

NO. C-1-PB-14-001245

IN RE: § IN THE PROBATE COURT  
§  
§ NO. 1 OF  
§  
TEL OFFSHORE TRUST § TRAVIS COUNTY, TEXAS

**THE STATE OF TEXAS**

**SUBPOENA**

To: Corporate Representative for DeGolyer & MacNaughton (“D&M”), 5001 Spring Valley Road, Suite 800 East, Dallas, Texas 75244.

Greetings:

YOU ARE COMMANDED to appear at the offices of Winstead PC, 500 Winstead Building, 2728 N. Harwood Street, Dallas, Texas 75201 on **April 19, 2017 at 9:00 a.m.** before a court reporter to attend and give testimony in this case at a deposition taken on behalf of the Defendant, Bank of New York Mellon Trust Company, N.A., and to remain in attendance from day to day until lawfully discharged. A copy of the Notice of Deposition is attached hereto as Exhibit A.

**DUTIES OF PERSON SERVED WITH SUBPOENA**

You are advised that Under Texas Rule of Civil Procedure 176, a person served with a discovery subpoena has certain rights and obligations. Rule 176.6 provides:

- (a) Compliance required. Except as provided in this subdivision, a person served with a subpoena must comply with the command stated in the subpoena unless discharged by the court or by the party summoning such witness. A person commanded to appear and give testimony must remain at the place of deposition, hearing, or trial from day to day until discharged by the court or by the party summoning the witness.
- (b) Organizations. If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency, or other organization, and the matters on which examination is requested are described with reasonable particularity, the organization must designate one or more persons to testify on its behalf as to matters known or reasonably available to the organization.
- (c) Production of documents or tangible things. A person commanded to produce documents or tangible things need not appear in person at the time and place of production unless the person is also commanded to attend and give testimony, either in the same subpoena or a separate one. A person must produce documents as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged but must comply with Rule 193.3. A nonparty's production of a document authenticates the document for use against the nonparty to the same extent

as a party's production of a document is authenticated for use against the party under Rule 193.7.

- (d) Objections. A person commanded to produce and permit inspection and copying of designated documents and things may serve on the party requesting issuance of the subpoena- before the time specified for compliance- written objections to producing any or all of the designated materials. A person need not comply with the part of a subpoena to which objection is made as provided in this paragraph unless ordered to do so by the court. The party requesting the subpoena may move for such an order at any time after an objection is made.
- (e) Protective orders. A person commanded to appear at a deposition, hearing, or trial, or to produce and permit inspection and copying of designated documents and things may move for a protective order under Rule 192.6(b)-before the time specified for compliance- either in the court in which the action is pending or In a district court in the county where the subpoena was served. The person must serve the motion on all parties in accordance with Rule 21a. A person need not comply with the part of a subpoena from which protection is sought under this paragraph unless ordered to do so by the court. The party requesting the subpoena may seek such an order at any time after the motion for protection is filed.

## **WARNING**

**FAILURE BY ANY PERSON WITHOUT ADEQUATE  
EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT  
PERSON MAY BE DEEMED A CONTEMPT OF THE COURT  
FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT  
COURT IN THE COUNTY IN WHICH THE SUBPOENA IS  
SERVED,, AND MAY BE PUNISHED BY FINE OR  
CONFINEMENT, OR BOTH.**

This subpoena is issued at the request of Defendant, Bank of New York Mellon, N.A., whose attorneys of record are: Craig A. Haynes, Greg W. Curry, and Rachelle H. Glazer of Thompson & Knight LLP, located at One Arts Plaza, 1722 Routh Street, Suite 1500, Dallas, TX 75201; and James E. Cousar of Thompson & Knight LLP, located at 98 San Jacinto Blvd., Suite 1900, Austin, TX 78701.

ISSUED ON the 31 day of March, 2017.

**OFFICER'S RETURN / PROOF OF SERVICE**

I, \_\_\_\_\_, am over the age of eighteen years. I am not a party in the above-entitled and numbered cause of action. On the \_\_\_\_\_ day of March, 2017, I served a subpoena, of which this is a true and correct copy, on \_\_\_\_\_, by personally handing the subpoena to the named individual or in accordance with Rule 176.5(a) of the Texas Rules of Civil Procedure. I also tendered to the witness the witness fees required by law at the time the subpoena was delivered.

Date:

\_\_\_\_\_  
(Signature of person serving subpoena)

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_\_ day of March, 2017.

\_\_\_\_\_  
Notary Public State of Texas

# EXHIBIT A

NO. C-1-PB-14-001245

IN RE: § IN THE PROBATE COURT  
§  
§ NO. 1 OF  
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TEL OFFSHORE TRUST § TRAVIS COUNTY, TEXAS

**DEFENDANTS NOTICE OF INTENT TO TAKE  
THE ORAL AND VIDEOTAPED DEPOSITION OF THE CORPORATE  
REPRESENTATIVE OF DEGOLYER & MACNAUGHTON**

To: DeGolyer & MacNaughton 5001 Spring Valley Road, Suite 800 East, Dallas, Texas 75244.

PLEASE TAKE NOTICE that the Bank of New York Mellon Trust Company, N.A., through their undersigned counsel, 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.

THOMPSON & KNIGHT LLP

Respectfully submitted,

/s/ Craig A. Haynes

Craig A. Haynes  
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Facsimile: (512) 469-6180

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 March 31, 2017, a true and correct copy of the foregoing has been served by email on counsel for RNR Production Land and Cattle, the Ad Litem and counsel for the Ad Litem, and counsel for Albert and Joyce Speisman. All other interested parties in this matter will be served in accordance with the Court's Order Directing Method of Service of Discovery dated June 9, 2016.

/s/ Rachelle H. Glazer

Rachelle H. Glazer

**EXHIBIT A**

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 “as of” March 31, 2009 Letter Report.