

IN RE: § IN THE PROBATE COURT
§
§ OF
§
TEL OFFSHORE TRUST § TRAVIS COUNTY, TEXAS

**THE CORPORATE TRUSTEE’S FIRST REQUEST FOR PRODUCTION
TO ALBERT SPEISMAN, PRO-SE UNIT HOLDER**

TO: Albert Speisman, Pro-Se Unit Holder, P. O. Box 637, Highland Park, Illinois 60035.

The Bank of New York Mellon Trust Company, N.A. (“BNYM” or “The Corporate Trustee”) serves this First Set of Requests for Production on Albert Speisman, Pro-Se Unit Holder, pursuant to Rules 191, 192 and 196 of the Texas Rules of Civil Procedure. The requested documents and tangible items are to be produced at the offices of the undersigned counsel. Your responses are to be provided to the undersigned counsel within thirty (30) days after service of the Requests. The attached Requests are subject to and include the definitions and instructions that precede them.

DEFINITIONS

In these requests and definitions the singular includes the plural and vice versa; likewise, the disjunctive includes the conjunctive and vice versa.

1. “Attorney Ad Litem” means Glenn M. Karisch, the Karisch Law Firm, PLLC, as attorney ad litem for the Unit Holders of TEL Offshore Trust who were served by publication and did not answer or appear in this proceeding, and any representatives acting, or purporting to act, on behalf of the Attorney Ad Litem, with respect to any matter inquired about in this discovery, including, but not limited to, all of the Attorney Ad Litem’s servants, employees, attorneys, consultants, sureties, indemnitors, insurers, and/or agents.

2. "Communication" and "communicate" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise) by any means. It includes, without limitation, communications through Social Media.

3. "Concern" and "concerning" mean relating to, referring to, describing, evidencing or constituting.

4. "Document" includes the original and any non-identical copies of any written or graphic matter, however produced or reproduced. It includes communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems (including without limitation, tablets, i-Pads, cameras, phones, answering machines and other devices capable of storing information), together with the codes and/or programming instructions and other materials necessary to understand and use such systems. It includes without limitation, emails, voicemail messages, text messages, and communications on Social Media, electronic files, desk files and calendars. "Document" includes electronic and magnetic data that is responsive. Such data should be produced in its native format, including any metadata, on flash drives or other appropriate storage devices.

5. "Identify," when referring:

- a. To a person, means to state his or her full name and present or last known telephone number, business and residential address;
- b. To a public or private corporation, partnership, association, or other organization, or to a governmental agency or body, means to state its full name and present or last known pertinent business address;
- c. To a statement, means to identify who made it, who, if anyone, recorded it, and all persons, if any, present during the making thereof; to state if, when, where, and how it was taken or recorded, and to identify who has present or last known possession, custody, or control of any transcription thereof;

- d. To a document, means to give a reasonably detailed description thereof, including, if applicable, when, where, and how it was made; to identify who made it; and to identify who has present or last known possession, custody or control thereof; and
- e. To any other tangible thing, means to give a reasonably detailed description thereof, including, if applicable, when, where, and how it was made; to identify who made it; and to identify who has present or last known possession, custody or control thereof.

6. “Person” means any natural person, corporation, association, firm, partnership, or other business or legal entity, and the officers, employees, agents, servants, attorneys, or representatives of such entities, as the context requires.

7. “Petition” means the Attorney Ad Litem’s Original Petition as Realigned Plaintiff.

8. “Relevant Period” means the period from and including January 1, 2005 through the present.

9. “Social Media” means all internet-based sites through which one can communicate with the public or selected members of the public. It includes internet message boards, blogs and sites such as Facebook, MySpace, Twitter, LinkedIn, Plaxico and similar sites.

10. “Suit” means the matter in which this discovery is served.

11. “Trust” means the TEL Offshore Trust.

12. “Trust Agreement” means the TEL Offshore Trust Agreement.

13. “Trustee,” “Trustees,” “Defendant” and “Defendants” means any one or more or all of BNYM, Gary Evans, Jeffrey Swanson, Thomas Owen, and Danny Conwill.

14. “Unit Holder” means any of holders of units in the Trust.

15. “You” or “Your” means Albert Speisman and his representatives, including any account controlled by Mr. Speisman.

INSTRUCTIONS

1. Any word not specifically defined in a Request shall be deemed to have the meaning commonly understood, and no definition or example shall be deemed to be exclusive.

2. Unless otherwise provided, the singular and plural shall each include the other, and the terms “and” and “or” shall be construed conjunctively or disjunctively to bring within the scope of a Request any document that might otherwise be construed to be outside its scope.

3. Furnish all requested documents within your possession, custody or control.

4. If any document or information otherwise responsive to any request or interrogatory was, but is no longer, in your possession or subject to your control, or in existence, state whether: (a) it is missing or lost; (b) it has been destroyed; (c) it has been transferred voluntarily to others; (d) it has been otherwise disposed of. In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing its destruction or transfer and the date(s) of such direction or authorization. Identify each document or other source of information by listing its author and addressee, type (e.g., letter, memorandum, telegram, chart, photograph, computer disk or file, etc.), date subject matter, whether any documents (or copies) are still in existence, and if so, their present location(s) and custodian(s).

5. All duplicates or copies of documents are to be provided to the extent they contain any kind of marking or information different from the original document being produced.

6. Pursuant to Texas Rule of Civil Procedure 196.4, you are specifically requested to produce data or information that exists in electronic or magnetic form. To reduce expense and facilitate production of electronic data, we are willing to coordinate electronic-data production with your designated technical representative. Unless otherwise agreed, all responsive electronic and magnetic data must be produced with searchable text and all associated metadata.

7. If you maintain that any of the following Requests are objectionable, you should produce all requested documents that fall outside the scope of your objection, and, in your written response to the particular Request, (a) explain why you believe the Request is objectionable, and (b) indicate whether there exist any responsive documents that you are not producing pursuant to your objection.

8. If you claim any document requested herein is privileged or otherwise not subject to discovery, you should answer as provided in Rule 193.3. Ad Litem further requests that you identify any documents withheld as provided in Rule 193.3(b).

9. The Requests shall be deemed to be continuing, so that any additional information responsive to the Requests that you acquire or that becomes known to you, up to and including at the time of trial, shall be furnished promptly after such information is acquired or becomes known, as required by Texas Rule of Civil Procedure 193.5.

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 Your wife's purchase(s) and sale(s) of Units in the Trust, including any broker confirmations and broker statements.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All documents regarding the number of Units that You own in the Trust.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: All documents regarding the number of Units that Your wife owns in the Trust.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: All documents comprising or regarding any communications between You and other Unit holder.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: All documents comprising or regarding any communications between Your wife and other Unit Holder.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: 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. 8: All documents regarding offers to purchase or solicitations to purchase any Units in the Trust made by Your wife to any other Unit Holder.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: All documents comprising or regarding any communications between You and Ad Litem.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: All documents comprising or regarding any communications between Your wife and Ad Litem.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Excluding communications after the filing of this suit and concerning the prosecution of claims or defenses in this suit, please produce copies of all letters, notes, telephone messages, voice mail or answering machine messages, email messages, text messages and other documents and tangible things concerning any communications during the Relevant Period between any of the Unit Holders concerning the Trust, the Trust Agreement, the Plan, the Royalty Interests, the Royalty Properties, the TEL Partnership, Trustee compensation or the possibility of modifying or terminating the Trust.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Excluding communications after the filing of this suit and concerning the prosecution of claims or defenses in this suit, please produce copies of all letters, notes, telephone messages, voice mail or answering machine messages, email messages, text messages and other documents and tangible things concerning any communications during the Relevant Period between any of the Unit Holders and Trustees or Trust concerning the Trust, the Trust Agreement, the Plan, the Royalty Interests, the Royalty Properties, the TEL Partnership, Trustee compensation or the possibility of modifying or terminating the Trust.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Any communications between You and American Stock Transfer.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Any documents You receive from American Stock Transfer.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Any list of Unit Holders in the Trust.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: The Schedule of Claims You filed in Your bankruptcy.

RESPONSE:

Respectfully submitted,

/s/ Craig A. Haynes

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ATTORNEYS FOR THE BANK OF NEW YORK
MELLON TRUST COMPANY, N.A., as
CORPORATE TRUSTEE OF THE TEL
OFFSHORE TRUST

CERTIFICATE OF SERVICE

I hereby certify that, on November 7, 2016, a true and correct copy of the foregoing has been served via email to all counsel of record, and will be served on all other interested parties in this matter in accordance with the Court's Order Directing Method of Service dated August 23, 2016.

/s/ Rachelle H. Glazer

Rachelle H. Glazer