

**NO. C-1-PB-14-001245**

**IN RE:** § **IN THE PROBATE COURT**  
§  
§ **NO. 1 OF**  
§  
**TEL OFFSHORE TRUST** § **TRAVIS COUNTY, TEXAS**

**FIRST SET OF REQUESTS FOR PRODUCTION FROM INDIVIDUAL TRUSTEES**  
**TO RNR PRODUCTION LAND AND CATTLE**

TO: RNR Production Land and Cattle, by and through its attorney of record, Shannon H., Ratliff, Ratliff Law Firm, P.L.C., 600 Congress Avenue, Suite 3100, Austin, Texas 78701

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Gary C. Evans, Jeffrey S. Swanson, and Thomas H. Owen, Jr., as Individual Trustees of the TEL Offshore Trust, hereby serves their First Set of Requests for Production of Documents to RNR Production Land and Cattle (“RNR” or “You”) in the above-referenced matter. RNR shall produce for inspection and copying the documents listed below at the offices of Norton Rose Fulbright US LLP, 98 San Jacinto Boulevard, Suite 1100, Austin, Texas 78701, within thirty (30) days after service of the request.

## INSTRUCTIONS

1. The documents requested below shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond to the paragraph(s) of these requests to which they are responsive.

2. In the event that you file a proper and timely objection to any request for production, produce documents in response to all portions of the request that do not fall within the scope of your objection.

3. With respect to each document covered by any request for production that you presently contend you are not required to disclose because of any privilege, work product doctrine, or other exemption, please identify such document in a privilege log by:

- a. stating the type of the document;
- b. stating the date and subject matter of the document;
- c. identifying the person(s) who prepared the document;
- d. identifying the recipients of the communication;
- e. stating the privilege asserted (*e.g.* attorney/client, work product, etc.) ; and
- f. identifying each person who currently has possession of the document.

4. You are required to produce all documents in your possession, custody, or control, including items in your constructive possession, whereby you have the right to compel production of the document from a third party (including any agent, employee, accountant, or other representative).

5. These requests are continuing in nature, and any additional information discovered or identified by you subsequent to the date of your response, up to and including the time of trial, shall be promptly furnished to the undersigned counsel..

6. The use of the terms “and,” “or,” and “and/or” shall be construed so that the Request includes the broadest category of responsive documents or information.

## DEFINITIONS

1. “**You**,” and “**Your**” refer to RNR Production Land and Cattle and its representatives, including any account controlled by RNR.
2. “**The Trust**” refers to the TEL Offshore Trust.
3. “**Unit**” or “**Units**” refers to the units of beneficial interest in the TEL Offshore Trust. Each Unit is evidenced by a transferable certificate issued by the Corporate Trustee, Bank of New York Mellon Trust Company, N.A.
4. “**Unit Holder**” refers to a holder of units of beneficial interests in the Trust.
5. “**Ad Litem**” refers to Glenn M. Karisch, appointed by the Court to represent the interests of the unit holders of the Trust who were served by publication and did not answer or appear in this proceeding, and his counsel.
6. “**Regarding**” means, in addition to its customary and usual meaning, evidencing, supporting, relating to, discussing, referring to, pertaining to, reflecting, showing, or recording, and includes within the scope of the request all materials contradicting, refuting, or suggesting a conflict with the contention or subject matter.
7. “**Document**” shall have the broadest meaning permitted under the Texas Rules of Civil Procedure and include, without limitation, all writings of any kind, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including, without limitation, paper documents of any kind, correspondence, memoranda, notes, diaries, statistics, letters, electronic mail, text messages, electronic files of any type or nature, all other forms of electronic communication, telegrams, minutes, contracts, reports, studies, text, statements, receipts, returns, summaries, pamphlets, books, prospectuses, inter-office and intra-office communications, offers, notations or recordings of any sort regarding

conversations, telephone calls, meetings or other communications, bulletins, printed matters, computer printouts, teletypes, telefax, invoices, worksheets, and each and every electronic or paper draft, alteration, modification, change or amendment of any kind of the foregoing; graphic or aural records and oral representations of any kind, including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, motion pictures; and electronic, magnetic, mechanical or electric records or representations of any kind, including, without limitation, tapes, cassettes, disks, computer generated or stored information and recordings. The term “Document” expressly includes electronic or magnetic data as referenced in Tex. R. Civ. P. 196.4, and any electronic or magnetic data should be produced in its unaltered, native-file format in which such data is ordinarily kept. All documents should be produced without alteration and with any and all exhibits and attachments thereto.

8. **“Communication”** means any oral, written, or other verbal conversation, statement, message, correspondence, or transmission of information in any form, whether by letter, memorandum, electronic mail, telephone, facsimile, or in-person transmission, including any documents that contain and/or reflect the contents of such communications.

9. **“Disclosures”** refers to RNR’s Responses to Individual Trustees’ Request for Disclosure, served on October 17, 2016.

## **REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** All documents regarding Your purchase(s) and sale(s) of Units in the Trust, including any broker confirmations and broker statements.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:** All documents regarding the number of Units that You own in the Trust.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 3:** All documents comprising or regarding any communications between You and any other Unit Holder regarding the Trust.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:** All documents regarding offers to purchase or solicitations to purchase any Units in the Trust made by You to any other Unit Holder.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:** All documents comprising or regarding any communications between You and the Ad Litem.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:** All documents supporting Your contention in Your Disclosures that “the Trust had terminated by its own provisions no later than May, 2009.”

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:** All documents supporting Your contention in Your Disclosures that “The Trustees . . . failed to act in accordance with the express provisions of the Trust Agreement to take steps to terminate the Trust in or shortly after May, 2009.”

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 8:** All documents supporting Your contention in Your Disclosures that “[d]espite the acknowledged limited ability of the Trust to generate future revenues sufficient to provide for distributions to unit holders, subsequent to May, 2009, the Trustees . . . took no steps to terminate the Trust.”

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 9:** All documents supporting Your contention in Your Disclosures that “The Trustees . . . continued to incur trustees’ fees and administrative expenses and other costs well beyond such time as it was apparent that the Trust would not be able to make any distributions to unit holders and prudent for the Trust to continue to exist.”

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 10:** All documents regarding, discussing, or analyzing the value of Your Units at any time, including at or near the time of any purchase or sale of Your Units.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 11:** All documents calculating or showing Your “proportionate share” at any time referred to in section (d) of Your Disclosures.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 12:** All documents estimating or calculating any of the damages referred to in section (d) of Your Disclosures.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 13:** All documents supporting Your contention in Your Disclosures that the Trustees of the Trust acted intentionally, in bad faith, with gross negligence, fraud, or with reckless indifference to the interests of the beneficiaries of the Trust.

**RESPONSE:**



Respectfully submitted,

NORTON ROSE FULBRIGHT US, L.L.P.

/s/ Peter Stokes

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Attorneys for Individual Trustees Gary C. Evans,  
Jeffrey S. Swanson, and Thomas H. Owen, JR.

### **CERTIFICATE OF SERVICE**

I hereby certify that, on October 18, 2016, a true and correct copy of the foregoing has been served by mail and email on counsel for RNR Production Land and Cattle, and by email on Ad Litem, counsel for Ad Litem, counsel for Bank of New York Mellon Trust Company, N.A, and Albert Speisman. All other interested parties in this matter will be served in accordance with the Court's Order Directing Method of Service of Discovery dated June 9, 2016.

/s/ Peter A. Stokes

Peter A. Stokes