

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 the Unit Holders of TEL Offshore Trust who were served by publication and did not answer or appear in this proceeding, and their representatives, including any account controlled by such Unit Holders.

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: For any consulting expert whose mental impressions or opinions have been reviewed by a testifying expert please produce: (a) a current curriculum vitae; (b) a copy of any written report rendered by the expert; (c) copies of any communications between You and/or Your counsel and the expert; (d) all documents, records, and other tangible things provided to the expert; (e) all documents and tangible things including all tangible reports, physical models, compilations of data and other material prepared by the expert or for the expert in anticipation of the expert's testimony; and (f) all books, articles, pamphlets, speeches, publications, or other material authored, reviewed and/or relied upon by the expert which relate to the subject of the expert's testimony. If the mental impressions and opinions of each such expert have not been reduced to writing, the Corporate Trustee requests that same be reduced to tangible form and produced.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce any witness statements by any person with knowledge of relevant facts in this Suit as provided in Tex. R. Civ. P. 192(h).

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce Your name and address if You are a Unit Holder client of the Attorney Ad Litem in this proceeding.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce documents sufficient to show when You and/or Your spouse first bought units in the Trust and when You and/or Your spouse sold all such units in the Trust.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Excluding communications solely between You and Your attorney concerning the prosecution of the claims or defenses in this Suit, please produce copies of all letters, notes, telephone messages, voicemail or answering machine messages, emails, text messages and other documents and tangible things concerning any communications concerning the allegations in the Petition, including, as defined, any future amended or supplemental petitions, relating to Your claims for breach of fiduciary duty, gross negligence, bad faith, and self-dealing.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Please produce all documents supporting Your contention that the Trustees breached any fiduciary duty.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Please produce all documents supporting Your contention that the Trustees committed any negligence.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Please produce all documents supporting Your contention that the Trustees breached any duty of loyalty.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Please produce all documents supporting Your contention that the Trustees committed any self-dealing.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Please produce all documents supporting any damage You claim to the AAL Parties (as used in the Petition) and the Trust estate.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Please produce copies of any exhibits You intend to offer or show at trial.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Please produce all non-privileged bills or statements for attorneys' fees and expenses in connection with this Suit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Please produce all time non-privileged records and descriptions of services by any attorneys for work performed or billed to You in connection with this Suit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Please produce all fee agreements, engagement letters or other documents concerning any agreements between You and the attorneys who have represented You in connection with this Suit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Please produce all fee agreements, engagement letters or other documents concerning any agreements between or among the attorneys that have represented You in connection with this Suit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Please produce all non-privileged time records and descriptions of services by the Attorney Ad Litem for work performed or billed in connection with this suit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Please produce all fee agreements, engagement letters or other documents concerning any agreements of the Attorney Ad Litem and law firms the Attorney Ad Litem has associated in connection with this suit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce any documents supporting Your contention that the Trustees breached a duty to administer the Trust in good faith.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Please produce the name and address of just those Unit Holders of the Trust who the Attorney Ad Litem represents who were served by publication and did not answer or appear in this Suit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Please produce all documents supporting Your contention in Your Petition that “By failing to take appropriate action within a reasonable time of this damage [September 2008 Hurricane Ike damage], the Trustees benefited themselves personally, but caused the trust estate millions of dollars in damages.”

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all documents concerning the net loss carry forward of the Trust.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Produce all non-privileged documents concerning the Ad Litem’s Fee Applications for services in this Suit and any documents supporting your claim for attorneys’ fees and costs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: 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. 24: 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. 25: All documents sufficient to show the number of Units that each AAL Party (as used in the Petition) owns in the Trust.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: All documents supporting Your claims against the Trustees and/or the Trust estate.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: All documents estimating or calculating any of the damages You claim in this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: All documents regarding the Trust's Net Profits Interests.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: All documents regarding, discussing, or analyzing the value of the Trust's Net Profits Interests at any time, including at or near the time of any purchase or sale of the Trust's Net Profits Interests.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: All documents regarding Your contention that the Corporate Trustee paid itself compensation contrary to the terms of the Trust Agreement.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: All documents supporting Your contention that the Trustees failed to act to terminate the Trust and liquidate Trust assets to maximize the value to the Unit Holders.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: All documents supporting Your contention that the Trustees have failed to act competently and prudently.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: All documents supporting Your contention that the Trustees failed to act to protect and conserve the Trust property and the interests of the Beneficiaries.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: All documents supporting Your contention that the Trustees have damaged the Trust estate and caused harm to the AAL Parties (as used in the Petition).

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: All documents regarding the actual damages sustained by the AAL Parties (as used in the Petition).

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: All documents supporting Your contention that the Trustees acted with reckless indifference that proximately and directly caused damage and injury to the AAL Parties (as used in the Petition).

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: All documents supporting Your contention that the Trustees' actions and inactions were intentional and in bad faith and constitute gross negligence that proximately and directly caused damage and injury to the AAL Parties (as used in the Petition).

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: All documents supporting Your contention that the Court should impose punitive damages against the Trustees.

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