

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 FIRST SET OF INTERROGATORIES TO PLAINTIFFS

TO: Plaintiffs, The Bank of New York Mellon Trust Company, N. A., Gary C. Evans, Jeffrey S. Swanson, and Thomas H. Owen, Jr., by and through their attorney of record, Georgia L. Lucier, Andrews Kurth LLP, 600 Travis, Suite 4200, Houston, Texas 77002.

Glenn M. Karisch, as attorney ad litem for the unit holders of TEL Offshore Trust, (“Ad Litem”) serves these interrogatories pursuant to Rules 191, 192, 193, 197 and 215 of the Texas Rules of Civil Procedure. The answers to the interrogatories shall be made separately and fully in writing and under oath, with each answer preceded by the question to which the answer pertains. Your responses are to be provided to the undersigned counsel within thirty (30) days after service of the interrogatories and shall comply with the requirements of Rules 193 and 197. Ad Litem asks that you continue to supplement your answers to these interrogatories, as required by Rule 193.

If the answer to any interrogatory is not within the personal knowledge of the person answering, include within the answer to such interrogatory the name and address of each person to whom the information is a matter of personal knowledge or from whom the information was obtained.

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. Ad Litem 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. “BONY” 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.

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. “Counterclaim” means the Attorney Ad Litem’s First Amended Answer and Counterclaim for Order to Sell Royalty Interests and for Accounting and any supplemental and amended counterclaims that may be filed.

5. “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.

6. “Evans” means Gary C. Evans, and any representatives acting, or purporting to act, on behalf of Gary C. Evans with respect to any matter acquired about in this discovery, including, but not limited to, all of his servants, employees, attorneys, consultants, sureties, indemnitors, insurers, and/or agents.

7. "Identify," when referring:

i. To a person, means to state his or her full name and present or last known telephone number, business and residential address;

ii. 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;

iii. 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;

iv. 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

v. 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.

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

9. "Owen" means Thomas H. Owen, Jr., and any representatives acting, or purporting to act, on behalf of Thomas H. Owen, Jr. with respect to any matter acquired about in this discovery, including, but not limited to, all of his servants, employees, attorneys, consultants, sureties, indemnitors, insurers, and/or agents.

10. "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.

11. "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.

12. "Plan" means the Plan of Dissolution approved by Tenneco Offshore Stockholders on December 22, 1982.

13. "Relevant Period" means the period from and including January 1, 2005 through the present.

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

15. "Royalty Properties" means certain oil and gas properties referred to in paragraph 6 of the Petition.

16. “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.

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

18. “Swanson” means Jeffrey S. Swanson, and any representatives acting, or purporting to act, on behalf of Jeffrey S. Swanson with respect to any matter acquired about in this discovery, including, but not limited to, all of his servants, employees, attorneys, consultants, sureties, indemnitors, insurers, and/or agents.

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

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

21. “Trust” means the TEL Offshore Trust plaintiffs.

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

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

24. “Trustee,” “Trustees,” “Plaintiff” and “Plaintiffs” means any one or more or all of BONY, Evans, Swanson, and Owen, as defined herein.

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

26. "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.

27. "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.

INTERROGATORY NO. 1

For each year in the Relevant Period please describe the type, amount and basis for all compensation paid to the Trustees.

RESPONSE:

INTERROGATORY NO. 2

Please describe meetings of the Trustees, whether in person, by phone or video conference (including Skype, Facetime and similar applications), during the Relevant Period. Your answer should include the type, and if appropriate, location of the meeting, who attended and the topics of discussion.

RESPONSE:

Respectfully submitted,

THE KARISCH LAW FIRM, PLLC

By: /s/ Glenn M. Karisch

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ATTORNEY AD LITEM

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Attorney Ad Litem's First Set of Interrogatories To Plaintiffs has been served on Plaintiffs' counsel on March 18, 2016, and will be served on or about March 21, 2016, in accordance with the Court's Order Directing the Method of Service of Documents dated September 28, 2015, and Order Directing Method of Service dated January 21, 2016.

/s/ Glenn M. Karisch
Glenn M. Karisch