

FILED

Christi Underwood

CAUSE NO. DC-14-0072018 FEB 27 PM 4:01

THOMAS HENLEY,

Plaintiff,

v.

SAUL M. MEYER; MATTHEW O'REILLY;
RICHARD ELLMAN; ALDUS CAPITAL, LLC
d/b/a ALDUS EQUITY; ERASMUS CAPITAL
MANAGEMENT, LP; ERASMUS CAPITAL GP,
LLC; RENAISSANCE PRIVATE EQUITY
PARTNERS, LP d/b/a ALDUS EQUITY
PARTNERS, LP; ALDUS MANAGEMENT
COMPANY, LLC; UPTOWN STREET, LLC;
PINNACLE CAPITAL INVESTORS, LP;
PINNACLE CAPITAL PARTNERS, LLC;
ERASMUS NEW YORK CITY GROWTH FUND,
LP; ERASMUS NEW YORK CITY GROWTH
FUND IA, LP; ERASMUS NYC GROWTH
INVESTORS, LP; ALDUS EMERGING FUND,
LP; PINNACLE MINORITY SUPPLIER
DEVELOPMENT FUND, LP; ERASMUS
LOUISIANA GROWTH FUND, LP; ERASMUS
LOUISIANA GROWTH FUND II, LP;
ERASMUS LOUISIANA GROWTH
INVESTORS, LP; ALDUS (FW I) GP LP;
ALDUS (NYF I) GP, LP; ALDUS SA, LP; and
EXECUTIVE RISK INDEMNITY, INC.,

Defendants.

SAUL M. MEYER,

Third-Party Plaintiff,

v.

ALDUS/NY EMERGING FUND, LP AND
ERASMUS NMERB CO-INVESTMENT
FUND, LP,

Third-Party Defendants.

IN THE DISTRICT COURT OF
COUNTY CLERK
DALLAS COUNTY

44th JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

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2018 FEB 27 PM 4:02

PUBLIC NOTICE OF AGREED MOTION TO SEAL CERTAIN COURT RECORDS

1. As required by Texas Rule of Civil Procedure 76a(3), Plaintiff Thomas Henley (“Henley”), Defendant Saul M. Meyer (“Meyer”), and Defendants and Third-Party Defendants the Aldus Parties¹ (collectively, the “Parties”) post this notice to seal court records.

2. This case concerns the financial interests among current and former partners in a private equity firm. Henley, Meyer, and certain of the Aldus Parties have brought claims in this lawsuit for accounting, breach of contract, breach of fiduciary duty, shareholder oppression, declaratory judgment, fraudulent transfer, conversion, money had and received, fraud, and promissory estoppel.

3. In this case, the Parties have filed an Agreed Motion to Seal Certain Court Records (the “Motion”). In conjunction with summary judgment motion practice, certain of the Parties intend to file documents designated as “Confidential” under the Protective Order in this action.² These documents include agreements that are subject to confidentiality provisions. The Motion asks the Court to seal documents designated as “Confidential” under the Protective Order.

4. The Motion will be heard on March 16, 2018, at 1:00 p.m., in the 44th Judicial District Court of Dallas County, Texas, George L. Allen, Sr. Courts Building, 600 Commerce St., 5th Floor New Tower, Dallas, Texas 75202.

¹ The “Aldus Parties” include Aldus Capital, L.L.C. d/b/a Aldus Equity, Erasmus Capital Management, L.P., Erasmus Capital GP, L.L.C., Renaissance Private Equity Partners, L.P. d/b/a Aldus Equity Partners, L.P., Aldus Management Company, L.L.C., Uptown Street, L.L.C., Pinnacle Capital Investors, L.P., Pinnacle Capital Partners, L.L.C., Erasmus New York City Growth Fund, L.P., Erasmus New York City Growth Fund IA, L.P., Erasmus NYC Growth Investors, L.P., Erasmus Louisiana Growth Investors, L.P., Aldus (FW I) GP, L.P., Aldus (NYF I) GP, L.P., Aldus SA, L.P., Aldus/NY Emerging Fund, LP, Erasmus NMERB Co-Investment Fund, LP, Willow Apheleia, LLC, Matthew O’Reilly, Richard Ellman, Tiffanee Ellman, and Heather O’Reilly.

² See Protective Order signed December 22, 2016, in *Henley v. Meyer, et al.*, DC-14-731, in in the 44th Judicial District Court of Dallas County, Texas.

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- 5. The hearing on the Motion will be held in open court.
- 6. Any person may intervene and be heard on the sealing of court records.

2018 FEB 27 PM 4: 02

COUNTY CLERK
DALLAS COUNTY

Dated: February 26, 2018

THE BECKHAM GROUP, P.C.

By: /s/ M. Patrick McShan
 Blake L. Beckham
 State Bar No. 02016500
 blake@beckham-group.com
 M. Patrick McShan
 State Bar No. 24047415
 patrick@beckham-group.com

3400 Carlisle, Suite 550
 Dallas, Texas 75204
 Telephone: (214) 965-9300

**ATTORNEYS FOR THE
ALDUS PARTIES**

GARRISON, P.C.

By: /s/ William J. Garrison
 William J. Garrison
 State Bar No. 24043411
 bill@garrisonpc.com

4514 Cole Avenue, Suite 600
 Dallas, Texas 75205
 Telephone: (214) 295-3330

**ATTORNEY FOR
THOMAS HENLEY**

GARDNER HAAS PLLC

By: /s/ Eric P. Haas
 Michael S. Gardner
 State Bar No. 24002122
 mg@gardnerhaas.com
 Eric P. Haas
 State Bar No. 24050704
 eh@gardnerhaas.com
 Maeghan E. Whitehead
 State Bar No.
 mw@gardnerhaas.com

2501 Harwood Street, Suite 1250
 Dallas, Texas 75201
 Telephone: (214) 415-3473

**ATTORNEYS FOR
SAUL M. MEYER**