

NO. C-1-PB-14-001245

In Re: § In the Probate Court No. 1
§
§ of
§
TEL Offshore Trust § Travis County, Texas

ATTORNEY AD LITEM’S CROSS-NOTICE OF INTENT TO TAKE THE ORAL AND VIDEOTAPED DEPOSITION OF THE CORPORATE REPRESENTATIVE OF DEGOLYER & MACNAUGHTON

TO: DeGolyer & MacNaughton, by and through its attorney, Jeff King, Winstead PC, 300 Throckmorton Street, Suite 1700, Fort Worth, Texas 76102.

PLEASE TAKE NOTICE that Glenn M. Karisch, as Attorney Ad Litem (“Ad Litem”) for the beneficiaries of TEL Offshore Trust who were served by publication and did not answer or appear (“AAL Parties”) will take the oral and videotaped deposition of the designated Corporate Representative of DeGolyer & MacNaughton on the following date and time:

Date: April 19, 2017

Time: 9:00 a.m.

Place: Winstead P.C., 500 Winstead Building, 2728 N. Harwood Street, Dallas, TX 75201

The deposition shall be taken in accordance with the Texas Rules of Civil Procedure, and the Corporate Representative of Degolyer & MacNaughton, shall appear to give testimony under oath regarding the matters identified in Exhibit A, attached hereto. The deposition will be taken before a certified court reporter and may be used as evidence in this cause. The deposition shall continue from day to day until completed and will be videotaped.

Respectfully submitted,

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ATTORNEY AD LITEM

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on counsel of record on April 7, 2017 and will be served in accordance with the Court's orders regarding service dated September 28, 2015 and January 21, 2016.

/s/ Daniel C. Bitting
Daniel C. Bitting

EXHIBIT A

DEFINITIONS

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

1. “\$1,056,885 Loan” means the loan from BONY to BNYM as reflected in the renewal demand promissory note in the amount of \$1,056,885 dated September 25, to 2015.

2. “\$363,000 Loan” means the loan from BONY to BNYM as reflected in the demand promissory note in the amount of \$363,000 dated as of October 1, 2014, as it may have been increased or modified.

3. “\$300,000 Loan” means the loan from BONY to BNYM as reflected in the demand promissory note in the amount of \$300,000 dated as of May 23, 2013, as it may have been increased or modified.

4. “BONY” means The Bank of New York Mellon, and any representatives acting, or purporting to act, on behalf of The Bank of New Mellon with respect to any matter inquired about in this discovery, including, but not limited to, all of its servants, employees, attorneys, consultants, sureties, indemnitors, insurers, and/or agents.

5. “BNYM” means the Bank of New York Mellon Trust Company, N.A., and any representatives acting, or purporting to act, on behalf of The Bank of New Mellon Trust Company, N.A. with respect to any matter inquired about in this discovery, including, but not limited to, all of its servants, employees, attorneys, consultants, sureties, indemnitors, insurers, and/or agents.

6. “BNYM Loans” means any loans, advances, letters of credit or other extensions of credit by BONY to BNYM, in its capacity as trustee of any other trust.

7. “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.

8. “Concern” and “concerning” mean relating to, referring to, describing, evidencing or constituting.

9. “D&M” means DeGolyer & MacNaughton and any representatives acting, or purporting to act, on behalf of D&M with respect to any matter inquired about in this discovery, including all of its servants, employees, attorneys, consultants, sureties, indemnitors, insurers, and/or agents.

10. “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.

11. “Karisch” and “Ad Litem” mean Glenn M. Karisch, as attorney ad litem for the unit holders of TEL Offshore Trust that were served by publication and did not answer or appear, and any representatives acting, or purporting to act, on behalf of Glenn M. Karisch with respect to any matter inquired about in this discovery, including, but not limited to, all of his servants, employees, attorneys, consultants, sureties, indemnitors, insurers, and/or agents.

12. “March 2009 D&M Report” means the Letter Report as of March 31, 2009 on Reserves and Revenues of Certain Properties owned by the TEL Offshore Trust Partnership, prepared by DeGolyer and MacNaughton, and produced at TEL0002070-2132.

13. “Modification Petition” means the Original Petition for Modification and Termination of Trust filed by The Bank of New York Mellon Trust Company, N.A., as corporate trustee, and Gary C. Evans, Jeffrey S. Swanson, and Thomas H. Owen, Jr. as individual trustees of the TEL Offshore Trust.

14. “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.

15. “Petition” means Attorney Ad Litem’s Second Amended Petition as Realigned Plaintiffs and any supplemental or amended petitions filed by the Ad Litem.

16. “Plan” means the Plan of Dissolution approved by Tenneco Offshore Stockholders on December 22, 1982.

17. “Royalty Interest” means the overriding royalty interest equivalent to twenty-five percent net profits interest as referred to in paragraph 6 of the Petition.

18. “Royalty Properties” means certain oil and gas properties referred to in paragraph 6 of the Petition.

19. “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.

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

21. “TEL Loans” means any loans, advances, letters of credit or other extensions of credit by BONY to BNYM, in its capacity as Trustee of the Trust.

22. “TEL Partnership” means the TEL Offshore Trust Partnership.

23. “TEL Partnership Agreement” means the agreement(s) creating and law governing the TEL Partnership.

24. “Trust” means the TEL Offshore Trust.

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

26. “Tenneco Offshore” means Tenneco Offshore Company, Inc.

27. “Trustee” or “Trustees” means any one or more or all of BNYM, Evans, Swanson, and Owen, as defined herein.

28. “Trustee’s Original Petition” means the Original Petition for Modification and Termination of Trust filed by The Bank of New York Mellon Trust Company, N.A., as corporate trustee, and Gary C. Evans, Jeffrey S. Swanson, and Thomas H. Owen, Jr. as individual trustees of the TEL Offshore Trust and any supplemental and amended petitions filed by the Trustees, or any of them.

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

30. “You,” and “your”, mean the party or parties to whom the discovery is directed and that party’s agents, servants, representatives, attorneys, consultants, sureties, indemnitors, insurers or employees, past and present, to the extent such persons acted or purported to act on behalf or possess information or documents with respect to any matter inquired about herein.

31. “Written Statement” includes any written or graphic statement signed or otherwise adopted or approved by the person making it and any stenographic, mechanical, electrical, or other records, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and which was contemporaneously recorded. “Statement” means any statement, whether written or oral.

TOPICS

1. D&M Letter Reports for Reserves and Revenues of Properties Owned by the TEL Offshore Partnership, from 2008 to the present, and particularly the March 2009 D&M Report.

2. Communications between D&M and any other parties concerning any D&M Letter Reports for Reserves and Revenues of Properties Owned by the TEL Offshore Partnership, from 2008 to the present, and particularly the March 2009 D&M Report.