶23-24. Plaintiffs again attempted to confer with Defendants (on numerous occasions between May and August of 2013) but Defendants took the position that Judge Dickson limited the response that Defendants were required to provide to the interrogatories. The Court's Order on the motion to compel does not reflect any such limitation. In granting Plaintiff's Amended Motion to Compel Judge Dickson stated:

"Defendants shall respond to Plaintiff's previously served Interrogatories no later than July 1, 2013...Defendants shall provide any responsive documents to any request for production served upon it that it did not previously answer.... No later than July 1, 2013." *See* Exhibit C.

It has been 10 months since Plaintiffs served its discovery requests and, despite the March 15<sup>th</sup> Consent order and Judge Dickson's June 3<sup>rd</sup> Order, Defendants have yet to provide full responses.

**2. Defendants Have Failed to Provide any Response to the Supplemental Discovery.**

Plaintiff served its First Supplemental Request for Production on July 3, 2013. *See* Exhibit B. When Defendants again failed to respond to the discovery requests, Plaintiff

attempted to confer with Defendants counsel. *See* Exhibit E at ¶¶28-30. Again Defendants attempted to delay the responses and informed Plaintiff that he would “follow up on the discovery” and that he would provide a response indicating Defendants’ position by Monday, **August 19, 2013** *See* Exhibit E at ¶30. Instead, of conferring on the discovery or providing its position as promised, Defendants filed a Motion for Protective Order on Friday, August 16, 2013 raising issues that they never once raised in prior attempts to confer with Defendants. *See* Defendants’ Motion for Protective Order. This was the second time Defendants filed a motion for protective order after the discovery was already late and after providing assurances to Plaintiff’s counsel.

As a result of Defendants’ refusal to provide full answers to Plaintiff’s Discovery Responses as twice ordered by this Court and its failure to answer Plaintiff’s Supplemental Discovery, Plaintiff is forced, once again, to seek the assistance of this Court on both the October 2, 2012 discovery and the supplemental discovery.

## II. 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 SCRPC Rule 37(d) provides numerous remedies available to the Court to address the party’s failure to cooperate with discovery. The Court, upon motion, may make “such orders in regard to the failure as are just” to remedy the non-compliance. SCRPC 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.*

#### **A. The Standard for Awarding Sanctions for Discovery Abuse**

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 (Cl.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 Servo Equip. Mfg. Co.*, 334 S.C. 193, 198,511 S.F..2d 716, 718 (Ct.App.1999) (citing Rule 37(b)(2)(c), SCRCF); *Karppi*, 327 S.C. at 542, 489 S.E.2d at 682 (explaining that Rule 37, SCRCF, 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.

**B. Defendants Have Engaged in a Pattern of Discovery Abuse and Willful Non-Compliance with Court Orders Similar to the Defendant in *QZO v. Moyer*.**

Defendants' responses to the first set of discovery were 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. *See* Exhibit E. Those efforts have been ignored or abused. It was only when the matter was set for hearing that defense counsel finally contacted counsel for Plaintiff in an attempt to negotiate a consent order. Defendants did not give any indication that there were any alleged deficiencies regarding the discovery requests when its counsel negotiated the March 15<sup>th</sup>

Consent Order.

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 plainly failed to honor that order/agreement and, again, the Court had to intervene. Plaintiff sought and received an Order compelling Defendants to "respond to Plaintiff's previously served Interrogatories" and "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." As noted herein, Defendants have failed (for the second time) to comply with the Court's Order.

Defendants conduct in this case is markedly similar to that of the defendant in *QZO, Inc. v. Moyer*. Just as in *QZO*, the defendants in this case have exhibited a pattern of willful disregard for discovery procedures and have willfully violated an Order of this Court - twice. Counsel for the Plaintiff 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. As noted above, Defendants' pattern of discovery abuse has been present in both this case and the prior federal court case, civil action no. 2:11-cv-01023-RMG. It has encompassed deposition and written discovery abuse. A close comparison of the instant facts with those present in *QZO* reveals that Defendants' misconduct 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, acting in bad faith and with gross indifference to the rights of the Plaintiff and ignoring court orders. Accordingly, it would be more

than appropriate and within the purview of the Court to strike Defendants' answer and counter-claim.

**C. Defendants' Motion for Protective Order Should be Denied and Defendants Should be Compelled to Answer the Supplemental Discovery Requests.**

**I. Defendants Waived their Opportunity to Object to the Supplemental Discovery and Failed to Confer with Plaintiffs Pursuant to Rule 11.**

Rule 11 requires "[a]ll motions filed shall contain an affirmation that the movant's counsel prior to filing the motion has communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matter.... The penalty for noncompliance is to strike the motion unless the attorney promptly amends the document to comply with the rule." *Jackson v. Speed*, 326 S.C. 289, 310, 486 S.E.2d 750, 761 (1997).

Defendants were afforded several occasions to confer with Plaintiff's counsel concerning the discovery for which they now seek a protective order. *See* Exhibit E at ¶¶18, 31. In fact, Defendants promised to provide their position on the discovery by August 19, 2013 and a conference call was scheduled for Tuesday, August 20<sup>th</sup> to discuss discovery. *See* Exhibit E at ¶ 30. Rather than confer as Defendants had promised, they filed a protective order, presumably because Defendant never had any intention of answering the discovery. It is important to note that Defendants failed to even mention any issues with the supplemental requests prior to filing of their Motion for Protective Order. *See* Exhibit E at ¶31. This is the exact same tactic Defendant employed when they were confronted with the deficiencies in their nonresponses to Plaintiff's first set of discovery.

In their Motion, Defendants, by their actions in not raising any issues regarding the discovery, have waived their right to object to the discovery. Moreover, Defendants' failed to abide by Rule 11 and confer with Plaintiffs. As such, Defendants' Motion for Protective Order

should be stricken.

**2. The Supplemental Discovery Requests are Neither Overly Burdensome nor in Conflict with any Order of this Court.**

Defendants make reference to an April 1<sup>st</sup> protective order. There is no protective order that has been entered in this case. The only limitation placed on discovery whatsoever is Judge Dickson's June 15<sup>th</sup> Order which indicates that Defendants are to provide financial statements in lieu of providing answers to the interrogatories requesting details on each individual Defendants' assets.<sup>4</sup> It would be more appropriate to characterize that Order as granting Plaintiff's Motion to Compel and as finding prima facie evidence of Plaintiff's entitlement to punitive damages.

The supplemental discovery, to which Defendants now object, consists of 5 requests for production. *See* Exhibit D. The first request requires Defendants to provide an accounting of the income it derived from the use of the notebooks containing trade secret information which were taken from Plaintiff by Defendant Bridge. *See* discussion of this issue *supra* at p. 3-4. This information is relevant and necessary for a full determination of Plaintiff's damages resulting from the misappropriation of trade secrets and interference with contractual relations. There is absolutely nothing in Judge Dickson's Order or any other order in this case that limits or is inconsistent with this discovery request.

The second request requires the Defendants to produce any and all documents setting out the business that they did/are doing with certain companies that were/are contractual relations of Plaintiff and which Plaintiff alleges have been the subject of Defendants' tortious interference. This document request is essentially the corollary to the interrogatories that are the subject of this

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<sup>4</sup> Plaintiff's counsel provided detailed information at the April 1<sup>st</sup> hearing setting out prima facie evidence of the Plaintiff's entitlement to punitive damages. As a result of that hearing, the Court determined that there was sufficient evidence in the record to require the Defendants to provide financial statements for each Defendant. As of the date of this Motion, Defendants have failed to provide a financial statement for Defendant Girardeau. *See* Exhibit E at ¶21.

motion to compel (interrogatory numbers 6 and 7 to Bridge and Girardeau, 9 and 10 to Wuertz and 6 to Crest.) *See* discussion of this issue *supra* at p. 5-7. As noted above, Defendants now claim that Judge Dickson somehow limited the discovery to which Plaintiff is entitled on this issue. This is simply not true and the Defendants should be compelled to produce this information.

The third request requires Defendants to execute IRS authorizations so that Plaintiff may obtain Defendants' tax records. The purpose of this request is not to determine Defendants' assets but rather to determine when Girardcau and Bridge went on the Crest/Dunhill payroll, how much money they and their co-defendants earned as a result of using Plaintiff's trade secrets and how Defendants treated the losses they allege in their counterclaim. This information is also clearly relevant to a number of Plaintiff's causes of action (breach of loyalty, tortious interference, misappropriation) and damages.

The fourth and fifth document requests require Defendants to provide all documentation related to the termination of employment of Bridge and Girardeau from Defendant Crest - which occurred after Plaintiff's initial discovery requests were served. These requests have nothing to do with any prior order of this court and it is hard to imagine how these requests would be unduly burdensome.

The Motion for Protective Order has no merit. It was filed late, after Plaintiff demanded answers to the discovery, without any attempt to confer. It is yet another data point in what has become two and half years of discovery abuse and willful delay. Defendant's Motion for Protective Order should be stricken and Plaintiffs 2<sup>nd</sup> Motion to Compel should be granted in full.

## CONCLUSION

The Defendants' pattern of discovery abuse including its failure to abide by the plain language of the March 15<sup>th</sup> Consent Order and June 3, 2013 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 or deny Defendants' Motion for Protective Order, grant Plaintiff's 2<sup>nd</sup> Motion to Compel and apply any and all sanctions pursuant to SCRPC Rules 11(a), 37(d) and 43(k) that this Court believes are appropriate under the circumstances – including but not limited to striking Defendants' Counterclaim and Answer and awarding reasonable fee for the bringing of this Motion.

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)

And

Frederick Jekel, Esq.,  
Jekel-Doolittle  
210 Wingo Way #201  
Mount Pleasant, SC 29464  
(843) 654-7700  
(888) 567-1129 (facsimile)

Date: August 26, 2013  
Charleston, South Carolina


**CERTIFICATE OF SERVICE**

I, the undersigned certify that **PLAINTIFF'S SECOND MOTION TO COMPEL** was 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  
Crest Energy Partners Group LLC  
90 Queen Street  
Charleston, South Carolina 29401

on the \_\_ Day of August, 2013

By:

  
Patrick Aulton Chisum, Esq.

CHERYL G. GARDNER  
CLERK OF COURT  
BERKELEY COUNTY

FILED - RECORDED  
2013 AUG 27 AM 10:06

MB

MB



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

IN THE COURT OF COMMON PLEAS  
9TH JUDICIAL CIRCUIT

CASE NO.: 2012-CP-18-1227

INNOVATIVE WASTE MANAGEMENT, INC. )  
Plaintiff, )

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

vs. )  
 )  
 )

CREST ENERGY PARTNERS GP, L.L.C.,  
GREST ENERGY PARTNERS L/P., DUNHILL  
PRODUCTS GO, L.L.C, DUNHILL PRODUCTS  
L.P., HENRY WUERTZ, EDWARD H.  
GIRARDEU, and RODNEY BRIDGE. )  
Defendant. )

FILED - RECORDED  
2013 AUG 27 AM 10:06  
SHERYL GRANHAM  
CLERK OF COURT  
DORCHESTER COUNTY

Plaintiff's Attorney:  
Patrick Aulton Chisum, Bar No. 100571  
Address:  
9 Broad Street, Suite C  
Charleston, SC 29401  
Phone: 843-474-1890 Fax 843-577-0721  
E-mail: Mie@Gruenlohlaw.com Other: \_\_\_\_\_

Defendant's Attorney:  
David Marvel, Bar No. \_\_\_\_\_  
Address:  
636 King Street  
Charleston, SC 29403  
Phone: \_\_\_\_\_ Fax \_\_\_\_\_  
E-mail: \_\_\_\_\_ Other: \_\_\_\_\_

- 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: PLAINTIFF'S MOTION TO COMPEL  
Estimated Time Needed: \_\_\_\_\_ 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.

Signature of Attorney for  Plaintiff /  Defendant Date submitted \_\_\_\_\_

**SECTION III: Motion Fee**

- PAID -- AMOUNT: \$25.00**
  - 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, SCRPC)
    - 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)

FILED - RECORD

2013 AUG 27 AM 10: 06

CHERYL G. GARDNER  
CLERK OF COURT  
DORCHESTER COUNTY

EXHIBIT A

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

**DEFENDANT CREST ENERGY  
PARTNERS GROUP, LLC, CREST  
ENERGY PARTNERS, LP DUNHILL  
PRODUCTS GROUP, LLC, LLC AND  
DUNHILL PRODUCTS, LP'S  
RESPONSE TO PLAINTIFF'S  
REQUEST TO PRODUCE**

FILED - RECORDED  
2013 AUG 27 AM 10:06  
CHERYL GRANADO  
CLERK OF COURT  
DORCHESTER COUNTY

1. Produce copies of all non-privileged statements of parties or witnesses to this action.

**RESPONSE:** Objection to form and scope to the extent the request is not clear or otherwise limited to statements taken by this Defendant or counsel, or to other statements that may have been made outside of this litigation, or to matters relating or relevant to this litigation. Without waiving this Objection, Plaintiff is hereby referred to the transcripts of all depositions taken in the matter captioned Innovative Waste Management, Inc. v. Crest Energy Partners Group, LLC, et al., Case no. 2:11-CV-1023-RMG (hereafter referred to as the Federal Case). These transcripts are not reproduced herewith as they are known to be in the possession of Plaintiff's counsel. Plaintiff is further referred to the transcripts and affidavits included with Defendants' Document Production, and Plaintiff is further referred to Defendants' Production Logs, as all responsive documents are produced.

2. Produce all documents or any writings in the Defendants possession, custody or control which relate to the events alleged in the Complaint.

**RESPONSE:** Defendant objects to Request for Production No. 2 in that it is overbroad, unduly burdensome, lacks specificity and scope, and requests information that is equally available to, if not under the exclusive control of, the Plaintiffs. Subject to said objection, all responsive documents currently known to this Defendant are produced herewith and identified by date, case number, and labeled as Defendants' Production 1-2254, as explained more fully in Defendants' Production Logs.

3. Produce all documents referred to by Defendant in answering Plaintiff's First Set of Interrogatories.

**RESPONSE:** All responsive documents currently known to this Defendant are produced herewith and identified by date, case number, and labeled as Defendants' Production 1-2254, as explained more fully in Defendants' Production Logs.

4. Provide all communications between Defendant and any other party in this action which relate to the matters alleged in Plaintiff's Complaint.

**RESPONSE:** All non-privileged and responsive documents currently known to this defendant are produced within the documents that are identified by date, case number, and labeled as Defendants' Production 1-2254, as explained more fully in Defendants' Production Logs. Pursuant to Rule 26(b)(5)(A), SCRPC, this defendant avers that any otherwise responsive document not produced herewith was communicated in relation to this action or the Federal Case, was communicated after the filing of the Federal Case, and either involved communication with counsel or subject to the Joint Defense Doctrine.

5. Produce the report and file of any and all experts that have been consulted in this matter.

**RESPONSE:** Objection to form and scope, as the Request patently seeks information that is protected by Rule 26(b)(3), SCRPC. This Defendant will produce the report, if any, and file of all experts which the Defendant intends to call at trial, once the decision has been made to call such experts at trial.

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:** This Defendant has not yet determined which, if any, experts will be called at trial. Please see response to Request no. 5.

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:** Objection to form and scope as overly broad and unduly burdensome. Subject to and without waiving this objection, Plaintiff is directed to the documents produced herewith and identified by date, case number, and labeled as Defendants' Production 1-2254, as more fully explained in Defendants' Production Logs, as all such documents relate to Plaintiff's relationship with the Defendants in one way or another.

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:** Objection to form and scope as stating facts not in evidence. Defendants do not know what Plaintiff contends evidence any party's damages, and denies that Plaintiff has any damages in this action. Defendants have produced job cost and revenue details for the Shell Motreal trade which establish Crest's damages on its counter claim. Plaintiff is referred thereto and to Defendants' responses to the interrogatories, and to the Defendants' Production Logs for further clarification.

9. Produce copies of any documents that relate to contract of sale entered into on March 2010 between Defendants and Plaintiff.

**RESPONSE:** Objection to form and scope as overly broad and unduly burdensome. Subject to and without waiving this objection, Plaintiff is directed to the documents produced herewith and identified by date, case number, and labeled as Defendants' Production 1-2254, as further explained in Defendants' Production Logs, as all such documents relate to Plaintiff's contracts with the Defendants in one way or another. Further, the Request implies that there was a single contract between Plaintiffs and these

**Defendants in March 2010. To the extent the request intends to seek documents related to the trades that have been referred to as the Saraland and St. Rose trades, all such documents are produced herewith .**

10. Produce copies of any documents that relate to any business relationship of the Defendant with of the other parties to this action.

**RESPONSE: As stated, Objection to form and scope as overly broad and unduly burdensome. Subject to and without waiving this objection, Plaintiff is directed to the documents produced herewith and identified by date, case number, and labeled as Defendants' Production 1-2254, as more fully explained in Defendants' Production Logs, as all such documents relate to Plaintiff's relationship with the Defendants in one way or another. Defendants further state that there are no employment contracts or letters of engagement between or amongst or between any of the Defendants.**

11. Produce all documents relating to your employment of Defendants Girardeau and Bridge including terms of employment start dates and compensation.

**RESPONSE: All such documents have been produced. Plaintiff is referred to Defendant's Production Logs for documents dated April 19-23, 2010 and the earned wage statements produced herewith.**

12. Produce all documents evidencing the existence and or terms of the alleged joint venture between you and Plaintiff referenced in your Counterclaim.

**RESPONSE: Please see the document produced herewith and identified by date, case number, and labeled as Defendants' Production 1 for the terms of the Joint Venture otherwise referred to as the North Fighter trade or the Shell Montreal trade. Please see**

the documents labeled Defendants Production 1-583, as well as certain items of correspondence authored by Russ Lloyd contained within the Defendants Production, and the bank statement provided by the Plaintiff to the Defendant which references wire transfers relating to the Joint Venture. Please see the Defendants' Production Logs for further information.

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: Please see response to the previous Request.**

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: Please see the response to the previous request.**

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 counterclaim.

**RESPONSE: Please see the response to the previous Request.**

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: Please see the response to the previous Request.**

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 contend participated in the transportation, storage or refining of petroleum referred to in paragraph 54 of your counter-claim.

**RESPONSE: Objection to form and scope as being overly broad, subject to privilege and or commercial confidentiality, and unduly burdensome. Subject to this objection, the responding defendants have no ownership interest in any such entity.**

18. Produce any and all documents which evidence the amount that you bought and sold petroleum referred to in paragraph 54 of your Counterclaim including the dates of such purchase or sale.

**RESPONSE: Objection to form and scope as overly broad. Subject to such objection, please see the Job Cost Details and Revenue Detail produced herewith**

19. Produce all documents you contend support the allegations made in paragraphs 48 through 62 of your Counterclaim.

**RESPONSE: All responsive documents currently known to this Defendant are produced herewith and identified by date, case number, and as more fully described as North Fighter documents in the Defendants' Production Logs. Please also see the Job Cost Details and Revenue Detail produced herewith.**

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:** Objection to form and scope as the Request appears to more properly be an Interrogatory and directs this defendant to create a document not currently in existence. Subject to this objection, Defendants believe that the Plaintiff can glean this information from the Defendants' responses to interrogatories documents produced previously and herewith and identified by date, case number, and labeled as Defendants' Production, as more fully explained in Defendants' Production Logs.

21. Produce copies of any documents that relate to any business relationship of the Defendant with of the other parties to this action.

**RESPONSE:** Objection to form and scope as overly broad, unduly burdensome, subject to privilege and/or commercial confidentiality, and otherwise not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving such objection, all non privileged responsive documents relating to this litigation which are currently known to this Defendant are produced herewith and identified by date, case number, and labeled as Defendants' Production 1-2254, as more fully explained in Defendants' Production Logs.

22. Produce the employee file of Defendants Girardeau and Bridge

**RESPONSE:** The responding defendants do not maintain an "employee file" for the referenced defendants. The responding defendants are reviewing their files and have yet to determine if they are currently in possession of any documents other than those produced herewith and in response to the following Request. Defendants continue to reserve the right to supplement this response.

23. Produce cancelled checks, stock certificates or other documentary evidence of any compensation paid by Defendants to Defendants Bridge or Girardeau.

**RESPONSE:** Defendant objects to Request for Production No. 16 in that it is overly broad and not reasonably calculated to lead to the introduction of admissible evidence. Subject to and without waiving this objection, one or more of these defendants expect to be able to produce tax documents evidencing such compensation once certain accountings are completed. Further, Defendants are producing herewith certain statements of income for those Defendants

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:** In lieu of responding fully to this Request, Defendants have provided the most recent Balance Sheet for Crest Energy Partners LP. Crest Energy Partners GP, LLC is a pass through entity. These figures are under internal and external audit for correctness (for both 2011 and 2012) and therefore can not be guaranteed or certified. Defendants will supplement when that audit is complete.

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:** Please see Defendants Response to Request No. 24.

Respectfully Submitted,

  
DAVID B. MARVEL, ESQUIRE

Crest Discovery Responses 130501 -9

PRENNER MARVEL, P.A.  
636 King Street  
Charleston, South Carolina 29403  
(843) 722-7250  
(843) 722-7260  
ATTORNEY FOR DEFENDANTS

DATED: 5/1/2015  
(7/1/2013)

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 Plaintiff's )  
 )  
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

**DEFENDANT'S RESPONSES TO  
PLAINTIFF'S INTERROGATORIES  
TO DEFENDANT BRIDGE**

COMES NOW Rodney Bridge, through undersigned counsel, who hereby responds to Plaintiff's Interrogatories as follows:

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.

**RESPONSE: Defendant Bridge hereby incorporates the response of Crest Energy Partners, LP.**

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.

**RESPONSE: RESPONSE: At this time, Defendant Wuertz has not determined what if any experts he will present at trial. The identities of all such witnesses will be disclosed in accordance with the South Carolina Rules of Civil Procedure and any scheduling order that may be entered in this case. Otherwise, trial experts will be identified once they are retained. Defendants reserve the right to elicit testimony admissible pursuant to Rule 701, SCRE from any witness identified in response to Interrogatory No. 1.**

3. As to each expert, describe the basis for his expertise and the substance of his opinions.

**RESPONSE: Please see response to Interrogatory No. 2.**

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.

**RESPONSE:** Please see response to Interrogatory No. 1.

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.

**RESPONSE:** Defendant Bridge is not currently in possession of any such documents prepared for the purpose of the claim or defense of this case.

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 - On information and belief, the Plaintiff IWM, through its employee Edward Girardeau, chartered the North Fighter and the Eitzen through this company for the trade that is the subject of Defendant Crest's counter-claim. To the best of the Defendant Wuertz's knowledge and recollection, it has never had any other connection to Gulf Stream Tanker Chartering.**

b. **Shell Oil -The responding Defendant objects to this interrogatory as overly broad and unduly vague. To the Defendants' knowledge, there is no such entity as "Shell Oil". Defendants believe that there is an entity properly known as Royal Dutch Shell Plc,**

which operates worldwide through a variety of subsidiaries. Defendant Bridge worked on a number of transactions involving these subsidiaries while employed by the Plaintiff and the Crest/Dunhill Defendants, whose relationships with Shell pre-dated his arrival. Defendant Bridge continues to maintain business relationships with Shell employees in his current employment.

c. Amspec L.L.C. – Amspec is a third-party testing agency that has been employed on a number of different transactions that Defendant Bridge has been involved in. Defendant Bridge believes that they may have performed testing on transactions that he worked on while employed by the Plaintiff. Defendant Bridge also believes that the Crest/Dunhill Defendants and Defendant Wuertz have a long standing relationship with Amspec and that they performed testing on transactions for Crest while Defendant Bridge was employed there. Defendant Bridge has no current direct relationship with this company.

d. Sunoco – to the best of Defendant Bridge's recollection Sunoco was not involved in any of the transactions he worked on while employed by the Plaintiff or the Crest/Dunhill Defendants. Defendant Bridge does not currently have a business relationship with Sunoco.

e. Dow – While employed at IWM, Defendant Bridge developed a transaction that was referred to as the Dow/Advance Aeromatics deal. Defendant Bridge has no current business relationship with the Dow entity involved in that transaction.

f. Albemarle – None

g. Exxon – Defendant Bridge has from time to time since 2008 made attempts to develop a business relationship with Exxon. He has not been involved in any such transactions with Exxon. Mobil Corporation.

h. United Solutions, Inc. no.

i. Colonial Pipeline. No.

j. Texas Molecular – While Defendant Bridge was employed with Crest, Texas Molecular was hired to process solvents on certain transactions.

k. Cross Oil – no.

l. Esso/ Imperial Oil - While Defendant Bridge was employed with Crest, Crest purchased fuel oil from Imperial.

m. Conoco Phillips – no.

n. CVR Energy Coffeeville Resources – no.

o. Century DRO Signal Oil and Chemical Co – no. .

p. Eastman Chemical – no.

q. Lion Oil – Defendant Bridge was from time to time involved in certain transactions between Crest and Lion Oil and associated entities. Bridge has no current business relationship with Lion Oil.

r. Macquarie Energy Trading. - Defendant Bridge's relationship with MacQuarie was consistent with MacQuarie's significant involvement with Crest, and a

**former Dunhill partner is with North American Trading. Otherwise, Defendant Bridge has no current relationship with MacQuarie.**

7. State whether you had any business dealings with the following companies since you have been employed by Defendants Crest and 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. Albemarle
- 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 Coffeerville Resources
- o. Century DRO Signal Oil and Chemical Co.
- p. Eastman Chemical
- q. Lion Oil, and
- r. Macquarie Energy Trading

**RESPONSE: Please see response to Interrogatory No. 6.**

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.

**RESPONSE: I began working with Defendant Girardeau at IWM in February 2008. On April 20, 2010, I accepted an offer of employment with the Crest/Dunhill Defendants. IN September 2012 I left that position to return to Charleston, where I began my current employment with Envision Resources Ltd. Co.**

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.

**RESPONSE: Please see the response to Interrogatory No. 8. I left my position with Crest because my wife was pregnant with our first child, and I wanted to be home than I was while I was commuting to Houston for that position. In the process of making that decision, an opportunity arose to start a new company, which I am now employed with.**

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?

**RESPONSE:** I spoke with Defendant Girardeau on April 19, 2010, about the possibility of working for Crest. The next day, I flew to Houston, where I met with Defendant Wuertz, to discuss this possibility. Defendant Wuertz offered me a position working for Crest during that meeting and I accepted.

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.

**RESPONSE:** Defendant Bridge objects to the interrogatory to the extent that seeks information that is likely to be more easily found in the Plaintiff's own files and the interrogatory is therefore overly burdensome. Subject to and without waving such objection, Defendant Bridge believes he earned approximately \$26,000 in 2008 for his employment with the Plaintiff. Defendant Bridge's 2009 tax returns indicate that he earned \$305,255 while employed with the Plaintiff during that year. Defendant Bridge's 2010 returns indicate he earned \$96,341 while employed with the Plaintiff during that year.

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.

**RESPONSE:** Defendant Bridge is owed \$73,532.76 from quarter Feb-April 2010, and \$42,529.95 from Nov 09-Jan10, for a total of \$116,062.71, additionally, I am owed commissions as follows: \$10,000 on the Dow/Advance Aromatics deal, \$120,000 from the Shell Norco deal, and potentially \$50,000 on the Shell Deer Park project, although Russ Lloyd manipulated the numbers & created false invoices on that project so that he could do additions to his house and make other expenditures without paying income tax on the profits. The total (base) amount owed is \$296,062.

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.

**RESPONSE:** Defendant Girardeau offered me employment with IWM in February of 2008. Defendant Wuertz offered me employment with Dunhill on April 20, 2010. No unusual conditions were placed on either offer.

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.

**RESPONSE:** I am currently a Vice President and Head of Sales with Envision Resources Ltd. Co. My compensation I manage day to day marketing and business activities as well as my duties as a product trader.

15. State whether 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.

**RESPONSE:** Objection to form and scope as the term evidence is overly broad and is construed to encompass all forms of admissible evidence including witness testimony, expert testimony, documents, etc. Objection to form and as stating facts not in evidence as this Defendant is not aware of any "oil shipped to Dunhill on April 10, 2010". Subject to and without waiving that objection, and in a good faith attempt to answer the Interrogatory, this Defendant believes that there is ample evidence establishing that IWM has been paid, and overpaid, for all product involved in any transaction that IWM entered into with the Crest/Dunhill Defendants. That evidence consists of the sworn deposition testimony of this Defendant, other employees of Crest/Dunhill, Defendant Girardeau, other testimony that could be elicited from certain persons identified in response to Interrogatory No. 1, and documents which have previously been produced. Those documents establish that IWM invoiced \$1,132,115.98 for the 15017 bbls of product obtained from Shell Tank 202 in the first week of April. Those documents also establish that Dunhill paid IWM \$693,114.98 on that invoice. I have also reviewed Russ Lloyd's email of December 30, 2009 in which he stated that he was retaining "\$500,000 in estimated profit" on a joint venture that was turning a loss by April 2010. Accordingly, IWM was actually paid \$1,193,114.98, which is \$61,000 more than it was invoiced. It is also my understanding that, at the time Dunhill paid the \$693,114.98, IWM and Dunhill were being sued for over \$700,000 in the Southern District of New York for cleaning, disposal, and demurrage costs relating to the Joint Venture's charter of the M/T NORTH FIGHTER and the cancellation of the charter

of the M/T SICHEM DEFIANCE, and that Dunhill bore the burden of that defense and most of the ultimate settlement.

I also understand that IWM has asserted, and Russ Lloyd believes, that Dunhill owes IWM \$603,096 for the extra 8000 bbls of product loaded from Shell Tank 202. I have seen an invoice generated by Russ for this amount that I believe is false and fraudulent. This product was provided to IWM by Shell, and in turn owed to Dunhill by IWM, as a settlement of a potential claim relating to certain product that had been loaded from Shell Tank 503 in Mobile two weeks prior to the Tank 202 lift. The contract for that lift required IWM to provide Dunhill with a minimum of 18,900 bbls of Heavy Louisiana Sweet Crude. IWM breached this contract in two respects: 1) Shell was only able to provide IWM with 15,879 bbls of product from that tank and 2) the product that Dunhill loaded turned out to be over 48% water. Therefore, according to the Inspectorate test results, Dunhill only received 8010 bbls of product. Further, due to issues relating to the inferior quality of the product, Dunhill incurred \$57,224.25 in demurrage on the barge which was IWM's responsibility. Pat Bloomer and Craig Hoy at Shell agreed to provide IWM and Dunhill an additional 8,000 bbls of product from Tank 202 for the price that we had agreed to purchase the product from Tank 503 to resolve these issues.

Shell's original invoice to IWM for the 15,879 bbls loaded from tank 503 was \$238,185.60. It does not appear that Shell discounted this invoice, which would have been appropriate. Shell's secondary invoice for the 8000 bbls loaded from tank 202 was \$120,000. Dunhill pre-paid \$300,000 of this transaction. In exchange for the 8000 bbls from Tank 202 Dunhill agreed to waive the demurrage charge and also agreed to waive its damages resulting from IWM's breach of the contract requirement of an additional 2990

bbls, the two of which together would have exceeded our original intended profit of \$94,500 on the Tank 503 lift. Plus, Shell agreed to give us another 4000 bbl from Tank 202 at the regular price, which Dunhill agreed to buy at a \$2/bbl profit to IWM. Therefore, Gerry agreed on behalf of IWM to accept this reasonable resolution to Dunhill's claim. IWM is not owed anything for the 8000 bbls of product provided by Shell from Tank 202 that Shell charged IWM \$15/bbl for.

16. State whether you have any evidence to suggest that Plaintiff or any other party to this lawsuit owes you money and if so, please describe such evidence and such alleged debt, including when such debt arose and the amount of such debt.

**RESPONSE:** Objection to form and scope as the term evidence is overly broad and is construed to encompass all forms of admissible evidence including witness testimony, expert testimony, documents, etc. Subject to and without waiving that objection, and in a good faith attempt to answer the Interrogatory, yes. That evidence consists of the sworn deposition testimony of this Defendant and Defendant Girardeau, other testimony that could be elicited from certain persons identified in response to Interrogatory No. 1, and documents which have previously been produced, in particular the accounting records of the Plaintiff showing that I earned commissions that were never paid, and, from a negative inference, the lack of any company policy or executed employment agreement stating that I waived my right to these earned commissions by terminating my employment with IWM.

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.

**RESPONSE: None.**

18. Set forth any and all real and personal property owned, whether individually, collectively, or otherwise owned and 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 or business entity, including joint ventures, whether 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 supplements 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.

**RESPONSE: This defendant has provided a financial statement pursuant to the Court's directive which satisfies this interrogatory.**

RESPECTFULLY SUBMITTED:

PRENNER MARVEL, P.A.



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ATTORNEYS FOR DEFENDANTS  
AND THIRD PARTY PLAINTIFFS

May 1, 2013  
Charleston, South Carolina

7/1/2013

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. )

IN THE COURT OF COMMON PLEAS  
 CASE NO: 2012-CP-18-1227

**DEFENDANT'S RESPONSES TO  
 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.**

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 Crest Energy Partners GP, LLC, Crest Energy Partners, L.P., Dunhill Products, GP, LLC, and Dunhill Products, L.P., through undersigned counsel, who hereby respond to 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. as follows:

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.

**RESPONSE: Representatives of the Plaintiff, including but not limited to C. Russ Lloyd, He is expected to testify consistent with his deposition testimony**

**Defendant Girardeau, who will testify consistent with his deposition testimony and his discovery responses.**

**Defendant Bridge, who will testify consistent with his deposition testimony and his discovery responses.**

**Representatives of Crest Energy Partners LP, including Henry Wuertz, Brandon Wuertz, Jacob Feldman, Nick Wuertz, Patricia Waters, who will all testify consistently with their deposition testimony, and Defendant Wuertz and Defendant Crest's responses to discovery.**

**Representatives of Shell Oil Corporation, including Robert "Bob" Gulick, David Zabick, Chris De Reus, Pat Bloomer, Barry Salmonsens, Larry Hall, and Craig Hoy, who are all expected to testify consistently with their email communication produced in this litigation and, to the extent their involvement is stated therein, the Interrogatory Responses of Defendant Wuertz, Defendant Bridge, and Defendant Girardeau.**

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. Albemarle
- 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 Coffeerville Resources
- o. Century DRO Signal Oil and Chemical Co.
- p. Eastman Chemical

- q. Lion Oil, and
- r. Macquarie Energy Trading.

**REPOSE:** Defendant objects to this interrogatory as overly broad, unduly vague, burdensome, and unlikely to lead to the discovery of admissible evidence. Defendant Wuertz was the Transportation Manager of the Good Hope Refinery in 1979, and has worked as an executive in the petroleum industry in the forty years since then. As a result of such employment and general interaction throughout the industry, he has had "business dealings" with many people at many businesses, both prior to and following the inception of Dunhill Products in 2002, and is unable to itemize each and every contact by name and address. Subject to and without waiving this objection, Defendant will attempt to provide responsive information as follows:

a. Gulf Stream Tanker Chartering - On information and belief, the Plaintiff IWM, through its employee Edward Girardeau, chartered the North Fighter and the Eitzen through this company for the trade that is the subject of Defendant Crest's counterclaim. To the best of the Defendant Wuertz's knowledge and recollection, it has never had any other connection to Gulf Stream Tanker Chartering.

b. Shell Oil - The responding Defendant objects to this interrogatory as overly broad and unduly vague. To the Defendants' knowledge, there is no such entity as "Shell Oil". Defendants believe that there is an entity properly known as Royal Dutch Shell Plc. Royal Dutch Shell Plc operates worldwide and generates annual revenues exceeding \$450 billion with roughly 87,000 employees. One subsidiary of Royal Dutch Shell Plc is believed to be the Shell Oil Company based in Houston Texas, which in turn is believed to have

many subsidiary companies in the petroleum industry. This Defendant assumes that the interrogatory seeks information regarding his business interaction with the personnel of one or more of those companies, which has been extensive and ongoing for many years. Subject to and without waiving this objection, Defendant Wuertz has had industry-related and personal relationships with many Employees of these companies over the last forty years, including but not limited to Jim Orchard, Jim Rutherford, Jim Ince, Ken Kelly, Jay Burak, Dave Sobrinski, and the persons identified in response to Interrogatory No. 1.

c. Amspec L.L.C. – AmSpec is a third party testing agency that surveys product for the petroleum industry. Defendant Wuertz has had an industry-related business relationship with Johnathan Vitale and Ed Levy, the founders of Amspec, L.L.C., since approximately 1989 when AmSpec was established. Further, a number of AmSpec surveyors have been involved in trades that Defendant Wuertz was involved in.

d. Sunoco - Defendant Wuertz has been involved with trades of gasoline, gasoline blending components and fuel oil blending components with Sun Company, Inc. and Sunoco, Inc. from time to time since 1983, prior to and after the inception of Dunhill Products in 2002.

e. Dow - Defendant Wuertz objects to this interrogatory as overly broad and unduly vague. To the Defendants' knowledge, there is no such entity as "Dow". Defendants are informed and believed that there is an entity properly named The Dow Chemical Company which, among other things, owns subsidiary companies in a segment that it refers to as "Energy and Feedstocks. Defendant Wuertz and his associates have traded gasoline, gasoline blending components and fuel oil blending components with these

subsidiary companies from time to time over the previous 40 years, including prior to April 2010 and prior to and after the inception of Dunhill Products. Wuertz also had an extended business relationship with Union Carbide representative Jack Vickery who was a Dunhill customer for many years.

f. Albemarle - Defendant objects to this interrogatory as overly broad and unduly vague. To the Defendants' knowledge, there is no such individual or entity known as "Albemarle". Defendant is informed and believes that there is an entity known as The Albemarle Corporation that is based in Baton Rouge, Louisiana. To the best of his knowledge and recollection, Defendant Crest has not been involved in any transaction with The Albemarle Corporation and has no direct relations therewith.

g. Exxon - Defendant Wuertz has had a business relationship with certain portions of Exxon/Mobil since 1979, including sales, purchases, and various petroleum industry services. His main contacts with that company are Don Campbell, Bruce Hamnaker, Bruce Allison.

h. United Solutions, Inc.- To the best of Defendant Crest's Recollection, they have not been involved in any transactions involving any company by that name.

i. Colonial Pipeline - Defendant Wuertz worked with Colonial Pipeline in the early 1980s when he was still with the Good Hope Refinery, and sporadically since then, but does not currently have any definable business relationship with the company.

j. Texas Molecular - Defendant Wuertz knew Jamie Burroughs, a personal friend of Patricia Waters, who was last employed by Texas Molecular in 2010, and has met various executives from Texas Molecular through certain industry groups, like all

companies on the Houston Ship Channel. Defendant Wuertz believes that Texas Molecular has been involved in certain Dunhill/Crest transactions over the years, but has no recollection of being personally involved with that company's participation. Defendant Wuertz does specifically recall that Texas Molecular was involved in a transaction in 2011 that Defendants Girardeau and Bridge directed, which Defendant Wuertz recalls because Crest lost money on the transaction.

k. Cross Oil - To the best of Defendant Crest's Recollection, they have not been involved in any transactions involving any company by that name.

l. Esso/ Imperial Oil Please see response to (g) above.

m. Conoco Phillips - Defendant Wuertz has worked with many predecessors and subsidiary companies of Conoco Phillips since 1979. Glen Cleveland and Bill Van Dyke have been involved in certain transactions with Defendant Wuertz in recent years.

n. CVR Energy Coffeerville Resources - Defendant Wuertz has known Jack Lipinski since the inception of his company and Dunhill.

o. Century DRO Signal Oil and Chemical Co. - To the best of Defendant Crest's Recollection, they have not been involved in any transactions involving any company by that name.

p. Eastman Chemical - Texas Aromatics, a subsidiary or predecessor company of Eastment Chemical, has been an occasional supplier of Dunhill since inception, although Defendant Wuertz does not have any particular contact there.

q. **Lion Oil, - Lion Oil was formerly a subsidiary of Ergon, Inc., and which is now owned by Delek US Holdings, Inc. Defendant Wuertz had a business relationship with Ergon/Lion as a supplier and purchaser through Leslie Lampen since 1985. Former Dunhill/Crest employee Marlin Williams developed a transactional relationship with Lion Oil while he was employed with Dunhill/Crest. Defendant Wuertz does not currently have a direct relationship with that portion of Delek US Holdings, Inc.**

r. **Macquarie Energy Trading. Steven Frietch is the head of trading at MENAT. He was formerly a partner in Dunhill Products, LP. Defendant Wuertz has had a business and personal relationship with him for many years, which continues today. Defendant Wuertz has had a business relationship with MacQuarie Bank and MENAT for many years prior to and after Dunhill's inception.**

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.

RESPONSE: Please see the Accounts Payable report that has been produced herewith.

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.

RESPONSE: Please see the complaint, Defendant Wuertz's response to Interrogatory No. 14, and the Job Costs and Job Revenue reports that have been produced herewith.

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.

**RESPONSE: Objection to form and scope as the term evidence is overly broad and is construed to encompass all forms of admissible evidence including witness testimony, expert testimony, documents, etc. Subject to and without waiving that objection, yes. That evidence consists of the sworn deposition testimony of this Defendant, other employees of Crest/Dunhill, Defendants Edward Girardeau and Rodney Bridge, other testimony that could be elicited from certain persons identified in response to Interrogatory No. 1, and all of the documents which have previously been produced and which are produced herewith. These documents are described more fully on the Crest Production Logs that have been produced to the Plaintiff.**

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.

**RESPONSE: Defendants Girardeau and Bridge are not employed by this Defendant at this time.**

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.

**RESPONSE:** Plaintiff is hereby referred, pursuant to Rule 33(c), SCRCP, to the Job Cost report and the Crest Production Logs that have been produced herewith, along with the documents associated therewith that are self-explanatory.

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.

**RESPONSE:** Defendant Wuertz's relationship to Crest Energy Partners, LP is discussed elsewhere herein. Defendant Wuertz also formerly held a 25% interest in Accumarine Transportation Company, LP, and currently holds a 99% interest in Crest Marine.

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 Paragraph 49 through 62 of your Counterclaim.

**RESPONSE:** Please see the Job Cost report produced herewith.

14. State the purchase price (the price actually paid) of the petroleum referred to in your counter-claim.

**RESPONSE:** Please see the Job Cost report produced herewith.

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.

**RESPONSE: Please see the Job Revenues report produced herewith.**

16. State whether you or any agent or 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 costs were.

**RESPONSE: No formal estimation was performed.**

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.

**RESPONSE: The product received was off-spec from what IWM led Dunhill to believe it should have been. IWM chartered a vessel that was cancelled, resulting in a deadfreight claim. Due to the product being off-spec, the owner of the vessel that carried it incurred substantial cleanup and disposal costs which were then charged, along with demurrage relating thereto, to IWM and which Dunhill ultimately paid most of. Dunhill had to purchase a substantial amount of pre-flash distillate and blend it with the product to make it an appropriate refinery feedstock, and the product produced substantial amounts of water and waste that Dunhill has been responsible for storing and disposing. As a result of these issues, the entire project took far longer than had originally been anticipated, continuing today. This delay resulted in substantial storage, demurrage, and transportation costs that were not anticipated when the joint venture was undertaken.**

18. State the date that you first determined that you would hire Defendant Girardeau.

**RESPONSE: April 19, 2010**

19. State the date that you first determined that you would hire Defendant Bridge.

**RESPONSE: April 20, 2010**

20. State when you or any agent of yours first became aware the Defendant Bridge was utilizing and/or sharing with your employee's information contained in notebooks taken from Plaintiff's offices.

**RESPONSE: This Defendant has no knowledge of "Defendant Bridge utilizing and/or sharing with your employee's information contained in notebooks taken from Plaintiff's offices." Given the place in which the notebooks were stored, Defendant Bridge may have placed his feet on them from time to time.**

21. State whether your 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.

**RESPONSE: Objection to form and scope, to the extent this Defendant has no knowledge of what Defendant Bridge "worked on at IWM" and has significant doubts that "everything" related to his employment with IWM could be contained in the referenced notebooks. Further, the interrogatory implies that the information contained in those notebooks was not already known or otherwise available to this Defendant or any agent of this Defendant. Subject to and without waiving this objection, and incorporating the response to Interrogatory No. 20, this Defendant has no knowledge of any of its employees, principals, or agents, reviewing or the notebooks or using the notebooks for any business purpose.**

**RESPECTFULLY SUBMITTED:**

PRENNER MARVEL, P.A.



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ATTORNEYS FOR DEFENDANTS  
AND THIRD PARTY PLAINTIFFS

May 1, 2013  
Charleston, South Carolina

*2/1/2013*

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading was mailed to all counsel of record in this proceeding this \_\_\_\_\_ day of \_\_\_\_\_ 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

**DEFENDANT'S RESPONSES TO  
PLAINTIFF'S INTERROGATORIES  
TO DEFENDANT GIRARDEAU**

COMES NOW DEFENDANT Edward H. Girardeau through undersigned counsel, who hereby respond to Plaintiff's Interrogatories to Defendant Girardeau as follows:

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.

**RESPONSE: Defendant Girardeau hereby incorporates the response of Crest Energy Partners, LP.**

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.

**RESPONSE: RESPONSE: At this time, Defendant Girardeau has not determined what if any experts he will present at trial. The identities of all such witnesses will be disclosed in accordance with the South Carolina Rules of Civil Procedure and any scheduling order that may be entered in this case. Otherwise, trial experts will be identified once they are retained. Defendants reserve the right to elicit testimony admissible pursuant to Rule 701, SCRE from any witness identified in response to Interrogatory No. 1.**

3. As to each expert, describe the basis for his expertise and the substance of his opinions.

**RESPONSE: Please see response to Interrogatory No. 2.**

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.

**RESPONSE:** Please see response to Interrogatory No. 1.

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.

**RESPONSE:** None.

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 - IWM chartered the North Fighter and the Eitzen through this company for the trade that is the subject of Defendant Crest's counter-claim. Otherwise I have never had any other connection to Gulf Stream Tanker Chartering.**

b. **Shell Oil -The responding Defendant objects to this interrogatory as overly broad and unduly vague. To the Defendants' knowledge, there is no such entity as "Shell Oil". Defendants believe that there is an entity properly known as Royal Dutch Shell Plc, which operates worldwide through a variety of subsidiaries. Defendant Girardeau worked on a number of transactions involving these subsidiaries while employed by the Plaintiff and the Crest/Dunhill Defendants, whose relationships with Shell pre-dated his arrival. Defendant Girardeau continues to maintain business relationships with Shell employees in his current employment.**

c. Amspec L.L.C. – Amspec is a third-party testing agency that has been employed on a number of different transactions that Defendant Girardeau has been involved in while working for the Plaintiff and for Crest/Dunhill. Defendant Crest and Defendant Wuertz have a long standing relationship with Amspec Defendant Girardeau has no current direct relationship with this company.

d. Sunoco – to the best of Defendant Girardeau's recollection Sunoco was not involved in any of the transactions he worked on while employed by the Plaintiff or the Crest/Dunhill Defendants and he has no current business relationship with Sunoco.

e. Dow – While employed at IWM, Defendant Bridge developed a transaction that was referred to as the Dow/Advance Aeromatics deal. As Defendant Bridge's supervisor, Defendant Girardeau was involved in that. Otherwise, he has no current business relationship with the Dow entity involved in that transaction.

f. Albemarle – None

g. Exxon – No business relationship.

h. United Solutions, Inc. No.

i. Colonial Pipeline. No.

j. Texas Molecular – Texas Molecular processed solvents on certain transactions that Defendant Girardeau worked on for Crest. Otherwise, No.

k. Cross Oil – no.

l. **Esso/ Imperial Oil - While Defendant Girardeau was employed with Crest, Crest purchased fuel oil from Imperial.**

m. **Conoco Phillips - no.**

n. **CVR Energy Coffeerville Resources - no.**

o. **Century DRO Signal Oil and Chemical Co - no. .**

p. **Eastman Chemical - no,**

q. **Lion Oil - Defendant Girardeau was from time to time involved in certain transactions between Crest and Lion Oil and associated entities. No current business relationship with Lion Oil.**

r. **Macquarie Energy Trading. - Defendant Crest has a long and significant relationship with the MacQuarie Group and Defendant Girardeau developed a relationship with MacQuarie and a former Dunhill partner who is now with MacQuarie Energy North American Trading. Defendant Girardeau has no current transactional relationship with MacQuarie.**

7. State whether you had any business dealings with the following companies since you have been employed by Defendants Crest and 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. Albemarle
- 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 Coffeerville Resources
- o. Century DRO Signal Oil and Chemical Co.
- p. Eastman Chemical
- q. Lion Oil, and
- r. Macquarie Energy Trading

**RESPONSE:** Please see response to Interrogatory No. 6.

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.

RESPONSE: I recommended that Russ Lloyd hire Defendant Bridge at IWM, and I recommended that Defendant Wuertz hire Defendant Bridge to work at Dunhill. I developed a customer/client business relationship with Defendant Wuertz and Dunhill/Crest while working at IWM. Defendant Wuertz hired me to work at Dunhill on April 19, 2010. Defendant Bridge began working there on April 20, 2010. Defendant Bridge and I left in September 2012 to start our own company, Envision Resources Ltd. Co., and we continue to work together there.

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.

RESPONSE: Please see response to Interrogatory No. 8.

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?

RESPONSE: In late March 2010 I had an informal discussion with Defendant Wuertz about the possibility of leaving IWM and becoming associated with Dunhill. On April 19, 2010 I had a formal discussion with Defendant Wuertz in his office, was offered a position, and I accepted it. I then called Defendant Bridge and offered to recommend to Defendant Wuertz that he hire Defendant Bridge.

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.

RESPONSE: Defendant Girardeau is not currently in possession of any such information, other than what was produced by the Plaintiff during discovery in the federal case and which has been reproduced to the Plaintiff in this matter.

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.

RESPONSE: Defendant Girardeau is owed \$120,000 in commissions from the fourth quarter 2009, and 100% of the commissions due from February to April of 2010. That amount cannot be calculated at this time due to the fact that Defendant Girardeau is owed commissions from transactions that are at issue in this lawsuit, including the Shell Mobile, Shell St. Rose, and Shell Montreal trades.

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.

RESPONSE: Yes, please see the Response to Interrogatory No. 8. No unusual conditions were placed on any offer of employment.

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.

RESPONSE: I am a Vice President and Product Trader at Envision Resources Ltd. Co. My compensation will vary based on transactions.

15. State whether 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.

RESPONSE: Objection to form and scope as the term evidence is overly broad and is construed to encompass all forms of admissible evidence including witness testimony, expert testimony, documents, etc. Objection to form and as stating facts not in evidence as this Defendant is not aware of any "oil shipped to Dunhill on April 10, 2010". Subject to and without waiving that objection, and in a good faith attempt to answer the Interrogatory, this Defendant believes that there is ample evidence establishing that IWM has been paid, and perhaps overpaid, for all product involved in any transaction that IWM entered into with the Crest/Dunhill Defendants. That evidence consists of the sworn deposition testimony of this Defendant, other employees of Crest/Dunhill, Defendant Rodney Bridge, other testimony that could be elicited from certain persons identified in response to Interrogatory No. 1, and documents which have previously been produced. Those documents establish that Dunhill owed IWM 1.132 million for the 15017 bbls of product obtained from Shell Tank 202 in the first week of April. Those documents also establish that Dunhill paid IWM \$693,114.98 on that invoice. I have also reviewed Russ Lloyd's email of December 30, 2009 in which he stated that he was retaining

“\$500,000 in estimated profit” that he was not entitled to. Accordingly, IWM was actually paid 1,193,114.98, more than what was invoiced. It is my understanding that, at the time Dunhill paid the \$693,114.98, IWM and Dunhill were being sued for over \$700,000 in the Southern District of New York for cleaning, disposal, and demurrage costs relating to the charter of the M/T NORTH FIGHTER and the cancellation of the charter of the M/T SICHEM DEFIANCE, and that Dunhill bore the burden of that defense and most of the ultimate settlement.

I also understand that IWM has asserted, and Russ Lloyd believes, that Dunhill owes IWM \$603,096 for the extra 8000 bbls of product loaded from Shell Tank 202. I have seen an invoice generated by Russ for this amount that I believe is false and fraudulent. This product was provided to IWM by Shell, and in turn owed to Dunhill by IWM, as a settlement of a potential claim relating to certain product that had been loaded from Shell Tank 503 in Mobile two weeks prior to the Tank 202 lift. The contract for that lift required IWM to provide Dunhill with a minimum of 18,900 bbls of Heavy Louisiana Sweet Crude. First, Shell was only able to provide us with 15,879 bbls of product from that tank. Second, the product that was actually Dunhill loaded turned out to be over 48% water. Therefore, according to the Inspectorate test results, Dunhill only received 8010 bbls of product. Further, due to issues relating to the inferior quality of the product, we incurred \$57,224.25 in demurrage on the barge. I pressured Pat Bloorner and Craig Hoy at Shell to help with the resolution of these issues. They agreed to provide IWM and Dunhill an additional 8,000 bbls of product from Tank 202 for the price that we had agreed to purchase the product from Tank 503.

Shell's original invoice to IWM for the 15,879 bbls loaded from tank 503 was \$238,185.60. Shell's secondary invoice for the 8000 bbls loaded from tank 202 was \$120,000. Dunhill had pre-paid \$300,000 of this transaction. In exchange for the 8000 bbls from Tank 202

Dunhill agreed to waive the demurrage charge and also agreed to waive the contract requirement of an additional 2990 bbls, the two of which together would have been more than our original interded profit of \$94,500 on the Tank 503 lift. Plus, Shell agreed to give us another 4000 bbl from Tank 202 at the regular price, which Dunhill agreed to buy at a \$2/bbl profit to IWM. Therefore, I agreed on behalf of IWM to accept this reasonable resolution to Dunhill's claim. IWM is not owed anything for the 8000 bbls of product provided by Shell from Tank 202 that Shell charged \$15/bbl for.

16. State whether you have any evidence to suggest that Plaintiff or any other party to this lawsuit you owe money and if so, please describe such evidence and such alleged debt, including when such debt arose and the amount of such debt.

**RESPONSE: Objection to form and scope as the term evidence is overly broad and is construed to encompass all forms of admissible evidence including witness testimony, expert testimony, documents, etc. Subject to and without waiving that objection, and in a good faith attempt to answer the Interrogatory, yes. That evidence consists of the sworn deposition testimony of this Defendant and Defendant Bridge, other testimony that could be elicited from certain persons identified in response to Interrogatory No. 1, and documents which have previously been produced, in particular the accounting records of the Plaintiff showing that I earned commissions that were never paid, and, from a negative inference, the lack of any company policy or executed employment agreement stating that I waive1 my right to these earned commissions by terminating my employment with IWM.**

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.

RESPONSE: Objection to form and scope as stating facts not in evidence. I became aware that Defendant Bridge had various notebooks that he had used during his employment with IWM after Defendant Bridge apparently retrieved them from the office during a recess in his deposition. I have not reviewed the content of those notebooks. However, I do not believe that they contain "information relating to everything Defendant Bridge was working on while employed by Plaintiff."

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).

RESPONSE: No.

19. Set forth any and all real and personal property owned, whether individually, collectively, or otherwise owned and 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 or business entity, including joint ventures, whether 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 supplements 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.

knows as The Albemarle Corporation that is based in Baton Rouge, Louisiana. To the best of his knowledge and recollection, Defendant Wuertz has not been involved in any transaction with The Albemarle Corporation and has no direct relations therewith.

g. Exxon - Defendant Wuertz has had a business relationship with certain portions of Exxon/Mobil since 1979, including sales, purchases, and various petroleum industry services. His main contacts with that company are Don Campbell, Bruce Hammaker, Bruce Allison.

h. United Solutions, Inc.- To the best of Defendant Wuertz' Recollection, he has not been involved in any transactions involving any company by that name.

i. Colonial Pipeline – Defendant Wuertz worked with Colonial Pipeline in the early 1980s when he was still with the Good Hope Refinery, and sporadically since then, but does not currently have any definable business relationship with the company.

j. Texas Molecular – Defendant Wuertz knew Jamie Burroughs, a personal friend of Patricia Waters, who was last employed by Texas Molecular in 2010, and has met various executives from Texas Molecular through certain industry groups, like all companies on the Houston Ship Channel. Defendant Wuertz believes that Texas Molecular has been involved in certain Dunhill/Crest transactions over the years, but has no recollection of being personally involved with that company's participation. Defendant Wuertz does specifically recall that Texas Molecular was involved in a transaction in 2011 that Defendants Girardeau and Bridge directed, which Defendant Wuertz recalls because Crest lost money on the transaction.

k. Cross Oil - To the best of Defendant Wuertz' Recollection, he has not been involved in any transactions involving any company by that name.

l. Esso/ Imperial Oil. Please see response to (g) above.

m. Conoco Phillips - Defendant Wuertz has worked with many predecessors and subsidiary companies of Conoco Phillips since 1979. Glen Cleveland and Bill Van Dyke have been involved in certain transactions with Defendant Wuertz in recent years.

n. CVR Energy Coffeerville Resources- Defendant Wuertz has known Jack Lipinski since the inception of his company and Dunhill.

o. Century DRO Signal Oil and Chemical Co. - To the best of Defendant Wuertz' Recollection, he has not been involved in any transactions involving any company by that name.

p. Eastman Chemical - Texas Aromatics, a subsidiary or predecessor company of Eastment Chemical, has been an occasional supplier of Dunhill since inception, although Defendant Wuertz does not have any particular contact there.

q. Lion Oil, - Lion Oil was formerly a subsidiary of Ergon, Inc., and which is now owned by Delek US Holdings, Inc. Defendant Wuertz had a business relationship with Ergon/Lion as a supplier and purchaser through Leslie Lampen since 1985. Former Dunhill/Crest employee Marlin Williams developed a transactional relationship with Lion Oil while he was employed with Dunhill/Crest. Defendant Wuertz does not currently have a direct relationship with that portion of Delek US Holdings, Inc.

r. **Macquarie Energy Trading.** Steven Frietch is the head of trading at MENAT. He was formerly a partner in Dunhill Products, LP. Defendant Wuertz has had a business and personal relationship with him for many years, which continues today. Defendant Wuertz has had a business relationship with MacQuarie Bank and MENAT for many years prior to and after Dunhill's inception.

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:

**RESPONSE:** Please see Defendant Wuertz's response to Interrogatory No. 9. All of the relationships unless stated otherwise therein, existed both prior to and after April 2010.

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.

**RESPONSE:** Defendant Wuertz is a member of Crest Energy Partners GP, LLC, which is the General Partner of Crest Energy Partners, LP, which was formerly named Dunhill Products, LP, which formerly employed Defendants Girardeau and Bridge.

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.

**RESPONSE:** Not other than as stated elsewhere herein.

13. State the names of all partnerships, ventures, companies, investment trusts or other business entities in which you may have any control or ownership interest and state the nature of your interest in such entity.

**RESPONSE:** As directed by the Court, Defendant Wuertz has produced a financial statement in lieu of a response to this Interrogatory.

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.

**RESPONSE:** Objection to form and scope as the term evidence is overly broad and is construed to encompass all forms of admissible evidence including witness testimony, expert testimony, documents, etc. Objection to form and as stating facts not in evidence as this Defendant is not aware of any "oil shipped to Dunhill on April 10, 2010". Subject to and without waiving that objection, and in a good faith attempt to answer the Interrogatory, this Defendant believes that there is ample evidence establishing that IWM has been paid, and overpaid, for all product involved in any transaction that IWM entered into with the Crest/Dunhill Defendants. That evidence consists of the sworn deposition testimony of this Defendant, other employees of Crest/Dunhill, Defendants Edward Girardeau and Rodney Bridge, other testimony that could be elicited from certain persons identified in response to Interrogatory No. 1, and documents which have previously been produced.

The documents produced to the plaintiff establish that IWM invoiced Dunhill \$1,132,115.98 for the 15017 bbls of product obtained from Shell Tank 202 in the first week

of April. Those documents also establish that Dunhill paid IWM \$693,114.98 on that invoice.

Russ Lloyd's email of December 30, 2009 describes, in limited detail, the terms of the joint venture between IWM and Dunhill that involved the purchase of product from Shell Montreal and transporting it aboard the M/T NORTH FIGHTER to Port Arthur (originally intended to be Lake Charles) where it could be refined and/or sold for an intended profit. As Russ stated in his email, he retained "\$500,000 in estimated profit". It was obvious by April 2010 that the joint venture was going to render a loss, as the product was not what IWM had led us to believe it would be, IWM and Dunhill were being sued for over \$700,000 in the Southern District of New York for cleaning, disposal, and demurrage costs relating to the Joint Venture's charter of the M/T NORTH FIGHTER and the cancellation of the charter of the M/T SICHEM DEFIANCE, and Dunhill was bearing the burden of the defense in that matter and ultimately paid most of the settlement. As Russ Lloyd and IWM were not living up to its obligation to bear 50% of the responsibility for that loss, and had already retained \$500,000 in profit that did not exist, we made a good faith estimate of what was owed to IWM on the St. Rose trade and paid it. Including the \$500,000 "advance profit", IWM was actually paid \$1,193,114.98, which is \$61,000 more than it invoiced for the deal.

IWM has asserted that Dunhill owes IWM \$603,096 for the extra 8000 bbls of product loaded from Shell Tank 202. The invoice for this amount generated by Russ after his employees quit to come to work for Crest is false and fraudulent. This product was owed to Dunhill by IWM due to IWM's breach of contract relating to certain product that had been loaded from Shell Tank 503 in Mobile two weeks prior to the Tank 202 lift. The

contract for that lift required IWM to provide Dunhill with a minimum of 18,900 bbls of Heavy Louisiana Sweet Crude. IWM breached this contract in two respects: 1) they only provided us 15,879 bbls of product from that tank and 2) the product turned out to be over 48% water. Therefore, according to the Inspectorate test results, we only received 8010 bbls of product. Further, due to issues relating to the inferior quality of the product, Dunhill incurred \$57,224.25 in demurrage on the barge, which was IWM's responsibility. It is my understanding that Defendant Girardeau asked Pat Bloomer and Craig Hoy at Shell to help with the resolution of these issues. They agreed that shell would provide IWM and Dunhill an additional 8,000 bbls of product from Tank 202 for the price that IWM had agreed to pay for the product from Tank 503.

Shell's original invoice to IWM for the 15,879 bbls loaded from tank 503 was \$238,185.60. Shell's secondary invoice for the 8000 bbls loaded from tank 202 was \$120,000. In my opinion Shell should have credited IWM for the inferior product, and provided the additional product, so the original invoice should not have been paid in full. Regardless, IWM paid Shell \$358,185.60 for this trade. Dunhill pre-paid IWM \$300,000 for this transaction, and if the contract had not been breached Dunhill would have owed IWM \$378,000 if they had delivered exactly 18,900 bbls of product. In exchange for the 8000 bbls from Tank 202, Dunhill agreed to waive the \$57,224.25 demurrage charge and also agreed to waive its damages resulting from IWM's failure to deliver the additional 2990 bbls that it owed. Dunhill also agreed to purchase approximately 4000 bbl extra from Tank 202 at the regular price, which IWM profited from. Dunhill does not owe IWM anything for the 8000 bbls of product provided by Shell from Tank 202 that Shell charged IWM \$15/bbl for.

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 or 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.

**RESPONSE: Objection to form and scope of 15(a) and (b) as overly broad and unduly burdensome, as the interrogatories are not limited to payments by or products received from any particular person or entity. Further, Plaintiff is seeking information from within its own records, and which is more burdensome for the Defendants to produce than the Plaintiffs. Further, the interrogatory is not appropriately directed to this Defendant. Subject to and without waiving such objections, please see the ledger produced herewith which shows the payments made by Dunhill and Crest to the Plaintiff.**

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.

**RESPONSE: Objection to form and as stating facts not in evidence as this Defendant is not aware of any "oil shipped to Dunhill/Crest on April 10, 2010". Subject to and without waiving that objection, please see response to Interrogatory No. 15.**

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.

**RESPONSE: Objection to form and scope as the term evidence is overly broad and is construed to encompass all forms of admissible evidence including witness testimony, expert testimony, documents, etc. Subject to and without waiving that objection, yes. That evidence consists of the sworn deposition testimony of this Defendant, other employees of Crest/Dunhill, Defendants Edward Girardeau and Rodney Bridge, other testimony that could be elicited from certain persons identified in response to Interrogatory No. 1, and all of the documents which have previously been produced and which are produced herewith. These documents are described more fully on the Crest Production Log.**

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 or your counter-claim.

**RESPONSE: This Defendant has not stated a counter-claim.**

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.

**RESPONSE: This Defendant has not stated a counter claim.**

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.

**RESPONSE: Objection to form and scope as vague and overly burdensome, as one would obviously have some business relationship with any person or entity that it does business with. Regardless, this Defendant has not listed any entities or persons in response to Interrogatories 20 and 21. In a good faith attempt to provide information that this Defendant believes may allow the Plaintiff to properly consider the merits of the claims against it, the Plaintiff is hereby referred to the Job Cost Analysis of Crest produced contemporaneously with this response, and hereby states that Defendant Wuertz formerly held a 25% interest in Accumarine Transportation Company, and had no ownership interest in any of the other entities named thereon. Defendant Wuertz currently holds a 99% interest in Crest Marine.**

21. State the dates that the petroleum referred to in Paragraph 54 of our counter-claim was transferred into your possession or control and the date that such petroleum was sold.

**RESPONSE: This Defendant has not asserted a counter-claim.**

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 your contention.

**RESPONSE: This Defendant has not asserted a counter-claim.**

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.

**RESPONSE: This Defendant has not asserted a counter-claim. Defendant Crest retains control over certain by-products of the petroleum referenced in its counter-claim, which are stored pending proper disposal.**

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.

**RESPONSE: This Defendant has not asserted a counter-claim. On information and belief, Mike McQueary was an assistant football coach at Pennsylvania State University under head coach Joe Paterno until late in the 2011 football season. McQueary was identified as a key witness in the Penn State child sex abuse scandal, but is not believed to have had any involvement in the Shell Montreal/North Fighter Trade.**

**Defendant Wuertz believes that the Plaintiff intended to refer to The MacQuarie Group Limited, which has certain subdivisions including a large bank that is based in Australia and MacQuarie Energy North American Trading, which is referred to as MENAT on certain documents that defendants have produced to the Plaintiff. Crest Energy has a line of credit and various accounts with MacQuarie bank, and sold product from the Shell Montreal/North Fighter Joint Venture to MENAT.**

25. Set forth any and all real and personal property owned, whether individually, collectively, or otherwise owned and 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 or business entity, including joint ventures, whether 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;

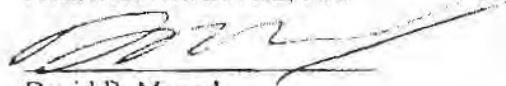
i. Any and all books, recorded, documents, or writings concerning the financial status of defendants not herein before specified, including any and all interest in any form of trust, and

j. Any and all tax receipts, tax returned tax supplements 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.

**RESPONSE:** Defendant Wuertz has produced a financial statement in lieu of a response to this Interrogatory.

RESPECTFULLY SUBMITTED:

PRENNER MARVEL, P.A.



David B. Marvel  
636 King St.  
Charleston, South Carolina 29403  
Ph. (843) 722-7250  
Fax (843) 722 7260  
dave@prennermarvel.com  
ATTORNEYS FOR DEFENDANTS  
AND THIRD PARTY PLAINTIFFS

April 2013  
Charleston, South Carolina

7/1/2013

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading was mailed to all counsel of record in this proceeding this \_\_\_\_ day of \_\_\_\_\_, 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


**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 1<sup>st</sup> day of May, 2013 the following documents were sent to counsel for Plaintiff via email:

1. **Defendant Crest Energy Partners Group, LLC, Crest Energy Partners, LP Dunhill Products Group, LLC and Dunhill Products, LP's Response to Plaintiff's Request to Produce.**
2. **Defendant's Responses to Plaintiff's Interrogatories to Defendant Bridge.**
3. **Defendant's Responses to Plaintiff's Interrogatories to Defendant Crest Energy Partners Group L.L.C., Crest Energy Partners, L.P., Dunhill Products Group, L.L.C. Dunhill Products, L.P.**
4. **Defendant's Responses to Plaintiff's Interrogatories to Defendant Girardeau**

On July 1, 2013 counsel for Plaintiff was provided with signed copies of the foregoing documents in this matter by hand delivering the same to the address below:

William M. Gruenloh, Esquire  
9 Broad Street, Suite C  
Charleston, South Carolina 29401

  
\_\_\_\_\_  
SARAH G. PENDLETON  
LEGAL ASSISTANT

# EXHIBIT E

FILED - RECORDED  
2013 AUG 27 AM 10: 09  
CHERYL GAVAN  
CLERK OF COURT  
BORCHESTER COUNTY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

IN THE COURT OF COMMON PLEAS

INNOVATIVE WASTE MANAGEMENT, )  
INC. )  
 )  
Plaintiff, )

CASE NO. 2012-CP-18-1227

**ORIGINAL**

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. )

FILED - RECORDED  
2013 AUG 27 AM 10:09  
CHERYL GRANATA  
CLERK OF COURT  
DORCHESTER COUNTY

EDWARD H. GIRARDEAU, and RODNEY )  
BRIDGE, )  
 )  
Defendants and Third Party Plaintiffs, )

**AFFIDAVIT OF WM. MICHAEL  
GRUENLOH**

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. )

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. This matter originated as *Innovative Waste Management v. Crest Energy Partners Group, LLC, Dunhill Products Group, LLC, Henry Wuertz, Steven Frietsch, Edward H. Girarducci and Rodney Bridge* 2:11-cv-01023-RMG filed in the South Carolina District Court.
3. While the case was in federal court, Defendants routinely delayed discovery responses or provided deficient answers to discovery requests and I was forced to file a Motion to Compel.
4. During his deposition, Defendant Bridge admitted that, after business hours on the last night of his employment with Plaintiff, he took certain notebooks from Plaintiffs that contained "everything he worked on" for Plaintiff. Defendant Bridge further admitted that he had used the information in the notebooks to conduct business for the benefit of his new employer Crest.
5. When Plaintiff's counsel requested that Defendant Bridge go to his nearby office, retrieve the notebooks (which should have been produced in discovery) and bring them back to the deposition, Defense counsel stopped the deposition while questions were pending regarding this issue, removed Defendant Bridge from the room so he could not answer the question and delayed their production of the notebooks for two weeks. Upon delivery, it was clear that many pages had been removed from the notebooks.
6. The federal court matter was dismissed on subject matter jurisdictional grounds prior to

this motion being heard by the court.

7. I served Plaintiff's First Request for Production and Plaintiff's First Set of Interrogatories on Defendants in this matter on October 2, 2012.
8. On November 15, 2012, I sent an email to David B. Marvel, requesting an update on when the discovery requests would be answered. *See* Correspondence attached as Exhibit 2.
9. Defense counsel, David B. Marvel, responded by advising that the discovery answers would be provided in the first week of December 2012. *Id.*
10. When the promised responses were not received, I attempted to confer with Defendants again on January 7, 2013. *Id.*
11. On January 31, 2013, after not receiving any discovery responses or any response regarding my efforts to confer, I filed Plaintiff's First Motion to Compel.
12. On March 8, 2013, I received notice that our Motion to Compel was set to be heard on March 15, 2013 and on March 12, 2013, I received a response to my efforts to confer from Mr. Marvel indicating that he wished to enter into a consent order relating to the Motion to Compel. *Id.*
13. On March 15<sup>th</sup>, 2013 counsel reached an agreement for a consent order under which Defendants would "serve response to all outstanding discovery requests on or before Wednesday, March 20, 2013." In addition, it was agreed that the March 15<sup>th</sup> hearing would be continued to April 1, 2013 pending Defendants' compliance with the Order. *Id.*
14. Defendants also agreed to pay \$500.00 to Plaintiff's counsel in recognition of and compensation for the hours Plaintiff had been forced to spend on this issue but refused to agree to include any mention of that in the Consent Order. *Id.*

15. On March 20, 2013, I received Defendant's Responses to Plaintiff's Request for Production which included a CD that contained over 2254 documents, the majority of which are documents that Plaintiff's produced in the Federal Court case.
16. The March 20<sup>th</sup> document production did not appear to contain documents that were responsive to the requests, did not include an index and was not organized in any apparent manner making it impossible to determine which documents purported to be responsive to which requests.
17. In addition, Defendants failed to provide a response to approximately 30 of the interrogatories and completely omitted a response to Request for Production of Girardeau no. 14.
18. Defendants filed a Motion for Protective Order with the March 20<sup>th</sup> production raising certain objections.
19. Defense counsel failed to confer with Plaintiff's counsel prior to filing the March 20<sup>th</sup> Motion for Protective Order and the objections raised in that motion were never raised in the 6 months that Plaintiff's discovery requests had been pending.
20. As a result of the incomplete responses and failure to comply with the Consent order, I filed an Amended Motion to Compel that was granted at the April 1, 2013 hearing.
21. On May 1, 2013, I received from Defendants unsigned discovery responses , that did not include the ordered financial statement of Defendant Girardeau, were deficient in numerous ways; on May 3, 2012, I sent Mr. Marvel a letter that addressed each of these discovery deficiencies. *Id.*
22. The deficiencies contained in the discovery responses are as follows:
  - a. Interrogatory 6 to Defendants Bridge and Girardeau request whether they had any

business designs with certain companies while they were employed by Plaintiff and, if so, requests a description of such business and the names, addresses and telephone numbers of any person who you dealt with at such businesses.

Defendants failed to answer the interrogatory with any particularity as to businesses dealings with each listed entity and fail to provide the names, addresses and telephone numbers of any persons who they dealt with at the listed companies;

- b. Interrogatory 7 to Defendant Bridge and Girardeau requests whether they had any business dealings with certain companies **since they have been employed by Defendant Crest and/or Dunhill** and, if so, request a description of such business, the income any defendant derived as a result of such business and the names, addresses and telephone numbers of any persons who they dealt with at such companies. Defendants simply refer Plaintiffs to their response to Interrogatory 6, which seeks different information from different timeframes.. Defendant's failed to provide the information sought in the Interrogatory. Further, the response fails to provide the names addresses and telephone numbers of any persons who defendants dealt with at the listed companies and **the income derived from such business by any defendant**;
- c. Interrogatory 6 to Defendant Crest requests whether it currently conducts any business or has an existing business relationship with certain 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. Defendants fail to answer the interrogatory with any particularity as to business dealing and each listed entity, fails to provide the names addresses and telephone numbers of the persons who it dealt with at the listed companies and **fails to provide the income derived from such business** since April 2010;

- d. Interrogatory 9 to Defendant Wuertz requests whether he had any business dealings with certain companies prior to April 2010 and, if so, requests a description of such business and the names, addresses and telephone numbers of any persons who you dealt with at such businesses. Defendant fails to answer the interrogatory with any particularity as to business dealing with each listed entity, fails to provide the names addresses and telephone numbers of the persons who he dealt with at the listed companies;
- e. Interrogatory 10 to Wuertz requests whether he had any business dealings with certain companies **since April 2010** and, if so, request a description of such business, the income any defendant derived as a result of such business and the names, addresses and telephone numbers of any persons who they dealt with at such companies. Defendant simply refers Plaintiff to his response to Interrogatory 9, which seeks different information from different timeframes. Moreover, the responses fails to provide the names addresses and telephone numbers of any persons who Wuertz dealt with at the listed companies and the income derived from such business;

23. I attempted to confer with Defendants regarding these deficiencies numerous times

- between May and August 2013. *Id.*
24. On June 25, 2013, I sent Mr. Marvel another letter asking Mr. Marvel to address the issues raised in my previous letters/emails and for the final signed discovery responses. *Id.*
  25. On July 1, 2013, I received Defendants signed Discovery Responses. These responses contained the same deficiencies that the unsigned responses of May 1, 2013 contained.
  26. On July 3, 2013, I served Supplemental Discovery Requests upon Defendants.
  27. On July 22, 2013, I sent yet another email to Mr. Marvel requesting Defendants' provide their position on the discovery deficiencies set out in my May 3<sup>rd</sup> letter. Mr. Marvel responded by referring to the April 1, 2013 transcript.
  28. On August 5, 2013, after not receiving a response to Supplemental Discovery Requests, I sent Mr. Marvel an email in an attempt to confer on the missing discovery. *Id.*
  29. On that same day I received an email from Mr. Marvel indicating that he would "follow up on discovery." *Id.*
  30. On August 14, 2013 I again requested that Mr. Marvel provide Defendants position on the discovery deficiencies: Mr. Marvel promised to do so by Monday August 19 and we scheduled a conference call for Tuesday August 20 to discuss discovery.
  31. On Friday August 16, 2013, Defendants filed a Motion for Protective Order without conferring with me; At no time did Mr. Marvel consult me or state that he had any issue with our supplemental discovery requests.
  32. Based on the above discovery abuses and delays, I was forced to file this 2<sup>nd</sup> Motion to Compel.
  33. I have spent 5 hours drafting the motion to compel and 3 hours attempting to confer with

Defendants – all of which would not have been necessary had Defendants complied with the rules of procedure and the court's orders and provided a proper response in this matter.

34. My standard hourly billing rate is \$250/hr.

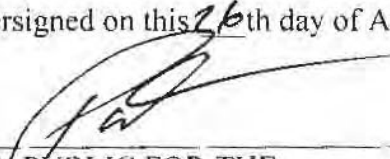
I SWEAR THAT ALL STATEMENTS HEREIN ARE TRUE AND ACCURATE.

SIGNATURE ON THE NEXT PAGE



Wm. Michael Gruenloh, Esq.

SWORN TO AND SUBSCRIBED before me,  
The undersigned on this 26th day of August 2013



NOTARY PUBLIC FOR THE  
STATE OF SOUTH CAROLINA  
My Commission Expires: April 29, 2018

# EXHIBIT 1

----- 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: 843-471-1890 | Facsimile: 843-577-0721 | [www.gruenlohlaw.com](http://www.gruenlohlaw.com)

# Gruenloh Law Firm

9 Broad Street - Suite C  
Charleston, South Carolina 29401

Wm. Michael Gruenloh

---

**DELIVERED VIA EMAIL ONLY**

David W. Marvel  
Premier Marvel  
180 King Street  
Charleston, South Carolina 29401

January 7, 2012

Re: IWM v. Crest et al.

Dr. David

We served discovery in this matter on October 3, 2012. On November 15, 2012 I wrote you concerning 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,

*Wm. Michael Gruenloh*

Wm. M. Gruenloh

Enclosure(s)

15431474 1800 (office) 15431472 1800 (fax) [www.gruenlohlaw.com](http://www.gruenlohlaw.com) [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

**PRENNER • MARVEL, P.A.**

ATTORNEYS AT LAW  
PROCTORS IN ADMIRALTY  
636 KING STREET  
CHARLESTON, SOUTH CAROLINA 29403

DANIEL L. PRENNER  
DAVID B. MARVEL (SC, GA)  
KENNETH G. GOODE, JR.

PHONE: (843) 722-7250  
FACSIMILE: (843) 722-7260  
www.prennermarvel.com

March 12, 2013

**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.

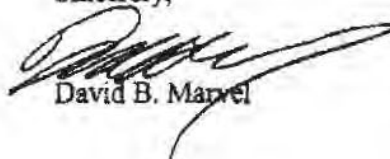
To date, you have not provided us with any responses that you have received to your subpoenas, pursuant to our request of October 15, 2012. Please provide us with copies of those responses at your soonest convenience.

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 25<sup>th</sup> 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:

March \_\_, 2013  
 St. George, South Carolina

\_\_\_\_\_  
 Presiding Judge

Wm. V. Gruenthol

2

Page 11

request before the case was set on the bar was...  
best to get accurate dates prior to that. I would have preferred that we had received this  
availability. Please let me know whose depositions you would like to take and I will do my  
As to your request for depositions, I will check with Dr. Wood's office regarding his  
such motion at this time.  
Regarding your request that we consent to a motion for a date certain, I cannot consent to any

documents received pursuant to the subpoenas when they are received.  
The subpoenas were approved and served in February. We will provide copies of all  
know, we had to go through the Texas court system to consolidate out of state subpoenas.  
Next you raise the issue of the subpoenas served upon Shell and Mercury Trading. As you  
given on this issue. I'm willing to discuss a revised consent order.

provide full discovery answers in advance of Friday, 4 hours, and pay my reasonable costs  
prefer not to have to burden the court with discovery matters. If your client is willing to  
client is unwilling to enter into the consent order, it is a waste of time. I would  
given your client's history of discovery abuse and the impending trial date in this case, my  
put in as a result of your client's failure to comply with the Rules of Civil Procedure. Also,  
worth delay nor does the consent order address the many hours my firm has been forced to  
additional ten (10) days to answer discovery. You provide no explanation for the four (4)  
2012. In your letter you request that my client enter into a consent order to allow an  
correspondence requesting discovery answers that were due from your client on November 7,  
Thank you for your letter. I note that it is the first response to my January 2, 2012

DELETED

Re: LWM v. Crest et al.

March 2, 2012

David B. Maxwell  
Treasurer Maxwell  
600 King Street  
Charleston, South Carolina 29401

DELIVERED VIA EMAIL ONLY

6 Broad Street - Suite C  
Charleston, South Carolina 29401

Wm. Michael Gruenthol

Gruenthol  
Law Firm



william gruenloh <gruenlohlaw1@gmail.com>

**IWM v. Crest**

william gruenloh <mike@gruenlohlaw.com>  
To: "David B. Marvel" <cave@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 April 1 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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*[Faint, illegible text, likely a signature or header block]*



william gruenloh <gruenlohlaw1@gmail.com>

### IWM Consent Order

9 messages

Patrick Aulton Chisum <patrick@gruenlohlaw.com>  
To: dave@prennermarvel.com  
Cc: william gruenloh <mike@gruenlohlaw.com>

Thu, Mar 14, 2013 at 3:26 PM

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

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*[Faded text, likely a previous email or attachment content]*

IWM M2C Consent Order0001.pdf  
81K

william gruenloh <mike@gruenlohlaw.com>  
To: dave@prennermarvel.com  
Cc: Patrick Aulton Chisum <patrick@gruenlohlaw.com>

Thu, Mar 14, 2013 at 4:50 PM

Dave

Could you please let us know by 10:00 am tomorrow 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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**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 gruenloh <mike@gruenlohlaw.com>

I don't understand that. It is a sanction not a "courtesy" and it is what we agreed to. Why would we leave out a part of our agreement from the Order?  
[Quoted text hidden]  
[Quoted text hidden]

**David B. Marvel** <dave@prennermarvel.com> Fri, Mar 15, 2013 at 8:39 AM  
To: Mike Gruenloh <gruenlohlaw1@gmail.com>  
Cc: Patrick Aulton Chisum <patrick@gruenlohlaw.com> william gruenloh <mike@gruenlohlaw.com>

The agreement was that we would pay you. I didn't agree to a sanction, and I don't agree it's sanctionable conduct. That being said I understand you and your client's frustration at the situation. As a practical matter that portion of our agreement will already be consummated by the time the order is transmitted to the court, so I fail to see why it matters to you.  
[Quoted text hidden]

David B. Marvel <dave@prennermarvel.com>  
To: Mike Gruenloh <gruenloh1@gmail.com>  
Cc: Patrick Aulton Chisum <patrick@gruenlohlaw.com>, william gruenloh <mike@gruenlohlaw.com>

Fri, Mar 15, 2013 at 9:41 AM

Mike - I have executed the attached modified Consent Order on discovery. I have also written the attached check. The originals of both are here waiting for pickup at your soonest convenience. Alternatively I could have someone run them to your office later, but based on your previous correspondence I thought you might want them sooner rather than later. Please let me know if you have any questions, comments, or concerns.

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:gruenloh1@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

william gruenloh <mike@gruenlohlaw.com>  
To: "David B. Marvel" <dave@prennermarvel.com>  
Cc: Patrick Aulton Chisum <patrick@gruenlohlaw.com>

Fri, Mar 15, 2013 at 10:21 AM

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

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**william gruenloh** <mike@gruenlohlaw.com>  
To: Trevor Threet <trthreet@charlestonlaw.edu>

Fri, Mar 15, 2013 at 10:22 AM

[Quoted text hidden]

**Gruenloh Law Firm**

Mike Gruenloh, Esq. | 9 Broad Street Suite C | Charleston, SC 29401  
[Quoted text hidden]

**2 attachments**

- 12-1227 Consent Order on Motion to Compel.pdf  
45K
- IOLTA check 2381 to Gruenloh.pdf  
20K

**PRENNER • MARVEL, P.A.**

ATTORNEYS AT LAW

PRACTICING IN ADMIRALTY

AND MARITIME

CHARLOTTE, NORTH CAROLINA 28203

DANIEL L. PRENNER  
DAVID B. MARVEL, P.C., GAI  
KENNETH G. GONDE, JR.

PHONE: 704.372.3361  
FACSIMILE: 704.372.3362  
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

CM

## Crest Responses

David B. Marvel <dave@premiermarvel.com>  
To: Mike Gruenloh <mike@conegruenloh.com>  
Cc: "Pendleton, Sarah" <sarah@premiermarvel.com>


Wed, May 1, 2013 at 6:33 PM

Mike: I have attached hereto a pdf containing all of the responses to interrogatories, updated responses to Crest's requests for production, documents produced pursuant to the hearing of April 1, 2013, and several sets of production logs, which are sorted by Bates No., Date, and transaction so that they are hopefully helpful. You will note they are unsigned, as I am not in a position to put pen to paper. However they are sealed in a pdf, and bates stamped today's date. Please accept this affirmation in lieu of a true signature. For the sake of good order, I will sign them and get hard copies to you following my return to Charleston. As I previously advised, I am available next week if you want to meet regarding this case.

Best regards

David B. Marvel  
Premier Marvel, P.A.  
636 King Street  
Charleston, SC 29403  
ph  
fax

QUESTIONS? CONTACT US

 Crest disc resp May 1 2013.pdf  
/116K

# Gruenloh Law Firm

9 Broad Street · Suite C  
Charleston, South Carolina 29401

Wm. Michael Gruenloh

---

**DELIVERED VIA EMAIL ONLY**

David B. Marvel  
Premier Marvel  
636 King Street  
Charleston, South Carolina 29401

May 3, 2013

Re: IWM v. Crest et. al.

Dear Mr. Marvel:

I am in receipt of your clients' discovery responses which were served via email on May 1, 2013. I write to bring to your attention certain deficiencies in your clients' discovery responses and to request that these deficiencies be supplemented within the next seven (7) days. Please consider this a good faith attempt to resolve a discovery dispute without court action. As a general matter, none of the responses are signed. Please forward the original signed responses.

**Requests for Production**

We have yet to receive responses to Requests to Produce 11 and 13 for Defendant Bridge. Likewise we have not received responses to Requests to Produce 11, 13 and 14 for Girardeau. Finally we have not received responses to Requests to Produce 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 for Wuerz. These requests for production were all referred to in Plaintiffs' Amended Motion to Compel and are the requests for production referred to in the second paragraph of the consent order to which we previously agreed. Please supplement your responses accordingly.

Also, Request to Produce 3 propounded upon each defendant seeks the production of all documents referred to in answering the interrogatories. I request that you supplement your responses to this request to produce in light of your client's review of documents in answering the interrogatories. Specifically, I request that you produce any documents referred to for the purpose of answering Interrogatories 6 and 7 to Girardeau and Bridge, 9 and 10 to Wuerz and 6 to Crest.

**Interrogatories**

Interrogatory 6 to Bridge and Girardeau request whether they had any business dealings with certain companies while they were employed by Plaintiff and, if so, request a

(843) 474-1890 (office) · (843) 577-0721 (fax) · [www.gruenlohlaw.com](http://www.gruenlohlaw.com) · [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

description of such business and the names, addresses and telephone numbers of any persons who you dealt with at such businesses. Defendants fail to answer the interrogatory with any particularity as to business dealing with each listed entity and fail to provide the names addresses and telephone numbers of any persons who they dealt with at the listed companies. Please supplement your response accordingly.

Interrogatory 7 to Bridge and Girardeau requests whether they had any business dealings with certain companies since they have been employed by Defendant Crest and/or Dunhill and, if so, request a description of such business, the income any defendant derived as a result of such business and the names, addresses and telephone numbers of any persons who they dealt with at such companies. Defendants simply refer Plaintiffs to their response to Interrogatory 6. This is inappropriate considering the requests seek different information from different timeframes. Moreover, the responses fail to provide the names addresses and telephone numbers of any persons who defendants dealt with at the listed companies and the income derived from such business by any defendant. Please supplement your response accordingly.

Interrogatory 8 to Crest requests whether it currently conducts any business or has an existing business relationship with certain 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. Defendants fail to answer the interrogatory with any particularity as to business dealing with each listed entity, fails to provide the names addresses and telephone numbers of the persons who it dealt with at the listed companies and fails to provide the income derived from such business since April 2010. Please supplement your response accordingly.

Interrogatory 9 to Wuertz requests whether he had any business dealings with certain companies prior to April 2010 and, if so, requests a description of such business and the names, addresses and telephone numbers of any persons who you dealt with at such businesses. Wuertz fails to answer the interrogatory with any particularity as to business dealing with each listed entity, fails to provide the names addresses and telephone numbers of the persons who he dealt with at the listed companies. Please supplement your response accordingly.

Interrogatory 10 to Wuertz requests whether he had any business dealings with certain companies since April 2010 and, if so, request a description of such business, the income any defendant derived as a result of such business and the names, addresses and telephone numbers of any persons who they dealt with at such companies. Wuertz simply refers Plaintiffs to his response to Interrogatory 9. This is inappropriate considering the requests seek different information from different timeframes. Moreover, the responses fail to provide the names addresses and telephone numbers of any persons who Wuertz dealt with at the listed companies and the income derived from such business. Please supplement your response accordingly.

Interrogatory 13 to Bridge and Girardeau requests the compensation that was offered for each job listed by Defendants. Defendants fail to provide any information regarding compensation. To the extent that Defendants seek to reference their financial statements or tax returns as answer to this question, such reference is inadequate as this request seeks all compensation including benefits and privileges offered as compensation. Please supplement your response accordingly.

Interrogatory 14 to Bridge and Girardeau requests the compensation defendants are currently being paid for their present employment. Defendants fail to provide any information regarding compensation. To the extent that Defendants seek to reference their financial statements or tax returns as answer to this question, such reference is inadequate as this request seeks all compensation including benefits and privileges offered as compensation. Please supplement your response accordingly.

Given the past history of your clients' abuse of the discovery process we will be seeking all available remedies and sanctions in the event yet another motion to compel is necessary.

Respectfully,

s/ Mike Gruenloh

Wm. M. Gruenloh

# Gruenloh Law Firm

9 Broad Street · Suite C  
Charleston, South Carolina 29401

Wm. Michael Gruenloh

---

**DELIVERED VIA EMAIL ONLY**

David B. Marvel  
Premier Marvel  
636 King Street  
Charleston, South Carolina 29401

June 25, 2013

Re: IWM v. Crest et. al.

Dear Mr. Marvel:

As you know, the Court granted Plaintiffs' motion to compel and ordered your client to respond to the discovery requests referenced in our motion no later than July 1, 2013. I wrote to you on May 3<sup>rd</sup> requesting that you supplement your discovery responses to comply with the Court's Order. As of today's date, your clients have not supplemented their discovery responses and I yet to receive a signed copy of the draft discovery responses you provided on May 1, 2013.

Please provide the final signed discovery responses for your clients by July 1<sup>st</sup> and let me know whether you intend to supplement your responses, specifically interrogatory nos. 6 and 7 to Bridge and Girardeau, nos. 9 and 10 to Wuertz and no. 6 to Crest. The responses are plainly insufficient as detailed in my May 3<sup>rd</sup> letter. Your May 15<sup>th</sup> letter indicates that you believe Judge Dickson somehow limited the response that was required on those discovery responses. I have no recollection of that and it is not reflected in the Court's Order. If I have not heard from you on this issue by July 2<sup>nd</sup> I will assume that no supplement is forthcoming and will request a conference with the Court in advance of filing another motion to compel.

Finally, please advise whether you have been able to obtain deposition dates in August for Henry Wuertz, Mr. Fisher and the Crest 30(b)6 witness.

Respectfully,

s/ Mike Gruenloh

Wm. M. Gruenloh


(843) 474-1890 (office) • (843) 577-0721 (fax) • [www.gruenlohlaw.com](http://www.gruenlohlaw.com) • [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

william gruenloh <mike@gruenlohlaw.com>  
To: "David B. Marvel" <dave@premiermarvel.com>  
Cc: patrick <patrick@gruenlohlaw.com>  
Bcc: Fritz Jekel <fritz@j-dlaw.com>

Thu, Jul 18, 2013 at 12:28 PM

David,

I understood that you were going to send over the transcript of the MTC arguments as you indicated it was your position the court limited the scope of what your clients' were required to answer and produce. As you know the order does not provide for any such limitation. I am available to confer on the discovery issues raised in my June 25 today or anytime Monday. If I have not heard from you by then I'll ask for another conference with the court.

 GRUENLOH LAW

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REDACTED

 Marvel 6.25.13.pdf  
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william gruenloh <mike@gruenlohlaw.com>  
To: "David B. Marvel" <dave@prennemarvel.com>  
Cc: patrick <patrick@gruenlohlaw.com>  
Bcc: Fritz Jekel <fritz@j-dlaw.com>

Mon, Jul 22, 2013 at 9:56 AM

David

I have written to you a number of times since the April MTC hearing requesting full answers on interrogatories 6 and 7 to Bridge and Girardeau, 9 and 10 to Wuertz and 6 to Crest. Also, RFP#3 to all defendants requires the production of documents referred to in answering these interrogatories. You have indicated that Judge Dickson ordered some limited answer to these interrogatories. I reviewed the transcript of the hearing and I disagree. At the top of page 37 onto page 38 Judge Dickson orders the interrogatories to be answered in full. Please let me know by Wednesday whether you are willing to provide full answers as the court ordered. Also, I note that Judge Dickson requested a scheduling order. Previously we discussed NTB October. Let me know your thoughts on a scheduling order and lets get one submitted that we can both live with.

 GRUENLOH LAW

WE MAKE YOU PROUD

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David B. Marvel <dave@prennemarvel.com>  
To: william gruenloh <mike@gruenlohlaw.com>  
Cc: patrick <patrick@gruenlohlaw.com>

Mon, Jul 22, 2013 at 10:03 AM

Mike, read p. 35 lines 15-20. That certainly tempers what you requested, and I think we provided the information that the judge indicated was appropriate in the interrogatory. If you think that's not what we should answer

Best regards,

David B. Marvel

Prenner Marvel, P.A.

636 King Street

Charleston, South Carolina 29403

Phone: 803.733.1100

Fax: 803.733.1100

dave@prennermarvel.com

**From:** William Gruenloh <wgruenloh@gmail.com> [mailto:wgruenloh@gmail.com] **On Behalf Of** William Gruenloh  
**Sent:** Monday, July 22, 2013 9:56 AM  
**To:** David B. Marvel  
**Cc:** patrick  
**Subject:** Re: IWM


Quoted text hidden.

William Gruenloh <wgruenloh@gmail.com>  
To: "David B. Marvel" <dave@prennermarvel.com>  
Cc: patrick <patrick@gruenlohlaw.com>

Mon, Jul 22, 2013 at 10:53 AM

Dave,

I read that and I disagree that the court limited its ruling as you suggest. Let me know by Wednesday if you intend to supplement the responses with full answers including any and all documents referred to in determining the answers to these interrogatories. Thanks.

 GRUENLOH LAW

1000 Ashley Blvd, Suite 200

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[Faint, mostly illegible text, possibly a signature or footer]





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V

----- Forwarded message -----  
From: William Gruenloh <mike@gruenlohlaw.com>  
Subject: [REDACTED]  
Date: Mon, Aug 5, 2013 at 11:35 AM  
----- Forwarded message -----  
From: William Gruenloh <mike@gruenlohlaw.com>  
Subject: [REDACTED]  
Date: Mon, Aug 5, 2013 at 11:35 AM

----- Forwarded message -----  
From: **william gruenloh** <mike@gruenlohlaw.com>  
Quoted text hidden

2 attachments

 Gruenloh-Law-Signature-Symbol.jpg  
560K

 WM Scheduling Order Draft.docx  
29K

David B. Marvel <dave@brennermarvel.com>  
To: william gruenloh <mike@gruenlohlaw.com>  
Cc: patrick <patrick@gruenlohlaw.com>

Mon, Aug 5, 2013 at 11:35 AM

Hi - I would just call it a Dismissed Scheduling Order.  
I have not had any other contact with you. I am sure you will be satisfied with the disposition of this and do not have any more.

Will follow up on discovery. Waiting for Den Michel to tell me whether I am going to trial this afternoon or tomorrow.

Best regards

David B. Marvel  
Brenner Marvel, P.A.  
636 King Street  
Charleston, South Carolina 29403  
Ph: 843.723.0158

#1x (40-38-20-100)

dave@prennermarvel.com



IWM

Wm. Michael Gruenloh <mike@gruenlohlaw.com>  
To: "David B. Marvel" <dave@preinnermarvel.com>  
Cc: Fritz Jekel <fritz@j-dlaw.com>, Patrick Chisum <patrick@gruenlohlaw.com>

Wed, Aug 14, 2013 at 11:18 AM

David,

Please copy Fritz Jekel on all future correspondence as he has entered an appearance for IWM.

We served supplemental RFPs on all defendants on July 3rd. Responses were due on August 8 and we have not received anything. Please consider this our attempt to confer with you on this matter prior to filing a motion to compel.

Also, I have yet to receive available deposition dates for H. Wuertz, Mr. Fisher, Crest's 30(b)6 witness and Girardeau and Bridge. Finally, you have not responded to my many requests that you give us your final position on the discovery issues we raised with respect to rogs 6 and 7 to Girardeau and Bridge, rogs 9 and 10 to Wuertz, rog 6 to Crest and RFP #3 to all defendants. If you don't intend to amend the responses please say so.

If we have not heard from you on these issues by Monday, August 19th we will issue depo notices with dates of our choosing and will file another MTC.



GRUENLOH LAW

Wm. Michael Gruenloh Esq.

TEL: 907.463.1900

FAX: 907.463.1900

E-MAIL: mike@gruenlohlaw.com

A

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*RECEIVED BY THE COURT: The court has received the notice of appearance for IWM. The court has received the notice of appearance for IWM. The court has received the notice of appearance for IWM. The court has received the notice of appearance for IWM.*

Fritz Jekel <fritz@j-dlaw.com>  
To: "Wm. Michael Gruenloh" <mike@gruenlohlaw.com>, "David B. Marvel" <dave@preinnermarvel.com>  
Cc: Patrick Chisum <patrick@gruenlohlaw.com>

Thu, Aug 15, 2013 at 4:29 PM

David, your copy of the notice of appearance was returned to my office today because the address we used - 90 Queen street which is on your website is incorrect. I will be forwarding the copy to the King Street address tomorrow but how about update that website.

dave@prennermarvel.com

**From:** Fritz Jekel [mailto:fritz@j-dlaw.com]  
**Sent:** Thursday, August 15, 2013 4:30 PM  
**To:** Wm. Michael Gruenloh; David B. Marvel  
**Cc:** Patrick Chisum  
**Subject:** RE: IWM

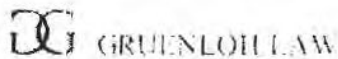
[Quoted text hidden]

**Wm. Michael Gruenloh** <mike@gruenlohlaw.com> Thu, Aug 15, 2013 at 5:28 PM  
To: "David B. Marvel" <dave@prennermarvel.com>  
Cc: Fritz Jekel <fritz@j-dlaw.com>, Patrick Chisum <patrick@gruenlohlaw.com>, "Pendleton, Sarah" <sarah@prennermarvel.com>

Dave

Sarah from your office called me yesterday to ask for proposed dates for the depositions. October 3-4 or October 7-9 work for us for depositions of H. Wuertz, Mr. Fisher, Patricia Waters and Crest's 30(b)6 representative. I expect we will need two days. Please let me know by Monday whether you and the witnesses are available on those dates. As to your question regarding the subpoenas, we expect to receive additional responses shortly and will be happy to allow you to inspect the documents when they arrive. We have already provided you with the responses received from Shell, Macqueary Trading and Colonial Pipeline.

I would appreciate an answer to the discovery issues raised in my August 14th email by Monday as well.



Wm. Michael Gruenloh, Esq.  
T 504.277.2500  
F 504.277.2500  
E mike@gruenlohlaw.com  
A

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**David B. Marvel** <dave@prennermarvel.com> Thu, Aug 15, 2013 at 6:13 PM  
To: "Wm. Michael Gruenloh" <mike@gruenlohlaw.com>  
Cc: Fritz Jekel <fritz@j-dlaw.com>, Patrick Chisum <patrick@gruenlohlaw.com>, "Pendleton, Sarah" <sarah@prennermarvel.com>

Wm. Michael Gruenloh <mike@gruenlohlaw.com>

Fri, Aug 16, 2013 at 12:28 PM

To: "David B. Marvel" <dave@prennermarvel.com>

Cc: Patrick Chisum <patrick@gruenlohlaw.com>, Fritz Jekel <fritz@j-dlaw.com>, "Pendleton, Sarah" <sarah@prennermarvel.com>

I can meet Monday or Tuesday but have depositions the rest of the week. Please let us know what you want to meet about

Also, please confirm that October 7-9 are good deposition dates and we will issue the notices. We will also want deposition dates for Girardeau and Bridge in Charleston. We can do those October 3, 4 or October 29 - 11/1. We probably can do them in a single day if necessary.

We have copied you on correspondence to the court regarding the subpoenas and provided copies of the subpoenas when they were issued. I'm not sure why you don't have copies in your file. As you know, we had to get the subpoenas domesticated in a number of foreign jurisdictions, including Canada. Again, we will continue provide documents as they are received.

Do you intend to provide a response to the discovery issues raised in my August 14th letter?



GRUENLOH LAW

Wm. Michael Gruenloh Esq.

TEL: 803.781.1100

FAX: 803.781.1101

EMAIL: [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

^

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*[Quoted text hidden]*

[Quoted text hidden]

David B. Marvel <dave@prennermarvel.com>

Fri, Aug 16, 2013 at 12:42 PM

To: "Wm. Michael Gruenloh" <mike@gruenlohlaw.com>

Cc: Patrick Chisum <patrick@gruenlohlaw.com>, Fritz Jekel <fritz@j-dlaw.com>, "Pendleton, Sarah" <sarah@prennermarvel.com>

Let me try to clear Tuesday. We just need a conference call. You aren't the only one who wants to conduct discovery, so if those are your only available dates in October we may need to revisit that scheduling order. Our agenda should be to figure out what discovery we need, try our best to schedule it, and get a plan for either resolving or trying this case

Mike, I'm not suggesting that you didn't copy me on the subpoenas or correspondence to the court. I assume that if you haven't received a response to a subpoena, you sent (or received) a letter/fax/email regarding the reason why you did not receive a response. Depending on the nature of it, I am not sure you have an obligation to copy me on such correspondence. However, I think you do if it discusses or modifies the scope of any response, and regardless I would appreciate the courtesy of a copy of anything

you send relating to a Rule 45 subpoena. If you aren't following up on the subpoenas, I think you have an obligation to advise me of that as well

I don't have a letter from you dated August 14. Of this year anyway. Please re-transmit and I will respond to that and regarding Oct 7-9 on Monday.

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:** Wm. Michael Gruenloh [mailto:mike@gruenlohlaw.com]

**Sent:** Friday, August 16, 2013 12:28 PM

**To:** David B. Marvel

**Cc:** Patrick Chisum; Fritz Jekel; Pendleton, Sarah

**Subject:** Re: IWM

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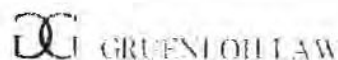
Wm. Michael Gruenloh <mike@gruenlohlaw.com>

Fri, Aug 16, 2013 at 1:00 PM

To: "David B. Marvel" <dave@prennermarvel.com>, "Pendleton, Sarah" <sarah@prennermarvel.com>

Cc: Fritz Jekel <fritz@j-dlaw.com>, Patrick Chisum <patrick@gruenlohlaw.com>

See below for a copy of the email that I sent to you on August 14th. Please give me your response by Monday, August 19th.




Wm. Michael Gruenloh, Esq.  
T 843.722.7250  
F 843.722.7250  
E [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)  
A

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*EXHIBIT 11 (2013) NOTICE: This document contains information that is confidential, privileged, or otherwise exempt from disclosure under the Freedom of Information Act. If you have received this document in error, you should not disseminate, distribute, or use this information. If you have received this document in error, you should notify the sender immediately by e-mail at [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com). If you are not the named addressee, you should not disseminate, distribute, or use this information. Thank you for your attention to this matter. If you have any questions, please contact the sender.*

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David B. Marvel <[dave@prennermarvel.com](mailto:dave@prennermarvel.com)> Fri, Aug 16, 2013 at 1:09 PM  
To: "Wm. Michael Gruenloh" <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>, "Pendleton, Sarah" <[sarah@prennermarvel.com](mailto:sarah@prennermarvel.com)>  
Cc: Fritz Jekel <[fritz@j-dlaw.com](mailto:fritz@j-dlaw.com)>, Patrick Chisum <[patrick@gruenlohlaw.com](mailto:patrick@gruenlohlaw.com)>

I did receive your email. I thought when you said letter you meant letter. I will respond to that as well.  
Thanks.

Best regards,

David B. Marvel

Prenner Marvel, P.A.

636 King Street

Charleston, South Carolina 29403

Ph. (843) 722.7250

Fax (843) 722.7250

[dave@prennermarvel.com](mailto:dave@prennermarvel.com)

**From:** Wm. Michael Gruenloh [<mailto:mike@gruenlohlaw.com>]

2019-001719  
Third Amended Record on Appeal - Vol. II

ROA - 515

FILED - RECORDED

2013 AUG 27 AM 10: 09

CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

EXHIBIT F

Rodney S. Bridge  
February 2, 2012

UNITED STATES DISTRICT COURT  
for the  
Southern District of Texas

INNOVATIVE WASTE  
MANAGEMENT, INC.,  
Plaintiff,

v.

CREST ENERGY PARTNERS  
GROUP, L.L.C., CREST ENERGY  
PARTNERS L.P., et al.  
Defendant.

Civil Action  
No. 2:11-cv-01023-RMG

FILED - RECORDED  
2013 AUG 27 AM 10:09  
CHERYL GRANHAU  
CLERK OF COURT  
DORCHESTER COUNTY

\*\*\*\*\*  
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.

Stratos Legal Services  
800-971-1127

1 about the payment that was to have been received for  
2 this trade?

3 MR. MARVEL: Object to the form.

4 A No.

5 Q (BY MR. GREENLOH) So your testimony is that  
6 you just set the deal up by the use of your contacts;  
7 and then you stepped away from it?

8 MR. MARVEL: Object to form.

9 A I wouldn't say, "stepped away from it."

10 Q (BY MR. GREENLOH) Explain to me why you  
11 wouldn't say that.

12 A I mean, I was involved with Gerry and the  
13 deal. I -- Gerry was the lead on the deal. I did any  
14 kind of -- anything to do to help the deal go through or  
15 anything he needed me to do.

16 Q I asked you earlier about where you stored  
17 your contacts for Shell, and you indicated at your  
18 office at IWM. When you left IWM for the last time on  
19 April 19th, did you take that notebook that you were  
20 referring to earlier with you?

21 A Yes.

22 Q All right. Aside from Mr. Fred Goodson, what  
23 other contact information was in that notebook?

24 A Everything I work on.

25 Q Everything that you worked on for my client's

1 company? For IWM?

2 A Personal stuff when I was -- you know,  
3 personal stuff is involved in those notebooks, too.

4 Q Let me ask you a specific question then: When  
5 you left your office at IWM for the last time on  
6 April 19th, you took a notebook with you, correct?

7 A Correct.

8 Q All right. And did that notebook have all of  
9 the contact information in it that you used to conduct  
10 business on behalf of my client's company?

11 A Yes.

12 Q Have you used that notebook and those -- that  
13 contact information in any way after April 19th, 2012?

14 MR. YARVEL: Object to form.

15 A Yes.

16 Q (BY MR. GRUENLOH) In what way?

17 A In conducting business.

18 Q For what company?

19 A Crest Energy.

20 Q Have you been successful at doing that?

21 MR. YARVEL: Object to form.

22 A What's your definition of "success"?

23 Q (BY MR. GRUENLOH) Have you made a profit for  
24 your company by using those contacts and that  
25 information that was contained in that notebook?

3 A Yes.

4 Q Can you tell me what order of magnitude?

5 MR. MARVEL: Object to form.

6 A I don't understand that question.

7 Q (BY MR. GREENLOH) Can you tell me how much  
8 money you have made for your new company by using the  
9 information --

10 A I have no idea.

11 Q Is it millions?

12 A I have no idea.

13 Q Is that knowable?

14 A I am sure once --

15 MR. MARVEL: Object to form.

16 A -- the numbers are calculated. I don't know.

17 Q (BY MR. GREENLOH) Well, is it knowable or not?

18 A I'm sure it is.

19 Q Now, when you went over to Dunhill on  
20 April 20th, 2010, did you continue to trade with Shell?  
21 Strike that.

22 When you went over to Dunhill on April 20th,  
23 2010, did you continue to conduct business with Shell?

24 A Yes.

25 Q Can you give me the names of the contacts that  
26 you conducted business with at Shell Co, let's say, the  
27 first six months of 2010 while you were at Dunhill?

1 like the real four horsemen, I guess.

2 MR. MARVEL: Off the record.

3 (OFF-THE-RECORD DISCUSSION.)

4 Q (BY MR. GREENLOFF) All right. So I asked you  
5 for your list of clients earlier and your counsel  
6 objected and you said that you believe that that was  
7 proprietary information.

8 How about -- can you give me a list of the  
9 refineries that your company does business with now?

10 MR. MARVEL: Same objection.

11 I'll instruct you not to answer. That's  
12 confidential information.

13 Q (BY MR. GREENLOFF) Do you believe that the list  
14 of refineries that your company does business with is  
15 confidential information?

16 A I mean, it can be public knowledge. I mean...

17 Q How would we find that out?

18 A Go to the EPA website, type in Envirofacts.

19 Q Type in what, I'm sorry?

20 A EPA website, Envirofacts, punch in 2911. That  
21 will give you a list of every refinery in the United  
22 States.

23 Q And will it tell us who does business with  
24 whom?

25 A No.

3 Q You are not willing to tell me today, based  
4 upon your counsel's instructions, who your company does  
5 business with in terms of refineries, are you?

6 A Correct.

7 Q All right. Can you tell me if your company  
8 holds any management contracts with any refineries?

9 A I think that's proprietary information.

10 MR. MARVEL: Let me explain what I think  
11 he asked. I mean, it's his question; but I think he was  
12 asking you do you know if your company has any  
13 management contracts with any refinery, period.  
14 Yes-or-no question.

15 A That's a proprietary question.

16 MR. CREEK: You can answer it.

17 MR. MARVEL: I am not suggesting that you  
18 know or don't.

19 THE WITNESS: Okay.

20 A Yes.

21 MR. MARVEL: It's either "yes" or "no"

22 AS --

23 Q (BY MR. CRUENLOH) It does?

24 A Yes.

25 Q How many?

26 MR. MARVEL: That may be proprietary.

27 A Proprietary.

1 Q (BY MR. GRUENLOH) Your counsel has told you  
2 that it's proprietary --

3 A I think everything you are asking is  
4 proprietary --

5 Q I see.

6 A -- when it comes to asking me about if we  
7 manage a refinery.

8 Q Let's change subjects then. How about --

9 MR. MARVEL: Object to relevancy as well.

10 Q (BY MR. GRUENLOH) How about the method by  
11 which your company disposes of water?

12 MR. MARVEL: That would be trade secret.

13 A Trade secret.

14 Q (BY MR. GRUENLOH) You are not willing to tell  
15 me that today?

16 A No.

17 Q Okay.

18 MR. MARVEL: Just -- I've sort of been  
19 doing this haphazardly; but when I raise these  
20 objections, let's include for the future that that's a  
21 relevance objection as well.

22 Q (BY MR. GRUENLOH) Aside from the notebook that  
23 we talked about earlier -- strike the "aside" part. New  
24 question.

25 The notebook that we talked about earlier that

1 you maintained in your office at IWM, that had the list  
2 of contacts, clients and trading partners, right?

3 A It wasn't a list.

4 Q What was it?

5 A My notes.

6 Q And it contained contact information and other  
7 information regarding clients and trading partners,  
8 correct?

9 A Correct.

10 Q Do you still have that notebook?

11 A Yes.

12 Q Where is it?

13 A It's in my desk.

14 Q Your desk where?

15 A In Houston.

16 Q Here in Houston?

17 A Uh-huh.

18 Q All right. When we take a break today to take  
19 Mr. Wuertz' deposition, you are going to come back after  
20 that deposition is over; and we are going to conclude  
21 your deposition today. Can you bring that notebook with  
22 you?

23 MR. CRFW: No.

24 A No.

25 Q (BY MR. GRIFFIN) Why not?

3 MR. CREW: Let's go off the record.

4 MR. GRUENLOH: No. Let's stay on the  
5 record.

6 MR. MARVEL: Let's go off the record, and  
7 then we will put it back on.

8 MR. CREW: We are going to excuse him --  
9 go out of the room -- because I am going to make an  
10 objection here or I am going to talk to Dave and Dave  
11 can make the objection, however we are going to handle  
12 it.

13 (Reporter's Note: Mr. Bridge left the  
14 conference room.)

15 (OFF-THE-RECORD DISCUSSION.)

16 MR. MARVEL: Let's go back on the record.

17 MR. GRUENLOH: I want to get the judge on  
18 the line.

19 MR. CREW: We are going to give it to  
20 you --

21 MR. GRUENLOH: This is outrageous.

22 MR. MARVEL: Why don't we do this.

23 MR. GRUENLOH: This is outrageous.

24 MR. MARVEL: We haven't ever looked at it  
25 yes.

26 MR. GRUENLOH: Outrageous.

27 MR. MARVEL: Okay. All right. Call him.

3 Q Now, I believe you have already testified that  
4 you did not store the information that's in this  
5 notebook on the computer system, correct?

6 MR. MARVEN: Object to form.

7 A No.

8 Q [BY MR. GRUENLOH: Okay. Now, on April 19th do  
9 you remember about what time you left IWM?

10 A I don't recall.

11 Q Did you fly out to Houston that night, or did  
12 you fly out to Houston the following morning?

13 A Tuesday morning.

14 Q Was it nighttime when you left the building  
15 for the last time at IWM?

16 A Yes.

17 Q Can you tell me approximately what time?

18 A Probably around 11:00.

19 Q 11:00 p.m.?

20 A Uh-huh.

21 Q Was there anybody at the building while you  
22 were cleaning out your belongings and took the notebook  
23 and the telephone that we have talked about?

24 A No.

25 Q And I believe we have already discussed the  
26 fact that you did not tell Mr. Bloyd when you spoke with  
27 him on the 19th that you were leaving his employ,

1 A Sure.

2 Q You testified earlier that you and  
3 Mr. Girardeau had no discussions regarding the fact that  
4 you were leaving Innovative Waste Management prior to  
5 your arrival in Houston; is that correct?

6 MR. MARVEL: Object to form.

7 A Correct.

8 Q [BY MR. GREENLOCH: And when was the first time  
9 that you and Mr. Girardeau -- well, let me ask this:  
10 Did you and Mr. Girardeau ever get together and discuss  
11 this claim that you have made for outstanding wages?

12 A Since this lawsuit?

13 Q Well, have you ever? Let's start there.

14 A What do you mean by "have you ever"?

15 Q Have you and Mr. Girardeau ever gotten  
16 together and talked about your wage claim?

17 A I don't know.

18 Q Did you and Mr. Girardeau get together and  
19 talk about a wage claim prior to your employment with  
20 Durhill?

21 A No.

22 MR. GREENLOCH: Let's mark this as 31.

23 [EXHIBIT 31 WAS MARKED.]

24 Q [BY MR. GREENLOCH: All right, Sir, I'm showing  
25 you Exhibit No. 26 --

1 A Okay.

2 Q -- and Exhibit No. 31, and we are going to do  
3 that side-by-side thing that we did before. Okay?

4 A Okay.

5 Q If you look at "Please forward" on Exhibit  
6 No. 26 on and "Please forward" on Exhibit No. 31 on, can  
7 you tell me: Aside from the addresses, are those  
8 exactly the same?

9 A Similar.

10 Q What is the difference?

11 A Russ -- I mean, excuse me, Gerry talks about  
12 the opportunities Russ gave him, yada, yada, yada.

13 Q Right. I'm just talking about your wage claim  
14 here where it says, "Please forward" on your e-mail and  
15 the rest of the paragraph and on his e-mail it says,  
16 "Please forward" and the rest of the paragraph. Look at  
17 those two paragraphs and tell me, sir: Aside from the  
18 address, are those exactly the same?

19 A They look similar.

20 Q No, no, no.

21 My question is: Aside from the address, are  
22 those exactly the same?

23 A Yes.

24 MR. CRUPNICH: let's take a short break.  
25 I want to go through my notes.

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

2014 MAY -1 PM 4: 04

CASE NO. 2012-CP-18-1227

✓ INNOVATIVE WASTE MANAGEMENT )  
INC. )  
CHERYL CARROLL  
CLERK OF COURT  
DORCHESTER COUNTY  
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. )

**NOTICE OF MOTION AND  
MOTION TO QUASH AND FOR  
PROTECTIVE ORDER**

**TO: DAVID MARVEL, ESQUIRE, ATTORNEY FOR 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 FIRST CITIZENS BANK AND TRUST C/O JOHN MARSHALL MOSSER**

**PLEASE TAKE NOTICE** that the undersigned attorney, appearing on behalf of, Innovative Waste Management, Inc., and C. Russ Lloyd, in the above-entitled action, will move the Presiding Judge of the First Judicial Circuit, in the Dorchester County Courthouse, St. George, South Carolina, on the tenth (10) day after service hereof or as soon thereafter as counsel may be heard, at a time and place as is convenient to the Court and counsel, for an order quashing the Defendant's subpoena served upon First Citizens Banks and Trust c/o John Marshall Mosser in the above captioned case, on the ground that subpoena is overbroad. the information and documents requested are confidential and private relating to the financial information and history of Innovative Waste Management, Inc. (aka Innovative Resource Management) and C. Russ Lloyd and are not reasonably calculated to lead to the discovery of admissible evidence. are.

Pursuant to Rule 26 of the South Carolina Rules of Civil Procedure, the undersigned hereby moves for a protective order to prohibit the Defendant's subpoena served upon First

Citizens Banks and Trust in the above referenced case, for good cause shown, as justice requires such an order to protect the parties from the release of private financial information and documents.

This motion may also be supported by a memorandum of law which may be filed and served prior to the hearing.

Respectfully Submitted

GRUENLOH LAW FIRM  
Counsel for the Plaintiff

By: 

Wm. M. Gruenloh SCBAR # 12418  
Patrick Aulton Chisum SCBAR #100571  
192 East Bay Street, Suite 202  
Charleston, South Carolina 29401  
(843) 474-1890  
(843) 577-0721 (facsimile)

And

Frederick Jekel, Esq.,  
Jekel-Doolittle  
210 Wingo Way #201  
Mount Pleasant, SC 29464  
(843) 654-7700  
(888) 567-1129 (facsimile)

Date: April 30, 2014  
Charleston, South Carolina

**CERTIFICATE OF SERVICE**

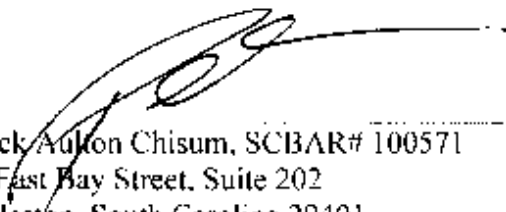
The undersigned hereby certifies that a true and correct copy of **NOTICE OF MOTION AND MOTION TO QUASH AND FOR PROTECTIVE ORDER** in the above matter was served on the below named parties and/or their respective counsel and /or agents by sending a true and accurate electronic copies of the same via email and mail.

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

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

FILED - RECORDED  
2014 MAY - 1 1 PM 4: 04  
CLERK OF COURT  
DORCHESTER COUNTY

By:

  
Patrick Aulton Chisum, SCBAR# 100571  
192 East Bay Street, Suite 202  
Charleston, South Carolina 29401  
(843) 474-1890  
(843) 577-0721 (facsimile)

Date: April 30, 2014  
Charleston, South Carolina

PRENNER + MARVEL, P.A.  
ATTORNEYS AT LAW  
PROCTORS IN ADMIRALTY  
EDGE KING STREET  
CHARLESTON, SOUTH CAROLINA 29401

FILED - RECORDED  
2014 MAY -1 PM 4:04  
CHERIL J. WILSON  
CLERK OF COURT  
DORCHESTER COUNTY  
PHONE: 803-722-7250  
FACSIMILE 803-722-7260  
www.prennermarvel.com

DANIEL L. PRENNER  
DAVID B. MARVEL (SC, GA)  
KENNETH G. GUGGE, JR.

April 28, 2014

**VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Custodian of Records  
First Citizens Bank and Trust  
c/o John Marshall Mosser as Registered Agent for First Citizens Bank & Trust  
1314 Park Street  
Columbia, South Carolina 29201

RE: Innovative Waste Management, Inc. v. Crest Energy Partners GP, LLC, et  
al  
Case No: 2013-CP-18-2937

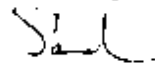
Dear Sir/ Madam:

Enclosed please find for service upon First Citizens Bank and Trust a Subpoena *duces tecum* in the above captioned case. Please note this Subpoena asks that you provide our office with certain records **on or before May 12, 2014**. We would prefer to receive these records electronically if you are able to transmit them via email. In the event you are able to transmit them electronically, please send them to [sarah@prennermarvel.com](mailto:sarah@prennermarvel.com).

Please notify our firm in advance if the cost of producing these records will exceed \$100.00.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

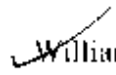


Sarah G. Pendleton  
Legal Assistant

/sp

Enclosure

Cc w/c/c:

 William M. Gruenloh, Esquire  
Frederick John Jekel, Esquire  
Ryan Neville, Esquire

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF DORCHESTER

Innovative Waste Management, Inc., Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Crest Energy Partners GP, LLC, et al, Defendant

Case Number: 2013-CP-2937

Pending in Dorchester County

TO: Custodian of Records
First Citizens Bank and Trust
John Marshall Mosser as Registered Agent
1314 Park Street
Columbia, South Carolina 29201

[ ] YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY: COURTROOM
DATE AND TIME: , AM

[ ] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: DATE AND TIME: , AM

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects):

Any 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.

PLACE: Premier Marvel, PA
636 King Street
Charleston, South Carolina 29403
DATE AND TIME: On or before May 12, 2014, 5:00 PM

[ ] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below

PREMISES: DATE AND TIME: , AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF. SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney Issuing Order's Signature: [Signature] Date: 4/22/2014 Print Name: [Name]

Indicate if Attorney for Plaintiff or Defendant: [ ]
Attorney's Address and Telephone Number: 2019-001719
Third Amended Record on Appeal - Vol. II

\_\_\_\_\_  
Clerk of Court Issuing Order's Signature

Date

Print Name

Please Print Name, Address and Telephone Number

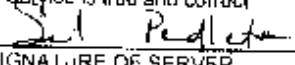
## PROOF OF SERVICE

SERVED	DATE <u>4/18/2019</u> Custodian of Records First Citizens Bank and Trust John Marshall Mosser as Registered Agent 1314 Park Street Columbia, South Carolina 29201	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO   AMOUNT \$
SERVED ON <u>First Citizens Bank and Trust</u>		MANNER OF SERVICE <u>Certified Mail Return</u> Receipt Requested
SERVED BY <u>Sarah G. Pendleton</u>		TITLE <u>Legal Assistant</u>

## DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

  
 \_\_\_\_\_  
 SIGNATURE OF SERVER

636 King Street  
 Charleston South Carolina 29403  
 \_\_\_\_\_  
 ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d).

**(c) Protection of Persons Subject to Subpoenas.**

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:
- i. fails to allow reasonable time for compliance; or
  - ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
  - iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
  - iv. subjects a person to undue burden.
- (B) If a subpoena:
- i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or
  - ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
  - iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, to appear at a deposition, hearing, or trial, the court shall, on timely motion, quash or modify the subpoena.

The court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

IN THE COURT OF COMMON PLEAS  
1ST JUDICIAL CIRCUIT

CASE NO.: 2012-CP-08-1227

INNOVATIVE WASTE MANAGEMENT, )  
Plaintiff. )

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

vs. )

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, )  
Defendant. )

FILED -- RECORDED  
2014 MAY - 1 PM 4:04  
DORCHESTER COUNTY  
CLERK OF COURT  
HENRY

Plaintiff's Attorney: <u>Patrick Aulton Chisum, Bar No. 100571</u> Address: <u>192 East Bay Street, Suite 202</u> <u>Charleston, SC 29401</u> Phone: <u>843-474-1890</u> Fax <u>843-577-0721</u> E-mail: <u>Patrick@Gruentlohlaw.com</u> Other: _____	Defendant's Attorney: _____, Bar No. _____ Address: _____ Phone: _____ Fax _____ E-mail: _____ Other: _____
---	--

**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: NOTICE OF MOTION AND MOTION TO QUASH AND FOR PROTECTIVE ORDER  
Estimated Time Needed: 15 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.  
Signature of Attorney for  Plaintiff /  Defendant Date submitted \_\_\_\_\_

**SECTION III: Motion Fee**  
 PAID - AMOUNT: \$25.00  
 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, SCRPC)  
 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)

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. )

IN THE COURT OF COMMON PLEAS  
 CASE NO: 2012-CP-18-1227

**NOTICE OF MOTION AND  
 MOTION TO QUASH AND FOR  
 PROTECTIVE ORDER**

RECORDED  
 FILED  
 DEC - 5 PM 2:05  
 HENRY COUNTY  
 CLERK OF COURT  
 DORCHESTER COUNTY

TO: WM. M. GRUENLOH AND PATRICK AULTON CHISUM, ATTORNEYS  
 FOR INNOVATIVE WASTE MANAGEMENT, INC.

PLEASE TAKE NOTICE that the undersigned attorney, appearing on behalf of all Defendants named in the above-entitled action, will move the Presiding Judge of the First Judicial Circuit, in the Dorchester County Courthouse, St. George, South Carolina, on the tenth (10) day after service hereof or as soon thereafter as counsel may be heard, at a time and place as is convenient to the Court and counsel, for an order quashing the Plaintiff's subpoenas served upon AT&T Wireless, Margavio & Schmidt, CPA and Wells Fargo Bank, N.A. c/o Subpoena Processing Department in this present matter, copies of which are attached hereto as Exhibit A, B, and C, on the ground that the subpoenas are overly broad, not properly issued in accordance with the Uniform Interstate Depositions and Discovery Act, S.C. Code 15-47-10 *et seq.*, in violation of the Right to Financial Privacy Act, 35 U.S.C. 3201 *et seq.*, and are otherwise not reasonably calculated to lead to the discovery of admissible evidence. The Defendants would

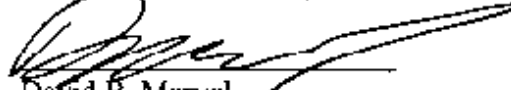
further contend that the requested information is confidential, private and unreasonable intrusive into the Defendants' personal and financial information.

Pursuant to Rule 26 of the South Carolina Rules of Civil Procedure, the undersigned moves on behalf of all Defendants for a protective order prohibiting the Plaintiff's subpoenas served upon AT&T Wireless, Margavio & Schmidt, CPA and Wells Fargo Bank, N.A. c/o Subpoena Processing Department, for good cause shown, in pursuit of justice and to protect the private and financial information of the Defendants.

This motion may also be supported by memorandum of law which may be filed and served prior to the hearing.

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  
ATTORNEYS FOR DEFENDANTS  
AND THIRD PARTY PLAINTIFFS

December 4, 2014  
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 4<sup>th</sup> day of December, 2014.



**STATE OF SOUTH CAROLINA**  
ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF DORCHESTER

INNOVATIVE WASTE MANAGEMENT, INC.,  
Plaintiff

v.  
SUBPOENA IN A CIVIL CASE

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, Defendant

Case Number: 2010-CP-18-1227

Pending in DORCHESTER County

TO: AT&T Wireless  
3 AT&T Plaza 208 South Akard Street, 14<sup>th</sup> Floor-M Dallas, TX 75202

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME . . . . . AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME . . . . . AM

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects:

See Attached Exhibit A

PLACE

DATE AND TIME December 19, 2013, 5:00PM

Greenloh Law Firm  
192 East Bay Street, Suite 202  
Charleston, SC 29401  
(843) 577-0721 (fax)

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME . . . . . AM

ANY SUBPOENA TO ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE. TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON BEHALF SHALL SET FORTH FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH THEY WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED MUST BE AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION.

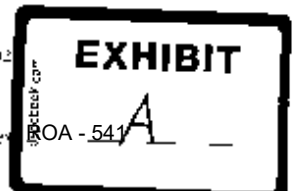
IT IS HEREBY CERTIFIED THAT THE SUBPOENA WAS ISSUED IN COMPLIANCE WITH RULE 15(c)(1) AND THAT NOTICE AS REQUIRED BY RULE 15(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

\_\_\_\_\_  
Authority Issuing Officer's Signature

11/18/14  
Date

Patrick Aulton Chisum  
Print Name

Address of Plaintiff, Patrick Aulton Chisum, 192 East Bay Street, Suite 202 Charleston, SC 29401 (843) 577-0721



Clerk of Court Issuing Officer's Signature  
Print Issuer's Name, Address and Telephone Number

Date

Print Name

### PROOF OF SERVICE

SERVED	DATE	11/18/14	FEES AND MILEAGE TENDERED TO WITNESS	
	PLACE		<input type="checkbox"/> YES <input type="checkbox"/> NO	AMOUNT \$
SERVED ON	AT&T		MANNER OF SERVICE	
SERVED BY			CERTIFIED MAIL	
			TITLE	

### DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 11/18/14

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d)

#### (c) Protection of Persons Subject to Subpoenas.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion the court by which a subpoena was issued or regarding a subpoena commanding appearance at a deposition or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if:

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may, in order to attend trial, be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

#### (B) if a subpoena

- i. requires disclosure of a trade secret or other confidential research, development or commercial information; or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person.

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

#### (d) Duties in Responding to Subpoena.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claimant shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**EXHIBIT A**

- 1) "Any and all records concerning incoming & outgoing calls, usage records, LUDS, incoming & outgoing text messages including the actual texts for customer Rodney Bridge, including but not limited to the cellular telephone number (713) 962-1373, during the time period of March 1, 2010 to May 1, 2014.
  
- 2) "Any and all records concerning incoming & outgoing calls, usage records, LUDS, incoming & outgoing text messages including the actual texts for customer Gerry Girardeau, including but not limited to the cellular telephone number (713) 962-1040, during the time period of March 1, 2010 to May 1, 2014.
  
- 3) "Any and all records concerning incoming & outgoing calls, usage records, LUDS, incoming & outgoing text messages including the actual texts for customer Dunhill Products L.P. including but not limited to the cellular telephone number (713) 962-1373, during the time period of March 1, 2010 to May 1, 2014.

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

AFFIDAVIT

PERSONALLY appeared before me \_\_\_\_\_ who being duly sworn, deposes and says:

1. I am the Records Custodian for: \_\_\_\_\_
  
2. I have reviewed the records in this office relative to Rodney Bridge, Gerry Giradcau, and Dunhill Products I.P.
  
3. The attached records are all of the records of this office meeting the following description:  
  
See attached Exhibit A.
  
4. All of the attached records are copies of records, which are kept in the ordinary course of business by this office.

Sworn to and subscribed before me,  
THIS \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
(SEAL)  
Notary Public of South Carolina  
My Commission Expires: \_\_\_\_\_

STATE OF SOUTH CAROLINA

ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF DORCHESTER

INNOVATIVE WASTE MANAGEMENT, INC.  
Plaintiff

SUBPOENA IN A CIVIL CASE

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,

Case Number: 2010-CP-18-1227

Pending in DORCHESTER County

TO: Margavio & Schmidt CPA  
1101 Dealers Ave. New Orleans, LA 70123

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY: COURTROOM  
DATE AND TIME: AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: DATE AND TIME: AM

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects):

See Attached Exhibit A

PLACE: DATE AND TIME: December 19, 2014, 5:00PM  
Gruenloh Law Firm  
192 East Bay Street, Suite 202  
Charleston, SC 29401

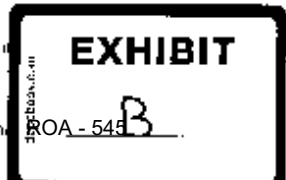
YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES: DATE AND TIME: AM

ANY SUBPOENAED ORGANIZATION OR A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6) SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, EMPLOYEES, OR MANAGING AGENTS OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF. STATE SET FORTH FOR EACH PERSON DESIGNATED BY A MEMBER ON WHOM HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS, THE PERSON SO DESIGNATED HERETO AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION.

IT IS SO ORDERED THAT THIS SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1) AND THAT NOTICE AS REQUIRED BY RULE 45(c)(1)(B) HAS BEEN GIVEN TO ALL PARTIES.

Michael Gruenloh, Clerk of Court  
Patrick Auber Chasom  
1101 Dealers Ave.  
192 East Bay Street, Suite 202, Charleston, SC 29401 (815) 575-0000



(c) Protection of Persons Subject to Subpoenas. (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee. (2) (a) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for production or inspection hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction. (b) Subject to paragraph (d) of this rule, a person commanded to produce and permit inspection and copying of designated materials or of premises shall comply with the subpoena or before the time specified for compliance if such time is less than 14 days after service upon the party or attorney designated in the subpoena when deposition to inspection or copying of any or all of the designated materials or of the premises. If objection is made the party moving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made the party serving the subpoena may, upon notice to the person commanded to produce, move or file in the court that issued the subpoena for an order to compel production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. (3) (a) On timely motion, the court by which a subpoena was issued or regarding a subpoena commanding appearance at a deposition or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person shall quash or modify the subpoena if: (i) the subpoena is not a party, nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to have more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that a subpoena to a person who is not a party, nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, shall be a party, reasonable time for compliance or the expert's study made not at the request of any party; or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or (iii) requires substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, to incur substantial expense to travel from the county where the subpoena is issued or to effect service on the subpoena; or (iv) the person to whom the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated. The court may order appearance or production only upon specified conditions. (d) Duties in Responding to Subpoenas. (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (2) When information subject to a subpoena is withheld or a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the commanding party to contest the claim.

(Rule 45: Court-Called Rules of Civil Procedures, Parts (c) and (d))

**(c) Protection of Persons Subject to Subpoenas.**

Executed on \_\_\_\_\_  
 SIGNATURE OF SERVER \_\_\_\_\_  
 ADDRESS OF SERVER \_\_\_\_\_

I certify that the foregoing information contained in the Proof of Service is true and correct.

**DECLARATION OF SERVER**

SERVED	DATE	FEE\$ AND MILEAGE TENDERED TO WITNESS	<input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$	MANNER OF SERVICE	SERVED BY	TITLE
	PLACE					

**PROOF OF SERVICE**

Clerk of Court's Signature \_\_\_\_\_ Date \_\_\_\_\_  
 The Court's Name, Address and Telephone Number \_\_\_\_\_  
 Trial Name \_\_\_\_\_

## EXHIBIT A

"Any and all documents, including but not limited to tax returns, working papers, and P&I, statements that pertain to Henry Wuertz, Crest Energy Partners GP, L.L.C., Crest Energy Partners L.P., Dunhill Products GP, L.L.C., and Dunhill Products L.P. from January 2009 to present date."

### **Counsel of Record**

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

And

Frederick Jekel, Esq.,  
Jekel-Doolittle  
210 Wingo Way #201  
Mount Pleasant, SC 29464  
(843) 654-7700  
(888) 567-1129 (facsimile)  
*Counsel for Plaintiff Innovative Waste Management, Inc.,  
and Third Party Defendant C. Russ Lloyd*

David Marvel  
636 King Street  
Charleston, SC 29403  
(843) 722-7250  
(843) 722-7260 (facsimile)  
*Counsel for Defendants*

**STATE OF SOUTH CAROLINA**  
ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF DORCHESTER

INNOVATIVE WASTE MANAGEMENT, INC.  
Plaintiff

v.  
SUBPOENA IN A CIVIL CASE

Case Number: 2010-CP-18-1227

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

Pending in DORCHESTER County

TO: Wells Fargo Bank N.A. c/o Subpoena Processing Department  
MAC 53928-020 P.O. Box 29728 Phoenix, AZ 85038

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY: COURTROOM  
DATE AND TIME: \_\_\_\_\_ AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_ AM

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects):

See Attached Exhibit A

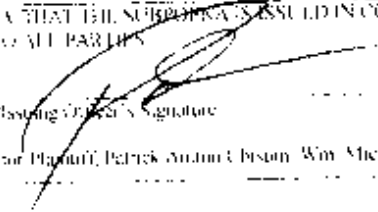
PLACE: DATE AND TIME: December 19, 2014 5:00 PM  
Greenfolk Law Firm  
197 East Bay Street, Suite 202  
Charleston, SC 29401

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_ AM

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED (CIRCUIT RULE 206B(6) SOUTH CAROLINA RULES OF CIVIL PROCEDURE) TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF. SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED MUST AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION.

NOTE: THAT THE SUBPOENA WAS ISSUED IN COMPLIANCE WITH RULE 17(c) AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Agency/Issuing Officer's Signature: 

11/18/14  
Date

Patrick Anthony Clifton  
Print Name

Agency for Plaintiff: Patrick Anthony Clifton, Wm. Michael Green, et. Usg. 192 East Bay Street, Suite 202, Charleston, SC 29401 (843) 577-0000

**EXHIBIT**  
C  
PROA-549

Clerk of Court Issuing Officer's Signature  
City, State, and Zip Address and Telephone Number

Date

Print Name

### PROOF OF SERVICE

SERVED	DATE <u>11/18/14</u>	FEES AND MILLAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON <u>LEWIS FARLO</u>	MANNER OF SERVICE <u>COURT FILE MAIL</u>	
SERVED BY	TITLE	

### DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

SIGNATURE OF SERVER

ADDRESS OF SERVER

192 E PINE ST. STE 207 CHAR SC 29404

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d)  
**(c) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection, unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if:

- fails to allow reasonable time for compliance, or
- requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- requires disclosure of privileged or otherwise protected matter and no exception or waiver applies, or
- subjects a person to undue burden.

(B) If a subpoena

- requires disclosure of a trade secret or other confidential research, development or commercial information, or
- requires disclosure of an unclaimed expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) **Duties in Responding to Subpoena.**

- A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

## Exhibit A

- 1) "Any and all documents relating to the banking transactions of Crest Energy Partners GP, L.L.C. from December 2008 to present date, including but not limited to :
  - a. All documents pertaining to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts held in the name of, for the benefit of, or under the control of (corporate name), including but not limited to:
  - b. Retained copies of signature cards
  - c. Corporate board authorization minutes or partnership resolution.
  - d. Bank statements
  - e. Canceled checks
  - f. Deposit tickets
  - g. Retained copies of items deposited
  - h. Retained copies of credit and debit memos
  - i. Forms 1099, 1089, or back-up withholding documents.
  
- 2) "Any and all documents relating to the banking transactions of Crest Energy Partners LP from December 2008 to present date, including but not limited to :
  - a. All documents pertaining to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts held in the name of, for the benefit of, or under the control of (corporate name), including but not limited to:
  - b. Retained copies of signature cards
  - c. Corporate board authorization minutes or partnership resolution.
  - d. Bank statements
  - e. Canceled checks
  - f. Deposit tickets
  - g. Retained copies of items deposited
  - h. Retained copies of credit and debit memos
  - i. Forms 1099, 1089, or back-up withholding documents
  
- 3) "Any and all documents relating to the banking transactions of Dunhill Products GP, L.L.C. from December 2008 to present date, including but not limited to :
  - a. All documents pertaining to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts held in the name of, for the benefit of, or under the control of (corporate name), including but not limited to:
  - b. Retained copies of signature cards
  - c. Corporate board authorization minutes or partnership resolution.
  - d. Bank statements
  - e. Canceled checks
  - f. Deposit tickets
  - g. Retained copies of items deposited
  - h. Retained copies of credit and debit memos
  - i. Forms 1099, 1089, or back-up withholding documents

- 4) "Any and all documents relating to the banking transactions of Dunhill Products, L.P., from December 2008 to present date, including but not limited to :
  - a. All documents pertaining to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts held in the name of, for the benefit of, or under the control of (corporate name), including but not limited to:
  - b. Retained copies of signature cards
  - c. Corporate board authorization minutes or partnership resolution.
  - d. Bank statements
  - e. Canceled checks
  - f. Deposit tickets
  - g. Retained copies of items deposited
  - h. Retained copies of credit and debit memos
  - i. Forms 1099, 1089, or back-up withholding documents
  
- 5) "Any and all documents relating to the banking transactions of Henry Wuertz from December 2008 to present date, including but not limited to :
  - a. All documents pertaining to all open or closed checking, savings, NOW, Time, or other deposit or checking accounts held in the name of, for the benefit of, or under the control of (corporate name), including but not limited to:
  - b. Retained copies of signature cards
  - c. Corporate board authorization minutes or partnership resolution.
  - d. Bank statements
  - e. Canceled checks
  - f. Deposit tickets
  - g. Retained copies of items deposited
  - h. Retained copies of credit and debit memos
  - i. Forms 1099, 1089, or back-up withholding documents

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

AFFIDAVIT

PERSONALLY appeared before me \_\_\_\_\_ who being duly sworn, deposes and says:

1. I am the Records Custodian for: \_\_\_\_\_
2. I have reviewed the records in this office relative to Crest Energy Partners GP, L.L.C., Crest Energy Partners L.P., Dunhill Products GP, L.L.C., Dunhill Products L.P., and Henry Wuertz.
3. The attached records are all of the records of this office meeting the following description:  
  
See attached Exhibit A.
4. All of the attached records are copies of records, which are kept in the ordinary course of business by this office.

Sworn to and subscribed before me,  
THIS \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
(SEAL)  
Notary Public of South Carolina  
My Commission Expires: \_\_\_\_\_

\$25.00 MB ✓

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS  
FIRST JUDICIAL CIRCUIT

COUNTY OF DORCHESTER )

RECORDED

2014 DEC -5 PM 2:05

CASE NO.: 2012-CP-18-1227

INNOVATIVE WASTE MANAGEMENT INC. )

MOTION AND ORDER INFORMATION

CHERYL G. BROWN  
CLERK OF COURT

DORCHESTER COUNTY

FORM AND COVERSHEET

vs. )

✓ CREST ENERGY PARTNER, LLC, et al. )

Defendant. )

Plaintiff'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: _____	Defendant's Attorney: 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 Fax 843-722-7260 E-mail: dave@prennermarvel.com Other: kennyg@prennermarvel.com
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Motion to Quash Estimated Time Needed: 30 minutes      Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	12/4/14 Date submitted
<b>SECTION III: Motion Fee</b>	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$ <u>25.00</u> <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> 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: _____ <input type="checkbox"/> Other: _____	
<b>JUDGE'S SECTION</b>	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_

MOTION FEE COLLECTED: \$ \_\_\_\_\_

CONTESTED AMOUNT DUE: \$ \_\_\_\_\_

SCCA 233 (11/2003)

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.

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.

**PLAINTIFF'S MEMORANDUM IN  
OPPOSITION TO MOTION TO  
QUASH**

2015 APR -6 PM 12:31  
CLERK OF COURT  
DORCHESTER COUNTY

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,

NOW COMES the Plaintiff Innovative Waste Management (hereafter "Plaintiff"), by and through its undersigned counsel, who hereby moves this Honorable Court to deny Defendants Crest Energy Partners GP, LLC and Crest Energy Partners, L.P. (hereinafter "Crest"); Dunhill Products GP, LLC and Dunhill Products L.P. (hereinafter "Dunhill"); Henry Wuertz; and Edward H. Girardeau's (hereinafter "the Defendants") Motion to Quash and for a Protective Order. The Plaintiff is entitled to the requested relief because the Subpoenas in question are valid properly served and do seek relevant information.

## SUBPOENAS AT ISSUE

Plaintiff has issued two subpoenas at issue in this matter. The first was served on Wells Fargo Bank, located in Phoenix, Arizona, seeking information on the defendants Crest, Dunhill, and Henry Wuertz for the time period of 2008 to the present. Wells Fargo Bank was identified as Crest, Dunhill, and Wuertz's banking institution.

The second subpoena was issued to the accounting firm of Margavio and Schmidt, CPA (hereinafter "Margavio"), located in New Orleans, Louisiana. Margavio was identified as an accounting firm doing work for Crest, Dunhill, and Wuertz. The subpoena served on Margavio was issued out of the 24<sup>th</sup> Judicial District Court, Parish of Jefferson in Louisiana. The subpoena seeks information relative to taxes returns, working papers, and profit and loss statements for the Defendants since 2008. Margavio has never indicated that it cannot or will not provide the requested information.

Contrary to the bald assertion in Defendants' motion that the subpoenas were not served in accordance with the South Carolina Interstate Deposition and Discovery Act, S.C. Code Ann. §15-47-100 (1976), Plaintiff maintains the subpoenas were properly served. The act specifies a procedure for obtaining subpoenas for service on out of state entities. Plaintiff maintains that it complied with all South Carolina, Louisiana, and Arizona laws on this issue. Should this Court find, however, that the subpoenas are procedurally defective, such defects can be remedied and the Plaintiff would request leave to correct such defect and reserve the subpoenas upon their respective parties.

The Right to Financial Privacy Act, 12 U.S.C.A. § 3401 et seq. (hereinafter the "Act") (improperly identified in Defendants' Motion as 35 U.S.C.A. § 3201), is not implicated in the

current action. The Right to Financial Privacy Act only prohibits the Government from obtaining personal financial information on account holders. The Act spells out the prohibition as:

**(a) Release of records by financial institutions prohibited**

No financial institution, or officer, employees, or agent of a financial institution, may provide to any Government authority access to or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter.

**(b) Release of records upon certification of compliance with chapter**

A financial institution shall not release the financial records of a customer until the Government authority seeking such records certifies in writing to the financial institution that it has complied with the applicable provisions of this chapter.

12 U.S.C.A. § 3402. The Plaintiff in this case utilized proper subpoenas to obtain the financial information. The act specifically allows disclosure of financial information if requested with a valid subpoena. Further, the Act states:

A Government authority may obtain financial records under section 3402(2) of this title pursuant to an administrative subpoena or summons otherwise authorized by law only if-- (1) there is reason to believe that the records sought are relevant to a legitimate law enforcement inquiry; (2) a copy of the subpoena or summons has been served upon the customer or mailed to his last known address on or before the date on which the subpoena or summons was served on the financial institution together with the following notice which shall state with reasonable specificity the nature of the law enforcement inquiry . . .

12 U.S.C.A. § 3405. However because the Plaintiff is not a governmental authority the act has no application. The Defendants raising the Act is evidence of the Defendants purposeful obfuscation of relevant evidence, and the Defendants should be sanctioned for such frivolous argument.

**THE INFORMATION SOUGHT IS RELEVANT**

Plaintiff's attempt to obtain financial discovery in the current action has been ongoing for years with little response by Defendants. As the Court is no doubt aware, the present action centers around the sale of oil related products, the failure to pay an invoice, and the wrongful acquisition of business accounts by the defendants. Plaintiff has alleged that such actions were accomplished through fraud and misrepresentation and resulted in the loss of future profits for the plaintiff.

Plaintiff has produced an expert report detailing the plaintiff's claimed losses in excess of Twelve Million Dollars (\$12,000,000.00). Plaintiff served discovery requests on the defendants seeking to determine if there was insurance to cover such claims as well as request about personal and corporate financial information. Specifically plaintiffs served the following:

18. Set forth any and all real and personal property owned, whether individually, collectively, or otherwise owned and 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 or business entity, including joint ventures, whether 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;

See Plaintiff's Interrogatories to Defendant Wuertz; Plaintiff's Interrogatories to Defendant Bridge; Plaintiff's Interrogatories to Defendant Girardeau. The defendants objected to the requests initially and several hearings on the requests were held.

Defendants claim that the discovery sought in the subpoenas is irrelevant, overbroad, and an undue burden on the Defendants' financial privacy. Plaintiff vehemently disagrees. As an initial

matter, the parties have entered a Consent Confidentiality Order in the action that protects from public disclosure of the financial information in question. As such, there is no threat of public disclosure of the information. Similarly, on two prior occasions this Court has heard motion to compel responses to detailed discovery concerning the Defendants' financial condition. On both occasions the Court found that the requested financial discovery was relevant but allowed the defendant to respond only with production of a current financial statements as opposed to detailed responses. See Orders Dated June 2013, Attached as Exhibit A; Order Dated September 2013, Attached as Exhibit B. Likewise, the September 2013 Order states unequivocally that nothing in the Order should preclude the plaintiff from conducting additionally discovery on the topic of the Defendants financial condition. This is precisely the information that the subpoenas in question are seeking.

The discovery sought has been made necessary by the Defendants' failure to provide complete responses to discovery requests and their failure to have information available on these topics at deposition. For example after the lawsuit was initiated the defendants sold some assets referred to as the Sierra Marine deal. The deal was for over Sixty Million Dollars (\$60,000,000.00), but no documentation regarding what happened to those monies has been provided. Mr. Wuertz claimed under oath that of the proceeds he received only Four Hundred Thousand Dollars (\$400,000.00) and that such monies were put back into the business. Indeed Mr. Wuertz testified:

Q. Do you still own equity in Sierra Marine?

A. No, I do not.

Q. When did you sell that?

A. In July of 2013.

Q. How much did you sell it for?

A. I don't know, it was totaled with other assets.

Q. Are you able to give me an estimate?

A. Well, I didn't sell it, the group sold it.

Q. Are you able to give me an estimate for how much the group sold it for?

A. The net number or the gross number?

- Q. The net number.  
A. I have no idea.  
Q. How about the gross number?  
A. Somewhere around 60 million.  
Q. All right. Do you -- 60 million?  
A. Yes.  
Q. All right. And what happened to that money?  
A. It was distributed amongst the partners and the debt was retired.  
Q. Did you take home any money from that transaction?  
A. Very little.  
Q. How much?  
A. 400,000.  
Q. Do you still own equity in Crescent Terminals?  
A. No, I do not.  
Q. When was that sold?  
A. Same time.  
Q. And same question I had before you, how much was it sold for?  
A. It was a package, it was part of the 60 million.  
Q. All right. And the \$400,000 that you took home in the Sierra Marine deal, was that included for Crescent Terminals?  
A. That is correct.

See Deposition of Henry Wuertz, taken May 2014, 13:3-14:15. The subpoenas seek information to verify the testimony of Mr. Wuertz. As to the Four Hundred Thousand Dollars received from the sale, Mr. Wuertz noted the following:

- Q. Sure. And you testified in your last deposition that you took home about \$400,000 from that transaction?  
A. Yes.  
Q. What happened with that money? Where is it today?  
A. Spent.  
Q. What did you spend it on?  
A. Put it back in my business.  
Q. Which business are you talking about?  
A. Crest Energy.  
Q. Is it your testimony that you made a capital contribution of approximately \$400,000 to Crest Energy?  
A. Sure. Over a year or two period; yes.  
Q. Is there anything else that you did with that \$400,000 that was proceeds from the sale of those facilities?  
A. Not that I can think of.

See Deposition of Henry Wuertz, taken November 2014, 14:13-15:6. The information sought in the subpoenas is to verify if any of the testimony about putting capitol back into the entities is accurate.

The Defendants produced a financial declaration from April of 2013 for defendant Wuertz (attachment C), a financial declaration for Crest from 2012 (attachment D), as well as the corporate entities tax returns for 2011, 2012 and 2013. Interestingly the personal financial statement of Wuertz does not indicate his salary from the corporate defendant and he is not sure exactly what it is either:

- Q. (MR. GRUENLOH) Are you able to tell me what your personal net income was for any year since 2008?
- A. Personal net income, no, not really. I'm sure it's between four and 500,000 a year.
- Q. Have you done your taxes for 2013 yet?
- A. I may have.
- Q. Do you know one way or another?
- A. '13, no, not '13, I probably did '12 -- no, we're in '14?
- Q. Yes, sir.
- A. I probably did '12, '13's probably not completed yet.
- Q. Do you know what your personal net income was for 2012?
- A. I'm going to guess 400,000.
- Q. Do you have an accountant that handles that for you?
- A. Yes.
- Q. What's the accountant's name?
- A. Stephanie Margavio.

See Deposition of Henry Wuertz, Taken May 2014, 19:19-20:13. Again the subpoenas seek to obtain confirmation of what Mr. Wuertz's net income from the defendant entities are.

Likewise the tax returns alone are incomprehensible, and the accountant's working papers are needed to verify certain transactions and losses. The 2010 returns show a gross income of negative Fifteen Million Dollars (\$15,000,000.00), the 2011 returns show a gross income of One Hundred Thrifty Two Thousand Dollars (\$132,000.00), the 2012 returns show gross income of negative Nine Million Dollars (\$9,000,000.00), and the 2013 returns show a gross income of

negative Two Million Six Hundred Thousand Dollars (\$2,600,000.00). Additionally, the 2012 return lists a line item denoted as "other income" with a loss of Nine Million Four Hundred Thirty Seven Thousand Dollars (\$9,437,000.00). The tax returns are in stark contrast to the financial statement produced for Crest Energy from 2012 that shows assets of over Twenty Seven Million Dollars (\$27,000,000.00). As was noted by Mr. Wuertz:

Q. All right. You told me a moment ago that last year you experienced a nine million dollar loss. This year, you're expecting somewhere in the neighborhood of a five million dollar loss. When was the last time that Crest made money?

(MR. MARVEL) Object to form.

A. Don't remember. Probably two years ago.

(BY MR. GRUENLOH:)

Q. If you lost nine million dollars last year, how is it that you've been able to stay in business?

A. We've borrowed money from our factor.

Q. Who did you -- who have you borrowed money from?

A. Crown Financial.

Q. What's the outstanding amount of that debt?

A. Right now, probably about \$17 million. Could be more.

Q. Are there any other loans that you have outstanding?

A. Possibly a few.

Q. Are there any that you're aware of that you can remember, as you sit here today?

A. Not that I -- not right now. Say -- but I'm saying it could be more than \$17 million. It could be \$21 million.

Q. Do you know what the net worth of your company is today?

A. Probably negative ten, fifteen. Somewhere around there.

Q. What do you base that on?

A. The debt that I owe and potential deals that I have against it.

See Deposition of Henry Wuertz, taken November 2014, 28:24-30:6. These losses could not be explained by Mr. Wuertz, who indicated one would need to be an accountant to understand. Mr.

Wuertz testified:

Q. All right. And then -- I'm trying to tell whether -- you have an at-risk carryover, \$2,000,575 -- excuse me -- \$559 and zero cents. Can you tell me what that is? Do you know what that is?

A. I'm not an accountant.

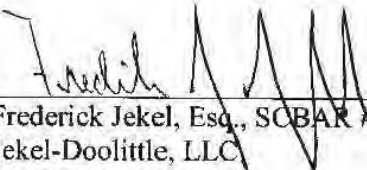
See Deposition of Henry Wuertz, taken November 2014, 68:20-24. The returns state dramatic losses that have not been identified in any financial statement, and the discovery sought is necessary to get a complete picture of the Defendants' financial condition.

### CONCLUSION

Plaintiff has established that the subpoenas were properly served and that the information sought is relevant and protected from public disclosure. Plaintiff has alleged considerable losses as a result of the Defendants' actions. Plaintiff has sought to discover the money Defendants have made as a result of business stolen from Plaintiff as well as discovery on the Defendants' individual financial condition. The responses from the parties have been sparse and what has been produced is only partly comprehensible. Plaintiff maintains that the subpoenas seeks information that it is relevant to monies made by the parties as a result of the transactions, their ability to satisfy a judgment, and to verify undocumented testimony by the parties under oath. As a result, the defendants Motion to Quash and for a Protective Order should be denied.

Respectfully Submitted,

By:

  
Frederick Jekel, Esq., SCBAR #66491  
Jekel-Doolittle, LLC  
210 Wingo Way #201  
Mount Pleasant, SC 29464  
(843) 654-7700  
(888) 567-1129 (facsimile)

And

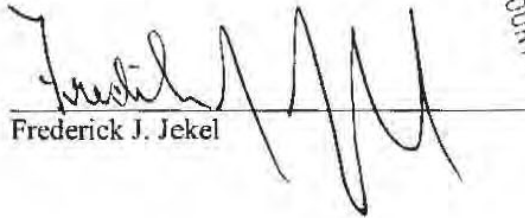
Wm. M. Gruenloh SCBAR # 12418  
192 East Bay Street, Suite 202  
Charleston, South Carolina 29401  
(843) 577-0027  
(843) 577-0721 (facsimile)

Date: April 3, 2015  
Mt. Pleasant, South Carolina

**CERTIFICATION**

I hereby certify that on this 3<sup>rd</sup> day of April 2015, a true copy of the foregoing was sent to the following via e mail to the following:

David Marvel  
Prenner Marvel, P.A.  
636 King St.  
Charleston, SC 29403-4808

  
Frederick J. Jekel

2015 APR - 9 PM 12:31  
CLERK OF COURT  
CHARLESTON COUNTY

2015 APR -6 PM 12:32  
DORCHESTER COUNTY  
CLERK OF COURT

ATTACNMENT C

Personal Financial Statement  
 Henry Wuertz  
 As of April 29, 2013

Crest Discovery Responses 130501-91



2013 APR - 9 PM 12:32  
 BANK OF CALIFORNIA  
 CLEVERLY  
 CHARLES SCHWAB - 401 MORCHESTER

<p><b>ASSETS</b></p> <p>Checking and Savings <u>\$500,000.00</u></p> <p>UBS - IRA <u>\$184,000.00</u></p> <p>Charles Schwab - 401K <u>\$500,000.00</u></p> <p>Total Cash <u>\$834,000.00</u></p> <p>Residence 4510 Ivanhoe <u>\$800,000.00</u></p> <p>Total Real Property <u>\$800,000.00</u></p> <p>2012 Porsche Panamera <u>\$65,000.00</u></p> <p>Total Automobiles <u>\$65,000.00</u></p> <p>2008 Grand Bay <u>\$65,000.00</u></p> <p>Total Marine <u>\$65,000.00</u></p> <p>Equity - Crest Energy Partners <u>\$2,611,815.49</u></p> <p>Equity - Sierra Marine <u>\$248,390.32</u></p> <p>Equity - Crescent Terminals <u>\$503,474.40</u></p> <p>Art <u>\$50,000.00</u></p> <p>Household Goods <u>\$150,000.00</u></p> <p>Total Personal Property <u>\$3,563,680.21</u></p> <p><b>TOTAL ASSETS</b> <u><u>\$5,347,680.21</u></u></p>	<p><b>LIABILITIES:</b></p> <p>Mortgage - Ivanhoe <u>\$512,000.00</u></p> <p>Car Loan <u>\$50,000.00</u></p> <p>Boat Loan - Canyon Bay <u>\$19,401.23</u></p> <p><b>TOTAL LIABILITIES</b> <u>\$581,401.23</u></p> <p><b>NET WORTH</b> <u>\$4,766,278.98</u></p> <p><b>TOTAL LIABILITIES AND NET WORTH</b> <u><u>\$5,347,680.21</u></u></p>
--	---

2015 APR -6 PM 12: 32  
CLERK OF COUNTY  
DORCHESTER COUNTY

ATTACHMENT D

Balance Sheet  
As of 12/31/2012

Crest Energy Partners, LP (GLP)



Assets

Current Assets

Cash	\$	-4,185.55
Investments - Icon Bond	\$	100,000.00
Accounts Receivable	\$	7,245,968.40
Allowance For Doubtful Accts	\$	-31,772.29
Prepays	\$	1,940,169.85
Inventory - Blendstock	\$	16,310,539.15

Total Current Assets: \$ 25,560,748.56

Fixed Assets

Automobiles	\$	6,213.05
Airplane	\$	127,044.89
Equipment	\$	212,912.54
Furniture & Fixtures	\$	59,424.23
Marine Vessel	\$	1,377,877.31
Leasehold Improvements	\$	342,164.21
Equipment - Flipping/Hoses	\$	21,500.00
Accum Depreciation	\$	-684,347.18

Total Fixed Assets: \$ 1,462,789.05

Other Assets

Deposits	\$	2,275.84
Notes Receivable	\$	181,750.00

Total Other Assets: \$ 184,025.84

Total Assets: \$ 27,207,534.45

Liabilities

Current Liabilities

Accounts Payable - Trade	\$	7,391,546.96
Notes Payable - Insurance	\$	74,207.05

Total Current Liabilities: \$ 7,465,754.01

Long Term Liabilities

Notes Payable - Crown	\$	15,569,964.95
-----------------------	----	---------------

Total Long Term Liabilities: \$ 15,569,964.95

Total Liabilities: \$ 23,035,718.96

Equity

Partner Capital	\$	4,171,815.49
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Total Equity: \$ 4,171,815.49

Total Liabilities & Equity: \$ 27,207,534.45

2015 APR -6 PM 12:32  
 FILED  
 ROCHESTER COUNTY  
 CLERK OF COUNTY

Run Date: 4/29/2013 12:46:05 PM  
G/L Date: 4/23/2013

Page: 1  
User Logon: PAW

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.	)	<b>PLAINTIFF’S THIRD</b>
	)	<b>MOTION TO COMPEL</b>
	)	
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.	)	
	)	

**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 and Edward H. Girardeau, have failed to produce certain financial information as previously ordered by this Court.

**I. BACKGROUND**

This case has been on appeal since May 2015 and was recently remanded back for trial. Prior to that, The Plaintiff sought the disclosure of certain financial discovery from the Defendants. The Plaintiff requested the financial information because 1) it has suffered a \$12 million loss as a result of Defendants conduct, 2) there is mounting evidence of Defendants’ intentional and punitive conduct, and 3) Defendants now claim that they are not collectible. This Court has ordered that the financial information should be disclosed but Defendants have not

complied. This is only the most recent example of what has been a longstanding pattern of discovery abuse by Defendants. (See Affidavit of Counsel attached as Exhibit 1)

**A. The Court's Prior Rulings Requiring the Production of Defendants' Financial Information**

**1. The August 22, 2013 Ruling on Plaintiff's 1<sup>st</sup> Motion to Compel Production of Defendants' Financial Information**

On October 2, 2012 Plaintiff served Defendants with Plaintiff's First Requests for Production and Interrogatories, including requests for Defendants' past and current financial information. The Defendants did not respond to any of the discovery requests and, on January 31, 2013, Plaintiff filed its First Motion to Compel. On March 15, 2013, on the eve of the hearing of Plaintiff's First Motion to Compel, counsel entered into a Consent Order under which Defendants agreed to provide discovery responses by March 20, 2013 and to pay Plaintiffs attorneys fees related to the motion to compel. 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 produce sworn, certified financial statements.

**2. The October 13, 2013 Ruling on Plaintiff's Second Motion To Compel**

The Defendants failed to comply with the August 22, 2013 Order requiring them to produce financial information and Plaintiff was forced to file a second Motion to Compel. On October 13, 2013 the Court again ordered Defendants to provide their financial information and sanctioned the Defendants \$2000.00 for their failure to comply the Court's prior orders.

**3. The April 6, 2015 Ruling On Defendants' Motion to Quash**

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 because Plaintiff was seeking current records and most of the transactions referred to in the complaint occurred between 2009 and 2012. Plaintiffs argued that the records were relevant because 1) there was sufficient evidence to make a prima facie showing of Defendants liability and punitive conduct and 2) Defendants were claiming they were not collectible despite records showing they had recently been profitable to the tune of tens of millions in annual profit. 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. (See Orders attached as Exhibit 2)

**B. Defendants Have Failed to Provide Updated Financial Statements and Have Refused to Cooperate in the Disclosure of Their Financial Records.**

On March 27, 2019 the Plaintiff wrote to Defendants' Counsel and requested that Defendants provide updated financial statements pursuant to SCRCP 26(e). Also, Plaintiff issued a subpoena in Louisiana for Margavio & Schmidt seeking information through the present date (Defendants' accountant had previously provided information up to 2013) and requested Defendants' Counsel to sign a consent order necessary for the domestication of the Wells Fargo subpoena in Texas. The time period specified for the subpoenas was January 2009 through the present and Plaintiff referred Defendants to the Court's prior orders when making these requests. Plaintiff requested an immediate response if Defendants were unwilling to comply with its requests. (See Correspondence attached as Exhibit 3)

In response, a motion to quash the Margavio and Schmidt subpoena was filed in Louisiana. As for the financial statements and the Wells Fargo subpoena, Defense Counsel advised that he would get back to Plaintiff regarding those issues prior to the April 22, 2019

teleconference scheduled with the Court. Defendants' Counsel did not provide any response on those issues prior to the April 22<sup>nd</sup> teleconference.

During the April 22<sup>nd</sup> teleconference with the Court, Plaintiff's Counsel referenced the prior orders directing the disclosure of Defendants' financial information and requested that Defendants be ordered to provide updated financial statements. Also, in light of Defendants' failure to cooperate with the bank (Wells Fargo) subpoena and third party efforts to prevent the accountant (Margavio And Schmidt) subpoena, Plaintiff requested that Defendants be ordered to provide executed authorizations for the production of the records or simply obtain and produce the records themselves. In response, Defense Counsel advised the Court that he required until May 6, 2019 to provide an answer to Plaintiff's requests.

May 6, 2019 came and went with no response from Defense Counsel. Plaintiff's Counsel advised Defendant's Counsel of the missed deadline and, on May 7, 2019 Defense Counsel sent the attached letter. (See May 7, 2019 Letter attached as Exhibit 4) Therein, Defense Counsel argues that Defendants have no duty to supplement the financial statements that were provided six years ago. He also refuses to provide authorizations for the bank and accountant records, essentially arguing that Defendants do not have the ability to authorize the release of their own banking and accounting records. Defendants' Counsel did offer to provide a financial statement that is currently being constructed for use in Defendant Henry Wuertz's Federal trial in which he was indicted for dumping 50,000 pounds of toxic waste from his fuel refinery into a federally protected bayou in Texas. However, as of the date of this filing, no financial statement or production date has been provided.

## II. ARGUMENT

The issues before the Court are 1) whether Defendants must supplement their discovery responses to provide updated financial statements and 2) whether Defendants should be ordered to provide executed authorizations for the production of their bank and accounting records.

### **A. The Defendant's Have a Duty to Supplement The Financial Statements Pursuant to SCRCP 26(e).**

SCRCP 26(e) imposes an ongoing duty to supplement discovery responses when the discovery requests are made pursuant to SCRCP 33 and/or 34. SCRCP 26(e) In this case, the discovery requests for Defendants' financial information were interrogatories and requests for production made pursuant to SCRCP 33 and 34 and, as such, the responses must be supplemented. Moreover there is a pressing need for the financial statements to be updated immediately.

First, the information previously provided is six years old. Given the sophistication of the Defendants, information that is six years old tells us nothing about their current wealth and income. Second, some of the Defendants are facing multiple judgments and criminal prosecution. It is unknown what effect this will have upon Plaintiff's priority in collecting upon any verdict but, as a result of the delay in the these proceedings, the Defendants have had an opportunity to prepare for judgments. Finally, there have been substantial admissions made by Defendants and a co-defendant whistleblower, Rodney Bridge, that have previously been outlined for this Court. These facts, along with Defendants own documents clearly establish Defendants' liability and a prima facie case of intentional/punitive conduct. Juxtaposed against these factors is the Plaintiff's economic loss of over \$12 million caused by these Defendants' conduct. The updated financial information is relevant, necessary and has been previously

ordered to be produced. Plaintiff respectfully requests that the Court order Defendants to produce updated sworn, certified financial statements without further delay.

**B. Defendants Should Be Ordered to Provide Executed Authorizations or Produce Their Own Bank and Accountant Records.**

This Court previously ordered that subpoenas for Defendants' banking and accounting records from 2009 through the present were relevant. The subpoenas at issue now, likewise, require production through the present date. Defendants argue that the subpoenas should be limited in scope to 2009 through April 6, 2015 – the date of the Court's Order denying Defendants' Motion to Quash. This argument ignores the fact that the Defendants' collectability and their wealth for the purposes of punitive damages were the arguments presented and weighed by the Court in ordering the production of current financial records showing Defendants' wealth and income. Given the sophistication and volatility of these defendants, six-year-old information tells us nothing about their current wealth and income. To allow the Defendants to limit the production to April 6, 2015 – a date which has no significance other than the date the Order denying Defendants' Motion to Quash was signed – would be a complete abdication of the purpose of the discovery. Likewise, third parties in foreign jurisdictions should not be permitted to use procedural means to prevent document productions ordered by this Court.

The Plaintiff has spent thousands of dollars and many lawyer hours seeking these records. Likewise, the Court has now spent its time and resources on this issue on multiple occasions. The Plaintiff respectfully requests this Court to order the Defendants to provide executed authorizations for the release of its own bank and accounting records from 2009 to the present or, in the alternative, produce the records themselves.

### III. CONCLUSION

This is the third Motion to Compel that Plaintiff has been forced to file regarding Defendants' financial records and the the third time that a motion has been necessary due to the Defendants disregard of a court order. The attached affidavit details Plaintiff's Counsel's time spent on the issues set out herein. (See Exhibit 1) Plaintiff respectfully requests the Court to order Defendants to do the following within ten (10) days of the Court's Order:

- 1) **Produce updated, sworn, certified financial statements for each Defendant, and**
- 2) **Provide executed authorizations for the production of the Wells Fargo and Margavio and Schmidt records from 2009 through the present date or, in the alternative, produce the records themselves, and**
- 3) **Pay Plaintiff's attorneys fees and costs related to re-litigating these issues, and**
- 4) **For any other relief deemed appropriate.**

Respectfully Submitted,

By: s/Wm. M. Gruenloh  
 Wm. M. Gruenloh  
 SCBAR # 12418  
 Attorney for the Plaintiff  
 67 Moultrie Street, 2<sup>nd</sup> Floor  
 Charleston, South Carolina 29403  
 (843) 577-0027  
 mike@gruenlohlaw.com

and

Frederick "Fritz" Jekel  
 SCBAR #66491  
 LEVENTIS & RANSOM  
 PO Box 11067  
 Columbia, SC 29211  
 803-765-2383  
 Fritz@j-dlaw.com

Date: May 14, 2019  
 Charleston, South Carolina



DELIVERED VIA EMAIL ONLY TO [dave@marvel.lawyer](mailto:dave@marvel.lawyer)

March 27, 2019

**Re: IWM v. Wuertz**

Dear David:

As you may recall, Judge Dickson ordered that each defendant provide a certified financial statement. Please provide an updated financial statement for each defendant.

Also, attached is a consent order for the domestication of a subpoena for Defendants' Wells Fargo financial records. The court previously denied your motion to quash this subpoena and ordered the records produced. If your client is willing to produce his bank records that would obviously save time and money. Otherwise, please sign the consent order so we can get the subpoena served on Wells Fargo in Texas.

If you are unable or unwilling to produce the updated financial statements and sign the attached consent order please let us know immediately.

Respectfully,

Wm. M. Gruenloh

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, L.L.C.	)	
CREST ENERGY PARTNERS L.P.,	)	
DUNHILL PRODUCTS GP, L.L.C.	)	
DUNHILL PRODUCTS L.P., HENRY	)	
WUERTZ, EDWARD H. GIRARDEAU, and	)	<b>CONSENT</b>
RODNEY BRIDGE	)	<b>ORDER</b>
	)	
Defendants.	)	

This matter comes before the Court on a motion by Plaintiff, Innovative Waste Management, Inc., with the consent of the Defendants, for an Order to domesticate subpoenas for the production of documents and oral depositions in the State of Texas.

**NOW THEREFORE**, upon motion of the Plaintiffs and without the objection of the Defendants, Plaintiff's Motion for an Order Authorizing the Domestication of an out of State Subpoena is hereby **GRANTED**.

**IT IS ORDERED, ADJUDGED and DECREED** that the Dorchester County Court of Common Pleas authorizes the Clerk of Court of Travis County, Texas to issue a valid and binding subpoena for the production of documents and 30(b)(6) Corporate Representative Deposition to Wells Fargo, National Association in connection to the above-captioned action.

**IT IS SO ORDERED!**

\_\_\_\_\_  
 Judge Maite Murphy  
 Dorchester County Court of Common Pleas

Date: \_\_\_\_\_, 2019  
 St. George, South Carolina

WE SO MOVE:

For the Plaintiffs:

\_\_\_\_\_  
Wm. Michael Gruenloh, Esq.  
Patrick Aulton Chisum, Esq.

WE SO CONSENT:

For the Defendants:

\_\_\_\_\_  
David Marvel, Esq.  
Kenneth Goode, Esq.



**DELIVERED VIA US MAIL**

Jefferson Parish Clerk of Court  
Attn: Mary Najolia  
PO Box 10  
Gretna, LA 70054

March 26, 2019

**Re: Innovative Waste Management v. Crest Energy Partners, GP, L.L.C. et al.**  
**Docket No.: 2012-CP-181227**

Dear Ms. Najolia:

The above referenced matter is currently pending in the Dorchester County Court of Common Pleas in St. George, South Carolina. It is our desire to serve a subpoena upon an entity located in Jefferson Parish, Louisiana. Enclosed you will find one original and two copies of the South Carolina Subpoena. I have also enclosed the contact information for all counsel of record, a self-addressed, stamped envelope, and a check in the amount of \$350.00 that represent the appropriate filing fee. Please domesticate the enclosed subpoena and return it to our office for service.

If you have any questions or concerns, please don't hesitate to contact our office.

Respectfully,

Ryan W. Jones  
Paralegal

CC: David Marvel (Email Only)

**Counsel of Record**

Wm. M. Gruenloh  
Patrick Aulton Chisum  
67 Moultrie Street, Second Floor  
Charleston, South Carolina 29403  
(843) 577-0027  
(843) 577-0721 (facsimile)

And

Frederick Jekel, Esq.,  
Jekel-Doolittle  
1913 Bull Street  
Columbia, South Carolina 29201  
(843) 654-7700  
(888) 567-1129 (facsimile)  
*Counsel for Plaintiff Innovative Waste Management, Inc.,  
and Third Party Defendant C. Russ Lloyd*

David Marvel  
Post Office Box 22734  
Charleston, SC 29413  
(843) 722-7250  
(843) 722-7260 (facsimile)  
*Counsel for Defendants*

STATE OF SOUTH CAROLINA

ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF DORCHESTER

INNOVATIVE WASTE MANAGEMENT, INC.  
Plaintiff

v.

SUBPOENA IN A CIVIL CASE

Case Number: 2010-CP-18-1227

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,

Pending in DORCHESTER County

TO: Margavio & Schmidt CPA  
1101 Dealers Ave. New Orleans, LA 70123

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME , AM
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

See Attached Exhibit A

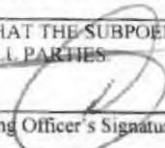
PLACE Gruenloh Law Firm 67 Moultrie Street, Second Floor Charleston, SC 29403	DATE AND TIME April 19, 2019, 5:00PM
--	--------------------------------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME , AM
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ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

	3/26/2019	Wm. Michael Gruenloh
Attorney/Issuing Officer's Signature	Date	Print Name

Attorney for Plaintiff, Patrick Aulton Chisum, Wm. Michael Gruenloh, Esq. 67 Moultrie Street, Second Floor Charleston, SC 29403 (843) 577-0027

Clerk of Court/Issuing Officer's Signature  
 Pro Se Litigant's Name, Address and Telephone Number :

Date

Print Name

**PROOF OF SERVICE**

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE	
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

**DECLARATION OF SERVER**

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF SERVER

\_\_\_\_\_  
 ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

**(c) Protection of Persons Subject to Subpoenas.**

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:
- i. fails to allow reasonable time for compliance; or
  - ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
  - iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
  - iv. subjects a person to undue burden.
- (B) If a subpoena:
- i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or
  - ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
  - iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,
- the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**EXHIBIT A**

Any and all documents, including but not limited to tax returns, working papers, and P&L statements that pertain to Henry Wuertz, Crest Energy Partners GP, L.L.C., Crest Energy Partners L.P., Dunhill Products GP, L.L.C., and Dunhill Products L.P. from June 3, 2015 to the present date.

# Re: Innovative Waste Management v. Crest Energy Partners, L.L.C, et al



**Wm. Michael Gruenloh <mike@gruenlohlaw.com>**

Apr 16, 2019,  
5:07 PM

to David

I'd love to have a working relationship based upon some level of trust but that has not been my experience in this case. You understand that we want updated financial information for the defendants and why we want it. If you want to reset the dynamic, then produce updated financial statements that include sufficient information for us to verify the accuracy of the statements (names and locations of banks and assets).

We need the consent order because Travis County requires it in addition to the court order denying your motion to quash. I had not realized the draft subpoena to WF wasn't attached. It is now. We already dismissed Rodney. I guess my new paralegal used an old form. We amended the complaint to reflect Goldstein's rulings on your MTD. What ruling do you believe is inconsistent with the amended complaint?

[gruenlohlaw.com](http://gruenlohlaw.com)

**Wm. Michael Gruenloh, Esq.**

Partner

**T** 843.577-0027

**F** 843.577.0721

**E** [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

**A** 67 MOULTRIE STREET, 2ND FLOOR, CHARLESTON, SC 29403

\*\*\*\*\*

*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 the 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 ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) 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.*

**STATE OF SOUTH CAROLINA**

ISSUED BY THE CIRCUIT COURT IN THE COUNTY OF DORCHESTER

INNOVATIVE WASTE MANAGEMENT, INC,  
Plaintiff

v.

SUBPOENA IN A CIVIL CASE

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

Case Number: 2010-CP-18-1227

Pending in DORCHESTER County

TO: Wells Fargo Bank N.A. c/o CSC  
211 East 7<sup>th</sup> Street, Suite 620 Austin, TX 78701

YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME , AM
---------------------	--------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

See Attached Exhibit A

PLACE Gruenloh Law Firm 67 Moultrie Street, Second Floor Charleston, SC 29403	DATE AND TIME April 19, 2019 5:00 PM
--	--------------------------------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME , AM
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ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

3/26/2019

Attorney/Issuing Officer's Signature

Date

Wm. Michael Gruenloh  
Print Name

Attorney for Plaintiff, Patrick Aulton Chisum, Wm. Michael Gruenloh, Esq. 67 Moultrie Street, Second Floor Charleston, SC 29403 (843) 577-0027

Clerk of Court/Issuing Officer's Signature  
Pro Se Litigant's Name, Address and Telephone Number :

Date

Print Name

**PROOF OF SERVICE**

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE Wells Fargo Bank, N.A. c/o CSC 211 East 7 <sup>th</sup> Street, Suite 620 Austin, TX 78701	
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

**DECLARATION OF SERVER**

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_ 201\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

**(c) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

- i. fails to allow reasonable time for compliance; or
- ii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- iii. requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- iv. subjects a person to undue burden.

**(B) If a subpoena:**

- i. requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- ii. requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- iii. requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

ELECTRONICALLY FILED - 2019 May 15 10:31 AM - DORCHESTER - COMMON PLEAS - Case No. 19CP001227

**EXHIBIT A**

For the purposes of these document requests “you” is intended to mean you individually or any company in which you owned an interest, were a manager or were employed by between the time period January 1, 2008 and the present.

1. Produce all records of any and all business transactions between you and 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, or Rodney Bridge between the time period January 1, 2008 and the present.
2. Produce all records of any and all business transactions between you and Innovative Waste Management (also known as Innovative Resource Management) between the time period January 1, 2008 and the present.
3. Produce all correspondence between you and 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, or Rodney Bridge between the time period January 1, 2008 and the present.
4. Produce an accounting of all money paid to 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, or Rodney Bridge by you between the time period January 1, 2008 and the present and indicate
  - (a) What transaction the proceeds are related to;
  - (b) The type of product sold, brokered or purchased or type service provided and by whom, and
  - (c) Provide a summary of the transaction sufficient to inform the other party of the nature of the transaction.
5. Produce an accounting of all money paid by 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, or Rodney Bridge to you between the time period January 1, 2008 and the present and indicate
  - (a) What transaction the proceeds are related to;
  - (b) The type of product sold, brokered or purchased or type service provided and by whom, and
  - (c) Provide a summary of the transaction sufficient to inform the other party of the nature of the transaction.
6. Produce a list of all business affiliations or associations between you and 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, or Rodney Bridge which currently exist or which existed anytime between January 1, 2008 and the present.

7. Produce any and all documents which set out the existence or nature any and all business affiliations or associations between you and 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, or Rodney Bridge which currently exist or which existed anytime between January 1, 2008 and the present.
  
8. Produce all records of any and all business transactions between you and 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, or Rodney Bridge between the time period January 1, 2008 and the present.



## DAVID B. MARVEL

Attorney at Law • Proctor in Admiralty  
Certified Civil and Federal Court Mediator  
Admitted to Practice in South Carolina and Georgia

[www.marvel.lawyer](http://www.marvel.lawyer)

May 7, 2019

**By Email**

Wm. Michael Gruenloh  
Gruenloh Law Firm  
67 Moultrie Street, Second Floor  
Charleston, SC 29403

RE: Innovative Waste Management, Inc. v. Crest Energy Partners  
Case No: 2012-CP-18-1227

Dear Mike,

I hope this letter finds you well. I am writing to follow-up our status conference with Judge Murphy. Thank you for your patience awaiting this response.

Judge Dickson's Order of June 3, 2013 stated "[i]n 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." In my opinion, Judge Dickson's use of the singular does not require supplementation beyond that initial production.

Nonetheless, I believe you are aware that Henry Wuertz is facing trial in an environmental discharge case. It appears that a defendant's ability to pay a fine is relevant in that matter, and an accountant has been engaged to prepare a financial statement that I suspect will be more detailed than the form that we previously used. As I recall, you did not contemporaneously object to that document. We are willing to produce that statement/report to you when it is in final form, which will be in the next couple of weeks.

Judge Murphy's Order of April 6, 2015 directed you to re-issue subpoenas to Margavio & Schmidt and Wells Fargo limited in scope to 2009 to the date of the Order. Your current subpoena is broader in scope than Judge Murphy's Order, and it is my understanding that Margavio & Schmidt complied with the 2015 subpoena and Judge Murphy's Order. I have asked you for confirmation of that fact. Moreover, their objection to your recent subpoena is based on several factors that were not the subject of my 2015 Motion to Quash and are based on Louisiana and/or Federal tax law. We are therefore not able to consent on behalf of that entity.

Marvel Et Al., LLC - P.O. Box 22734 - Charleston, South Carolina 29413 - 843.853.4877

Letter to Mike Gruenloh  
May 7, 2019  
Page 2

The Crest/Dunhill entities are no longer conducting business and it is my understanding that they only hold certain contingent assets, namely the counter-claims in this case. Accordingly, there is nothing for those entities to produce to you.

Likewise, neither Wuertz nor any of the entities have conducted business with Wells Fargo in several years, and therefore we cannot execute a release relating to your proposed subpoena. I can confirm that we will raise no further objection to the Wells Fargo subpoena here or in Harris County should you chose to pursue it.

I propose that you wait to review the financial statement that we propose to produce, which should confirm and may enhance my comments above. If you feel the need to request details relating to that document, I will remain willing to discuss that request at that time.

As always, we request a copy of any subpoena response.

Finally, you indicated several weeks ago that you may be able to propose a resolution of Gerry's claims and the claims against him. Awaiting that, I have not asked him for comment on these matters, but I would be happy to if you think his financial statement would be helpful. We believe that his claim and the claims against him were to be resolved by way of mutual dismissal, which had nothing to do with Crest Energy Partners' inability to fund the settlement.

I am hopeful that we can work to prevent the majority of the issues that plagued the case previously, and perhaps an actual resolution will present itself. If you have any questions or comments, please do not hesitate to contact me at any time. With best regards, I remain

Sincerely,



David B. Maryel

/DBM

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	)	
	)	<b>AFFIDAVIT OF WM. MICHAEL GRUENLOH</b>
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	)	
	)	
Defendants.	)	
	)	
	)	

1. My name is Wm. Michael Gruenloh, Esq., I am counsel for the Plaintiff 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. This matter originated as *Innovative Waste Management v. Crest Energy Partners Group, LLC, Dunhill Products Group, LLC, Henry Wuertz, Steven Frietsch, Edward H. Girardau and Rodney Bridge* 2:11-cv-01023-RMG filed in the South Carolina District Court. While the case was in federal court, Defendants routinely delayed discovery responses or provided deficient answers forcing the Plaintiff to file a Motion to Compel.
3. Defendants pattern of discovery abuse has continued in this case. On October 2, 2012 Plaintiff served Defendants with Plaintiff's First Request for Production and Interrogatories including requests for Defendants' financial information from 2009 and their current wealth and income.
4. The Defendants did not respond to that discovery and, on January 31, 2013, Plaintiff filed its First Motion to Compel.

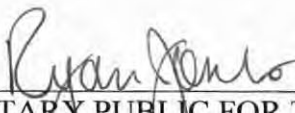
5. On March 15<sup>th</sup>, 2013, on the eve of the hearing of Plaintiff's First Motion to Compel, Plaintiff entered into a Consent Order with Defense Counsel Marvel under which Defendants agreed to provide "responses to all outstanding discovery requests on or before Wednesday, March 20, 2013" and in which Defendants agreed to pay for Plaintiff's Counsel's time spent pursuing Defendants' discovery responses.
6. The Defendants failed to comply with the March 15, 2013 Consent Order and Plaintiff filed an Amended Motion to Compel that was argued and granted by the Court on August 22, 2013. The Court again ordered Defendants to provide their financial information to Plaintiffs, including current financial statements.
7. The Defendants failed to comply (for a third time) with the Court's August 22, 2013 Order and Plaintiff was forced to file Plaintiff's Second Motion to Compel.
8. On October 13, 2013, after hearing Plaintiff's Second Motion to Compel, the Court again ordered Defendants to provide their financial information and sanctioned the Defendants for failure to comply with the Court's prior orders by requiring the Defendants to pay the Plaintiff's attorney fees and costs.
9. In March 2015 Plaintiffs issued subpoenas to Defendants' bank (Wells Fargo) and accountant (Margavio and Schmidt) requiring the production of Defendants' financial records from 2009 to the present date. Defendants filed a Motion to Quash. After hearing the matter, the Court denied Defendants' Motion to Quash, finding that Defendants' bank and accountant records through the present were relevant and should be disclosed.
10. In April 2015 the Defendants agreed to settle this case but breached the settlement agreement. The case was dismissed and Plaintiff appealed that dismissal. In February 2019, the case was remanded back to this Court for trial.

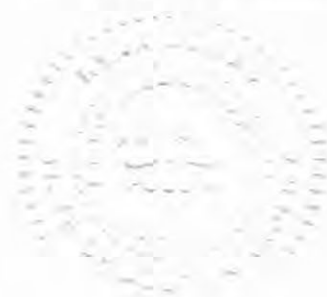
- 11. On March 27, 2019 Plaintiff wrote to Defendants requesting that they update their sworn certified financial statements pursuant to this Court's August and October 2013 rulings and also requested Defendants' cooperation in domesticating the Wells Fargo subpoena authorized in the Court's April 2015 ruling.
- 12. Defendants have refused to comply with Plaintiff's requests as outlined in Plaintiff's Third Motion to Compel and continued their pattern of discovery abuse.
- 13. Since March 27, 2019 I have personally spent six and ½ hours pursuing the discovery sought in Plaintiff's Third Motion to Compel – all of which would not have been necessary had Defendants complied with the rules of procedure and the Court's prior orders as outlined herein and in Plaintiff's Third Motion to Compel. My standard hourly billing rate is \$300/hr.

I SWEAR THAT ALL STATEMENTS HEREIN ARE TRUE AND ACCURATE.

  
 \_\_\_\_\_  
 Wm. Michael Gruenloh, Esq.

SWORN TO AND SUBSCRIBED before me,  
The undersigned on this 13<sup>th</sup> day of May 2019

  
 \_\_\_\_\_  
 NOTARY PUBLIC FOR THE  
 STATE OF SOUTH CAROLINA  
 My Commission Expires: 7/11/2027



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. )

**DEFENDANTS' MEMORANDUM IN RESPONSE TO  
PLAINTIFF'S THIRD MOTION TO COMPEL**

This matter was before the Court on June 5, 2019, following Plaintiff Innovative Waste Management, Inc.'s Motion to Compel Defendants to produce certain financial information. Defendant Rodney Bridge has been dismissed from the case. The remaining Defendants note for the record that they have and continue to attempt to comply with the Plaintiff's discovery requests, but are unable to do so in the form requested by the Plaintiff, as addressed herein.

Despite having conducted eight years of discovery in this matter and in the previously dismissed case filed in the United States District Court for the District of South Carolina, Plaintiff apparently fails to discern the salient fact that Crest Energy Partners GP, LLC and Dunhill Products GP, LLC, are (or were) the same entity, subject only to a formal name change that happened to occur about the time of the events that are the subject of this lawsuit. Likewise, Dunhill Products, L.P. simultaneously changed its name to Crest Energy Partners, L.P. See Exhibit A. Therefore, to the extent Plaintiff seeks separate documents or information from the "Dunhill", entities, there is no such information, and there is no person who can certify such

information. Defendants have stated on the record on multiple occasions that any liability of the Dunhill entities is the liability of the Crest entities, and there is no discernable reason why Plaintiff appears to think otherwise.

Undersigned counsel wants the record to be clear that he has attempted to comply with, and even exceed, Plaintiff's requests by offering to provide the Plaintiff 1) an accountant's certified financial statement for Defendant Henry Wuertz, 2) a sworn financial statement of Defendant Edward Girardeau, and 3) the Internal Revenue Service's records relating to the entity defendants, provided directly to Plaintiff's counsel. None of the entity defendants are actively conducting business or holding assets. Therefore, they have no financial information to disclose or any active principal to certify that information. For that reason, the undersigned agreed to give plaintiff access to those defendants' IRS records, under the theory that such records are by their very nature sworn financial declarations of income and wealth. Conversely, the failure of these entities to file returns are absences which establish the lack of income and/or assets.

The Court should also be informed that Plaintiff has never subpoenaed the accounting records of any Defendant other than Henry Wuertz. Mr. Wuertz' personal accountant, Margavio & Schmidt, has no accounting duties relating to any of the entities. Plaintiff is, or should be, aware of this because the entity defendants produced their relevant tax data to Plaintiff's counsel long ago. Margavio & Schmidt moved to quash Plaintiffs subpoena in the jurisdiction where the subpoena was issued, and that court granted its motion. See Exhibit B.

In 2013, Judge Dickson heard and resolved the issue of what financial records the Defendants were required to produce. See Exhibit C. A transcript of that proceeding was previously provided to the Court, and is attached hereto as Exhibit D. With all due respect to this Honorable Court, that ruling is the law of the case and it is beyond the scope of the Dorchester

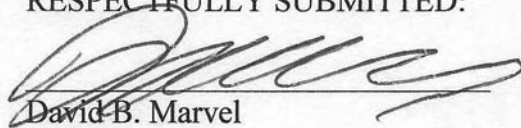
Court of Common Pleas' authority to Order the Defendants to execute an authorization that effectively overrules not only that ruling but also an Order of the 24<sup>th</sup> District Court for the Parish of Jefferson, Louisiana.

To the extent the Plaintiff seeks attorneys' fees, any award would be inappropriate under Rule 37(b), SCRPC, and would be unjust under Rule 37(a)(4). The Court's April 6, 2015 Order on Defendants' Motion to Quash only directed the Plaintiff to "re-issue the subpoenas in compliance with [that] order." See Exhibit E. The only party that failed to comply with that order was the Plaintiff. There is no evidence in the record that any of the Defendants have failed to comply with that Order, or any other order issued by this Court since 2013. Moreover, when the Plaintiff requested that the Defendants supplement and/or update their previous financial disclosures, Defendants not only agreed to do so, they offered to provide a more thorough response than what the Plaintiff and this Court believed to be adequate.

The record must reflect that the defendants have not only agreed to provide the information requested by the Plaintiff, they have offered the Plaintiff more comprehensive information than the Court's previous Orders have required. Defendant's efforts in that regard were communicated to the Court immediately prior to and during the hearing on June 5, 2019. See Exhibit F. Accordingly, there is nothing more for the Court to compel, or reason for the Plaintiff to file motion after motion on the issue.

Defendants consent to Court's entry of the Order attached hereto as Exhibit G, which not only fulfills but exceeds the Plaintiff's request for financial discovery. For all of the reasons stated herein and previously argued, Defendants respectfully request that this Honorable Court issue that Order forthwith.

RESPECTFULLY SUBMITTED:



David B. Marvel

PO Box 22734

Charleston, South Carolina 29413

Ph. (843) 853-4877

Fax (843) 380 3025

dave@marvel.lawyer

June 11, 2019  
Charleston, South Carolina



UCC Business Organizations Trademarks Notary Account Help/Fees Briefcase

Logout

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 800129005 Entity Type: Foreign Limited Partnership
Original Date of Filing: September 25, 2002 Entity Status: Forfeited existence
Formation Date: N/A
Tax ID: 11136486757 FEIN: 113648675
Name: Crest Energy Partners, L.P.
Address: 7026 Old Katy Rd Ste 201 Houston, TX 77024 USA
Fictitious Name: Crest Group, L.P.
Jurisdiction: DE, USA
Foreign Formation Date: August 2, 2002

Table with 6 columns: REGISTERED AGENT, FILING HISTORY, NAMES, MANAGEMENT, ASSUMED NAMES, ASSOCIATED ENTITIES. Rows include Dunhill Products, L.P., Crest Group, L.P., and Crest Energy Partners, L.P.

Order Return to Search

Instructions:

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Texas.gov

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- Statewide Search
- Texas Homeland Security
- Where the Money Goes
- Fraud Reporting
- Texas Veterans Portal





UCC Business Organizations Trademarks Notary Account Help/Fees Briefcase

Logout

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 800128893 Entity Type: Foreign Limited Liability Company (LLC)
Original Date of Filing: October 2, 2002 Entity Status: Forfeited existence
Formation Date: N/A
Tax ID: 11136486716 FEIN: 113648671
Name: Crest Energy Partners GP, LLC
Address: 7026 OLD KATY ROAD STE 249 Houston, TX 77024 USA
Fictitious Name: Crest Group GP, LLC
Jurisdiction: DE, USA
Foreign Formation Date: July 31, 2002

Table with 6 columns: REGISTERED AGENT, FILING HISTORY, NAMES, MANAGEMENT, ASSUMED NAMES, ASSOCIATED ENTITIES. Rows include Dunhill Products GP, LLC, Crest Group GP, LLC, Crest Energy Products GP, LLC, and Crest Energy Partners GP, LLC.

Order Return to Search

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- Statewide Search
- Texas Homeland Security
- Where the Money Goes
- Fraud Reporting
- Texas Veterans Portal



24TH JUDICIAL COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

713  
634  
D1

NO. 744-568

DIVISION "P"

INNOVATIVE WASTE MANAGEMENT, INC.

VERSUS

CREST ENERGY PARTNERS GP LLC, ET AL.

FILED  
Jun 10th 2019  
Kimberly J. Jones  
DEPUTY CLERK

FILED: \_\_\_\_\_

DEPUTY CLERK

**JUDGMENT**


The Motion to Quash Subpoena *Duces Tecum* to Margavio & Schmidt, CPAS ("Margavio") filed on April 17, 2019 came for hearing on May 28, 2019.

**PRESENT:** Marcus K. Pierre, attorney for Margavio & Schmidt, CPAS;

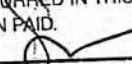
After hearing the arguments of counsel and reviewing the pleadings on file in conjunction with the matter brought this Court, and for reasons orally assigned:

**IT IS ORDERED, ADJUDGED AND DECREED** that the Motion to Quash is **GRANTED.**

Signed in Gretna, Louisiana this 10 day of June, 2019.

  
HON. JUDGE LEE V. FAULKNER

**NOTE TO CLERK:**  
Please notify all counsel of record

June 7, 2019  
I, HEREBY CERTIFY THAT ALL  
COSTS INCURRED IN THIS MATTER  
HAVE BEEN PAID.  
  
DEPUTY CLERK

24th E-Filed: 06/06/2019 16:22:06 Case: 744568 Div:P Atty:038372 MARCUS K PIERRE

**RULE 9.5 CERTIFICATE**

I CERTIFY that pursuant to Uniform District Court Rule 9.5, I circulated a copy of this Judgment for comment to opposing counsel on 30th day of May, 2019, by electronic mail. Opposing counsel has no objection to this proposed Judgment.

I have allowed at least five (5) working days before presentation to the Court.

Certified this 6<sup>th</sup> day of June, 2019.

Respectfully submitted,



Salvador J. Pusateri T.A. (#21036)

Marcus K. Pierre (#38372)

**PUSATERI, JOHNSTON, GUILLOT & GREENBAUM**

1100 Poydras Street – Suite 2250

New Orleans, Louisiana 70163

Telephone: (504) 620-2500

Facsimile: (504) 620-2510

Salvador.Pusateri@pjgglaw.com

Marcus.Pierre@pjgglaw.com

**ATTORNEYS FOR MARGAVIO & SCHMIDT, CPAS**

24th E-Filed: 06/06/2019 16:22:06 Case: 744568 Div:P Atty:038372 MARCUS K PIERRE



DAVID B. MARVEL

Attorney at Law • Proctor in Admiralty  
Certified Civil and Federal Court Mediator  
Admitted to Practice in South Carolina and Georgia

June 5, 2019

The Honorable Maite Murphy  
P.O. Box 802  
5200 E. Jim Bilton Blvd.  
St. George, SC 29477

Re: Innovative Waste Management v. Crest Energy Partners, *et al.*  
Case No.: 2012-CP-18-1227

Dear Judge Murphy,

I hope this letter finds you well. I am writing in advance of the hearing on the Plaintiff's Motion this morning to provide the Court with an update of our efforts, with hope that this will streamline the proceedings.

To clarify several comments in the Plaintiff's Motion, the individual defendants Wuertz and Girardeau have agreed to provide updated personal financial statements in accordance with Judge Dickson's June 3, 2013 order. As the Motion and my letter attached to it indicated, Defendant Wuertz is in the process of having outside accountants prepare a statement of his finances for submission in a Louisiana proceeding. It is my understanding that the certified information in this document will be significantly more expansive than what we previously submitted to Plaintiff's satisfaction in this matter. I was informed yesterday that the accountants are working to complete their work this week and I expect to have a copy to provide by the end of next week.

Defendant Girardeau has significant health problems and is currently in the hospital. He believes that he will be discharged tomorrow or Friday, and he intends to complete a sworn personal financial statement as soon as he is able to return home.

None of the named corporate defendants are currently conducting operations and they have no hard assets. I have taken the liberty of submitting requests (Form 4506-T) to the Internal Revenue Service for the transcripts of any return filed by those entities from 2015 to the present. The IRS will transmit those transcripts directly to Mr. Gruenloh, and I ask that he provide me with copies of those documents once they are received.

As for the Plaintiff's requests relating to the out of state subpoenas, Margavio & Schmitt filed a motion to quash in Louisiana state court arguing points of Louisiana law and

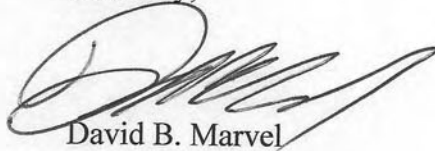
Marvel Et Al., LLC - P.O. Box 22734 - Charleston, South Carolina 29413 -843.853.4877

Letter to The Hon. Maite Murphy  
June 5, 2019  
Page 2

procedure. That firm did, in fact, comply with your April 6, 2015 Order. While that Order denied our Motion to Quash, the order directed the Plaintiff to reissue the subpoenas in accordance with the order, which never happened. The Order did not direct Defendants to do anything, and it would appear that Order is sufficient for submission to the Courts of Harris County, Texas if the Plaintiff intends to pursue any records from Wells Fargo.

Thank you for your attention to this matter. I look forward to appearing before you this morning. With best regards, I remain

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Marvel', written over the printed name 'David B. Marvel'.

David B. Marvel

/DBM

Cc: Wm. Michael Gruenloh

Marvel Et Al., LLC - P.O. Box 22734 - Charleston, South Carolina 29413 -843.853.4877

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. )

**ORDER**

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 hereby Orders Defendants to sign such authorizations as Wells Fargo may require to produce documents responsive to the Plaintiff's Subpoena request. Defendants shall provide updated financial statements, either sworn by the individuals or certified by the entities' principals or accounting professionals, establishing their wealth and income to Plaintiff within twenty-one (21) days of this order. Plaintiff's request for attorneys' fees shall remain under advisement and be subject to separate Order of the Court, pending compliance with this Order.

***IT IS SO ORDERED!***

June \_\_\_\_\_, 2019  
\_\_\_\_\_, South Carolina

\_\_\_\_\_  
The Honorable Maité Murphy  
Circuit Court Judge



information. Defendants have stated on the record on multiple occasions that any liability of the Dunhill entities is the liability of the Crest entities, and there is no discernable reason why Plaintiff appears to think otherwise.

Undersigned counsel wants the record to be clear that he has attempted to comply with, and even exceed, Plaintiff's requests by offering to provide the Plaintiff 1) an accountant's certified financial statement for Defendant Henry Wuertz, 2) a sworn financial statement of Defendant Edward Girardeau, and 3) the Internal Revenue Service's records relating to the entity defendants, provided directly to Plaintiff's counsel. None of the entity defendants are actively conducting business or holding assets. Therefore, they have no financial information to disclose or any active principal to certify that information. For that reason, the undersigned agreed to give plaintiff access to those defendants' IRS records, under the theory that such records are by their very nature sworn financial declarations of income and wealth. Conversely, the failure of these entities to file returns are absences which establish the lack of income and/or assets.

The Court should also be informed that Plaintiff has never subpoenaed the accounting records of any Defendant other than Henry Wuertz. Mr. Wuertz' personal accountant, Margavio & Schmidt, has no accounting duties relating to any of the entities. Plaintiff is, or should be, aware of this because the entity defendants produced their relevant tax data to Plaintiff's counsel long ago. Margavio & Schmidt moved to quash Plaintiffs subpoena in the jurisdiction where the subpoena was issued, and that court granted its motion. See Exhibit B.

In 2013, Judge Dickson heard and resolved the issue of what financial records the Defendants were required to produce. See Exhibit C. A transcript of that proceeding was previously provided to the Court, and is attached hereto as Exhibit D. With all due respect to this Honorable Court, that ruling is the law of the case and it is beyond the scope of the Dorchester

Court of Common Pleas' authority to Order the Defendants to execute an authorization that effectively overrules not only that ruling but also an Order of the 24<sup>th</sup> District Court for the Parish of Jefferson, Louisiana.

To the extent the Plaintiff seeks attorneys' fees, any award would be inappropriate under Rule 37(b), SCRCF, and would be unjust under Rule 37(a)(4). The Court's April 6, 2015 Order on Defendants' Motion to Quash only directed the Plaintiff to "re-issue the subpoenas in compliance with [that] order." See Exhibit E. The only party that failed to comply with that order was the Plaintiff. There is no evidence in the record that any of the Defendants have failed to comply with that Order, or any other order issued by this Court since 2013. Moreover, when the Plaintiff requested that the Defendants supplement and/or update their previous financial disclosures, Defendants not only agreed to do so, they offered to provide a more thorough response than what the Plaintiff and this Court believed to be adequate.

The record must reflect that the defendants have not only agreed to provide the information requested by the Plaintiff, they have offered the Plaintiff more comprehensive information than the Court's previous Orders have required. Defendant's efforts in that regard were communicated to the Court immediately prior to and during the hearing on June 5, 2019. See Exhibit F. Accordingly, there is nothing more for the Court to compel, or reason for the Plaintiff to file motion after motion on the issue.

Defendants consent to Court's entry of the Order attached hereto as Exhibit G, which not only fulfills but exceeds the Plaintiff's request for financial discovery. For all of the reasons stated herein and previously argued, Defendants respectfully request that this Honorable Court issue that Order forthwith.

RESPECTFULLY SUBMITTED:

s/ David B. Marvel

David B. Marvel (SCB 68803)

PO Box 22734

Charleston, South Carolina 29413

Ph. (843) 853-4877

Fax (843) 380 3025

dave@marvel.lawyer

Submitted June 11, 2019  
Efiled June 25, 2019  
Charleston, South Carolina

ELECTRONICALLY FILED - 2019 Jun 25 1:02 PM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227

## BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

**Filing Number:** 800129005      **Entity Type:** Foreign Limited Partnership  
**Original Date of Filing:** September 25, 2002      **Entity Status:** Forfeited existence  
**Formation Date:** N/A  
**Tax ID:** 11136486757      **FEIN:** 113648675  
**Name:** Crest Energy Partners, L.P.  
**Address:** 7026 Old Katy Rd Ste 201  
 Houston, TX 77024 USA  
**Fictitious Name:** Crest Group, L.P.  
**Jurisdiction:** DE, USA  
**Foreign Formation Date:** August 2, 2002

<a href="#">REGISTERED AGENT</a>	<a href="#">FILING HISTORY</a>	<a href="#">NAMES</a>	<a href="#">MANAGEMENT</a>	<a href="#">ASSUMED NAMES</a>	<a href="#">ASSOCIATED ENTITIES</a>	
		<b>Name</b>	<b>Name Status</b>	<b>Name Type</b>	<b>Name Inactive Date</b>	<b>Consent Filing #</b>
		Dunhill Products, L,P,	Prior	Legal	September 25, 2002	0
		Dunhill Products, L.P.	Prior	Legal	August 13, 2010	0
		Crest Group, L.P.	Inactive	Fictitious	January 29, 2016	0
		Crest Energy Partners, L.P.	Inactive	Legal	January 29, 2016	0

**Instructions:**

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- [Website Policies](#)
- [Open Records](#)

- Statewide Search
- Texas Homeland Security
- Where the Money Goes
- Fraud Reporting
- Texas Veterans Portal





- Statewide Search
- Texas Homeland Security
- Where the Money Goes
- Fraud Reporting
- Texas Veterans Portal



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24TH JUDICIAL COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 744-568

DIVISION "P"

INNOVATIVE WASTE MANAGEMENT, INC.

VERSUS

CREST ENERGY PARTNERS GP LLC, ET AL.

FILED  
Jun 10th 2019  
Kimberly J. Jones  
DEPUTY CLERK

FILED: \_\_\_\_\_

DEPUTY CLERK

JUDGMENT

The Motion to Quash Subpoena *Duces Tecum* to Margavio & Schmidt, CPAS ("Margavio") filed on April 17, 2019 came for hearing on May 28, 2019.

**PRESENT:** Marcus K. Pierre, attorney for Margavio & Schmidt, CPAS;

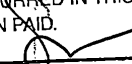
After hearing the arguments of counsel and reviewing the pleadings on file in conjunction with the matter brought this Court, and for reasons orally assigned:

**IT IS ORDERED, ADJUDGED AND DECREED** that the Motion to Quash is **GRANTED.**

Signed in Gretna, Louisiana this 10 day of June, 2019.

  
HON. JUDGE LEE V. FAULKNER

**NOTE TO CLERK:**  
Please notify all counsel of record

June 7, 2019  
I, HEREBY CERTIFY THAT ALL  
COSTS INCURRED IN THIS MATTER  
HAVE BEEN PAID.  
  
DEPUTY CLERK

**RULE 9.5 CERTIFICATE**

I CERTIFY that pursuant to Uniform District Court Rule 9.5, I circulated a copy of this Judgment for comment to opposing counsel on 30th day of May, 2019, by electronic mail. Opposing counsel has no objection to this proposed Judgment.

I have allowed at least five (5) working days before presentation to the Court.

Certified this 6<sup>th</sup> day of June, 2019.

Respectfully submitted,



Salvador J. Pusateri T.A. (#21036)

Marcus K. Pierre (#38372)

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**ATTORNEYS FOR MARGAVIO & SCHMIDT, CPAS**

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

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). SCRPC. Accordingly, Defendants shall respond to Plaintiff's previously served Interrogatories no later than ~~May 1, 2013~~ <sup>July 1, 2013</sup> 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), SCRPC, no later than ~~May 1, 2013~~ <sup>July 1, 2013</sup>.

1/2

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~~ June 3, 2013

Time: \_\_\_\_\_

~~St. George~~ Oranburg, 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

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
MOTION HEARING	3			
CERTIFICATE OF REPORTER	41			

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
	No exhibits presented at hearing.		

P R O C E E D I N G S

APRIL 1, 2013

1  
2  
3 (Whereupon, Court convened when the following matters  
4 were had:)

5 THE COURT: Morning.

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

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

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

13 THE COURT: Yes, sir.

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

19 THE COURT: Okay.

20 MR. GRUENLOH: Your Honor, first thank you for  
21 hearing us today. This matter was originally set for March  
22 15<sup>th</sup> and we deferred it pending an agreement of the parties.  
23 We spoke with the coordinator and you were gracious enough  
24 to hear us today in the event that we weren't able to  
25 resolve this. This is a discovery dispute and we certainly

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

6 THE COURT: Okay.

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

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

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

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

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

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

1 gone as well.

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

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

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

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

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

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

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

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

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

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

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

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

14 THE COURT: Sure.

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

18 (Document handed up to the court.)

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

20 MR. GRUENLOH: We did, Your Honor.

21 THE COURT: Okay. Okay.

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

1 March the 20<sup>th</sup> came around. What we got are incomplete  
2 responses to the requests for production. And I'm sure Mr:  
3 Marvel will point to the volume of the requests and that's  
4 why I lugged this box in, Your Honor. This is the paper  
5 that we've got from them. The vast majority of this are  
6 documents that were produced in the predecessor action.  
7 For some of the requests it's very, very difficult for us  
8 to figure out which documents may be responsive to which  
9 requests because we get thing likes see documents produced  
10 1 through 2,254. That response appears a number of times  
11 in the defendants' discovery responses. Or we get, See 1  
12 through 700 when we're asking for the receipts, the backup  
13 for the counterclaim.

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

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

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

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

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

16 THE COURT: I think you have.

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

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

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

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

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

1 MR. GRUENLOH: Conflict waiver.

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

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

6 MR. MARVEL: Okay.

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

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

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

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

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

1 expert at this point.

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

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

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

21 Thank you, Your Honor.

22 THE COURT: Thank you, sir.

23 All right. Mr. Marvel?

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

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

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

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

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

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

21 Now, you know, I somewhat charitably set that as maybe  
22 23 different interrogatories. Arguably it's 54 different  
23 interrogatories.

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

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

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

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

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

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

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

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

10 Mr. Gruenloh filed the motion to compel. I thought we  
11 had the issue resolved as to that at least as far as the  
12 timing of the responses went. I don't think the order --  
13 in fact I think the order specifically preserves further  
14 argument and actually contemplates that there may be  
15 additional disputes as to the actual production. What I  
16 agreed with Mr. Gruenloh is actually to give our responses  
17 by that specific date. The trial date was moved in the  
18 event he had some issues with the discovery responses  
19 themselves. And one of my clients voluntarily paid him  
20 \$500 for his time, recognizing that the issue relating to  
21 conflict waiver and the joint-defense agreement didn't have  
22 anything to do with his client. His frustration was well  
23 founded, Your Honor, and we -- so we thought we would give  
24 him some attorney's fees on it.

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

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

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

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

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

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

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

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

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

17 THE COURT: Right.

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

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

6 THE COURT: Okay.

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

12 THE COURT: Okay. All right.

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

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

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

3 THE COURT: All right. Thank you, sir.

4 Yes, sir?

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

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

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

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

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

3 MR. GRUENLOH: Wuertz.

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

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

8 THE COURT: Right.

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

11 THE COURT: All right.

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

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

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

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

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

11 MR. GRUENLOH: Yes, Your Honor.

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

15 MR. MARVEL: No, Your Honor.

16 MR. GRUENLOH: There are four sets.

17 MR. MARVEL: Four sets, Your Honor.

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

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

23 THE COURT: Okay.

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

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

3 ---

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

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

7 THE COURT: Go ahead.

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

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

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

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

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

20 THE COURT: Yes, sir.

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

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

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

6 THE COURT: Yeah, would you ---

7 MR. MARVEL: I apologize for that.

8 THE COURT: That's okay.

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

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

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

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

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

1 MR. MARVEL: Correct, Your Honor.

2 THE COURT: His client was a broker.

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

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

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

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

20 THE COURT: Right.

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

24 THE COURT: North?

25 MR. MARVEL: North Fighter. In some deposition

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

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

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

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

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

21 MR. MARVEL: It is, Your Honor.

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

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

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

6 THE COURT: Okay.

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

10 THE COURT: Yes, sir.

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

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

4 THE COURT: Okay.

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

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

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

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

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

14 MR. GRUENLOH: Yes, sir.

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

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

1 employment.

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

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

10 THE COURT: And, Mr. Marvel?

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

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

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

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

13 THE COURT: Okay. All right.

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

17 THE COURT: Okay. That -- go ahead.

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

21 THE COURT: Oh, right. Right. I understand  
22 that. And if they get that, that will give me something or  
23 you something to value the case on if it comes to that.  
24 And if the case proceeds much further, we'll have another  
25 way of going.

1 Now let me just tell you, as far as striking anything,  
2 I'm not going to do that at this time because the case is  
3 -- I know y'all have been fighting it; I know the  
4 frustration on your behalf -- it is new to me. Okay? But  
5 my goal in this is to get the discovery complete, everybody  
6 understand the facts so that they can report to their  
7 respective clients where they're going and what the case is  
8 -- what they're facing and -- but I'm going to tell you,  
9 I'm going to want full and complete discovery and I want  
10 people to cooperate. I want both sides to cooperate. I  
11 don't have a problem with the attorneys. I understand  
12 that. I have been in probably each one of your shoes at  
13 different times. I've often said, you know, attorneys can  
14 resolve matters, it's clients who can't. But just so y'all  
15 will know what I'm looking for is I'm looking for y'all to  
16 get to the bottom of this, provide information to each  
17 other so that we can go forward in this in a intelligent  
18 and informed manner. Okay?

19 MR. GRUENLOH: Your Honor, in light of the fact  
20 that we've had to file this motion twice and had to spend  
21 about six, seven hours on this issue now that we think we  
22 ought not to have, we would renew our request for  
23 attorney's fees on this matter.

24 THE COURT: Well I'll be happy for you to submit  
25 an affidavit on it. I'll consider that. But I'm not going

1 to rule on that until I think about that for a little bit  
2 more.

3 MR. GRUENLOH: Very good. And just one closing  
4 matter, Your Honor, we are on the docket for ---

5 THE COURT: It's continued.

6 MR. GRUENLOH: Okay.

7 THE COURT: Okay. Do that and give me a  
8 scheduling order, okay?

9 MR. GRUENLOH: Very good.

10 THE COURT: Y'all can do that for me. Okay?

11 MR. GRUENLOH: We'll do it. Should we send it to  
12 Drew?

13 THE COURT: Yeah. And if you'd prepare the  
14 order.

15 MR. GRUENLOH: Yes, Your Honor.

16 THE COURT: Submit it to Mr. Marvel so he can  
17 review it. Mr. Marvel, if he says something that you don't  
18 like, what I ask people to do is send me a red line -- red  
19 lined with your perceived corrections.

20 MR. MARVEL: Okay. Thank you, Your Honor.

21 MR. GRUENLOH: Thank you, Your Honor.

22 THE COURT: Gentlemen, thank you so much.

23 MR. MARVEL: Your Honor, if I could have a  
24 specific time frame to give my clients?

25 THE COURT: How long do you -- reasonably is it

1 going to take you? You said 20 days. But I mean is that  
2 realistic?

3 MR. MARVEL: Thirty would certainly be easier for  
4 me.

5 THE COURT: Thirty is fine. Thank you.

6 \*\*\*END OF REQUESTED TRANSCRIPT OF RECORD\*\*\*

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CERTIFICATE OF REPORTER

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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 1<sup>st</sup> 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  
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

INNOVATIVE WASTE MANAGEMENT,  
INC.

CASE NO. 2012-CP-18-1227

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

**ORDER ON DEFENDANTS' MOTION  
TO QUASH**

Defendants.

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

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,

This matter comes before the Court on the defendants' Motion to Quash and for Protective Order filed December 5, 2014. Defendants sought 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.

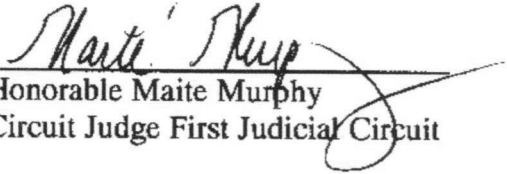
This Court having reviewed the subpoenas, reviewed the memorandum and heard arguments, **ORDERS ADJUDGES AND DECREES:**

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  
 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

RECORDED  
 JUN 25 2019 4:40 PM  
 CLERK OF COURT  
 DORCHESTER COUNTY

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), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  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.**

Maité Murphy  
Circuit Court Judge

2166  
Judge Code

4/6/2015  
Date

**For Clerk of Court Office Use Only**

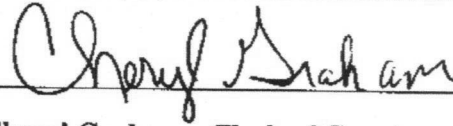
This judgment was entered on 4/6/2015, and a copy mailed first class or placed in the appropriate attorney's box on 4/6/2015, to attorneys of record or to parties (when appearing pro se) as follows:

**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

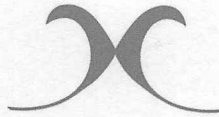
Cheryl Graham - Clerk of Court

**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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ELECTRONICALLY FILED - 2019 Jun 25 1:02 PM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227



DAVID B. MARVEL

Attorney at Law • Proctor in Admiralty  
Certified Civil and Federal Court Mediator  
Admitted to Practice in South Carolina and Georgia

June 5, 2019

The Honorable Maite Murphy  
P.O. Box 802  
5200 E. Jim Bilton Blvd.  
St. George, SC 29477

Re: Innovative Waste Management v. Crest Energy Partners, *et al.*  
Case No.: 2012-CP-18-1227

Dear Judge Murphy,

I hope this letter finds you well. I am writing in advance of the hearing on the Plaintiff's Motion this morning to provide the Court with an update of our efforts, with hope that this will streamline the proceedings.

To clarify several comments in the Plaintiff's Motion, the individual defendants Wuertz and Girardeau have agreed to provide updated personal financial statements in accordance with Judge Dickson's June 3, 2013 order. As the Motion and my letter attached to it indicated, Defendant Wuertz is in the process of having outside accountants prepare a statement of his finances for submission in a Louisiana proceeding. It is my understanding that the certified information in this document will be significantly more expansive than what we previously submitted to Plaintiff's satisfaction in this matter. I was informed yesterday that the accountants are working to complete their work this week and I expect to have a copy to provide by the end of next week.

Defendant Girardeau has significant health problems and is currently in the hospital. He believes that he will be discharged tomorrow or Friday, and he intends to complete a sworn personal financial statement as soon as he is able to return home.

None of the named corporate defendants are currently conducting operations and they have no hard assets. I have taken the liberty of submitting requests (Form 4506-T) to the Internal Revenue Service for the transcripts of any return filed by those entities from 2015 to the present. The IRS will transmit those transcripts directly to Mr. Gruenloh, and I ask that he provide me with copies of those documents once they are received.

As for the Plaintiff's requests relating to the out of state subpoenas, Margavio & Schmitt filed a motion to quash in Louisiana state court arguing points of Louisiana law and

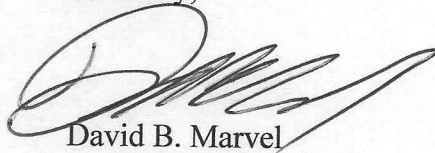
Marvel Et Al., LLC - P.O. Box 22734 - Charleston, South Carolina 29413 -843.853.4877

Letter to The Hon. Maite Murphy  
June 5, 2019  
Page 2

procedure. That firm did, in fact, comply with your April 6, 2015 Order. While that Order denied our Motion to Quash, the order directed the Plaintiff to reissue the subpoenas in accordance with the order, which never happened. The Order did not direct Defendants to do anything, and it would appear that Order is sufficient for submission to the Courts of Harris County, Texas if the Plaintiff intends to pursue any records from Wells Fargo.

Thank you for your attention to this matter. I look forward to appearing before you this morning. With best regards, I remain

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Marvel', written over the printed name 'David B. Marvel'.

David B. Marvel

/DBM

Cc: Wm. Michael Gruenloh

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. )

**DEFENDANTS' MOTION AND MEMORANDUM TO ALTER OR AMEND  
ORDER GRANTING PLAINTIFF'S THIRD MOTION TO COMPEL**

This matter was before the Court on June 5, 2019, following Plaintiff Innovative Waste Management, Inc.'s Third Motion to Compel Defendants to produce certain financial information. The Court granted Plaintiff's Motion to Compel on June 18, 2019. Defendants now respectfully request that the Court Reconsider and/or Alter or Amend that Order, pursuant to Rule 59, SCRCF, for all of the reasons that follow:

- 1) The Court issued an Order that directed Defendants to execute certain Authorizations that, while referenced, were not included in the Order;
- 2) The Court's Order Directed certain named Defendants to perform legal impossibilities, in that they were directed to execute authorizations and provide financial statements by way of Authorized Principals, despite having been provided with evidence and argument that Defendants Dunhill Products GP, LLC and Dunhill Products, L.P., LLC are not separate entities that have Principals, and further that the Entities Crest Energy Partners GP, LLC and Crest Energy Partners L.P. are forfeited

entities. Defendants respectfully request that that the Order be Amended to allow any such documents to be executed by or on behalf of any such entity by an Authorized Principal or Accounting Professional.

- 3) The Court failed to address the following arguments that were raised to the Court, that Defendants respectfully request the Court rule upon for purposes of appeal:
  - a) That the Court's June 18, 2019 Order improperly and collaterally overrules Judge Dickson's Order of June 3, 2013 (Exhibit A);
  - b) That the Court's Order improperly collaterally overrules the June 10, 2019 Order of the 24<sup>th</sup> District Court for the Parish of Jefferson, Louisiana, by directing Defendants to execute authorizations that are in direct contravention of that Order. (Exhibit B);
  - c) That, even assuming Plaintiff is entitled to information disclosing the wealth and income of the Defendants, Plaintiff is not entitled to detailed financial information, from 2019 to the Present, that might be disclosed in personal banking records and tax returns, given that Defendants have already produced that information for the years 2009 to 2013.
  - d) That there is no prior Order of this Court whatsoever that the Defendant has violated in the course of attempting to work with Plaintiff's counsel on the subjects of its Third Motion to Compel; and
  - e) That the award of Attorneys Fees to Plaintiff is unjust given all of the above, and the fact that the only Order that was violated in the course of this Motion was the Plaintiff's violation of this Court's April 6, 2015 Order (Exhibit C), as that Order

did not compel Defendants to do anything, and the Order directed Plaintiff to perform acts that it did not do.

As was fully argued before this Court, Plaintiff's Third Motion to Compel sought an Order 1) directing certain Defendants to produce documents that they had already agreed to produce, 2) directing other Defendants to perform certain acts that they are unable to do, and 3) taking action that, with all due respect, this Court is without authority to Order. While there may be multiple ways for the Plaintiff to obtain the information that it may be entitled to under South Carolina law, or other law that may apply to this case, the Court's June 18, 2019 Order fails to meet that standard and therefore Defendants respectfully request that this Honorable Court reconsider that decision, and alter or amend that Order in such fashion as may comport with that law.

RESPECTFULLY SUBMITTED:

s/ David B. Marvel

David B. Marvel (SCB 68803)

PO Box 22734

Charleston, South Carolina 29413

Ph. (843) 853-4877

Fax (843) 380 3025

dave@marvel.lawyer

June 25, 2019

Charleston, South Carolina

24TH JUDICIAL COURT FOR THE PARISH OF JEFFERSON  
STATE OF LOUISIANA

713  
634  
D1

NO. 744-568

DIVISION "P"

INNOVATIVE WASTE MANAGEMENT, INC.

VERSUS

CREST ENERGY PARTNERS GP LLC, ET AL.

FILED  
Jun 10th 2019  
Kimberly J. Jones  
DEPUTY CLERK

FILED: \_\_\_\_\_

DEPUTY CLERK

**JUDGMENT**


The Motion to Quash Subpoena *Duces Tecum* to Margavio & Schmidt, CPAS ("Margavio") filed on April 17, 2019 came for hearing on May 28, 2019.

**PRESENT:** Marcus K. Pierre, attorney for Margavio & Schmidt, CPAS;

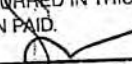
After hearing the arguments of counsel and reviewing the pleadings on file in conjunction with the matter brought this Court, and for reasons orally assigned:

**IT IS ORDERED, ADJUDGED AND DECREED** that the Motion to Quash is **GRANTED.**

Signed in Gretna, Louisiana this 10 day of June, 2019.

  
HON. JUDGE LEE V. FAULKNER

**NOTE TO CLERK:**  
Please notify all counsel of record

June 7, 2019  
I, HEREBY CERTIFY THAT ALL  
COSTS INCURRED IN THIS MATTER  
HAVE BEEN PAID.  
  
DEPUTY CLERK

24th E-Filed: 06/06/2019 16:22:06 Case: 744568 Div:P Atty:038372 MARCUS K PIERRE

**RULE 9.5 CERTIFICATE**

I CERTIFY that pursuant to Uniform District Court Rule 9.5, I circulated a copy of this Judgment for comment to opposing counsel on 30th day of May, 2019, by electronic mail. Opposing counsel has no objection to this proposed Judgment.

I have allowed at least five (5) working days before presentation to the Court.

Certified this 6<sup>th</sup> day of June, 2019.

Respectfully submitted,



Salvador J. Pusateri T.A. (#21036)

Marcus K. Pierre (#38372)

**PUSATERI, JOHNSTON, GUILLOT & GREENBAUM**

1100 Poydras Street -- Suite 2250

New Orleans, Louisiana 70163

Telephone: (504) 620-2500

Facsimile: (504) 620-2510

Salvador.Pusateri@pjgglaw.com

Marcus.Pierre@pjgglaw.com

**ATTORNEYS FOR MARGAVIO & SCHMIDT, CPAS**

24th E-Filed: 05/06/2019 16:22:06 Case: 744568 Div:P Atty:038372 MARCUS K PIERRE



pattern of delay and abuse of process supports an entry of default by this Court. Plaintiff respectfully request that this Court enter an Order of Default rather than an Order of Contempt. As noted below, Defendants' request that they be held in contempt for failure to follow the Court's August 1, 2019 order is not the correct sanction for his misconduct and solely for the purpose of creating an appealable issue to avoid the trial of this case.

## **II. BACKGROUND**

As this Court is well aware, Plaintiff has been forced to file three Motions to Compel in this case as a result of Defendants' failure to abide by the Rules of Civil Procedure. The Court has granted each of Plaintiff's Motions and, on two occasions the Court has sanctioned the Defendants for their willful failure to comply with its prior orders. (See **Orders attached Exhibit 1**) The Court's prior rulings requiring the disclosure of Defendants' financial information are (1) the August 22, 2013 Ruling on Plaintiff's 1<sup>st</sup> Motion to Compel Production of Defendants' Financial Information, (2) the October 3, 2013 Ruling on Plaintiff's Second Motion to Compel, (3) the April 6, 2015 ruling denying Defendants Motion to Quash certain subpoenas requesting financial information and (4) the Court's June 18, 2019 order and August 1, 2019 clarification of its June order.

### **A. The Pattern of Willful Non-compliance of This Court's Rulings and Tactics Designed only to Delay or Avoid the Trial of this Matter.**

#### **1. The August 22, 2013 Ruling on Plaintiff's 1<sup>st</sup> Motion to Compel Production of Defendants' Financial Information**

On October 2, 2012 Plaintiff served Defendants with Plaintiff's First Requests for Production and Interrogatories, including requests for Defendants' past and current financial information. The Defendants did not respond to any of the discovery requests and, on January 31, 2013, Plaintiff filed its First Motion to Compel. On March 15, 2013, on the eve of the

hearing of Plaintiff's First Motion to Compel, counsel entered into a Consent Order under which Defendants agreed to provide discovery responses by March 20, 2013 and to pay Plaintiff's attorneys fees related to the motion to compel. 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 produce sworn, certified financial statements.

**2. The October 13, 2013 Ruling on Plaintiff's Second Motion To Compel**

The Defendants failed to comply with the August 22, 2013 Order requiring them to produce financial information and Plaintiff was forced to file a second Motion to Compel. On October 13, 2013 the Court again ordered Defendants to provide their financial information and sanctioned the Defendants \$2,000.00 for their failure to comply the Court's prior orders.

**3. The April 6, 2015 Ruling On Defendants' Motion to Quash**

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 Court denied Defendants' Motion to quash and found that bank and accountant records from 2009 through the present were relevant and should be disclosed.

**4. The Defendants Breach of the Settlement Agreement**

On April 8, 2013 the parties were order to mediate this case. At mediation, the Defendants agreed to pay \$450,000.00 to settle the case. The Defendants failed to pay the agreed upon amount. It appears that there was never any intent to pay the settlement and rather, the

Defendants entered into the sham settlement agreement for the purpose of delaying/avoiding the impending trial date. The dismissal of this case and three-year appeal further delayed this matter.

**5. The June 18, 2019 Ruling on Defendants' Third Motion to Compel**

When the case was remanded back to this Court, Plaintiffs demanded that Defendants provide updated financial statements and re-issued a subpoena in Louisiana for Margavio & Schmidt (Defendants' CPA) in compliance with the Court's April 6, 2015 Order.

In response, Defense Counsel Marvel advised that he would get back to Plaintiff 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 22<sup>nd</sup> teleconference. During the April 22<sup>nd</sup> teleconference with the Court, Plaintiff's Counsel requested that Defendants be ordered to provide executed authorizations for the production of the CPA/financial records or simply obtain and produce the records themselves. In response, Defense Counsel advised the Court that he required until May 6, 2019 to provide an answer to Plaintiff's requests. May 6, 2019 came and went with no response from Defense Counsel and on May 15, 2019 Plaintiffs were forced to file their Third Motion to Compel seeking the production of the financial information and sanctions.

In an order dated June 18, 2019 this Court granted Plaintiff's requested relief ordering Defendants to sign authorizations within 7 days of the order and produce sworn certified financial statements within 21 days of the order. On June 25, 2019 Counsel for the Crest Defendants, Dunhill Defendants, and Wuertz 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 issued an order amending its June 18<sup>th</sup> Order on August 1, 2019 which granted the relief requested by Plaintiffs and altered its original Order allowing different classes of individuals to sign the requested authorizations.

On August 9, 2019, after the Court's deadline had passed, counsel for Crest Defendants, Dunhill Defendants, and Wuertz, sent an e-mail representing that he had not seen the order and would pull it. (See **Correspondence regarding August 1<sup>st</sup> Ruling attached as Exhibit 2**) Plaintiff's Counsel sent a communication sixteen minutes later informing Counsel for Crest, Dunhill, and Wuertz that the deadline had already passed and requesting information on when he would provide the authorizations. On Monday August 12, 2019 at 8:58 am counsel for Crest Defendants, Dunhill Defendants and Wuertz requested copies of the authorizations that were to be signed. Plaintiff's counsel had previously included these in their motion but provided them again to Mr. Marvel at 10:03 am on August 12<sup>th</sup> and again requested when they would be signed. Mr. Marvel responded nine hours later that he did not believe there would be any issue getting all the signed authorizations to Plaintiff's counsel by August 16<sup>th</sup>.

On August 19, 2019 Counsel for Crest Defendants, Dunhill Defendants, and Wuertz 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. Plaintiff's counsel sent counsel for all Defendants' Counsel a letter on August 23, 2019, in accordance with S.C.R.C.P. 11, that they had failed to comply with the Court's order and requesting Compliance before Noon on August 28, 2019. Counsel for the Crest Defendants, Dunhill Defendants, and Wuertz e-mailed Plaintiff's Counsel at 11:00am on August 28, 2019 requesting until the end of the day to comply with the order. Plaintiff's did not receive another communication or production of the required authorizations on August 28<sup>th</sup>.

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 Crest Defendants, Dunhill Defendants, and Wuertz produced certain tax documents for 2016 and 2017 tax years of Crest Energy Partners LP, and a financial Statement for Henry Wuertz. The 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 Crest Defendants, Dunhill Defendants, and Wuertz 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 claims 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 is not a financial statement for any entity and moreover represents Defendant’s Counsel’s communication and work with the Accountant who should be one of the individuals producing documents pursuant to the ordered Authorizations. Instead, Defendant’s Counsel worked with Mr. Butler to produce a self-serving document, not responsive to the Court’s Order. The e-mail transmitting this document again stated “More to come...”

No further discovery materials were produced. Notably, Defendants have failed to provide the Court-ordered authorizations for the CPA records and have failed to pay the \$1,950.00 in sanctions. Instead, Counsel for Crest Defendants, Dunhill Defendants, and Wuertz sent a letter to Hon. Maité Murphy stating he had complied as much as he would with the Order of the Court and believed his actions to be substantially compliant with the Order of the Court.

(See **Letter from Mr. Marvel attached as Exhibit 3**) In addition, Mr. Marvel requested that this 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. This was done for the purpose of delaying this matter and avoiding the November 18 trial.

As Defendants are well aware (hence their request for an order of contempt), their production is not what was ordered by the Court. Instead, it is what they offered to provide at the hearing of the Third Motion to Compel. The Plaintiff did not agree with that relief as it allows Defendants to avoid production of its CPA records, which are the records that have been sought since 2012. More importantly, the Court did not agree with that relief and ordered the production of authorizations. Counsel for the Defendants has willfully ignored the Court's order and instead produced only what he (or his client) want to produce.

On September 3, 2019 Plaintiff's counsel received by courier what purported to be a Notice of Appeal. (See **NOA attached as Exhibit 4**) This Notice of Appeal was not filed with this Court or the Court of Appeals. The certificate of Service swearing that the NOA had been served upon Plaintiff's Counsel four days earlier, on August 30, 2019. Mr. Marvel had previously threatened an appeal regarding this issue and Plaintiff's Counsel had previously advised Mr. Marvel that any interlocutory appeal on this issue would be frivolous given that the order is not appealable. As of September 11, 2019, no Appeal has been filed with the Trial Court or Court of Appeals and the time to do so has expired. (This includes the adjustment for Chief Justice Beatty's September 9, 2019 order treating September 3, 2019 – September 6, 2019 as holidays due to Hurricane Dorian.) The false Notice of Appeal served upon Plaintiff and the threat of Appeal appears to be yet another delay tactic.

Moreover, if Defendants had genuinely intended to appeal this Court's discovery order (which is not appealable), Mr. Marvel should have immediately informed opposing Counsel and Court of their intention not to comply with the order and be held in Contempt as to have an appealable issue. Instead they used every trick in the playbook to buy more time.

Mr. Marvel and his clients have intentionally, willfully, and through material misrepresentation, delayed and avoided court ordered productions of discoverable material – all while feigning that compliance was forth coming. We are now two months from the trial date and this delay along with the empty appeal threat have unduly prejudiced Plaintiff's ability to prepare for this trial.

As noted above, these actions are not isolated but rather form a pattern of years of willful noncompliance with this Court's orders and the use of material misrepresentations and tactics that have no place in South Carolina courts. Defendant's counsel's conduct has been manipulative of the discovery process, lacking in candor, and is wholly deserving of the issuance of a default. The previous imposition of the sanction of attorneys' fees has done nothing to stop or even slow this behavior.

## **II. ARGUMENT**

Rule 26 of the South Carolina Rules of Civil Procedure govern the discovery process in civil suits. The purpose of discovery "is to enable one who is asserting a right or claim to determine the exact nature of such right or claim and the extent thereof." *Earl v. Webb*, 182 S.C. 175, 175, 188 S.E. 798, 802 (1936). Meaningful discovery allows parties to "enhance the truth-seeking process, to enable the attorneys to better prepare for trial, to eliminate surprise, and to promote an expeditious and final determination of controversies in accordance with the

substantive rights of the parties,” 27 C.J.S. Discovery § 2 (citing *D.C. v. S.A.*, 178 Ill. 2d 551, 227 Ill. Dec. 550, 687 N.E.2d 1032 (1997)).

Pursuant to Rule 37, SCRPC, 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), SCRPC. “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)). The decision to award sanctions is entrusted to the discretion of the trial court. *QZO, Inc. v. Moyer*, 358 S.C. 246, 255, 594 S.E.2d 541, 546 (2004). “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).

The entry of default is a strong sanction but it is warranted in this case. 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.*, 358 S.C. at 255 (Ct.App. 2004). “Where the 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.” *Griffin Grading and Clearing, Inc. v. Tire Service Equipment Manufacturing Co., Inc.*, 334 S.C. 193,

198-199, 511 S.E.2d 716, 718 -719 (S.C.App. 1999)(citing *Baughman v. AT&T Co.*, 306 S.C.101, 410 S.E.2d 537 (1991)).

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). In *Griffin*, the Court found it proper to strike the pleadings of the Defendant for the willful failure to obey four discovery orders and after lesser sanctions of monetary awards were ineffective. In this case there have been multiple prior orders issued on the topic of financial discovery as well as sanctions issued for previous failures to comply. When considering prejudice, the Court in *Griffin* distinguished the case from *Karppi v. Greenville Terrazzo, Inc.*, 327 S.C. 538, 489 S.E.2d 679 (Ct.App.1997) where the striking of the pleading of one defendant would have had a profound effect on the other parties to the litigation. In the case at bar no prejudice exists as all of the Defendants are offending parties.

Defendant's counsel's letter to the Court dated August 30, 2019 cites to *Davis v. Parkview Apartments*, 409 S.C. 266, 762 S.E.2d 535 (2014) and the precedent cited therein as support for his request for contempt and the ability to appeal your Honor's order. In *Davis* there were repeated discovery abuses, which resulted in not only a finding of contempt, as requested by Mr. Marvel, but also the striking of the Appellants pleadings and an entry of default. That case is analogous to the situation here. The Court stated that when a discovery order is issued the party seeking to challenge the order has two options, comply and waive any right to challenge it or refuse to comply with the order, be held in contempt, and appeal the contempt. *Davis* at 543. Just as the Defendants in this case have, the sanctioned in *Davis* attempted to split the two courses of action. In *Davis* the Court of Appeals found that the sanctioned party,

“continued along in the litigation, attempting to divert the implementation of the court’s rulings by providing incomplete responses and causing delay through other tactics while they decided whether or not to surrender to the possibility of being held in contempt of court.” *Davis* at 543.

Defendants Counsel’s numerous representations that he would comply with the Orders set out above, coupled with his subsequent refusal to comply after deadlines and extensions to deadlines have passed is a pattern. As in *Davis*, these defendants have attempted to avoid contempt and dance around the orders of the Court to delay the case. On the eve of trial they again attempt to delay the case, now finally attempting to illicit a ruling of contempt from which they can appeal – solely for the purpose of delay. The Court of Appeals has clearly stated that this is not the proper conduct or course of action for Defendant’s challenging discovery orders and upheld the striking of pleadings and entry of default when entered in similar circumstances.

It is possible that Mr. Wuertz has made certain representations to the prosecutors in Texas regarding his financial status (just as he has in this case) that are not consistent with the records of his CPA. It is likely that the specter of successive trials on November 11<sup>th</sup> for the criminal matter and November 18<sup>th</sup> are a burden that he has ordered his counsel to attempt to alleviate. These circumstances perhaps explain the willful noncompliance and delay tactics but they certainly do not justify it. Instead, these circumstances present a motive for what has become a pattern of willful noncompliance and delay.

The Defendants’ willful misconduct unduly prejudices the ability of the Plaintiff to prepare his case for trial while not affecting the other parties in the case. As noted above and in the numerous motions and briefs addressing these discovery issues, the financial information sought is relevant and essential in support of Plaintiff’s allegations that the Defendant has made millions of dollars of illicit profit from the theft of Plaintiff’s business. Now, approximately two

months from trial, Plaintiff is still seeking the discovery that has been sought since 2012 and which has been ordered to be produced by this Court numerous times.

Previous Orders and monetary sanctions of attorney's fees have not proven to be effective. Defendants have simply ignored the Orders and not paid the most recent sanctions. The totality of the Defendants' behavior in this case has shown that another monetary sanction coupled with an order of production will not stop their tactics of delay and willful disobedience of this Court's orders. Plaintiff respectfully request this Court to strike Defendants pleadings as that is the only appropriate sanction given their years of willful misconduct.

GRUENLOH LAW FIRM  
Counsel for Innovative Waste Management, Inc.

By: S/Thomas F. Drazan  
Wm. M. Gruenloh, Esq. SC Bar # 12418  
Thomas F. Drazan, Esq. SC Bar # 101180  
67 Moultrie Street, 2<sup>nd</sup> Floor  
Charleston, SC 29403  
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&

Frederick "Fritz" Jekel, Esq.  
SC Bar #66491  
LEVENTIS & RANSOM  
PO Box 11067  
Columbia, SC 29211  
803-765-2383  
Fritz@j-dlaw.com

Date: September 13, 2019  
Charleston, South Carolina

# EXHIBIT 2

**Re: IWM v. Crest Energy Partners et. Al Case: 2012-CP-18-1227**

1 message

**David B. Marvel** <dave@marvel.lawyer>

Fri, Aug 9, 2019 at 12:32 PM

To: Thomas Drazan <thomas@gruenlohlaw.com>

Cc: "Murphy, Maite Law Clerk (Chandler D. Rowh)" <mmurphylc@sccourts.org>, Fritz Jekel <fritz@j-dlaw.com>, "Wm. Michael Gruenloh" <mike@gruenlohlaw.com>, Ryan Jones <ryan@gruenlohlaw.com>

I haven't seen that, so thanks for the heads up. I will pull it electronically.

Sent from my iPhone

On Aug 9, 2019, at 12:30 PM, Thomas Drazan <thomas@gruenlohlaw.com> wrote:

Chandler,

Please disregard my previous e-mail, we have already received the order. I apologize, have a great weekend.

-Tom

**Thomas Drazan**  
**Gruenloh Law Firm**

Associate Attorney

**T** 843.577-0027

**F** 843.577.0721

**E** THOMAS@GRUENLOHLAW.COM

**A** 67 MOULTRIE STREET, SECOND FLOOR CHARLESTON, SC 29403

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On Aug 1, 2019, at 11:22 AM, Murphy, Maite Law Clerk (Chandler D. Rowh) <mmurphylc@sccourts.org> wrote:

I apologize for the delay in having an Order entered on the Motion for Reconsideration. I believe Judge Murphy will enter an Order soon. If one is not filed before the end of the week, please reach out again on Monday because that is when Judge Murphy's new law clerk will start.

Best,

Chandler

On Aug 1, 2019, at 11:15 AM, Thomas Drazan <thomas@gruenlohlaw.com<mailto:thomas@gruenlohlaw.com>> wrote:

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Mr. Rowh,

I wanted to check in with the Court regarding Mr. Marvel's Motion for Reconsideration of the Judge's order for discovery and sanctions. Is there any additional information or argument the Court believes would be helpful in evaluating the papers both parties have filed? If so please let us know and we would be happy to provide additional briefing or argument.

Thank you,

Thomas Drazan  
Gruenloh Law Firm  
Associate Attorney  
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**Re: IWM v. Crest Energy Partners et. Al Case: 2012-CP-18-1227**

1 message

**Wm. Michael Gruenloh** <mike@gruenlohlaw.com>

Fri, Aug 9, 2019 at 12:47 PM

To: "David B. Marvel" <dave@marvel.lawyer>

Cc: Thomas Drazan <thomas@gruenlohlaw.com>, Fritz Jekel <fritz@j-dlaw.com>, Ryan Jones <ryan@gruenlohlaw.com>

David-

The deadline has already passed for these. When will you have the signed authorizations and financial statements? Do you still represent Girardeau? If not please forward this to his new counsel.

Let me know by Monday please.



gruenlohlaw.com

**Wm. Michael Gruenloh, Esq.**

Partner

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E mike@gruenlohlaw.com

A 67 MOULTRIE STREET, 2ND FLOOR, CHARLESTON, SC 29403

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Sent from my iPhone

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-Tom

---

**RE: IWM v. Crest Energy Partners et. Al Case: 2012-CP-18-1227**

1 message

---

**David B. Marvel** <dave@marvel.lawyer>

Mon, Aug 12, 2019 at 8:58 AM

To: "Wm. Michael Gruenloh" <mike@gruenlohlaw.com>

Cc: Thomas Drazan <thomas@gruenlohlaw.com>, Fritz Jekel <fritz@j-dlaw.com>, Ryan Jones <ryan@gruenlohlaw.com>

Mike, can you please send me pdf or word versions of what it is you want signed? Judge Murphy still did not attach anything to the order. As soon as you send those, I'll forward them along and let you know what I will have and when. Thank you. Sorry for the confusion on the form 4 distribution, glad it didn't only affect me . . .

I don't see where you submitted the consent order on the Wells Fargo subpoena to the Texas court. Did you do that?

**From:** Wm. Michael Gruenloh <mike@gruenlohlaw.com>

**Sent:** Friday, August 9, 2019 12:48 PM

**To:** David B. Marvel <dave@marvel.lawyer>

**Cc:** Thomas Drazan <thomas@gruenlohlaw.com>; Fritz Jekel <fritz@j-dlaw.com>; Ryan Jones <ryan@gruenlohlaw.com>

**Subject:** Re: IWM v. Crest Energy Partners et. Al Case: 2012-CP-18-1227

David-

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Let me know by Monday please.

\_\_\_\_\_

gruenlohlaw.com

Wm. Michael Gruenloh, Esq.

Partner

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2019-001719

Third Amended Record on Appeal - Vol. II

ROA - 688

E mike@gruenlohlaw.com

A 67 MOULTRIE STREET, 2ND FLOOR, CHARLESTON, SC 29403

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Mr. Rowh,

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Thank you,

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Associate Attorney  
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**Re: IWM v. Crest Energy Partners et. Al Case: 2012-CP-18-1227**

1 message

**David B. Marvel** <dave@marvel.lawyer>

Mon, Aug 12, 2019 at 6:45 PM

To: Thomas Drazan <thomas@gruenlohlaw.com>

Cc: "Wm. Michael Gruenloh" <mike@gruenlohlaw.com>, Fritz Jekel <fritz@j-dlaw.com>, Ryan Jones <ryan@gruenlohlaw.com>

I do not have any reason to think that there would be an issue getting all this back to you this week. In theory I am on vacation, but will be on this.

Sent from my iPhone

> On Aug 12, 2019, at 10:04 AM, Thomas Drazan <thomas@gruenlohlaw.com> wrote:

>  
> David,  
>  
> Please see the attached authorizations. These were previously provided as a part of our proposed order. I have included the authorizations individually and as a single pdf.

>  
> Additionally, will you have the required financial statements to us this week? Also please let us know if you still represent Mr. Girardeau? If not we will need you to immediately forward these to his new counsel and please provide us his contact information.

> Thank you,

> Thomas Drazan  
> Gruenloh Law Firm  
> Associate Attorney  
> T 843.577-0027  
> F 843.577.0721  
> E [Thomas@gruenlohlaw.com](mailto:Thomas@gruenlohlaw.com)<<mailto:Thomas@gruenlohlaw.com>>  
> A 67 MOULTRIE STREET, SECOND FLOOR CHARLESTON, SC 29403  
> W [www.gruenlohlaw.com](http://www.gruenlohlaw.com)<<http://www.gruenlohlaw.com/>>

> \*\*\*\*\*

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> On Aug 12, 2019, at 8:58 AM, David B. Marvel <dave@marvel.lawyer<<mailto:dave@marvel.lawyer>>> wrote:

> Mike

> <MTC Authorizations.pdf>  
> <MTC Authorizations MS Crest Energy LP.pdf>  
> <MTC Authorizations MS Crest GP.pdf>

2019-001719

- > <MTC Authorizations MS Dunhill LP.pdf>
- > <MTC Authorizations MS Dunhill Products Group.pdf>
- > <MTC Authorizations MS Wuertz.pdf>
- > <MTC Authorizations WF Crest Energy Partners Group.pdf>
- > <MTC Authorizations WF Crest Energy Partners LP.pdf>
- > <MTC Authorizations WF Dunhill Products Group.pdf>
- > <MTC Authorizations WF Wuertz Dunhill Products LP.pdf>
- > <MTC Authorizations WF Wuertz.pdf>

**Re: IWM v. Crest Energy Partners et. Al Case: 2012-CP-18-1227**

1 message

**David B. Marvel** <dave@marvel.lawyer> Mon, Aug 19, 2019 at 2:07 PM  
To: "Wm. Michael Gruenloh" <mike@gruenlohlaw.com>  
Cc: Thomas Drazan <thomas@gruenlohlaw.com>, Fritz Jekel <fritz@j-dlaw.com>, Ryan Jones <ryan@gruenlohlaw.com>

Mike- Henry is meeting with the accountant later today, and I expect to have something tomorrow morning. I just returned from vacation, and I am out of pocket for nearly all of tomorrow, so it may be Wednesday before I can get back to you.

Sent from my iPhone

On Aug 9, 2019, at 12:47 PM, Wm. Michael Gruenloh <mike@gruenlohlaw.com> wrote:

David-

The deadline has already passed for these. When will you have the signed authorizations and financial statements? Do you still represent Girardeau? If not please forward this to his new counsel.

Let me know by Monday please.



gruenlohlaw.com

**Wm. Michael Gruenloh, Esq.**

Partner

**T** 843.577-0027

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**E** mike@gruenlohlaw.com

**A** 67 MOULTRIE STREET, 2ND FLOOR, CHARLESTON, SC 29403

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**Re: IWM v. Crest Energy Partners et. Al Case: 2012-CP-18-1227**

1 message

**Wm. Michael Gruenloh** <mike@gruenlohlaw.com>

Mon, Aug 19, 2019 at 2:14 PM

To: "David B. Marvel" <dave@marvel.lawyer>

Cc: Thomas Drazan <thomas@gruenlohlaw.com>, Fritz Jekel <fritz@j-dlaw.com>, Ryan Jones <ryan@gruenlohlaw.com>

David-

Can you please send over the signed authorization for Henry Wuertz's tax returns by Wednesday too. Also, if he can sign for any other entity please have him do so. If he can't, please let me know why not and who can.

Also, what is his status for attending the November trial? Can you confirm that he will appear?

Thank you.



gruenlohlaw.com

**Wm. Michael Gruenloh, Esq.**

Partner

**T** 843.577-0027

**F** 843.577.0721

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---

**Re: Case No.: 2012-CP-18--1227**

1 message

---

**David B. Marvel** <dave@marvel.lawyer>

Wed, Aug 28, 2019 at 11:00 AM

To: Ryan Jones <ryan@gruenlohlaw.com>, "Jbarker@glvlawfirm.com" <Jbarker@glvlawfirm.com>

Cc: Thomas Drazan <thomas@gruenlohlaw.com>, "Wm. Michael Gruenloh" <mike@gruenlohlaw.com>, Fritz Jekel <fritz@j-dlaw.com>

Thomas / Mike,

I was just speaking with Jake and, while we both have production for you today, it is unlikely to be by noon as requested in your letter. I expected to have this done last week but have been tied up on another matter that has kept me out of the office for the bulk of the last week. Therefore, we respectfully request that you give us until the end of today prior to taking any further action. Thanks.

Best regards,

David B. Marvel  
PO Box 22734  
Charleston, South Carolina 29413  
Ph. 843.853.4877  
Fax 843.380.3025  
Email: dave@marvel.lawyer

---

**From:** Ryan Jones <ryan@gruenlohlaw.com>

**Sent:** Friday, August 23, 2019 12:46 PM

**To:** David B. Marvel; Jbarker@glvlawfirm.com

**Cc:** Thomas Drazan; Wm. Michael Gruenloh; Fritz Jekel

**Subject:** Case No.: 2012-CP-18--1227

Dear Counsel:

Please see the attached correspondence from Mr. Drazan.

Respectfully,



Ryan Jones

Paralegal

T 843.577-0027

2019-001719

Third Amended Record on Appeal - Vol. II

ROA - 696

F 843.577.0721  
E RYAN@gruenlohlaw.com  
A 67 MOULTRIE STREET, SECOND FLOOR CHARLESTON, SC 29403  
W www.gruenlohlaw.com

\*\*\*\*\*

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*IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) 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.*

ELECTRONICALLY FILED - 2019 Sep 13 4:19 PM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227

---

**Re: Case No.: 2012-CP-18--1227**

1 message

**David B. Marvel** <dave@marvel.lawyer>

Thu, Aug 29, 2019 at 9:07 AM

To: Ryan Jones &lt;ryan@gruenlohlaw.com&gt;, "Jbarker@glvlawfirm.com" &lt;Jbarker@glvlawfirm.com&gt;

Cc: Thomas Drazan &lt;thomas@gruenlohlaw.com&gt;, "Wm. Michael Gruenloh" &lt;mike@gruenlohlaw.com&gt;, Fritz Jekel &lt;fritz@j-dlaw.com&gt;

Greetings all. I have attached 2016 and 2017 tax returns for Crest Energy Partners, L.P., along with a reviewed financial statement regarding Henry Wuertz, which also includes related Crest financial information. Stand by, more to come.

Best regards,

David B. Marvel  
PO Box 22734  
Charleston, South Carolina 29413  
Ph. 843.853.4877  
Fax 843.380.3025  
Email: dave@marvel.lawyer

---

**From:** David B. Marvel**Sent:** Wednesday, August 28, 2019 11:00 AM**To:** Ryan Jones; Jbarker@glvlawfirm.com**Cc:** Thomas Drazan; Wm. Michael Gruenloh; Fritz Jekel**Subject:** Re: Case No.: 2012-CP-18--1227

Thomas / Mike,

I was just speaking with Jake and, while we both have production for you today, it is unlikely to be by noon as requested in your letter. I expected to have this done last week but have been tied up on another matter that has kept me out of the office for the bulk of the last week. Therefore, we respectfully request that you give us until the end of today prior to taking any further action. Thanks.

Best regards,

David B. Marvel  
PO Box 22734  
Charleston, South Carolina 29413  
Ph. 843.853.4877  
Fax 843.380.3025  
Email: dave@marvel.lawyer

---

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**To:** David B. Marvel; Jbarker@glvlawfirm.com  
**Cc:** Thomas Drazan; Wm. Michael Gruenloh; Fritz Jekel  
**Subject:** Case No.: 2012-CP-18--1227

Dear Counsel:

Please see the attached correspondence from Mr. Drazan.

Respectfully,






Ryan Jones  
Paralegal  
T 843.577-0027  
F 843.577.0721  
E RYAN@gruenlohlaw.com  
A 67 MOULTRIE STREET, SECOND FLOOR CHARLESTON, SC 29403  
W 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 the 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 ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) 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.*

---

**3 attachments**

-  **CRESTENERGY\_US\_2016\_ArchiveTaxReturn.pdf**  
115K
-  **CRESTENERGY\_US\_2017\_ArchiveTaxReturn.pdf**  
118K
-  **Executed Personal Financial Statements.pdf**  
479K

---

**RE: Case No.: 2012-CP-18--1227**

1 message

---

**David B. Marvel** <dave@marvel.lawyer>

Fri, Aug 30, 2019 at 4:04 PM

To: Ryan Jones <ryan@gruenlohlaw.com>, "Jbarker@glvlawfirm.com" <Jbarker@glvlawfirm.com>

Cc: Thomas Drazan <thomas@gruenlohlaw.com>, "Wm. Michael Gruenloh" <mike@gruenlohlaw.com>, Fritz Jekel <fritz@j-dlaw.com>

Happy Friday, all. Please see the attached letter re: Crest Energy Partners. More to come . . .

---

**From:** David B. Marvel

**Sent:** Thursday, August 29, 2019 9:07 AM

**To:** Ryan Jones <ryan@gruenlohlaw.com>; Jbarker@glvlawfirm.com

**Cc:** Thomas Drazan <thomas@gruenlohlaw.com>; Wm. Michael Gruenloh <mike@gruenlohlaw.com>; Fritz Jekel <fritz@j-dlaw.com>

**Subject:** Re: Case No.: 2012-CP-18--1227

Greetings all. I have attached 2016 and 2017 tax returns for Crest Energy Partners, L.P., along with a reviewed financial statement regarding Henry Wuertz, which also includes related Crest financial information. Stand by, more to come.

Best regards,

David B. Marvel

PO Box 22734

Charleston, South Carolina 29413

Ph. 843.853.4877

Fax 843.380.3025

Email: dave@marvel.lawyer

---

**From:** David B. Marvel

**Sent:** Wednesday, August 28, 2019 11:00 AM

**To:** Ryan Jones; Jbarker@glvlawfirm.com

**Cc:** Thomas Drazan; Wm. Michael Gruenloh; Fritz Jekel

**Subject:** Re: Case No.: 2012-CP-18--1227

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**Cc:** Thomas Drazan; Wm. Michael Gruenloh; Fritz Jekel  
**Subject:** Case No.: 2012-CP-18--1227

Dear Counsel:

Please see the attached correspondence from Mr. Drazan.

Respectfully,



Ryan Jones

Paralegal

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A 67 MOULTRIE STREET, SECOND FLOOR CHARLESTON, SC 29403

2019-001719

Third Amended Record on Appeal - Vol. II

ROA - 701

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*IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) 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.*



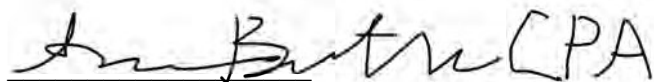
**CPA letter re Crest Dunhill.pdf**  
612K

August 28, 2019

To Whom It May Concern:

I am a Certified Public Accountant licensed by the State of Texas. In the usual course of business, I have prepared tax returns for Crest Energy Partners, L.P. and am therefore familiar with that entity's corporate structure and financial condition. At the request of attorney David B. Marvel, I offer the following, to the best of my current knowledge and based on information gathered and reported in accordance with generally accepted accounting principles.

1. In August 2010 the entity previously referred to as "Dunhill Products, L.P." formally changed its name to "Crest Energy Partners, L.P.". Crest Energy Partners, L.P. continued use of its FEIN 113648675 and otherwise continued the same partnership identity. Therefore, there is no existing separate company "Dunhill Products, L.P.".
2. In August 2010 the entity previously referred to as "Dunhill Products GP, LLC" formally changed its name to "Crest Energy Partners GP, LLC". Crest Energy Partners GP, LLC continued use of its FEIN 11-3648671 and otherwise continued the same entity status. Therefore, there is no existing separate company "Dunhill Products GP, LLC".
3. In 2016, the charters of both Crest Energy Partners, L.P. and Crest Energy Partners GP, LLC were cancelled by the State of Delaware and were placed in forfeiture by the Texas Secretary of State.
4. Crest Energy Partners, L.P. and, by extension, Crest Energy Partners GP, LLC, have not conducted their usual income producing business since 2015, at the latest. Any income reflected on the Crest Energy Partners, L.P. tax returns for 2016 and 2017 is a result of accounting practices which, among other things, require a taxpayer to declare cancelled debt as income. Crest Energy Partners, L.P. has not filed returns for 2018.
5. Otherwise, Crest Energy Partners, L.P. and Crest Energy Partners GP, LLC have no income or assets and are not conducting any transactional business.



Sean K Butler, CPA

# EXHIBIT 3



Attorney at Law • Proctor in Admiralty  
Certified Civil and Federal Court Mediator  
Admitted to Practice in South Carolina and Georgia

August 30, 2019

**Via Email and U.S. Mail**

The Hon. Maite Murphy  
Dorchester County Courthouse  
5200 E. Jim Bilton Blvd.  
St. George, SC 29477

RE: Innovative Waste Management, Inc. v. Crest Energy Partners,  
Case No: 2012-CP-18-1227

Dear Judge Murphy,

I hope this letter finds you well and looking forward to the Labor Day weekend. As you will recall, your Order on my clients' Motion to Alter or Amend was issued on August 1, 2019.

Defendant Girardeau has provided Plaintiff's counsel everything that appears to have been required by your prior Orders. Jake Barker, reading in copy, is taking over Mr. Girardeau's representation and we expect to submit a substitution of counsel soon.

Defendant Wuertz has provided Plaintiff's counsel with a Reviewed Financial Statement which I understand to be a term of art under the Generally Accepted Accounting Principles of the United States. The Wuertz statement includes the certification that the Crest Entities are dormant (i.e. have no income) and have no assets, and I have attached a copy of a more detailed statement relating to the status of the entity defendants. I have also produced 2016 and 2017 tax returns for the Crest entities, which should give the Plaintiff a complete copy of all Dunhill/Crest returns that have been filed from the time relevant to the claim to the present.

With all due respect to Your Honor's ruling, my remaining clients will be serving Notice of Appeal of your August 1, 2019 Order, inclusive of the Court's Orders of June 18, 2019 and April 6, 2015. I am writing to request that you issue an Order of Contempt to the extent you feel the production recited above violates your Order, in accordance with Davis v. Parkview Apartments, 409 S.C. 266, 762 S.E.2d 535 (2014) and the precedent cited therein.

Marvel Et Al., LLC - P.O. Box 22734 - Charleston, South Carolina 29413 -843.853.4877

Letter to The Hon. Maite Murphy  
August 30, 2019  
Page 2

In my experience, and as noted in Metts v. Mims, 384 S.C. 491, 682 S.E.2d 813 (2009), a party requesting a contempt order for purposes of appeal typically avoids sanctions under Rule 37, SCRCP, and I therefore respectfully request that the Court issue a Form 4 so stating. If you would like for me to prepare a formal proposed order, I would be happy to do so.

I will be serving Notice of Appeal today. Rule 203, SCACR, allows the Appellant ten days to file the Notice of Appeal, and I respectfully request that you issue an order consistent with this request within that ten-day period so that I may amend the Notice to include your contempt order and the parties can avoid issues relating to appellate jurisdiction, which appear to be debatable in this instance.

Thank you for your consideration of this matter. If I can be of any further assistance, please do not hesitate to contact me at any time. With best regards, I remain

Sincerely,



David B. Marvel

/DBM  
cc ( ) : Wm. Michael Gruenloh  
Frederick Jekel  
Jake S. Barker

# EXHIBIT 4



## DAVID B. MARVEL

Attorney at Law • Proctor in Admiralty  
Certified Civil and Federal Court Mediator  
Admitted to Practice in South Carolina and Georgia

[www.marvel.lawyer](http://www.marvel.lawyer)

August 30, 2019

**Via Federal Express**

Wm. Michael Gruenloh  
Gruenloh Law Firm  
67 Moultrie Street, Second Floor  
Charleston, SC 29403

RE: Innovative Waste Management, Inc. v. Crest Energy Partners  
Case No: 2012-CP-18-1227

Dear Mike,

I hope this letter finds you well. I enclosed our Notice of Appeal in this matter.

If you have any questions or comments, please do not hesitate to contact me at any time.  
With best regards, I remain

Sincerely,

David B. Marvel

/DBM

ELECTRONICALLY FILED - 2019 Sep 13 4:19 PM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

Maite D. Murphy, Circuit Court Judge

---

Civil Action No.: 2012-CP-18-1227

---

Innovative Waste Management Inc., Crest Energy Partners,  
LP, Edward Girardeau, Plaintiffs, Of Whom,

Innovative Waste Management, Inc. is the 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  
Respondents.

---

**NOTICE OF APPEAL**

---

COMES NOW DEFENDANTS / APPELLANTS Crest Energy Partners GP, LLC,  
Crest Energy Partners LP, Dunhill Products, LP, and Henry Wuertz, who hereby give  
Notice that they Appeal the Order of the Hon. Maite Murphy, dated August 1, 2019

(Exhibit A), inclusive of the Orders dated of June 18, 2019 (Exhibit B) and April 6, 2015  
(Exhibit C).

RESPECTFULLY SUBMITTED:



s/ David B. Marvel

David B. Marvel

P.O. Box 22734

Charleston, SC 29413

(P) 843-853-4877

(F) 843-380-3025

dave@marvel.lawyer

ATTORNEY FOR THE APPELLANTS

Charleston, South Carolina  
August 30, 2019



**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), SCRPC.

---

ELECTRONICALLY FILED - 2019 Sep 13 4:19 PM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227  
ELECTRONICALLY FILED - 2019 Aug 01 1:27 PM - 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/Electronic Form 4

So Ordered

s/ Maite Murphy 2166

Electronically signed on 2019-08-01 13:02:52 page 3 of 3

ELECTRONICALLY FILED - 2019 Sep 13 4:19 PM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227  
ELECTRONICALLY FILED - 2019 Aug 01 1:27 PM - DORCHESTER - COMMON PLEAS - CASE#2012CP1801227

|                                   |   |                                   |
|-----------------------------------|---|-----------------------------------|
| 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.                               | ) | <b>ORDER GRANTING PLAINTIFF'S</b> |
|                                   | ) | <b>THIRD MOTION TO COMPEL</b>     |
|                                   | ) |                                   |
| 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

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



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

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

IN THE COURT OF COMMON PLEAS

INNOVATIVE WASTE MANAGEMENT,  
INC.

CASE NO. 2012-CP-18-1227

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

**ORDER ON DEFENDANTS' MOTION  
TO QUASH**

Defendants.

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

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,

This matter comes before the Court on the defendants' Motion to Quash and for Protective Order filed December 5, 2014. Defendants sought 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.

# 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

May 3, 2013

**Re: IWM v. Crest et. al.**

Dear Mr. Marvel:

I am in receipt of your clients' discovery responses which were served via email on May 1, 2013. I write to bring to your attention certain deficiencies in your clients' discovery responses and to request that these deficiencies be supplemented within the next seven (7) days. Please consider this a good faith attempt to resolve a discovery dispute without court action. As a general matter, none of the responses are signed. Please forward the original signed responses.

### Requests for Production

We have yet to receive responses to Requests to Produce 11 and 13 for Defendant Bridge. Likewise we have not received responses to Requests to Produce 11, 13 and 14 for Girardeau. Finally we have not received responses to Requests to Produce 8, 9,10,11,12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 for Wuertz. These requests for production were all referred to in Plaintiffs' Amended Motion to Compel and are the requests for production referred to in the second paragraph of the consent order to which we previously agreed. Please supplement your responses accordingly.

Also, Request to Produce 3 propounded upon each defendant seeks the production of all documents referred to in answering the interrogatories. I request that you supplement your responses to this request to produce in light of your client's review of documents in answering the interrogatories. Specifically, I request that you produce any documents referred to for the purpose of answering Interrogatories 6 and 7 to Griardeau and Bridge, 9 and 10 to Wuertz and 6 to Crest.

### Interrogatories

Interrogatory 6 to Bridge and Girardeau request whether they had any business dealings with certain companies while they were employed by Plaintiff and, if so, request a

description of such business and the names, addresses and telephone numbers of any persons who you dealt with at such businesses. Defendants fail to answer the interrogatory with any particularity as to business dealing with each listed entity and fail to provide the names addresses and telephone numbers of any persons who they dealt with at the listed companies. Please supplement your response accordingly.

Interrogatory 7 to Bridge and Girardeau requests whether they had any business dealings with certain companies since they have been employed by Defendant Crest and/or Dunhill and, if so, request a description of such business, the income any defendant derived as a result of such business and the names, addresses and telephone numbers of any persons who they dealt with at such companies. Defendants simply refer Plaintiffs to their response to Interrogatory 6. This is inappropriate considering the requests seek different information from different timeframes. Moreover, the responses fail to provide the names addresses and telephone numbers of any persons who defendants dealt with at the listed companies and the income derived from such business by any defendant. Please supplement your response accordingly.

Interrogatory 6 to Crest requests whether it currently conducts any business or has an existing business relationship with certain 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. Defendants fail to answer the interrogatory with any particularity as to business dealing with each listed entity, fails to provide the names addresses and telephone numbers of the persons who it dealt with at the listed companies and fails to provide the income derived from such business since April 2010. Please supplement your response accordingly.

Interrogatory 9 to Wuertz requests whether he had any business dealings with certain companies prior to April 2010 and, if so, requests a description of such business and the names, addresses and telephone numbers of any persons who you dealt with at such businesses. Wuertz fails to answer the interrogatory with any particularity as to business dealing with each listed entity, fails to provide the names addresses and telephone numbers of the persons who he dealt with at the listed companies. Please supplement your response accordingly.

Interrogatory 10 to Wuertz requests whether he had any business dealings with certain companies since April 2010 and, if so, request a description of such business, the income any defendant derived as a result of such business and the names, addresses and telephone numbers of any persons who they dealt with at such companies. Wuertz simply refers Plaintiffs to his response to Interrogatory 9. This is inappropriate considering the requests seek different information from different timeframes. Moreover, the responses fail to provide the names addresses and telephone numbers of any persons who Wuertz dealt with at the listed companies and the income derived from such business. Please supplement your response accordingly.

Interrogatory 13 to Bridge and Girardeau requests the compensation that was offered for each job listed by Defendants. Defendants fail to provide any information regarding compensation. To the extent that Defendants seek to reference their financial statements or tax returns as answer to this question, such reference is inadequate as this request seeks all compensation – including benefits and privileges offered as compensation. Please supplement your response accordingly.

Interrogatory 14 to Bridge and Girardeau requests the compensation defendants are currently being paid for their present employment. Defendants fail to provide any information regarding compensation. To the extent that Defendants seek to reference their financial statements or tax returns as answer to this question, such reference is inadequate as this request seeks all compensation – including benefits and privileges offered as compensation. Please supplement your response accordingly.

Given the past history of your clients' abuse of the discovery process we will be seeking all available remedies and sanctions in the event yet another motion to compel is necessary.

Respectfully,

s/Mike Gruenloh

Wm. M. Gruenloh

## David B. Marvel

---

**From:** Dickson, Edgar W. Law Clerk (Andrew C. Evans) <edicksonlc@sccourts.org>  
**Sent:** Tuesday, May 21, 2013 12:14 PM  
**To:** David B. Marvel; william gruenloh  
**Cc:** Dickson, Edgar W. Secretary (Peggy Smith); Sarah Pendleton  
**Subject:** RE: Innovative Waste Management , Inc. v. Crest Energy Partners Group 2012-CP-18-1227

Mr. Marvel,

Thank you for updating the Court. I do not think the status conference is necessary any longer from our perspective.

I do not think he will have any objection to signing the amended pleadings, etc. if they have consent signatures but I will follow up if we need anything additional from you.

Thank you. Kind regards,

Drew Evans

Andrew C. Evans  
Law Clerk, Hon. Edgar Warren Dickson  
First Judicial Circuit  
P. O. Box 1949  
Orangeburg, S. C. 29116  
803-535-2187 (phone)  
803-535-2188 (fax)

---

**From:** David B. Marvel [mailto:dave@prennermarvel.com]  
**Sent:** Tuesday, May 21, 2013 10:44 AM  
**To:** Dickson, Edgar W. Law Clerk (Andrew C. Evans); william gruenloh  
**Cc:** Dickson, Edgar W. Secretary (Peggy Smith); Pendleton, Sarah  
**Subject:** RE: Innovative Waste Management , Inc. v. Crest Energy Partners Group 2012-CP-18-1227

Dear Drew,

With the exception of one minor discovery issue that appears to be on its way to resolution, Mike and I have reached agreement on the matters requiring a status conference. Therefore, if it suits Judge Dickson, you may remove it from his calendar. Mike is working on consent orders to amend his complaint, to serve certain out-of state discovery, and setting a t/n/b date which we hope to submit to you shortly and would ask that the Judge sign without need for motions. Please let us know if that presents a problem or if you have any other questions, comments, or concerns. Thank you as always for your assistance with this case.

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](mailto:dave@prennermarvel.com)

---

**From:** Dickson, Edgar W. Law Clerk (Andrew C. Evans) [<mailto:edicksonlc@sccourts.org>]  
**Sent:** Wednesday, May 15, 2013 12:12 PM  
**To:** David B. Marvel; william gruenloh  
**Cc:** Dickson, Edgar W. Secretary (Peggy Smith)  
**Subject:** FW: Innovative Waste Management , Inc. v. Crest Energy Partners Group 2012-CP-18-1227

Mr. Gruenloh,

Please see the email below I just sent out regarding having to reschedule today's Status Conference.

I apologize for the late notice and inconvenience.

Thank you. Kind regards,

Drew Evans

Andrew C. Evans  
Law Clerk, Hon. Edgar Warren Dickson  
First Judicial Circuit  
P. O. Box 1949  
Orangeburg, S. C. 29116  
803-535-2187 (phone)  
803-535-2188 (fax)

---

**From:** Dickson, Edgar W. Law Clerk (Andrew C. Evans)  
**Sent:** Wednesday, May 15, 2013 11:51 AM  
**To:** 'Pendleton, Sarah'; [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)  
**Cc:** Patrick Aulton Chisum; David B. Marvel; Dickson, Edgar W. Secretary (Peggy Smith)  
**Subject:** RE: Innovative Waste Management , Inc. v. Crest Energy Partners Group 2012-CP-18-1227

Counsel,

We are in the midst of a fairly intensive jury trial this week that we anticipated finishing up sooner than it appears to be headed.

Unfortunately, Judge Dickson will not be available for the Status Conference today—we will have to reschedule it next week.

Can you be available Thursday, May 23, 2013 at 9:30AM?

We will be back in Orangeburg so we ask that you call into our office at that time.

Please advise of your availability.

Thank you. Kind regards,

Drew Evans

Andrew C. Evans  
Law Clerk, Hon. Edgar Warren Dickson

First Judicial Circuit  
P. O. Box 1949  
Orangeburg, S. C. 29116  
803-535-2187 (phone)  
803-535-2188 (fax)

---

**From:** Pendleton, Sarah [<mailto:sarah@prennermarvel.com>]  
**Sent:** Wednesday, May 15, 2013 9:38 AM  
**To:** [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)  
**Cc:** Patrick Aulton Chisum; Dickson, Edgar W. Law Clerk (Andrew C. Evans); David B. Marvel  
**Subject:** Innovative Waste Management , Inc. v. Crest Energy Partners Group 2012-CP-18-1227

Dear Mr. Gruenloh:

Please find attached correspondence from Mr. Marvel for your review with regard to the above captioned case.

Please do not hesitate to contact our office with any questions or concerns.

Sincerely,  
Sarah Pendleton

Sarah Pendleton  
Legal Assistant  
Prenner Marvel PA  
636 King Street  
Charleston, SC 29403  
[sarah@prennermarvel.com](mailto:sarah@prennermarvel.com)  
(843) 722-7250  
(843) 722-7260 Fax

**PRENNER • MARVEL, P.A.**

ATTORNEYS AT LAW  
PROCTORS IN ADMIRALTY  
636 KING STREET  
CHARLESTON, SOUTH CAROLINA 29403

DANIEL L. PRENNER  
DAVID B. MARVEL (SC, GA)  
KENNETH G. GOODE, JR.

PHONE: (843) 722-7250  
FACSIMILE: (843) 722-7260  
www.prennermarvel.com

May 15, 2013

**BY EMAIL**

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,

Thank you for your letter of May 3, 2013, relating to our May 1, 2013 discovery responses. As we previously advised, we contacted the reporter from our April 1, 2013 hearing in response to your letter, in an attempt to obtain a transcript of that proceeding. She replied by telephone call to our office on Friday May 10, 2013, indicating that she wasn't able to complete the transcript at this time, and that she had subcontracted the work to another reporter. That reporter could not be reached on Friday as it was Confederate Memorial Day. She called yesterday and advised that a rush transcript would take more than seven days to complete. Accordingly, this letter reflects my best recollection of the court's directive with regard to your motion to compel and my motion for protective order.

We spent an exhaustive amount of time to log the location, subject matter, and relevance of all 2254 pages of our first document production. In my opinion, the log is self explanatory and any item sought by your Requests for Production can be identified with ease therein. Nonetheless, I will endeavor to respond to your letter as follows:

1) Bridge Response 11– Our prior responses to these Requests were correct as stated. There is no document in Defendant Bridge's possession that states the "terms of employment, start dates, and compensation of his employment with Crest." We did produce certain documents from which that information could be implied, such as tax returns, w-2's, and documents related to his employee benefits. We supplemented those in the May 1, 2013 production with additional wage information.

2) Bridge Response 13 – the Request seeks to compel Defendant Bridge to produce a document that is not in his possession and to his knowledge does not exist. Moreover, it is in the nature of an interrogatory. The most correct answer to this request

would be “None in the possession of this Defendant.” However, in a good faith attempt to respond to this request, we referred you to the documents previously produced, which would appear to contain the information you are seeking by the Request.

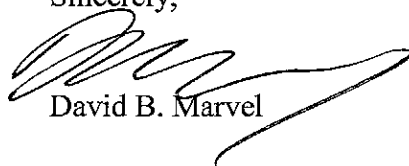
3) Wuertz Responses 8-22 – These Responses are complete and correct responses to your Requests. Defendant Wuertz never employed Defendants Bridge or Girardeau. Defendant Wuertz did not enter into a Joint Venture with the Plaintiff. Defendant Wuertz did not file a counter-claim. Crest Energy Partners, LP may have done all of these things, and I believe you have received every document that would be responsive to those Requests if they had been directed to the correct defendant.

4) With the exception of Paragraph 5 below, the remaining items relate to what I believe is a difference of opinion on what the Court ordered us to do. My argument with regard to the Motion for Protective Order specifically addressed the volume and nature of the interrogatories relating to relationships with the various companies identified therein. My specific recollection is that Judge Dickson stated that we were to generally identify the Defendants’ relationships with these companies to the extent they were or had done business with them, what type of business the Defendants were doing with them, and when. I believe we have done that. Further, where possible, that information was clarified by stating in response to the first interrogatory if there was an active business relationship in the time periods addressed in the second interrogatory. Please review the responses again and I believe you will be able to discern the information you seek.

5) Bridge and Girardeau’s responses to Interrogatories 13 and 14 are correct as stated. These interrogatories cannot under any reasonable interpretation be construed to request “benefits and privileges offered as compensation.” As you are aware, the compensation (i.e. money) made by each of these Defendants in all of the positions depended on the success of their deals and the company in general. Further, with regard to their current employment, they are members of the LLC, have no specific terms of employment, and receive no benefits.

I believe this addresses all of the items stated in your letter of May 3, 2013. I look forward to speaking with you and the Court later today. Until then, I remain, with best regards

Sincerely,



David B. Marvel

DBM/sp

cc: Andrew C. Evans, Law Clerk to The Hon. Edgar W. Dickson

## David B. Marvel

---

**From:** David B. Marvel <dave@prennermarvel.com>  
**Sent:** Tuesday, May 21, 2013 10:44 AM  
**To:** Dickson, Edgar W. Law Clerk (Andrew C. Evans); william gruenloh  
**Cc:** Dickson, Edgar W. Secretary (Peggy Smith); Sarah Pendleton  
**Subject:** RE: Innovative Waste Management , Inc. v. Crest Energy Partners Group 2012-CP-18-1227

Dear Drew,

With the exception of one minor discovery issue that appears to be on its way to resolution, Mike and I have reached agreement on the matters requiring a status conference. Therefore, if it suits Judge Dickson, you may remove it from his calendar. Mike is working on consent orders to amend his complaint, to serve certain out-of state discovery, and setting a t/n/b date which we hope to submit to you shortly and would ask that the Judge sign without need for motions. Please let us know if that presents a problem or if you have any other questions, comments, or concerns. Thank you as always for your assistance with this case.

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](mailto:dave@prennermarvel.com)

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**Sent:** Wednesday, May 15, 2013 12:12 PM  
**To:** David B. Marvel; william gruenloh  
**Cc:** Dickson, Edgar W. Secretary (Peggy Smith)  
**Subject:** FW: Innovative Waste Management , Inc. v. Crest Energy Partners Group 2012-CP-18-1227

Mr. Gruenloh,

Please see the email below I just sent out regarding having to reschedule today's Status Conference.

I apologize for the late notice and inconvenience.

Thank you. Kind regards,

Drew Evans

Andrew C. Evans  
Law Clerk, Hon. Edgar Warren Dickson  
First Judicial Circuit  
P. O. Box 1949  
Orangeburg, S. C. 29116  
803-535-2187 (phone)

---

**From:** Dickson, Edgar W. Law Clerk (Andrew C. Evans)  
**Sent:** Wednesday, May 15, 2013 11:51 AM  
**To:** 'Pendleton, Sarah'; [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)  
**Cc:** Patrick Aulton Chisum; David B. Marvel; Dickson, Edgar W. Secretary (Peggy Smith)  
**Subject:** RE: Innovative Waste Management , Inc. v. Crest Energy Partners Group 2012-CP-18-1227

Counsel,

We are in the midst of a fairly intensive jury trial this week that we anticipated finishing up sooner than it appears to be headed.

Unfortunately, Judge Dickson will not be available for the Status Conference today—we will have to reschedule it next week.

Can you be available Thursday, May 23, 2013 at 9:30AM?

We will be back in Orangeburg so we ask that you call into our office at that time.

Please advise of your availability.

Thank you. Kind regards,

Drew Evans

Andrew C. Evans  
Law Clerk, Hon. Edgar Warren Dickson  
First Judicial Circuit  
P. O. Box 1949  
Orangeburg, S. C. 29116  
803-535-2187 (phone)  
803-535-2188 (fax)

---

**From:** Pendleton, Sarah [<mailto:sarah@prennermarvel.com>]  
**Sent:** Wednesday, May 15, 2013 9:38 AM  
**To:** [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)  
**Cc:** Patrick Aulton Chisum; Dickson, Edgar W. Law Clerk (Andrew C. Evans); David B. Marvel  
**Subject:** Innovative Waste Management , Inc. v. Crest Energy Partners Group 2012-CP-18-1227

Dear Mr. Gruenloh:

Please find attached correspondence from Mr. Marvel for your review with regard to the above captioned case.

Please do not hesitate to contact our office with any questions or concerns.

Sincerely,  
Sarah Pendleton

Sarah Pendleton  
Legal Assistant  
Prenner Marvel PA  
636 King Street  
Charleston, SC 29403

[sarah@prennermarvel.com](mailto:sarah@prennermarvel.com)

(843) 722-7250

(843) 722-7260 Fax

From: [Goodstein, Diane S. Law Clerk \(Anna R. Welch\)](#)  
To: [Patrick Aulton Chisum](#)  
Cc: [David B. Marvel](#); [william gruenloh](#); [bstevens@dorchestercounty.net](mailto:bstevens@dorchestercounty.net); [Goodstein, Diane S. Secretary \(Karen Parker\)](#)  
Subject: RE: 2012CP1801227- Innovative Waste Management Inc VS Crest Energy Partners Gp  
Date: Thursday, May 23, 2013 3:01:05 PM

---

Counsel,

Judge Goodstein has advised that you do not need to be present for the hearing and we will look to receive your original consent orders. Thank you.

Anna Richter Welch  
Law Clerk to The Honorable Diane S. Goodstein  
Post Office Box 234  
St. George, South Carolina 29477  
Fax: (843) 832-0389  
Phone: (843) 832-0332

From: [gruenlohlaw2@gmail.com](mailto:gruenlohlaw2@gmail.com) [<mailto:gruenlohlaw2@gmail.com>] On Behalf Of Patrick Aulton Chisum  
Sent: Wednesday, May 22, 2013 1:21 PM  
To: Goodstein, Diane S. Law Clerk (Anna R. Welch)  
Cc: David B. Marvel; william gruenloh  
Subject: 2012CP1801227- Innovative Waste Management Inc VS Crest Energy Partners Gp

Anna,

Attached you will find two consent orders in the above referenced matter. I am mailing the same with the original signatures to your attention today. Please let me know when Judge Goodstein is able to sign them.

I am notifying Becky Stevens, in a separate email, that we no longer need the May 24th hearing.

Thanks

Patrick

 GRUENLOH LAW

Patrick Aulton Chisom, Esq.  
Associate Attorney  
T 843.474.1890  
F 843.577.0721  
E [Patrick@gruenlohlaw.com](mailto:Patrick@gruenlohlaw.com)  
A 9 Broad Street Charleston, SC 29401

\*\*\*\*\*

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*IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) 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.*

**PRENNER ♦ MARVEL, P.A.**

ATTORNEYS AT LAW  
PROCTORS IN ADMIRALTY  
636 KING STREET  
CHARLESTON, SOUTH CAROLINA 29403

DANIEL L. PRENNER  
DAVID B. MARVEL (SC, GA)  
KENNETH G. GOODE, JR.

August 20, 2013

PHONE: (843) 722-7250  
FACSIMILE: (843) 722-7260  
www.prennermarvel.com

**Via facsimile to (803)535-2188**

The Honorable Edgar W. Dickson  
Chief Administrative Judge, First Judicial Circuit  
P.O. Box 1949  
Orangeburg, SC 29116-1949

Re: Innovative Waste Management v. Crest Energy Partners GP, et al.  
Case No: 2012-CP-18-1227

Dear Judge Dickson,

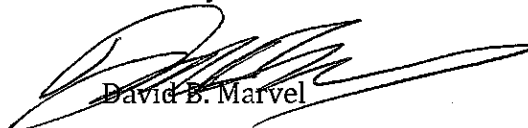
I hope this letter finds you well. This case was before you on April 1, 2013, for a hearing on Plaintiff's Motion to Compel and Defendants' Motion for Protective Order. I have attached your June 3, 2013 Order on those motions for your convenience.

We have filed a Motion to Dismiss the Amended Complaint which is scheduled before Judge Goodstein on September 4, 2013. We have also filed another Motion seeking a Protective Order from additional requests for production that we believe are overly burdensome and in violation of your Order. I understand that the Plaintiff intends to file a Motion to Compel relating to those requests. Plaintiff contends that Defendants have not complied with the terms of your Order as it relates to our May 1, 2013 discovery responses, while Defendants assert they satisfied the requirements placed on the record during that hearing.

I apologize for burdening the Court, but the discovery issues are subject to your Order, and Plaintiff's counsel would prefer a hearing on the record over a teleconference. Defendants therefore request that the Motion for Protective Order be placed on your calendar at your convenience. Should you choose to exercise continuing jurisdiction over the discovery issues, we would appreciate it if you would hear the Motion to Dismiss on the same date. Otherwise, I would be happy to ask Ms. Stevens to place that Motion on the September 4 roster.

Thank you for your time and attention to this matter. If you have any questions, comments, or concerns, please do not hesitate to call. With best regards, I remain

Sincerely,



David B. Marvel

/DBM

cc: William M. Gruenloh, Esq.  
Frederick John Jekel, Esq.

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 )  
 )  
 ) ORDER  
 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. )

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), SCRPC. Accordingly, Defendants shall respond to Plaintiff's previously served Interrogatories no later than ~~May 1, 2013~~ <sup>July 1, 2013</sup>, 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), SCRPC, no later than ~~May 1, 2013~~ <sup>July 1, 2013</sup>.

*1/2*

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~~ June 3, 2013

Time: \_\_\_\_\_

~~St. George~~ Orangeburg, South Carolina



**David B. Marvel**

---

**From:** Patrick Chisum <patrick@gruenlohlaw.com>  
**Sent:** Thursday, September 12, 2013 4:25 PM  
**To:** Goodstein, Diane S. Law Clerk (Anna R. Welch)  
**Cc:** Wm. Michael Gruenloh; David B. Marvel; Fritz Jekel  
**Subject:** IWM v. Crest  
**Attachments:** 9.9.13 MTC Order (Proposed) CA NO 2012CP181227 final edit.docx

Ms. Daniels,

Attached you will find our proposed order regarding Defendants' Motion for Protective Order and Plaintiff's Second Motion to Compel which was heard by the Court on September 9th. We have attempted to confer with Mr. Marvel and, while we have integrated the majority of his comments we have been unable to reach agreement on all issues. Specifically, we understand that Mr. Marvel's position is that the Court granted the defendants motion for protective order in part and also that the Defendants object to paragraph 3.

Please let us know if you need anything further.

Patrick

--  
 GRUENLOH LAW

Patrick Aulton Chisum, Esq.  
Dvvrfdhwh#Dwrugh |  
T ; 7617 : 714 ; <3###  
F ; 7618 : : 13 : 54#  
E [sdwilfnC\\_juxhqark@z1f.rp.#](mailto:sdwilfnC_juxhqark@z1f.rp.#)  
A <#Eurdg#7whhw#Fkdubvwrq/#VF#5<734#

\*\*\*\*\*

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*IRS CIRCULAR 230 NOTICE: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (or in any attachment) 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.*

## David B. Marvel

---

**From:** Sarah Pendleton <sarah@prennermarvel.com>  
**Sent:** Tuesday, September 17, 2013 2:23 PM  
**To:** Goodstein, Diane S. Law Clerk (Anna R. Welch)  
**Cc:** David B. Marvel; Wm. Michael Gruenloh; Fritz Jekel  
**Subject:** Innovative Waste Management v. Crest Energy Partners GP, et al 2012-CP-18-1227  
**Attachments:** 130917 judge goodstein.pdf; 130917 IWM v Crest Proposed Order DBM Edit.docx

Hi Angel:

Please find attached correspondence from Mr. Marvel for Judge Goodstein with attachment with regard to the above referenced case.

Please do not hesitate to contact our office with any questions or instructions.

Sincerely,

Sarah Pendleton

Sarah Pendleton  
Legal Assistant  
Prenner Marvel PA  
636 King Street  
Charleston, SC 29403  
sarah@prennermarvel.com  
(843) 722-7250  
(843) 722-7260 Fax

From: [Murphy, Maite Law Clerk \(Chandler D. Rowh\)](#)  
To: [David B. Marvel](#)  
Cc: [Mike Gruenloh](#)  
Subject: RE: IWM v. Crest et al. 2012CP1801227  
Date: Monday, April 15, 2019 2:56:07 PM

---

Sounds good. I will make sure this is notated on her schedule. If anyone is willing to allow us to use their office's conference call number, it would be greatly appreciated. If not, I can just merge the calls on my cellphone.

Best,

Chandler

---

**From:** David B. Marvel <dave@marvel.lawyer>  
**Sent:** Monday, April 15, 2019 2:49 PM  
**To:** Murphy, Maite Law Clerk (Chandler D. Rowh) <mmurphylc@sccourts.org>  
**Cc:** Mike Gruenloh <mike@gruenlohlaw.com>  
**Subject:** Re: IWM v. Crest et al. 2012CP1801227

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Thank you Chandler, that is perfect. There are likely two or three other issues, so please schedule that. I'll do my best to see if we can't reach some agreement on those in the meantime.

- Dave Marvel

On Apr 15, 2019, at 2:12 PM, Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)> wrote:

Judge Murphy has indicated that we could hold the conference call next Tuesday, April 23<sup>rd</sup> at 11 a.m. Also, since my last email, I was able to review the motion and noticed that a date certain trial was being sought. If that is the sole purpose of the conference call, I could help without the need for a conference call, but if other issues needs to be discussed, we can go forward with the conference call next Tuesday at 11 a.m.

Chandler

---

**From:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>  
**Sent:** Monday, April 15, 2019 12:33 PM  
**To:** Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)>  
**Cc:** 'Mike Gruenloh' <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>  
**Subject:** RE: IWM v. Crest et al. 2012CP1801227

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization.  
Please exercise caution before clicking any links or opening attachments. \*\*\*

It appears that Mike and I are both open on Tuesday the 23<sup>rd</sup> if that suits Judge Murphy. Thank you !

Best regards,

David B. Marvel  
Attorney at Law - Proctor in Admiralty  
Certified Civil and Federal Court Mediator

<image001.png>

Marvel Et Al., LLC

P.O. Box 22734 Charleston, SC 29413

Ph. 843 853 4877 Fax 843 380 3025 Email [dave@marvel.lawyer](mailto:dave@marvel.lawyer)

---

**From:** Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)>

**Sent:** Monday, April 15, 2019 12:18 PM

**To:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>

**Cc:** 'Mike Gruenloh' <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>

**Subject:** RE: IWM v. Crest et al. 2012CP1801227

Good Afternoon,

Unfortunately, due to server issues, I am currently unable to access the online public index to view the motion for status conference. Regardless, Judge Murphy's schedule is relatively lax over the weeks beginning on April 22<sup>nd</sup> and April 29<sup>th</sup>. If everyone is agreeable, we could hold a conference call during a mutually convenient time on one day during those weeks. If those weeks are inconvenient, please let me know, and I will provide more.

Best,

Chandler

---

**From:** Goodstein, Diane S. Law Clerk (Walter Hundley)

**Sent:** Monday, April 15, 2019 12:06 PM

**To:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>; Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)>

**Cc:** 'Mike Gruenloh' <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>

**Subject:** RE: IWM v. Crest et al. 2012CP1801227

Counsel:

Thank you for reaching out to me. Since it was been assigned to Judge Murphy, I will defer to her law clerk, Chandler Rowh, for setting up a status conference. He should contact you soon regarding this matter.

Thank you,

W. Richards Hundley  
Law Clerk  
Judge Diane S. Goodstein  
[DGGoodsteinLC@sccourts.org](mailto:DGGoodsteinLC@sccourts.org)  
Post Office Box 234  
St. George, S.C. 29477  
(843) 832 - 0332

---

**From:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>  
**Sent:** Monday, April 15, 2019 11:54 AM  
**To:** Goodstein, Diane S. Law Clerk (Walter Hundley) <[DGGoodsteinLC@sccourts.org](mailto:DGGoodsteinLC@sccourts.org)>  
**Cc:** 'Mike Gruenloh' <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>  
**Subject:** IWM v. Crest et al. 2012CP1801227

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization.  
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Dear Mr. Hundley,

I represent the Defendants in this matter, Mike Gruenloh represents the Plaintiff. The case has recently been remitted from the Supreme Court and Plaintiff's counsel requested a status conference, both informally and by motion. To my knowledge, there has been no response from the clerk's office. Prior to the appeal, the case had been designated complex and assigned to Judge Murphy. I agree that the case is in need of a status conference, so I am writing for some direction as to whether that request is properly directed to Judge Goodstein as Chief Administrative Judge or to Judge Murphy, assuming the Court still considers her to be assigned to the case. Any assistance you could provide us would be most helpful. Thank you for your consideration of this matter.

Best regards,

David B. Marvel  
Attorney at Law - Proctor in Admiralty  
Certified Civil and Federal Court Mediator

<image001.png>

Marvel Et Al., LLC

P.O. Box 22734 Charleston, SC 29413

Ph. 843 853 4877 Fax 843 380 3025 Email [dave@marvel.lawyer](mailto:dave@marvel.lawyer)

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DAVID B. MARVEL

Attorney at Law • Proctor in Admiralty  
Certified Civil and Federal Court Mediator  
Admitted to Practice in South Carolina and Georgia

June 5, 2019

The Honorable Maite Murphy  
P.O. Box 802  
5200 E. Jim Bilton Blvd.  
St. George, SC 29477

Re: Innovative Waste Management v. Crest Energy Partners, *et al.*  
Case No.: 2012-CP-18-1227

Dear Judge Murphy,

I hope this letter finds you well. I am writing in advance of the hearing on the Plaintiff's Motion this morning to provide the Court with an update of our efforts, with hope that this will streamline the proceedings.

To clarify several comments in the Plaintiff's Motion, the individual defendants Wuertz and Girardeau have agreed to provide updated personal financial statements in accordance with Judge Dickson's June 3, 2013 order. As the Motion and my letter attached to it indicated, Defendant Wuertz is in the process of having outside accountants prepare a statement of his finances for submission in a Louisiana proceeding. It is my understanding that the certified information in this document will be significantly more expansive than what we previously submitted to Plaintiff's satisfaction in this matter. I was informed yesterday that the accountants are working to complete their work this week and I expect to have a copy to provide by the end of next week.

Defendant Girardeau has significant health problems and is currently in the hospital. He believes that he will be discharged tomorrow or Friday, and he intends to complete a sworn personal financial statement as soon as he is able to return home.

None of the named corporate defendants are currently conducting operations and they have no hard assets. I have taken the liberty of submitting requests (Form 4506-T) to the Internal Revenue Service for the transcripts of any return filed by those entities from 2015 to the present. The IRS will transmit those transcripts directly to Mr. Gruenloh, and I ask that he provide me with copies of those documents once they are received.

As for the Plaintiff's requests relating to the out of state subpoenas, Margavio & Schmitt filed a motion to quash in Louisiana state court arguing points of Louisiana law and

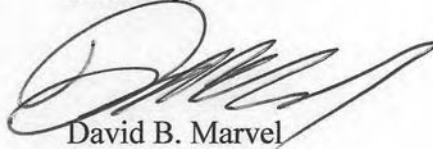
Marvel Et Al., LLC - P.O. Box 22734 - Charleston, South Carolina 29413 -843.853.4877

Letter to The Hon. Maite Murphy  
June 5, 2019  
Page 2

procedure. That firm did, in fact, comply with your April 6, 2015 Order. While that Order denied our Motion to Quash, the order directed the Plaintiff to reissue the subpoenas in accordance with the order, which never happened. The Order did not direct Defendants to do anything, and it would appear that Order is sufficient for submission to the Courts of Harris County, Texas if the Plaintiff intends to pursue any records from Wells Fargo.

Thank you for your attention to this matter. I look forward to appearing before you this morning. With best regards, I remain

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Marvel', written over the printed name 'David B. Marvel'.

David B. Marvel

/DBM

Cc: Wm. Michael Gruenloh

**From:** [David B. Marvel](#)  
**To:** [Wm. Michael Gruenloh](#); [Murphy, Maite Law Clerk \(Chandler D. Rowh\)](#)  
**Cc:** [Fritz Jekel](#); [Ryan Jones](#); [Thomas Drazen](#)  
**Subject:** RE: IWM v. Crest et al. 2012CP1801227  
**Date:** Tuesday, June 11, 2019 12:41:00 PM  
**Attachments:** [image001.png](#)  
[12-1227 Defense mem re MTC3.pdf](#)  
[Order Granting IWM MTC3 \(DBM\).docx](#)

---

Dear Chandler,

I understand that Mr. Gruenloh is out of the office today and unable to provide me with editable versions of the exhibits to his proposed Order. In any event, I believe that the attached Proposed Order, along with the attached memorandum that I will file with the Clerk's office, adequately addresses the issue. Thank you and Judge Murphy for your consideration of this matter.



DAVID B. MARVEL

Attorney at Law • Proctor in Admiralty  
Certified Civil and Federal Court Mediator  
Admitted to Practice in South Carolina and Georgia

P.O. Box 22734 - Charleston, South Carolina 29413 - 843.853.4877 - [dave@marvel.lawyer](mailto:dave@marvel.lawyer)

---

**From:** David B. Marvel  
**Sent:** Tuesday, June 11, 2019 9:46 AM  
**To:** 'Wm. Michael Gruenloh' <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>; [Murphy, Maite Law Clerk \(Chandler D. Rowh\)](#) <[mmurphy1c@sccourts.org](mailto:mmurphy1c@sccourts.org)>  
**Cc:** [Fritz Jekel](#) <[fritz@j-dlaw.com](mailto:fritz@j-dlaw.com)>; [Ryan Jones](#) <[ryan@gruenlohlaw.com](mailto:ryan@gruenlohlaw.com)>; [Thomas Drazen](#) <[thomas@gruenlohlaw.com](mailto:thomas@gruenlohlaw.com)>  
**Subject:** RE: IWM v. Crest et al. 2012CP1801227

Chandler, I'm working on an edit of the proposed order. Mike, can you please email me the exhibits?

**From:** [Wm. Michael Gruenloh](#) <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>  
**Sent:** Monday, June 10, 2019 2:56 PM  
**To:** [Murphy, Maite Law Clerk \(Chandler D. Rowh\)](#) <[mmurphy1c@sccourts.org](mailto:mmurphy1c@sccourts.org)>  
**Cc:** [David B. Marvel](#) <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>; [Fritz Jekel](#) <[fritz@j-dlaw.com](mailto:fritz@j-dlaw.com)>; [Ryan Jones](#) <[ryan@gruenlohlaw.com](mailto:ryan@gruenlohlaw.com)>; [Thomas Drazen](#) <[thomas@gruenlohlaw.com](mailto:thomas@gruenlohlaw.com)>  
**Subject:** Re: IWM v. Crest et al. 2012CP1801227

Chandler-

Thank you for bringing the issue on the proposed order for the Motion to Compel to my attention. Paragraph 4 requiring the production of financial statements should apply to all Defendants which is the relief we requested when we were before the court. I have attached a corrected proposed order. Please let us know if Judge Murphy would like an updated number for attorney hours for paragraph 5.

Also attached is a proposed order for Nov 18 date certain. We sent this to defense counsel last week to get input but have not heard back.

Please let us know if you need anything else.

Thank you.

\_\_\_\_\_

[gruenlohlaw.com](http://gruenlohlaw.com)

Wm. Michael Gruenloh, Esq.

Partner

T 843.577-0027

F 843.577.0721

E [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

A 67 MOULTRIE STREET, 2ND FLOOR, CHARLESTON, SC 29403

\*\*\*\*\*

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On Mon, Jun 10, 2019 at 1:52 PM Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphy1c@sccourts.org](mailto:mmurphy1c@sccourts.org)> wrote:

Good Afternoon,

Judge Murphy will grant Plaintiff's proposed order, which was handed up to her last week. Mr.

Gruenloh, when you get a chance, please E-file this Order in Word format and indicate it was heard by Judge Murphy, so the Clerk's office will assign it to her. Also, please correct me if I am wrong, but I believe language regarding Rodney Bridge in paragraph 4 should be removed from since claims against him were previously dismissed with prejudice. Tomorrow morning, I will also mail the signed, original Consent Order, which was also handed up to her, to your office.

Lastly, before I have Judge Murphy sign the Order Setting Date Certain Trial to begin the week of November 18, 2019, I just wanted second confirmation that everyone is in fact agreeable to this.

Best,

Chandler

---

**From:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>  
**Sent:** Wednesday, June 5, 2019 8:41 AM  
**To:** Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphy1c@sccourts.org](mailto:mmurphy1c@sccourts.org)>; Mike Gruenloh <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>  
**Cc:** Fritz Jekel <[fritz@j-dlaw.com](mailto:fritz@j-dlaw.com)>; Ryan Jones <[ryan@gruenlohlaw.com](mailto:ryan@gruenlohlaw.com)>  
**Subject:** RE: IWM v. Crest et al. 2012CP1801227

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Good Morning, Please see the attached letter relating to the hearing this morning. Will see you all shortly.

---

**From:** Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphy1c@sccourts.org](mailto:mmurphy1c@sccourts.org)>  
**Sent:** Tuesday, May 14, 2019 3:48 PM  
**To:** Mike Gruenloh <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>  
**Cc:** Fritz Jekel <[fritz@j-dlaw.com](mailto:fritz@j-dlaw.com)>; David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>; Ryan Jones <[ryan@gruenlohlaw.com](mailto:ryan@gruenlohlaw.com)>  
**Subject:** RE: IWM v. Crest et al. 2012CP1801227

Ok, I will go ahead and schedule the hearing at 9:30 on Wednesday, June 5<sup>th</sup>. Since I don't yet know how the roster will shake out, I will let everyone know as soon as possible if the time of the hearing needs to be changed.

Chandler

---

**From:** Mike Gruenloh <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>  
**Sent:** Tuesday, May 14, 2019 3:46 PM  
**To:** Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphy1c@sccourts.org](mailto:mmurphy1c@sccourts.org)>  
**Cc:** Fritz Jekel <[fritz@j-dlaw.com](mailto:fritz@j-dlaw.com)>; David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>; Ryan Jones <[ryan@gruenlohlaw.com](mailto:ryan@gruenlohlaw.com)>

**Subject:** Re: IWM v. Crest et al. 2012CP1801227

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We can be available anytime June 5 or 6th. Thank you

On May 14, 2019, at 12:14 PM, David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)> wrote:

The week of June 3 is best for me, I can be available at the Judge's convenience that week. The following week has multiple conflicts.

- Dave Marvel

On May 14, 2019, at 12:10 PM, Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)> wrote:

Good Afternoon,

Judge Murphy will be presiding over a CP term of court in Dorchester County during the week of June 10<sup>th</sup> if everyone has availability during that week. Also, if this week is inconvenient for everyone, Judge Murphy will also be in Dorchester County during the week of June 3<sup>rd</sup>. Even though this will be a General Sessions term of court, I am certain I could squeeze this matter in if necessary.

Best,

Chandler

---

**From:** Wm. Michael Gruenloh <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>

**Sent:** Tuesday, May 14, 2019 11:59 AM

**To:** Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)>

**Cc:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>; Fritz Jekel <[fritz@j-dlaw.com](mailto:fritz@j-dlaw.com)>; Ryan Jones <[ryan@gruenlohlaw.com](mailto:ryan@gruenlohlaw.com)>

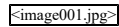
**Subject:** Re: IWM v. Crest et al. 2012CP1801227

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Dear Chandler-

Please see the attached correspondence for Judge Murphy along with a courtesy copy of the Motion to Compel filed by Plaintiff today. We appreciate any assistance you can provide in having this matter scheduled for hearing.

Mike



[gruenlohlaw.com](http://gruenlohlaw.com)  
Wm. Michael Gruenloh, Esq.

Partner

**T** 843.577-0027

**F** 843.577.0721

**E** [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

**A** 67 MOULTRIE STREET, 2ND FLOOR, CHARLESTON, SC 29403

\*\*\*\*\*

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On Tue, Apr 16, 2019 at 10:00 AM Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)> wrote:

Thank you so much for allowing Judge Murphy to use your office's line.

Best,

Chandler

---

**From:** Wm. Michael Gruenloh <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>

**Sent:** Tuesday, April 16, 2019 9:59 AM

**To:** Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)>

**Cc:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>; Fritz Jekel <[2019-001719  
Third Amended Record on Appeal - Vol. II](mailto:fritz@j-</a></p></div><div data-bbox=)

[dlaw.com](http://dlaw.com)>

**Subject:** Re: IWM v. Crest et al. 2012CP1801227

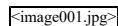
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Chandler-

This is the number and access code for our conference call at 11am next Tuesday.

Dial - (712) 775-7300  
Enter Access Code - 804487#

Mike



[gruenlohlaw.com](http://gruenlohlaw.com)

Wm. Michael Gruenloh, Esq.

Partner

**T** 843.577-0027

**F** 843.577.0721

**E** [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

**A** 67 MOULTRIE STREET, 2ND FLOOR, CHARLESTON, SC 29403

\*\*\*\*\*

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On Mon, Apr 15, 2019 at 2:56 PM Murphy, Maite Law Clerk  
(Chandler D. Rowh) <[mmurphy@cscourts.org](mailto:mmurphy@cscourts.org)> wrote:

Sounds good. I will make sure this is notated on her schedule. If anyone is willing to allow us to use their office's conference call number, it would be greatly appreciated. If not, I can just merge the calls on my cellphone.

Best,

Chandler

---

**From:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>  
**Sent:** Monday, April 15, 2019 2:49 PM  
**To:** Murphy, Maite Law Clerk (Chandler D. Rowh)  
<[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)>  
**Cc:** Mike Gruenloh <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>  
**Subject:** Re: IWM v. Crest et al. 2012CP1801227

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Thank you Chandler, that is perfect. There are likely two or three other issues, so please schedule that. I'll do my best to see if we can't reach some agreement on those in the meantime.

- Dave Marvel

On Apr 15, 2019, at 2:12 PM, Murphy, Maite Law Clerk (Chandler D. Rowh) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)> wrote:

Judge Murphy has indicated that we could hold the conference call next Tuesday, April 23<sup>rd</sup> at 11 a.m. Also, since my last email, I was able to review the motion and noticed that a date certain trial was being sought. If that is the sole purpose of the conference call, I could help without the need for a conference call, but if other issues needs to be discussed, we can go forward with the conference call next Tuesday at 11 a.m.

Chandler

---

**From:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>  
**Sent:** Monday, April 15, 2019 12:33 PM  
**To:** Murphy, Maite Law Clerk (Chandler D. Rowh)  
<[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)>  
**Cc:** 'Mike Gruenloh' <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>  
**Subject:** RE: IWM v. Crest et al. 2012CP1801227

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It appears that Mike and I are both open on Tuesday the 23<sup>rd</sup> if that suits Judge Murphy. Thank you !

Best regards,

David B. Marvel  
Attorney at Law - Proctor in Admiralty  
Certified Civil and Federal Court Mediator

<image001.png>

Marvel Et Al., LLC

P.O. Box 22734 Charleston, SC 29413  
Ph. 843 853 4877 Fax 843 380 3025 Email  
[dave@marvel.lawyer](mailto:dave@marvel.lawyer)

---

**From:** Murphy, Maite Law Clerk (Chandler D. Rowh)  
<[mmurphy@sccourts.org](mailto:mmurphy@sccourts.org)>  
**Sent:** Monday, April 15, 2019 12:18 PM  
**To:** David B. Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>  
**Cc:** 'Mike Gruenloh' <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>  
**Subject:** RE: IWM v. Crest et al. 2012CP1801227

Good Afternoon,

Unfortunately, due to server issues, I am currently unable to access the online public index to view the motion for status conference. Regardless, Judge Murphy's schedule is relatively lax over the weeks beginning on April 22<sup>nd</sup> and April 29<sup>th</sup>. If everyone is agreeable, we could hold a conference call during a mutually convenient time on one day during those weeks. If those weeks are inconvenient, please let me know, and I will provide more.

Best,

Chandler

---

**From:** Goodstein, Diane S. Law Clerk (Walter Hundley)

**Sent:** Monday, April 15, 2019 12:06 PM  
**To:** David B. Marvel <dave@marvel.lawyer>; Murphy, Maite Law Clerk (Chandler D. Rowh) <mmurphylc@sccourts.org>  
**Cc:** 'Mike Gruenloh' <mike@gruenlohlaw.com>  
**Subject:** RE: IWM v. Crest et al. 2012CP1801227

Counsel:

Thank you for reaching out to me. Since it was been assigned to Judge Murphy, I will defer to her law clerk, Chandler Rowh, for setting up a status conference. He should contact you soon regarding this matter.

Thank you,

W. Richards Hundley  
Law Clerk  
Judge Diane S. Goodstein  
[DGoodsteinLC@sccourts.org](mailto:DGoodsteinLC@sccourts.org)  
Post Office Box 234  
St. George, S.C. 29477  
(843) 832 - 0332

---

**From:** David B. Marvel <dave@marvel.lawyer>  
**Sent:** Monday, April 15, 2019 11:54 AM  
**To:** Goodstein, Diane S. Law Clerk (Walter Hundley) <[DGoodsteinLC@sccourts.org](mailto:DGoodsteinLC@sccourts.org)>  
**Cc:** 'Mike Gruenloh' <mike@gruenlohlaw.com>  
**Subject:** IWM v. Crest et al. 2012CP1801227

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Dear Mr. Hundley,

I represent the Defendants in this matter, Mike Gruenloh represents the Plaintiff. The case has recently been remitted from the Supreme Court and Plaintiff's counsel requested a status conference,

both informally and by motion. To my knowledge, there has been no response from the clerk' office. Prior to the appeal, the case had been designated complex and assigned to Judge Murphy. I agree that the case is in need of a status conference, so I am writing for some direction as to whether that request is properly directed to Judge Goodstein as Chief Administrative Judge or to Judge Murphy, assuming the Court still considers her to be assigned to the case. Any assistance you could provide us would be most helpful. Thank you for your consideration of this matter.

Best regards,

David B. Marvel  
Attorney at Law - Proctor in Admiralty  
Certified Civil and Federal Court Mediator

<image001.png>

Marvel Et Al., LLC

P.O. Box 22734 Charleston, SC 29413  
Ph. 843 853 4877 Fax 843 380 3025 Email  
[dave@marvel.lawyer](mailto:dave@marvel.lawyer)

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From: [David B. Marvel](#)  
To: [Ryan Jones](#); [jbarker@glvlawfirm.com](mailto:jbarker@glvlawfirm.com)  
Cc: [Thomas Drazan](#); [Wm. Michael Gruenloh](#); [Fritz Jekel](#)  
Subject: Re: Case No.: 2012-CP-18--1227  
Date: Thursday, August 29, 2019 9:07:14 AM  
Attachments: [CRESTENERGY\\_US\\_2016\\_ArchiveTaxReturn.pdf](#)  
[CRESTENERGY\\_US\\_2017\\_ArchiveTaxReturn.pdf](#)  
[Executed Personal Financial Statements.pdf](#)

---

Greetings all. I have attached 2016 and 2017 tax returns for Crest Energy Partners, L.P., along with a reviewed financial statement regarding Henry Wuertz, which also includes related Crest financial information. Stand by, more to come.

Best regards,

David B. Marvel  
PO Box 22734  
Charleston, South Carolina 29413  
Ph. 843.853.4877  
Fax 843.380.3025  
Email: [dave@marvel.lawyer](mailto:dave@marvel.lawyer)

---

**From:** David B. Marvel  
**Sent:** Wednesday, August 28, 2019 11:00 AM  
**To:** [Ryan Jones](#); [jbarker@glvlawfirm.com](mailto:jbarker@glvlawfirm.com)  
**Cc:** [Thomas Drazan](#); [Wm. Michael Gruenloh](#); [Fritz Jekel](#)  
**Subject:** Re: Case No.: 2012-CP-18--1227

Thomas / Mike,

I was just speaking with Jake and, while we both have production for you today, it is unlikely to be by noon as requested in your letter. I expected to have this done last week but have been tied up on another matter that has kept me out of the office for the bulk of the last week. Therefore, we respectfully request that you give us until the end of today prior to taking any further action. Thanks.

Best regards,

David B. Marvel  
PO Box 22734  
Charleston, South Carolina 29413  
Ph. 843.853.4877  
Fax 843.380.3025  
Email: [dave@marvel.lawyer](mailto:dave@marvel.lawyer)

---

**From:** Ryan Jones <ryan@gruenlohlaw.com>  
**Sent:** Friday, August 23, 2019 12:46 PM  
**To:** David B. Marvel; Jbarker@glvlawfirm.com  
**Cc:** Thomas Drazan; Wm. Michael Gruenloh; Fritz Jekel  
**Subject:** Case No.: 2012-CP-18--1227

Dear Counsel:

Please see the attached correspondence from Mr. Drazan.

Respectfully,



**Ryan Jones**

Paralegal

**T** 843.577-0027

**F** 843.577.0721

**E** [RYAN@gruenlohlaw.com](mailto:RYAN@gruenlohlaw.com)

**A** 67 MOULTRIE STREET, SECOND FLOOR CHARLESTON, SC 29403

**W** [www.gruenlohlaw.com](http://www.gruenlohlaw.com)

\*\*\*\*\*  
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DAVID B. MARVEL

Attorney at Law • Proctor in Admiralty  
Certified Civil and Federal Court Mediator  
Admitted to Practice in South Carolina and Georgia

August 30, 2019

**Via Email and U.S. Mail**

The Hon. Maite Murphy  
Dorchester County Courthouse  
5200 E. Jim Bilton Blvd.  
St. George, SC 29477

RE: Innovative Waste Management, Inc. v. Crest Energy Partners, *et al.*  
Case No: 2012-CP-18-1227

Dear Judge Murphy,

I hope this letter finds you well and looking forward to the Labor Day weekend. As you will recall, your Order on my clients' Motion to Alter or Amend was issued on August 1, 2019.

Defendant Girardeau has provided Plaintiff's counsel everything that appears to have been required by your prior Orders. Jake Barker, reading in copy, is taking over Mr. Girardeau's representation and we expect to submit a substitution of counsel soon.

Defendant Wuertz has provided Plaintiff's counsel with a Reviewed Financial Statement which I understand to be a term of art under the Generally Accepted Accounting Principles of the United States. The Wuertz statement includes the certification that the Crest Entities are dormant (i.e. have no income) and have no assets, and I have attached a copy of a more detailed statement relating to the status of the entity defendants. I have also produced 2016 and 2017 tax returns for the Crest entities, which should give the Plaintiff a complete copy of all Dunhill/Crest returns that have been filed from the time relevant to the claim to the present.

With all due respect to Your Honor's ruling, my remaining clients will be serving Notice of Appeal of your August 1, 2019 Order, inclusive of the Court's Orders of June 18, 2019 and April 6, 2015. I am writing to request that you issue an Order of Contempt to the extent you feel the production recited above violates your Order, in accordance with Davis v. Parkview Apartments, 409 S.C. 266, 762 S.E.2d 535 (2014) and the precedent cited therein.

Marvel Et Al., LLC - P.O. Box 22734 - Charleston, South Carolina 29413 -843.853.4877

In my experience, and as noted in Metts v. Mims, 384 S.C. 491, 682 S.E.2d 813 (2009), a party requesting a contempt order for purposes of appeal typically avoids sanctions under Rule 37, SCRCR, and I therefore respectfully request that the Court issue a Form 4 so stating. If you would like for me to prepare a formal proposed order, I would be happy to do so.

I will be serving Notice of Appeal today. Rule 203, SCACR, allows the Appellant ten days to file the Notice of Appeal, and I respectfully request that you issue an order consistent with this request within that ten-day period so that I may amend the Notice to include your contempt order and the parties can avoid issues relating to appellate jurisdiction, which appear to be debatable in this instance.

Thank you for your consideration of this matter. If I can be of any further assistance, please do not hesitate to contact me at any time. With best regards, I remain

Sincerely,



David B. Marvel

/DBM

cc (via email) :

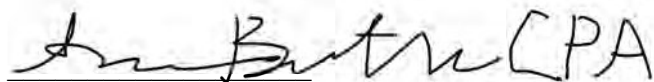
Wm. Michael Gruenloh  
Frederick Jekel  
Jake S. Barker

August 28, 2019

To Whom It May Concern:

I am a Certified Public Accountant licensed by the State of Texas. In the usual course of business, I have prepared tax returns for Crest Energy Partners, L.P. and am therefore familiar with that entity's corporate structure and financial condition. At the request of attorney David B. Marvel, I offer the following, to the best of my current knowledge and based on information gathered and reported in accordance with generally accepted accounting principles.

1. In August 2010 the entity previously referred to as "Dunhill Products, L.P." formally changed its name to "Crest Energy Partners, L.P.". Crest Energy Partners, L.P. continued use of its FEIN 113648675 and otherwise continued the same partnership identity. Therefore, there is no existing separate company "Dunhill Products, L.P.".
2. In August 2010 the entity previously referred to as "Dunhill Products GP, LLC" formally changed its name to "Crest Energy Partners GP, LLC". Crest Energy Partners GP, LLC continued use of its FEIN 11-3648671 and otherwise continued the same entity status. Therefore, there is no existing separate company "Dunhill Products GP, LLC".
3. In 2016, the charters of both Crest Energy Partners, L.P. and Crest Energy Partners GP, LLC were cancelled by the State of Delaware and were placed in forfeiture by the Texas Secretary of State.
4. Crest Energy Partners, L.P. and, by extension, Crest Energy Partners GP, LLC, have not conducted their usual income producing business since 2015, at the latest. Any income reflected on the Crest Energy Partners, L.P. tax returns for 2016 and 2017 is a result of accounting practices which, among other things, require a taxpayer to declare cancelled debt as income. Crest Energy Partners, L.P. has not filed returns for 2018.
5. Otherwise, Crest Energy Partners, L.P. and Crest Energy Partners GP, LLC have no income or assets and are not conducting any transactional business.



Sean K Butler, CPA

From: [David B. Marvel](#)  
To: [Wm. Michael Gruenloh](#)  
Cc: [Murphy, Maite Law Clerk \(Pamela Larson\)](#); [Ryan Jones](#); [Jake Barker](#); [Fritz Jekel](#); [Thomas Drazan](#)  
Subject: Re: 12-1227 IWM v. Crest Energy Partners, et al.  
Date: Friday, September 20, 2019 2:32:37 PM

---

Pam, thank you for this. That works for me too. We will see you at 9:30 Monday.

Sent from my iPhone

On Sep 20, 2019, at 2:17 PM, Wm. Michael Gruenloh <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)> wrote:

Pam-

This works for us and we'll be present at 9:30.



[gruenlohlaw.com](http://gruenlohlaw.com)

Wm. Michael Gruenloh, Esq.

Partner

T 843.577-0027

F 843.577.0721

E [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

A 67 MOULTRIE STREET, 2ND FLOOR, CHARLESTON, SC 29403

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On Fri, Sep 20, 2019 at 1:51 PM Murphy, Maite Law Clerk (Pamela Larson) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)> wrote:

All,

Judge Murphy had a chance to review all the materials that have been submitted regarding the request for an expedited hearing. She said that if the parties would like to put their arguments on the record regarding, we will be in a civil trial in Calhoun

County on Monday and she would be willing to hear your arguments while the jury is being sworn in on Monday morning. She will be getting on the bench at 9:30 on Monday morning. Please let me know if this works for you.

Best,

Pam Larson

Law Clerk

The Honorable Maite Murphy

---

**From:** Murphy, Maite Law Clerk (Pamela Larson)

**Sent:** Thursday, September 19, 2019 2:32 PM

**To:** 'David B. Marvel' <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>; Wm. Michael Gruenloh <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>

**Cc:** Ryan Jones <[ryan@gruenlohlaw.com](mailto:ryan@gruenlohlaw.com)>; Jake Barker <[jbarker@glvlawfirm.com](mailto:jbarker@glvlawfirm.com)>; Fritz Jekel <[fritz@j-dlaw.com](mailto:fritz@j-dlaw.com)>; Thomas Drazan <[thomas@gruenlohlaw.com](mailto:thomas@gruenlohlaw.com)>

**Subject:** RE: 12-1227 IWM v. Crest Energy Partners, et al.

All,

I have spoken with Judge Murphy regarding scheduling an expedited hearing. Unfortunately, she will not be back in Dorchester County for several weeks. In an effort to expedite the motion, she asks that the parties prepare briefs and submit them within the next week. She will rule based on the arguments presented in said briefs. If you have any questions, please feel free to contact me.

Best,

Pam Larson

Law Clerk

The Honorable Maite Murphy

---

**From:** David B. Marvel <dave@marvel.lawyer>  
**Sent:** Wednesday, September 18, 2019 1:23 PM  
**To:** Wm. Michael Gruenloh <mike@gruenlohlaw.com>  
**Cc:** Murphy, Maite Law Clerk (Pamela Larson) <mmurphy@lccourts.org>; Ryan Jones <ryan@gruenlohlaw.com>; Jake Barker <jbarker@glvlawfirm.com>; Fritz Jekel <fritz@j-dlaw.com>; Thomas Drazan <thomas@gruenlohlaw.com>  
**Subject:** Re: 12-1227 IWM v. Crest Energy Partners, et al.

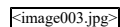
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Pam, I concur with Mike's comments below, I elected not to file the Notice of Appeal, although it was served, given that judge Murphy indicated she was willing to rule on the issue once briefed. It is my understanding that both service and filing of the NOA are jurisdictional requirements, and therefore there is no reason that the circuit court has been divested of jurisdiction to hear the issue. Thank you.

On Sep 18, 2019, at 1:01 PM, Wm. Michael Gruenloh <mike@gruenlohlaw.com> wrote:

Thank you Pam. Given that no appeal has been filed, we aren't aware of any reason why Judge Murphy would not have jurisdiction/authority to rule on this matter. If there is any other issue that Judge Murphy would like us to brief please let us know. Given that we are 60 days out for trial we'd like to have the matter heard at the court's earliest convenience.

Mike



[gruenlohlaw.com](http://gruenlohlaw.com)

Wm. Michael Gruenloh, Esq.

Partner

T 843.577-0027

F 843.577.0721

E [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

\*\*\*\*\*

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On Wed, Sep 18, 2019 at 12:51 PM Murphy, Maite Law Clerk (Pamela Larson) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)> wrote:

Mr. Gruenloh,

I apologize for the delay. Judge Murphy is at the Judicial Conference in Columbia at the moment, so I have not been able to confirm a date for the hearing with her as of yet. I did speak with her about the motion, she has concerns about whether she is able to rule on the matter. I am currently researching the subject for her. I will let you know as soon as we can get it scheduled.

Best,

Pam Larson

Law Clerk

The Honorable Maite Murphy

---

**From:** Wm. Michael Gruenloh <[mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)>

**Sent:** Wednesday, September 18, 2019 12:47 PM

**To:** Murphy, Maite Law Clerk (Pamela Larson) <[mmurphylc@sccourts.org](mailto:mmurphylc@sccourts.org)>

**Cc:** David Marvel <[dave@marvel.lawyer](mailto:dave@marvel.lawyer)>; Ryan Jones <[ryan@gruenlohlaw.com](mailto:ryan@gruenlohlaw.com)>; Jake Barker <[jbarker@glvlawfirm.com](mailto:jbarker@glvlawfirm.com)>;

Fritz Jekel <[fritz@j-dlaw.com](mailto:fritz@j-dlaw.com)>; Thomas Drazan  
<[thomas@gruenlohlaw.com](mailto:thomas@gruenlohlaw.com)>

**Subject:** Re: 12-1227 IWM v. Crest Energy Partners, et al.

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Hello Ms. Larson.

I wanted to check in with you to see about scheduling an expedited hearing for this matter.

Thank you.

<image003.jpg>

[gruenlohlaw.com](http://gruenlohlaw.com)

Wm. Michael Gruenloh, Esq.

Partner

T 843.577-0027

F 843.577.0721

E [mike@gruenlohlaw.com](mailto:mike@gruenlohlaw.com)

A 67 MOULTRIE STREET, 2ND FLOOR, CHARLESTON, SC 29403

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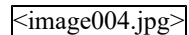
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On Mon, Sep 16, 2019 at 2:05 PM Ryan Jones  
<[ryan@gruenlohlaw.com](mailto:ryan@gruenlohlaw.com)> wrote:

Dear Judge Murphy:

Please see the attached correspondence from Mr. Gruenloh and a courtesy copy of Plaintiff's Motion for Sanctions. If there is anything we can do to assist in the scheduling of the hearing for this motion please let us know.

Thank you.



Ryan Jones

Paralegal

T 843.577-0027

F 843.577.0721

E [RYAN@gruenlohlaw.com](mailto:RYAN@gruenlohlaw.com)

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## **Innovative Waste Management Inc , plaintiff, et al VS Crest Energy Partners Gp, LLC , defendant, et al**

|                      |               |                   |                      |                    |                |
|----------------------|---------------|-------------------|----------------------|--------------------|----------------|
| Case Number:         | 2012CP1801227 | Court Agency:     | Common Pleas         | Filed Date:        | 05/11/2012     |
| Case Type:           | Common Pleas  | Case Sub Type:    | Unfair Trade Pra 640 | File Type:         | Jury           |
| Status:              | Appeal        | Assigned Judge:   | Murphy, Maite        |                    |                |
| Disposition:         |               | Disposition Date: |                      | Disposition Judge: |                |
| Original Source Doc: |               | Original Case #:  |                      | Restore Reason:    | Appeal Granted |
| Judgment Number:     |               | Court Roster:     |                      |                    |                |













[Case Parties](#)
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[Actions](#)
[Financials](#)







| Name                            | Description                                                  | Type   | Motion Roster | Begin Date       | Completion Date | Documents |
|---------------------------------|--------------------------------------------------------------|--------|---------------|------------------|-----------------|-----------|
| Gruenloh, William M             | 11/18/2019_JURY_Roster/Notice of Case Roster Publication Sen | Action |               | 10/11/2019-14:02 |                 |           |
| Marvel, David B.                | 11/18/2019_JURY_Roster/Notice of Case Roster Publication Sen | Action |               | 10/11/2019-14:02 |                 |           |
| Jekel, Frederick John           | 11/18/2019_JURY_Roster/Notice of Case Roster Publication Sen | Action |               | 10/11/2019-14:02 |                 |           |
| Chisum, Patrick Aulton          | 11/18/2019_JURY_Roster/Notice of Case Roster Publication Sen | Action |               | 10/11/2019-14:02 |                 |           |
| Holmes, Brian Ross              | 11/18/2019_JURY_Roster/Notice of Case Roster Publication Sen | Action |               | 10/11/2019-14:02 |                 |           |
| Drazan, Thomas Francis          | 11/18/2019_JURY_Roster/Notice of Case Roster Publication Sen | Action |               | 10/11/2019-14:02 |                 |           |
| Crest Energy Partners Gp, LLC   | Appeal/Notice of Appeal to Court of Appeals                  | Action |               | 10/10/2019-13:20 |                 |           |
| Crest Energy Partners Gp, LLC   | NEF(10-09-2019 01:20:44 PM) Appeal/Notice of Appeal to C...  | Filing |               | 10/09/2019-13:43 |                 |           |
| Crest Energy Partners Gp, LLC   | NEF(10-09-2019 01:14:30 PM) Letter/Letter                    | Filing |               | 10/09/2019-13:41 |                 |           |
| Crest Energy Partners Gp, LLC   | Letter/Letter of August 30, 2019                             | Filing |               | 10/09/2019-13:14 |                 |           |
| Gruenloh, William M             | 10/15/2019_MOTION_Roster/Notice of Case Roster Publication S | Action |               | 10/09/2019-10:42 |                 |           |
| Chisum, Patrick Aulton          | 10/15/2019_MOTION_Roster/Notice of Case Roster Publication S | Action |               | 10/09/2019-10:42 |                 |           |
| Drazan, Thomas Francis          | 10/15/2019_MOTION_Roster/Notice of Case Roster Publication S | Action |               | 10/09/2019-10:42 |                 |           |
| Holmes, Brian Ross              | 10/15/2019_MOTION_Roster/Notice of Case Roster Publication S | Action |               | 10/09/2019-10:42 |                 |           |
| Jekel, Frederick John           | 10/15/2019_MOTION_Roster/Notice of Case Roster Publication S | Action |               | 10/09/2019-10:42 |                 |           |
| Marvel, David B.                | 10/15/2019_MOTION_Roster/Notice of Case Roster Publication S | Action |               | 10/09/2019-10:42 |                 |           |
| Innovative Waste Management Inc | NEF(10-02-2019 11:55:13 AM) Motion/Default Judgment          | Filing |               | 10/02/2019-14:08 |                 |           |

ROA - 764

|                                 |                                                           |        |  |                  |                  |              |
|---------------------------------|-----------------------------------------------------------|--------|--|------------------|------------------|--------------|
| Innovative Waste Management Inc | Motion/Default Judgment                                   | Motion |  | 10/02/2019-11:55 |                  |              |
| Innovative Waste Management Inc | NEF(10-01-2019 10:31:31 AM) Order/Sanctions               | Filing |  | 10/01/2019-10:31 |                  |              |
| Innovative Waste Management Inc | Order Granting Motion for Sanctions                       | Order  |  | 10/01/2019-10:31 | 10/01/2019-10:31 |              |
| Innovative Waste Management Inc | NEF(09-30-2019 04:32:24 PM) Proposed Order/Sanctions      | Filing |  | 09/30/2019-16:41 |                  |              |
| Innovative Waste Management Inc | Order/Order Cover Sheet \$25.00                           | Filing |  | 09/30/2019-16:32 |                  |              |
| Innovative Waste Management Inc | NEF(09-13-2019 04:19:05 PM) Motion/Sanctions              | Filing |  | 09/13/2019-16:35 |                  |              |
| Innovative Waste Management Inc | Motion/Sanctions                                          | Motion |  | 09/13/2019-16:19 | 09/23/2019-16:19 | <br><br><br> |
| Innovative Waste Management Inc | NEF(08-01-2019 01:27:49 PM) Order/Electronic Form 4       | Filing |  | 08/01/2019-13:28 |                  |              |
| Innovative Waste Management Inc | Order/Amending 6/18/2019 Order Granting Motion to Compel  | Order  |  | 08/01/2019-13:27 | 08/01/2019-13:27 |              |
| Innovative Waste Management Inc | NEF(07-05-2019 04:10:17 PM) Response                      | Filing |  | 07/05/2019-16:16 |                  |              |
| Innovative Waste Management Inc | Reply to Motion to Alter/Amend                            | Filing |  | 07/05/2019-16:10 |                  |              |
| Crest Energy Partners Gp, LLC   | NEF(06-25-2019 01:20:30 PM) Motion/Reconsider             | Filing |  | 06/25/2019-14:11 |                  |              |
| Crest Energy Partners Gp, LLC   | NEF(06-25-2019 01:02:07 PM) Memo/Memo in Opposition       | Filing |  | 06/25/2019-14:09 |                  |              |
| Crest Energy Partners Gp, LLC   | Motion/Alter or Amend Order Granting 3rd Motion to Compel | Motion |  | 06/25/2019-13:20 | 06/25/2019-13:20 | <br><br><br> |
| Crest Energy Partners Gp, LLC   | Response to Plaintiff's Third Motion to Compel            | Filing |  | 06/25/2019-13:02 |                  | <br><br><br> |
| Innovative Waste Management Inc | NEF(06-18-2019 11:24:34 AM) Order/Compel                  | Filing |  | 06/18/2019-11:24 |                  |              |
| Innovative Waste Management Inc | Order/Granting Third Motion to Compel                     | Order  |  | 06/18/2019-11:24 | 06/18/2019-11:24 |              |
| Innovative Waste Management Inc | NEF(06-14-2019 02:57:06 PM) Notice/Notice of Appearance   | Filing |  | 06/14/2019-14:57 |                  |              |
| Innovative Waste                | Notice/Notice of Appearance                               | Filing |  | 06/14/2019-14:57 |                  |              |


|                                 |                                                              |        |  |                  |                  |              |
|---------------------------------|--------------------------------------------------------------|--------|--|------------------|------------------|--------------|
| Management Inc                  |                                                              |        |  |                  |                  |              |
| Innovative Waste Management Inc | NEF(06-12-2019 04:12:22 PM) Order/Other                      | Filing |  | 06/12/2019-16:12 |                  |              |
| Innovative Waste Management Inc | Order/Set Day Certain                                        | Order  |  | 06/12/2019-16:12 | 06/12/2019-16:12 |              |
| Lloyd, C. Russ                  | NEF(05-15-2019 10:31:02 AM) Motion/Compel                    | Filing |  | 05/15/2019-10:43 |                  |              |
| Lloyd, C. Russ                  | Affidavit/Affidavit of WM. Michael Gruenloh                  | Filing |  | 05/15/2019-10:31 |                  |              |
| Innovative Waste Management Inc | Motion/Compel                                                | Motion |  | 05/15/2019-10:31 | 06/05/2019-10:31 | <br><br><br> |
| Innovative Waste Management Inc | NEF(03-14-2019 02:59:14 PM) Motion/Date Certain              | Filing |  | 03/14/2019-15:26 |                  |              |
| Innovative Waste Management Inc | Motion/Date Certain                                          | Motion |  | 03/14/2019-14:59 | 06/12/2019-14:59 |              |
| Innovative Waste Management Inc | NEF(02-27-2019 02:22:16 PM) Remittitur From Supreme Cour...  | Filing |  | 02/27/2019-14:22 |                  |              |
| Innovative Waste Management Inc | Remittitur From Supreme Court/Reversed and Remanded          | Filing |  | 02/27/2019-14:22 | 02/27/2019-14:22 |              |
| Innovative Waste Management Inc | Letter to Court of Appeals                                   | Filing |  | 09/05/2018-08:58 |                  |              |
| Innovative Waste Management Inc | Appeal/Notice of Appeal (no document)                        | Filing |  | 08/31/2018-14:38 | 08/31/2018-14:38 |              |
| Innovative Waste Management Inc | Order/Recall of Remittitur                                   | Order  |  | 08/31/2018-12:00 | 08/31/2018-14:37 |              |
| Innovative Waste Management Inc | Remittitur From Court Of Appeals                             | Filing |  | 08/22/2018-14:58 | 04/20/2017-14:58 |              |
| Innovative Waste Management Inc | Notice of Appeal                                             | Filing |  | 09/17/2015-16:34 | 04/20/2017-16:34 |              |
| Innovative Waste Management Inc | Form 4/Denying Motion to Reconsider                          | Order  |  | 08/20/2015-11:03 | 08/20/2015-11:03 |              |
| Innovative Waste Management Inc | Motion/Reconsider                                            | Motion |  | 07/31/2015-15:31 | 08/20/2015-15:31 |              |
| Innovative Waste Management Inc | Order on PI's Mtn to Vacate Settlement/Restore to Trial Rost | Order  |  | 07/22/2015-14:43 | 07/22/2015-14:43 |              |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 06/18/2015-11:33 | 04/20/2017-11:33 |              |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent                | Action |  | 06/18/2015-11:33 | 04/20/2017-11:33 |              |

|                                 |                                                             |        |  |                  |                  |                                                                                       |
|---------------------------------|-------------------------------------------------------------|--------|--|------------------|------------------|---------------------------------------------------------------------------------------|
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent               | Action |  | 06/18/2015-11:33 | 04/20/2017-11:33 |                                                                                       |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent               | Action |  | 06/18/2015-11:33 | 04/20/2017-11:33 |                                                                                       |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent               | Action |  | 05/29/2015-11:42 | 04/20/2017-11:42 |                                                                                       |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent               | Action |  | 05/29/2015-11:42 | 04/20/2017-11:42 |                                                                                       |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent               | Action |  | 05/29/2015-11:42 | 04/20/2017-11:42 |                                                                                       |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent               | Action |  | 05/29/2015-11:42 | 04/20/2017-11:42 |                                                                                       |
| Innovative Waste Management Inc | Motion/Vacate Settlement Agreement/Restore to Active Docket | Motion |  | 05/27/2015-11:20 | 06/24/2015-11:20 |    |
| Innovative Waste Management Inc | Mediation/Mediation Report/Fully Settled                    | Filing |  | 04/20/2015-16:01 | 04/20/2015-16:01 |    |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent               | Action |  | 04/14/2015-10:25 | 04/20/2015-10:25 |                                                                                       |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent               | Action |  | 04/14/2015-10:25 | 04/20/2015-10:25 |                                                                                       |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent               | Action |  | 04/14/2015-10:25 | 04/20/2015-10:25 |                                                                                       |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent               | Action |  | 04/14/2015-10:25 | 04/20/2015-10:25 |                                                                                       |
| Innovative Waste Management Inc | Consent Order/domesticatate subpoenas                       | Order  |  | 04/06/2015-16:37 | 04/06/2015-16:37 |    |
| Innovative Waste Management Inc | Order on Mtn/Quash Subpoena on Regions Bank                 | Order  |  | 04/06/2015-16:35 | 04/06/2015-16:35 |   |
| Crest Energy Partners Gp, LLC   | Order on Motion to Quash/Protective Order                   | Order  |  | 04/06/2015-16:27 | 04/06/2015-16:27 |  |
| Innovative Waste Management Inc | Plaintiffs memorandum in opposition to motion to quash      | Filing |  | 04/06/2015-13:11 | 04/20/2015-13:11 |  |
| Innovative Waste Management Inc | Consent Scheduling Order/Mediation d/l 4/8/15               | Order  |  | 02/19/2015-16:36 | 02/19/2015-16:36 |  |
| Crest Energy Partners Gp, LLC   | Rule 11 Certification                                       | Filing |  | 12/12/2014-15:02 | 04/20/2015-15:02 |  |
| Crest Energy Partners Gp, LLC   | Motion to Quash and for Protectice order                    | Motion |  | 12/05/2014-14:10 | 04/06/2015-14:10 |  |
| Crest Energy Partners Gp, LLC   | Reply                                                       | Filing |  | 06/26/2014-11:46 | 04/20/2015-14:34 |  |
| Innovative Waste Management Inc | Memorandum                                                  | Filing |  | 06/17/2014-10:53 | 04/20/2015-10:53 |  |
| Innovative Waste Management Inc | Consent Order Domesticating Out of State Subpoena           | Motion |  | 06/09/2014-15:13 | 06/09/2014-15:13 |  |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent               | Action |  | 06/04/2014-11:40 | 04/20/2015-11:40 |                                                                                       |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent               | Action |  | 06/04/2014-11:40 | 04/20/2015-11:40 |                                                                                       |
| Chisum,                         | Roster/Notice of Case Roster                                | Action |  | 06/04/2014-      | 04/20/2015-      |                                                                                       |

|                                 |                                               |        |  |                  |                  |                                                                                       |
|---------------------------------|-----------------------------------------------|--------|--|------------------|------------------|---------------------------------------------------------------------------------------|
| Patrick Aulton                  | Publication Sent                              |        |  | 11:40            | 11:40            |                                                                                       |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent | Action |  | 06/04/2014-11:40 | 04/20/2015-11:40 |                                                                                       |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent | Action |  | 06/04/2014-11:40 | 04/20/2015-11:40 |                                                                                       |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent | Action |  | 06/04/2014-11:40 | 04/20/2015-11:40 |                                                                                       |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent | Action |  | 06/04/2014-11:40 | 04/20/2015-11:40 |                                                                                       |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent | Action |  | 06/04/2014-11:40 | 04/20/2015-11:40 |                                                                                       |
| Lloyd, C. Russ                  | Third Party Def's Motion to Dismiss           | Motion |  | 06/04/2014-11:33 | 06/17/2014-11:33 |    |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent | Action |  | 05/30/2014-16:23 | 04/20/2015-16:23 |                                                                                       |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent | Action |  | 05/30/2014-16:23 | 04/20/2015-16:23 |                                                                                       |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent | Action |  | 05/30/2014-16:23 | 04/20/2015-16:23 |                                                                                       |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent | Action |  | 05/30/2014-16:23 | 04/20/2015-16:23 |                                                                                       |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent | Action |  | 05/30/2014-16:16 | 04/20/2015-16:16 |                                                                                       |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent | Action |  | 05/30/2014-16:16 | 04/20/2015-16:16 |                                                                                       |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent | Action |  | 05/30/2014-16:16 | 04/20/2015-16:16 |                                                                                       |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent | Action |  | 05/30/2014-16:16 | 04/20/2015-16:16 |                                                                                       |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent | Action |  | 05/27/2014-10:48 | 04/20/2015-10:48 |                                                                                       |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent | Action |  | 05/27/2014-10:48 | 04/20/2015-10:48 |                                                                                       |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent | Action |  | 05/27/2014-10:48 | 04/20/2015-10:48 |                                                                                       |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent | Action |  | 05/27/2014-10:48 | 04/20/2015-10:48 |                                                                                       |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent | Action |  | 05/23/2014-15:44 | 04/20/2015-15:44 |                                                                                       |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent | Action |  | 05/23/2014-15:44 | 04/20/2015-15:44 |                                                                                       |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent | Action |  | 05/23/2014-15:44 | 04/20/2015-15:44 |                                                                                       |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent | Action |  | 05/23/2014-15:44 | 04/20/2015-15:44 |                                                                                       |
| Crest Energy Partners Gp, LLC   | Motion/Pro Hac Vice for Paxton N. Crew        | Motion |  | 05/23/2014-10:34 | 06/18/2014-10:34 |  |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent | Action |  | 05/20/2014-11:29 | 04/20/2015-11:29 |                                                                                       |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent | Action |  | 05/20/2014-11:29 | 04/20/2015-11:29 |                                                                                       |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent | Action |  | 05/20/2014-11:29 | 04/20/2015-11:29 |                                                                                       |
| Innovative Waste Management Inc | Stip Of Dismissal as to Rodney Bridge/w prej  | Filing |  | 05/16/2014-13:52 | 05/16/2014-13:52 |  |
| Innovative Waste Management Inc | Answer to Edward Girardeaus Counterclaims     | Filing |  | 05/07/2014-14:47 | 04/20/2015-14:47 |  |
| Innovative Waste Management Inc | Answer to Crest Energy Partners Counterclaims | Filing |  | 05/07/2014-13:06 | 04/20/2015-13:06 |  |
| Innovative Waste                | Motion/Quash and for Protective Order         | Motion |  | 05/01/2014-16:05 | 06/04/2014-16:05 |  |

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|---------------------------------|------------------------------------------------------------|--------|--|------------------|------------------|-------------------------------------------------------------------------------------|
| Management Inc                  |                                                            |        |  |                  |                  |                                                                                     |
| Bridge, Rodney                  | Order for Substitution of Counsel                          | Motion |  | 04/24/2014-09:45 | 04/24/2014-09:45 |  |
| Bridge, Rodney                  | Answer to 2nd amended compl                                | Filing |  | 04/14/2014-16:13 | 04/20/2015-16:13 |                                                                                     |
| Crest Energy Partners Gp, LLC   | Answer to Second Amended Complaint/Counterclaims           | Filing |  | 04/04/2014-12:55 | 04/20/2015-12:55 |                                                                                     |
| Girardeau, Edward H             | Answer to Second Amended Complaint/Counterclaims           | Filing |  | 04/04/2014-12:53 | 04/20/2015-12:53 |                                                                                     |
| Innovative Waste Management Inc | Second Amended complaint                                   | Filing |  | 03/10/2014-16:43 | 04/20/2015-16:43 |                                                                                     |
| Innovative Waste Management Inc | Consent Order/Domesticating Subpoenas                      | Order  |  | 03/10/2014-08:58 | 03/10/2014-08:58 |                                                                                     |
| Crest Energy Partners Gp, LLC   | Form 4/Designated as Complex/Murphy jurisdiction           | Order  |  | 03/10/2014-08:50 | 03/10/2014-08:50 |                                                                                     |
| Girardeau, Edward H             | Reply of Edward R Girardeau to C Russ Lloyd's counterclaim | Filing |  | 02/06/2014-11:53 | 04/20/2015-11:53 |                                                                                     |
| Innovative Waste Management Inc | Letter from Judge Goodstein                                | Filing |  | 02/04/2014-09:15 | 04/20/2015-09:15 |                                                                                     |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent              | Action |  | 01/24/2014-10:48 | 04/20/2015-10:48 |                                                                                     |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent              | Action |  | 01/24/2014-10:48 | 04/20/2015-10:48 |                                                                                     |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent              | Action |  | 01/24/2014-10:48 | 04/20/2015-10:48 |                                                                                     |
| Goode, Kenneth George Jr.       | Roster/Notice of Case Roster Publication Sent              | Action |  | 01/24/2014-10:48 | 04/20/2015-10:48 |                                                                                     |
| Chisum, Patrick Aulton          | Roster/Notice of Case Roster Publication Sent              | Action |  | 01/24/2014-10:48 | 04/20/2015-10:48 |                                                                                     |
| Crest Energy Partners Gp, LLC   | Motion/Complex Case Designation                            | Motion |  | 01/22/2014-14:37 | 03/10/2014-14:37 |                                                                                     |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent              | Action |  | 01/22/2014-08:53 | 04/20/2015-08:53 |                                                                                     |
| Goode, Kenneth George Jr.       | Roster/Notice of Case Roster Publication Sent              | Action |  | 01/22/2014-08:53 | 04/20/2015-08:53 |                                                                                     |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent              | Action |  | 01/22/2014-08:53 | 04/20/2015-08:53 |                                                                                     |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent              | Action |  | 01/22/2014-08:53 | 04/20/2015-08:53 |                                                                                     |
| Innovative Waste Management Inc | Answer of Inn Wst Mgmt & C Russ Lloyd to def counterclaims | Filing |  | 01/21/2014-16:25 | 04/20/2015-16:25 |                                                                                     |
| Innovative Waste Management Inc | Plaintiff's answer to def counterclaims                    | Filing |  | 01/21/2014-10:12 | 04/20/2015-10:12 |                                                                                     |
| Crest Energy Partners Gp, LLC   | Defendants' answer to plaintiff's amended complaint        | Filing |  | 12/23/2013-10:05 | 04/20/2015-10:05 |                                                                                     |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent              | Action |  | 12/13/2013-13:00 | 04/20/2015-13:00 |                                                                                     |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent              | Action |  | 12/13/2013-13:00 | 04/20/2015-13:00 |                                                                                     |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent              | Action |  | 12/13/2013-13:00 | 04/20/2015-13:00 |                                                                                     |
| Crest Energy Partners Gp, LLC   | Consent Confidentiality Order                              | Motion |  | 12/03/2013-      | 12/03/2013-      |                                                                                     |

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|---------------------------------|--------------------------------------------------------------|--------|--|------------------|------------------|
| Partners Gp, LLC                |                                                              |        |  | 16:34            | 16:34            |
| Crest Energy Partners Gp, LLC   | Order on Def's Mtn to Dismiss                                | Order  |  | 11/18/2013-16:24 | 11/18/2013-16:24 |
| Innovative Waste Management Inc | Order on Pl's Mtn to Compel and Def's Mtn for Protective Ord | Order  |  | 10/03/2013-12:10 | 10/03/2013-12:10 |
| Innovative Waste Management Inc | Order (domesticating subpoenas)                              | Order  |  | 09/06/2013-09:07 | 09/06/2013-09:07 |
| Innovative Waste Management Inc | Plaintiff's response                                         | Filing |  | 09/05/2013-08:55 | 04/20/2015-08:55 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:23 | 04/20/2015-11:23 |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:23 | 04/20/2015-11:23 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:23 | 04/20/2015-11:23 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:23 | 04/20/2015-11:23 |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:23 | 04/20/2015-11:23 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:23 | 04/20/2015-11:23 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:23 | 04/20/2015-11:23 |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:23 | 04/20/2015-11:23 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:23 | 04/20/2015-11:23 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:22 | 04/20/2015-11:22 |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:22 | 04/20/2015-11:22 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/28/2013-11:22 | 04/20/2015-11:22 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/27/2013-14:24 | 04/20/2015-14:24 |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/27/2013-14:24 | 04/20/2015-14:24 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/27/2013-14:24 | 04/20/2015-14:24 |
| Innovative Waste Management Inc | Motion/Compel                                                | Motion |  | 08/27/2013-10:19 | 09/06/2013-10:19 |
| Innovative Waste Management Inc | Consent Scheduling Order                                     | Motion |  | 08/23/2013-14:49 | 08/23/2013-14:49 |
| Innovative Waste Management Inc | Order on Pl's Mtn to Compel Discovery Answers                | Order  |  | 08/22/2013-11:51 | 08/22/2013-11:51 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/22/2013-11:49 | 04/20/2015-11:49 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/22/2013-11:49 | 04/20/2015-11:49 |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent                | Action |  | 08/22/2013-11:49 | 04/20/2015-11:49 |
| Innovative Waste Management Inc | Motion for Domestication of Out Of State Subpoena            | Motion |  | 08/22/2013-11:36 | 09/06/2013-11:36 |

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|---------------------------------|--------------------------------------------------------|--------|--|------------------|------------------|
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent          | Action |  | 08/21/2013-17:02 | 04/20/2015-17:02 |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent          | Action |  | 08/21/2013-17:02 | 04/20/2015-17:02 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent          | Action |  | 08/21/2013-17:02 | 04/20/2015-17:02 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent          | Action |  | 08/21/2013-17:00 | 04/20/2015-17:00 |
| Jekel, Frederick John           | Roster/Notice of Case Roster Publication Sent          | Action |  | 08/21/2013-17:00 | 04/20/2015-17:00 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent          | Action |  | 08/21/2013-17:00 | 04/20/2015-17:00 |
| Marvel, David B.                | Letter/Letter                                          | Filing |  | 08/21/2013-14:12 | 04/20/2015-14:12 |
| Crest Energy Partners Gp, LLC   | Motion for Protective Order                            | Motion |  | 08/21/2013-12:19 | 09/06/2013-12:19 |
| Innovative Waste Management Inc | Notice of Appearance                                   | Filing |  | 08/14/2013-10:45 | 04/20/2015-10:45 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent          | Action |  | 08/07/2013-16:46 | 04/20/2015-16:46 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent          | Action |  | 08/07/2013-16:46 | 04/20/2015-16:46 |
| Crest Energy Partners Gp, LLC   | Motion/Dismiss                                         | Motion |  | 07/25/2013-11:19 | 11/18/2013-11:19 |
| Innovative Waste Management Inc | Amended Complaint                                      | Filing |  | 07/05/2013-15:02 | 04/20/2015-15:02 |
| Innovative Waste Management Inc | Consent Order Granting Motion Leave to Amend Complaint | Order  |  | 06/07/2013-16:01 | 06/07/2013-16:01 |
| Innovative Waste Management Inc | Consent Order re domesticate subpoenas                 | Order  |  | 06/07/2013-16:00 | 06/07/2013-16:00 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent          | Action |  | 05/17/2013-13:49 | 04/20/2015-13:49 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent          | Action |  | 05/17/2013-13:49 | 04/20/2015-13:49 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent          | Action |  | 04/25/2013-09:53 | 04/20/2015-09:53 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent          | Action |  | 04/25/2013-09:53 | 04/20/2015-09:53 |
| Innovative Waste Management Inc | Affidavit of WM Michael Gruenloh                       | Filing |  | 04/08/2013-16:31 | 04/20/2015-16:31 |
| Innovative Waste Management Inc | Pifs Motion for Leave to Amend Complaint               | Motion |  | 04/08/2013-16:14 | 05/21/2013-16:14 |
| Innovative Waste Management Inc | Consent Order Motion to Compel/continuing to 4/1/13    | Order  |  | 04/05/2013-12:07 | 04/05/2013-12:07 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent          | Action |  | 03/26/2013-12:17 | 04/20/2015-12:17 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent          | Action |  | 03/26/2013-12:17 | 04/20/2015-12:17 |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent          | Action |  | 03/26/2013-08:33 | 04/20/2015-08:33 |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent          | Action |  | 03/26/2013-08:33 | 04/20/2015-08:33 |
| Innovative                      | Amended/Amended motion to                              | Filing |  | 03/25/2013-      | 04/20/2015-      |

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|---------------------------------|--------------------------------------------------------------|--------|--|------------------|------------------|--|
| Waste Management Inc            | compel                                                       |        |  | 16:47            | 16:47            |  |
| Innovative Waste Management Inc | Certificate Of Service on William Gruenloh                   | Filing |  | 03/25/2013-14:41 | 04/20/2015-14:41 |  |
| Crest Energy Partners Gp, LLC   | Motion/Protective Order                                      | Motion |  | 03/21/2013-09:19 | 04/01/2013-09:19 |  |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 03/14/2013-14:07 | 04/20/2015-14:07 |  |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 03/14/2013-14:07 | 04/20/2015-14:07 |  |
| Marvel, David B.                | Roster/Notice of Motions Roster Publication Sent             | Action |  | 03/08/2013-12:10 | 04/20/2015-12:10 |  |
| Gruenloh, William M             | Roster/Notice of Motions Roster Publication Sent             | Action |  | 03/08/2013-12:10 | 04/20/2015-12:10 |  |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 03/08/2013-11:33 | 04/20/2015-11:33 |  |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 03/08/2013-11:33 | 04/20/2015-11:33 |  |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 02/19/2013-16:29 | 04/20/2015-16:29 |  |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 02/19/2013-16:29 | 04/20/2015-16:29 |  |
| Innovative Waste Management Inc | Motion/Plaintiff's Motion to Compel answers to discovery     | Motion |  | 01/31/2013-13:11 | 04/01/2013-13:11 |  |
| Innovative Waste Management Inc | Consent Order for Domestication of Subpoena                  | Order  |  | 01/18/2013-15:57 | 01/18/2013-15:57 |  |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 01/14/2013-15:54 | 04/20/2015-15:54 |  |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 01/14/2013-15:54 | 04/20/2015-15:54 |  |
| Gruenloh, William M             | Roster/Notice of Case Roster Publication Sent                | Action |  | 01/07/2013-12:26 | 04/20/2015-12:26 |  |
| Marvel, David B.                | Roster/Notice of Case Roster Publication Sent                | Action |  | 01/07/2013-12:26 | 04/20/2015-12:26 |  |
| Innovative Waste Management Inc | Mtn for Order Authorizing Domestication of out of State Subp | Motion |  | 01/07/2013-12:23 | 01/18/2013-12:23 |  |
| Innovative Waste Management Inc | Answer to Counterclaim and Third Party Complaint             | Filing |  | 07/30/2012-15:13 | 04/20/2015-15:13 |  |
| Crest Energy Partners Gp, LLC   | Answer, Counterclaim and Third Party Complaint               | Filing |  | 07/06/2012-12:33 | 04/20/2015-12:33 |  |
| Innovative Waste Management Inc | Summons & Complaint                                          | Filing |  | 05/11/2012-15:04 | 04/20/2015-15:04 |  |

THE STATE OF SOUTH CAROLINA  
IN THE 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,

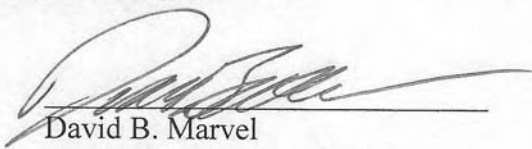
v.

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.

CERTIFICATE OF COUNSEL

I hereby certify that the Record on Appeal contains all material proposed to be included by any of  
the parties and not any other material, pursuant to Rule 210(g), SCACR.

  
David B. Marvel  
Counsel for the Appellants

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May 12 2021

SC Court of Appeals