

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

In Re: § **IN THE PROBATE COURT NO. 1**
§
TEL Offshore Trust § **OF**
§
§ **TRAVIS COUNTY, TEXAS**
§

**RNR PRODUCTION LAND AND CATTLE’S OBJECTIONS AND RESPONSES
TO INDIVIDUAL TRUSTEES’ FIRST REQUESTS FOR PRODUCTION**

TO: Individual Trustees Gary C. Evans, Jeffrey S. Swanson, and Thomas H. Owen, Jr. by and through their attorneys of record, Paul Trahan, Peter Stokes, Norton Rose Fulbright, US LLP, 98 San Jacinto Blvd., Suite 1100, Austin, Texas 78701 and Daniel M. McClure, at Norton Rose Fulbright, US LLP, 1301 McKinney, Suite 5100, Houston, Texas 77010

Pursuant to Rules 192, 193 and 196, Tex. R. of Civ. P., RNR Production Land and Cattle objects and responds to request for production as follows:

OBJECTION TO INSTRUCTIONS

RNR objects to the requirement in the request that RNR produce documents at the offices of Norton Rose Fulbright US LLP, 98 San Jacinto Boulevard, Suite 1100 Austin, Texas 78701 within 30 days after service of the request. RNR will agree to produce documents at a time and location mutually agreeable to RNR and counsel for Evans.

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.

OBJECTION:

RNR objects to this request as being overly broad and burdensome.

RESPONSE:

Subject to and without waiving its objection, RNR will produce documents responsive to this request sufficient to confirm the transaction dates, number of Units purchased and the price paid for those Units.

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

OBJECTION:

RNR objects to this request as being overly broad and burdensome.

RESPONSE:

Subject to and without waiving its objection, RNR will produce documents responsive to this request sufficient to confirm the number of Units owned by RNR.

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

OBJECTION:

RNR objects to this request as being overly broad and burdensome.

RESPONSE:

Subject to and without waiving its objection and after a diligent search, no items have been identified that are responsive to the request.

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.

OBJECTION:

RNR objects to this request as being overly broad and burdensome.

RESPONSE:

Subject to and without waiving its objection and after a diligent search, no items have been identified that are responsive to the request.

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

OBJECTION:

RNR objects to his request as it seeks to invade the joint interest privilege.

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.”

OBJECTION:

RNR objects to this request as being overly broad and burdensome.

RESPONSE:

Subject to and without waiving its objection, RNR directs counsel to the Trust’s SEC filings and reports from DeGolyer and MacNaughton contained within the files of the Trust as well as correspondence contained within the files of the Corporate Trustee along with the deposition of Michael Ulrich as the corporate representative of Bank of New York Mellon. See also RNR’s response to Gary Evans’ Interrogatory No. 6.

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.”

OBJECTION:

RNR objects to this request as being overly broad and burdensome.

RESPONSE:

Subject to and without waiving its objection, RNR directs counsel to the Trust’s SEC filings and reports from DeGolyer and MacNaughton contained within the files of the Trust as

well as correspondence, meeting minutes and other documents contained within the files of the Corporate Trustee. See also RNR's response to Gary Evans' Interrogatory No. 7.

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.”

OBJECTION:

RNR objects to this request as being overly broad and burdensome.

RESPONSE:

Subject to and without waiving its objection, RNR directs counsel to the Trust's SEC filings and reports from DeGolyer and MacNaughton contained within the files of the Trust as well as correspondence, meeting minutes and other documents contained within the files of the Corporate Trustee. See also RNR's response to Gary Evans' Interrogatory No. 8.

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.”

OBJECTION:

RNR objects to this Request as being overly broad and unduly burdensome. RNR also objects to the extent that any document sought is a public record that is equally available to Mr. Evans' counsel.

RESPONSE:

Subject to and without waiving its objection, RNR directs counsel to the Trust's SEC filings and reports from DeGolyer and MacNaughton contained within the files of the Trust as

well as correspondence, meeting minutes and other documents contained within the files of the Corporate Trustee. See also RNR's response to Gary Evans' Interrogatory No. 8.

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.

OBJECTION:

RNR objects to this Request as being overly broad and unduly burdensome.

RESPONSE:

Subject to and without waiving its objection, RNR will produce responsive, non-privileged documents, if any.

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

OBJECTION:

RNR objects to this Request as being overly broad and unduly burdensome.

RESPONSE:

Subject to and without waiving its objection, RNR will produce responsive, non-privileged documents. RNR further directs counsel to RNR's Response to Gary Evans' Interrogatory No. 9.

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

OBJECTION:

RNR objects to this request as being overly broad and burdensome. RNR further objects to this request to the extent it seeks documents from testifying experts. Texas Rule of Civil Procedure 195.1 prohibits a party from learning about experts through a request for production. This information is available only through a request for disclosure under Texas Rule of Civil

Procedure 194 or a deposition of the expert. RNR also objects to this request to the extent that any document sought is a public record that is equally available to Evans counsel. RNR also objects to this request that it seeks documents that have been previously produced by the trustees in this matter.

RESPONSE:

Subject to and without waiving its objections, RNR will produce documents responsive to this request. RNR directs counsel to RNR's Response to Gary Evans' Interrogatory No. 9 as well as documents reflecting RNR's cost of acquisition of Units in the TEL Offshore Trust. Additionally RNR directs counsel to the Trust's SEC filings and reports from DeGolyer and MacNaughton contained within the files of the Trust as well as correspondence, meeting minutes and other documents contained within the files of the Corporate Trustee. RNR also directs counsel to Plaintiffs' Response to Interrogatory No. 1 to Plaintiffs' Answers and Objections to Attorney Ad Litem's First Set of Interrogatories and the deposition of The Bank of New York Mellon Trust Company, N.A. Corporate Representative Michael Ulrich. RNR will supplement this response as discovery proceeds.

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.

OBJECTION:

RNR objects to this Request as being overly broad and unduly burdensome.

RESPONSE:

Subject to and without waiving its objections, RNR will produce documents responsive to this request.

Respectfully Submitted,

/s/ Shannon H. Ratliff

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ATTORNEYS FOR PLAINTIFF

RNR PRODUCTION LAND AND CATTLE

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2016, a true and correct copy of the foregoing has been served by mail and email on the Individual Trustees Gary C. Evans, Jeffrey S. Swanson, and Thomas H. Owen, Jr., by and through their attorneys of record, Paul Trahan, Peter Stokes, Norton Rose Fulbright, US LLP, 98 San Jacinto Blvd., Suite 1100, Austin, Texas 78701 and Daniel M. McClure, at Norton Rose Fulbright, US LLP, 1301 McKinney, Suite 5100, Houston, Texas 77010. I hereby certify that, on November 17, 2016, all other interested parties in this matter will be served in accordance with the Court's Orders Directing Method of Service dated September 28, 2015, January 21, 2016 and June 9, 2016.

/s/ Shannon H. Ratliff

Shannon H. Ratliff