



discovery-related materials, and necessitate an additional order modifying the parties' service obligations.

## II. ALTERNATIVE SERVICE

Texas Rule of Civil Procedure 191.5 provides "[e]very disclosure, discovery request, notice, response, and objection required to be served on a party or person must be served on all parties of record." However, Texas Rule of Civil Procedure 191.1 preserves the ability of the Court to modify the procedures and limitations set forth in the rules pertaining to discovery.

Here, 131 unit holders receive service by mail. Because the Order does not address the parties' service obligations with regard to materials that are not filed with the Court, the parties remain obligated to serve all Requests for Disclosure, Requests for Production, Requests for Admission, and Interrogatories ("Requests"), and written responses ("Responses") thereto, in their entirety on these 131 unit holders. Requests and Responses often consist of numerous pages. The costs related to copying multi-page documents, the additional postage necessary to mail these documents, and related staff time, make service of discovery-related materials unnecessarily costly.

As such, Trustees ask the Court to direct the parties to serve the Requests and Responses in a manner that does not require the copying and mailing of such documents to the parties. Trustees propose that the Court permit the parties the option

to effect service of Requests and Responses by permitting the serving party to send a single page Notice of Service to the unit holders in lieu of serving the Requests or Responses in their entirety. Such a notice would necessarily contain the title of the document served, a link to the full text of the served document at [www.andrewskurth.com/teloffshoretrust](http://www.andrewskurth.com/teloffshoretrust), and an address and phone number of Trustees' counsel so that a unit holder could request a full copy of the Requests or Responses and copies of any documents produced by a party in response to a Request ("Document Production") to be sent to them after they execute Appendix A of the Agreed Order Protecting Confidentiality ("Protective Order") on file with this Court.

Trustees further ask that the Court order that (1) the serving party is not required to serve any Document Production on any party other than the party requesting such discovery, unless the other party specifically requests copies of the Document Production and executes the Protective Order, and (2) the serving party is not required to publish any Document Production on the aforementioned website given the privacy concerns that such a publication may pose.

#### **IV. PRAYER**

WHEREFORE, PREMISES CONSIDERED, 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 respectfully request that the Court grant Trustee's Motion for Court to Direct Method of Service of

Discovery to permit alternative service to be completed as herein described. Trustees ask the Court for such other and further relief as they may be justly entitled.

Respectfully submitted,

**ANDREWS KURTH LLP**

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SWANSON, and THOMAS H. OWEN, JR.

**CERTIFICATE OF CONFERENCE**

There are currently over 140 defendant unit holders active in this case. Conferring with each of these defendants about this Motion would have been impractical.

/s/ Georgia L. Lucier

Georgia L. Lucier

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon counsel of record who receive service by efile or email in accordance with the Texas Rules of Civil Procedure and a Notice of Filing was served on counsel of record who receive service by mail in accordance with the Court's January 21, 2016 Order Directing Method of Service, on this the 26<sup>th</sup> day of May, 2016.

**The following were served by efile:**

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Defendant	Lutz, Matt	Sara Clark
Defendant	O'Neil, Nancy - Trustee	Pro Se
Defendant	Piazza, Pascal	Pascal Piazza
Defendant	Robertson, Benjamin	Nancy Foran
Defendant	RNR Production Land and Cattle	Shannon Ratliff
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