

CAUSE NO. 2022-27795A

TRAFIGURA TRADING LLC,	§	IN THE DISTRICT COURT OF
<i>Plaintiff-Creditor,</i>	§	
	§	
v.	§	
	§	HARRIS COUNTY, TEXAS
AMEGY BANK TEXAS, N.A.,	§	
<i>Defendant-Debtor.</i>	§	113 th JUDICIAL DISTRICT

**NOTICE OF INTENT TO ISSUE SUBPOENA DUCES TECUM ON NON-PARTY
QUINWOOD COAL SALES LLC**

TO: Defendant Quinwood Coal Sales LLC, 1415 Louisiana Street #2400, Houston, Texas 77002

TO: Amegy Bank Texas, N.A., c/o its Registered Agent, Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, TX 78701-3218

PLEASE TAKE NOTICE that Plaintiff, Trafigura Trading LLC, by and through their attorneys of record, intends to issue a subpoena duces tecum for the production of documents identified in the subpoena attached hereto as “**Exhibit A**” on the **Custodian of Records at Quinwood Coal Sales LLC, 1415 Louisiana Street #2400, Houston, Texas 77002**, and will be served with the subpoena after ten days from the date of service of this notice.

Dated: July 14, 2022

Respectfully submitted,

**PILLSBURY WINTHROP SHAW
PITTMAN LLP**

By: /s/ William D. Wood

William D. Wood

State Bar No. 21916500

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Ryan Steinbrunner

Texas Bar No. 24093201

ryan.steinbrunner@pillsburylaw.com

Two Houston Center

909 Fannin, Suite 2000

Houston, TX 77010-1028

Phone: (713) 276-7642

Facsimile: (713) 276-7673

**ATTORNEYS FOR PLAINTIFF
TRAFIGURA TRADING LLC**

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2022, true copy of the foregoing was served on the parties below as indicated.

Quinwood Coal Sales LLC 1415 Louisiana Street #2400 Houston, Texas 77002	Via Certified Mail - Return Receipt Requested
Amegy Bank Texas, N.A., c/o its Registered Agent Corporation Service Company dba CSC – Lawyers Incorporating Service Company 211 E. 7th Street, Suite 620 Austin, TX 78701-3218	Via Certified Mail - Return Receipt Requested

/s/ William D. Wood
William D. Wood

EXHIBIT A

CAUSE NO. 2022-27795A

TRAFIGURA TRADING LLC,
Plaintiff-Creditor,

v.

AMEGY BANK TEXAS, N.A.,
Defendant-Debtor.

§
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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

113th JUDICIAL DISTRICT

THE STATE OF TEXAS
SUBPOENA DUCES TECUM

GREETINGS TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER PERSON AUTHORIZED TO SERVE AND EXECUTE SUBPOENAS UNDER TEXAS RULE OF CIVIL PROCEDURE 176:

YOU ARE HEREBY COMMANDED TO SUBPOENA:

Defendant Quinwood Coal Sales LLC, 1415 Louisiana Street #2400, Houston, Texas 77002

To produce and permit for inspection and copying all documents described in the attached **Exhibit 1**, at or before ten o'clock a.m. on or before August 8, 2022, at the offices of Pillsbury Winthrop Shaw Pittman LLP, Two Houston Center, 909 Fannin, Suite 2000, Houston, TX, 77010-1028.

Contempt. Failure by any person without adequate excuse to obey a subpoena served on that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both. Tex. R. Civ. P. 176.8(a).

DO NOT FAIL to return this writ to the 113th Judicial District Court, Harris County, with either the attached officer's return showing the manner of execution, or the witness's signed memorandum showing that the witness accepted the subpoena.

A notice of this subpoena has been sent to all people or entities included in the certificate of service on Plaintiff Trafigura Trading LLC's Notice of Intent to Issue a Subpoena Duces Tecum on Non-Party Quinwood Coal Sales LLC.

This subpoena is issued at Plaintiff Trafigura Trading LLC's request, who's attorney of record is William D. Wood, Texas Bar No. 21916500, Pillsbury Winthrop Shaw Pittman LLP, Two Houston Center, 909 Fannin, Suite 2000, Houston, Texas, 77010-1018.

Date: July 13, 2022

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

By: /s/ William D. Wood
William D. Wood
State Bar No. 21916500
william.wood@pillsburylaw.com
Ryan Steinbrunner
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909 Fannin, Suite 2000
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Phone: (713) 276-7642
Facsimile: (713) 276-7673

**ATTORNEYS FOR PLAINTIFF
TRAFIGURA TRADING LLC**

OFFICERS RETURN

Came into hand this _____ day of _____, 2022, and executed this the _____ day of _____, 2022, at _____ o'clock, in the following manner: By delivering to _____ by manner of delivery _____, at _____, within the County of _____, Texas, in person, a true copy of this subpoena, having tendered said witness a fee in the amount of \$ _____.

Service Fee \$ _____

Process Server Signature

Printed Name

Address of Server

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2022.

Notary Public

(Personalized Seal)

ACCEPTANCE OF SERVICE OF SUBPOENA BY WITNESS PER RULE 176.5(b)(1)

I hereby accept service of the attached subpoena.

Witness Signature

Date

EXHIBIT 1

DEFINITIONS

“You” and “Your” means Quinwood Coal Sales LLC, and/or the person or entity to whom this subpoena and document requests are propounded and includes any insureds, agents, employees, members, representatives, predecessors, attorney(s), or any other individual or entity presently or formerly acting on the behalf or at the request of said party.

“Party” means any person and/or entity that is a party to this lawsuit.

“Plaintiff” and “Defendant” have their ordinary meaning in the context and include, where applicable, officers, directors, employees, agents, partners, corporate parents(s), subsidiaries, and/or other affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

“Person” means any natural or juridical individual, entity, or association.

“Document” means every writing or other source of recorded information of whatever nature and by whatever means recorded and whether claimed to be privileged or otherwise excludable from discovery including, but not limited to, the following: written memoranda, notes, records, interoffice communications, telegrams, letters, correspondence, reports, minutes, diaries, books, manuscripts, charts, graphs, drawings, galley proofs, photographs, videotapes, electronic mail, faxes, phono-records, recordings (tape, disc or others), other compilations of data from which information can be obtained, microfilm, computer printouts or documents obtainable from electronic data storage equipment, summaries of personal conversations, invoices, specifications, shipping papers, sketches, blueprints, reports of tests, photocopies and any and all other papers and writings, including drafts, originals and copies. Any document bearing on any sheet, or side thereof, any marks such as initials, receipt stamps, routing information or comments—not part of the original text of the document—is considered a separate document.

“Communication(s)” means the imparting or interchange of thoughts, feelings, information, facts, or inquiries through speech, writing, sign(s), or symbol(s).

When referring to documents, “identify” means provide information regarding: a) the type of document; b) the general subject matter of the document; c) the date the document was created and/or modified; d) the author(s) or other creative source of the document; e) the recipient(s) of the document; f) the current location of the document; g) the identity of the person who has custody of the document; and h) whether the document has been lost or destroyed. If the document has been lost or destroyed, state when the document was lost or destroyed, the reason for its loss or destruction, and the identity of the person who lost or destroyed the document.

“Relating” means concerning, referring, describing, evidencing, or constituting (either directly or indirectly).

The singular includes the plural, and the plural includes the singular. “Any” includes the word “all” and “all” includes the word “any”. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

“Any” should be construed in the most or least constrictive sense in order to bring information within the scope of the interrogatory.

The terms “and” and “or” should be read interchangeably when used in these requests. The terms are intended to be all-inclusive and do not limit any part of the request.

All capitalized terms not defined herein shall take its generally accepted meaning.

TEMPORAL PERIOD

Unless otherwise specified, the Requests seek documents during the time period of June 1, 2019, through the present.

REQUESTS

1. For Amegy Bank Texas, N.A. (“Amegy Bank”) Account No. 5794800754, ABA 113011258, all records relating to the account, including account opening records, account statements, and all documents reflecting any deposits, withdrawals, or transfers into or out of the account (including wire transfers), including the names and numbers of the accounts to or from which any such transfers were made, from June 1, 2019 to present.
2. Documents sufficient to identify accounts with Amegy Bank and all other banks or financial institutions, in which Quinwood Coal Sales LLC has or has had any interest, as owner, trustee, signatory, beneficiary or in any other capacity, from June 1, 2019 to present, including the bank or institutions where the account is maintained, account name and number, the nature of the account, and the current value or balance in the account.
3. For all accounts identified in response to Request No. 2, all records relating to the account, including account opening records, account statements, and all documents reflecting any deposits, withdrawals, or transfers into or out of the account (including wire transfers), including the names and numbers of the accounts to or from which any such transfers were made, from June 1, 2019 to present.
4. For any accounts identified in response to Request Nos. 1 and 2 that have been closed, documents sufficient to identify the date each account was closed, the amount in the account on such date, and the names and numbers of the accounts to which any funds were transferred upon closing.
5. Documents sufficient to identify any and all real property and physical assets in which You have or have had an interest, as owner, trustee, or in any other capacity, directly or indirectly, from June 1, 2019 to present, and the location and value thereof. If any asset is subject to a lien, state the name and address of the lienholder and the amount due on the lien.
6. For all assets identified in response to Request No. 5, that have been sold, conveyed, transferred, or assigned, documents sufficient to identify the date of the transfer, name of the person or entity to whom You made such transfer, and the amount received for the transfer.
7. Documents sufficient to identify any persons or entities that owe You money, including the name and address of each debtor, and the amount of money owed.
8. Documents sufficient to identify all accounts receivable due to You, including the amount due, due date, name of the person or entity, and address on each receivable.
9. Documents sufficient to identify any other assets, not otherwise identified in response to any other Request, domestic or foreign, owned by you or in which You have an ownership interest, including, but not limited to, loans, notes, or other amounts owed to you, or amounts held on your behalf or for your benefit, including the location, account number(s), and the names of

any individuals or entities associated with the asset. Include any amounts owed to any entity controlled in full or in part by You.

10. Documents sufficient to identify all corporations, companies, joint ventures, entities or other business enterprises in which You have or have had a financial or ownership interest, membership, equity, or stock interest, as owner, trustee, or in any other capacity, from June 1, 2019 to present.
11. Documents sufficient to identify any outstanding judgments in Your favor, including the creditor's name and address, creditor's attorney, amount due, and the court and case number.
12. If You or any entity in which You have an ownership interest are a party to any action now pending in any court, documents sufficient to identify the court and case number.
13. Documents sufficient to identify all persons or entities with an ownership interest in Quinwood Coal Sales LLC.
14. Documents sufficient to identify the persons or entities who prepare, maintain, and/or control Your business and accounting records, including their name, address, and title.
15. Documents sufficient to identify the person or persons answering these Requests, including their name, address, and position.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kim Glaize on behalf of William Wood
Bar No. 21916500
kim.glaize@pillsburylaw.com
Envelope ID: 66342308
Status as of 7/15/2022 8:16 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Nancy Jones		nancy.jones@pillsburylaw.com	7/14/2022 5:19:47 PM	SENT
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Kim Glaize		kim.glaize@pillsburylaw.com	7/14/2022 5:19:47 PM	SENT