JOHN F WARREN
COUNTY CLERK
DALLAS COUNTY, TEXAS
FILED: Nov 18, 2026, 2:27 pm
BY DEPUTY:
Kimberly D. Gonzalez

**THE BUSINESS COURT OF TEXAS**
**FIRST DIVISION**

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|---|---|---|
| **DILIP AGARWAL and BOTHAM CAPITAL, LLC, individually and derivatively on behalf of GRG ENERGY, LLC, JRH CAPITAL, LLC and MOUNT COOK CAPITAL, LLC** | § | |
| ***Plaintiffs*** | § | |
| **v.** | § | |
| **RAJIV KAYATH, PLITT CAPITAL, LLC and FOREST CREEK CAPITAL, LLC** | § | **CAUSE NO. 26-BC01B-0090** |
| ***Defendants*** | § | |
| **and** | § | |
| **GRG ENERGY, LLC, JRH CAPITAL, LLC and MOUNT COOK CAPITAL, LLC** | § | |
| ***Nominal Defendants*** | § | |

## PUBLIC NOTICE OF MOTION TO SEAL COURT RECORDS

1. As required by Texas Rule of Civil Procedure 76a(3), Plaintiffs Dilip Agarwal and Botham Capital, LLC post this notice of their motion to seal court records.

2. Plaintiffs Dilip Agarwal and Botham Capital, LLC, individually and derivatively on behalf of GRG Energy, LLC, JRH Capital, LLC, and Mount Cook Capital, LLC, sued Defendants Rajiv Kayath, Plitt Capital, LLC, and Forest Creek Capital, LLC, for declaratory judgment, breach of contract, breach of fiduciary duty, and related claims. The claims arise from a dispute over the management, operations, assets, and value of GRG Energy, LLC, JRH Capital,

LLC, and Mount Cook Capital, LLC, including a proposed master services agreement between GRG Energy, LLC and Forest Creek Capital, LLC.

3. In this case, Plaintiffs have filed a motion to seal the following court records, which were admitted into evidence at the October 29, 2026 hearing on Plaintiffs' application for temporary injunction: exhibits offered by Plaintiffs consisting of a September 2026 Chase bank statement of GRG Energy, LLC; a confidential 2026–2030 business plan of Forest Creek Capital, LLC; June 2, 2026 Slack messages between Rajiv Kayath and Dilip Agarwal regarding Forest Creek Capital, LLC bonus accruals and payroll; the 2024 and 2025 audited financial statements of GRG Energy, LLC; and the 2025 federal partnership tax return of GRG Energy, LLC; and exhibits offered by Defendants consisting of a Chase Business Signature Card Acknowledgment, a Wells Fargo Business Account Application, and December 14, 2023 Slack messages between Rajiv Kayath and Dilip Agarwal regarding GRG Energy, LLC trading activity.

4. The motion to seal court records will be heard on December 4, 2026, at 10:00 AM CT by Zoom accessible via the following link: https://txcourts.zoom.us/j/82536577023 (Meeting ID: 825 3657 7023).

5. The hearing on the motion to seal court records will be held in open court.

6. Any person may intervene and be heard on the sealing of court records.

Dated: November 13, 2026

Respectfully submitted,

**CONDON TOBIN SLADEK THORNTON NERENBERG PLLC**

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