



If the answer to any interrogatory is supplied upon information and belief rather than upon actual knowledge, the answer should so state and specifically describe or identify the source(s) of such information and the basis of such belief.

If any of these interrogatories cannot be answered fully, please answer to the extent possible, specify the reasons that a complete answer cannot be given, and state whatever information, knowledge, or belief is available concerning the unanswered portion.

If you claim any information requested herein is privileged or otherwise not subject to discovery, you should answer as provided in Rule 193.3. The Corporate Trustee further requests that you identify any material or information withheld as provided in Rule 193.3(b).

### **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 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.

## **INTERROGATORIES**

**INTERROGATORY NO. 1:** Please provide Your name and address if You are a Unit Holder client of the Attorney Ad Litem in this proceeding.

### **RESPONSE:**

**INTERROGATORY NO. 2:** For each Unit Holder client identified in response to interrogatory no. 1, please state when the Unit Holder first bought units in the Trust and when the Unit Holder sold all his, her, or its units in the Trust.

**RESPONSE:**

**INTERROGATORY NO. 3:** For each Unit Holder client identified in response to Interrogatory No. 1, please state when the Unit Holder's spouse first bought units in the Trust and when the Unit Holder's spouse sold all of his or her units in the Trust.

**RESPONSE:**

**INTERROGATORY NO. 4:** If You are claiming a fiduciary relationship outside the period in which You owned units in the Trust, list for each such person Your name and the time period in which such a fiduciary relationship existed, the nature of the fiduciary relationship, and why You claim it existed.

**RESPONSE:**

**INTERROGATORY NO. 5:** Please identify (a) each damage You claim to the AAL Parties (as used in the Petition) and to the Trust estate; (b) the amount of each damage; and (c) the basis for each such damage sought by You in this proceeding.

**RESPONSE:**

**INTERROGATORY NO. 6:** Please state what "appropriate action" within what "reasonable time" the Trustees should have taken after the September 2008 Hurricane Ike, as alleged in paragraph 11 of the Petition.

**RESPONSE:**

**INTERROGATORY NO. 7:** Please state the actions You contend in the Petition amount to “gross negligence” and the factual basis for contending each such action is gross negligence.

**RESPONSE:**

**INTERROGATORY NO. 8:** Please state the actions You contend in the Petition amount to “bad faith” and the factual basis for contending each such action is bad faith.

**RESPONSE:**

**INTERROGATORY NO. 9:** Please state the factual basis for Your contention that the Trustees have breached their fiduciary duties, as alleged in paragraphs 11 and 61-74 of the Petition, listing every alleged act that You contend breached a fiduciary duty and when it occurred.

**RESPONSE:**

**INTERROGATORY NO. 10:** With respect to each act You contend breached a fiduciary duty in response to Interrogatory No. 9, please say what action should have been done instead or differently.

**RESPONSE:**

**INTERROGATORY NO. 11:** Identify each action by the Trustees that You contend constituted self-dealing and the factual basis for Your contention as to each such action.

**RESPONSE:**

**INTERROGATORY NO. 12:** Identify each action by the Trustees that You contend breached a duty to administer the Trust in good faith and the factual basis for Your contention as to each such action.

**RESPONSE:**

**INTERROGATORY NO. 13:** Please provide 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:**

**INTERROGATORY NO. 14:** State the factual basis for Your contention in Your Petition that the Corporate Trustee paid itself compensation contrary to the terms of the Trust Agreement and identify what language of the Trust Agreement You contend was not followed.

**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  
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Rachelle H. Glazer