

CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET. AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	225 <sup>TH</sup> JUDICIAL DISTRICT
	§	
JPMORGAN CHASE BANK, N.A.	§	
INDIVIDUALLY/CORPORATELY	§	
AND AS TRUSTEE OF THE SOUTH	§	
TEXAS SYNDICATE TRUST	§	
and GARY P. AYMES	§	BEXAR COUNTY, TEXAS

**DEFENDANT'S MOTION FOR PROTECTIVE ORDER**

Defendant JPMorgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust (collectively "J.P. Morgan") files this Motion for Protective Order against (pursuant to common law and per Rule 192.6 TRCP) with respect to discovery served upon Defendant by Plaintiffs in this case and with respect thereto, would show the Court as follows:

I.

On August 7, 2013, Plaintiffs served upon Defendant their Fourth Set of Requests for Production. True and correct copies of these Requests are filed with this Motion.

II.

Request Nos. 9-12 ask Defendant to produce expert reports from a lawsuit in which Defendant was a party in its capacity as trustee of the South Texas Syndicate trust. The case is Cause No. 09-04-00036-CVL; *JP Morgan Chase Bank NA, in its capacity as Trustee of the South Texas Syndicate Trust vs. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc.*, in the 216th Judicial District of La Salle County, Texas. The requested expert reports contain information that was designated as confidential under the Agreed Protective Order entered in that case and, accordingly, Defendant is prohibited from producing these reports in this case.

### III.

Rule 192.6(b) of the Texas Rules of Civil Procedure provides that “[t]o protect the movant from undue burden, unnecessary expense, harassment, annoyance, or the invasion of personal, constitutional, or property rights, the court may make any order in the interest of justice...”. Defendant thus moves for a protective order under Rule 192.6(b) and under the common law to protect itself (and others affected by these discovery requests, such as third parties) from the invasion of personal and business rights of privilege, confidentiality, and privacy caused by the requested discovery, as well as the rights of privilege, confidentiality, and privacy of Defendant and other third parties having rights with respect to the requested discovery.

WHEREFORE, Defendant prays that the Court grant this Motion and sign a protective order in this case and grant Defendant such other and further relief to which it may be entitled.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANTS**

## **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of this document was served upon the following on September 9, 2013 by the method indicated:

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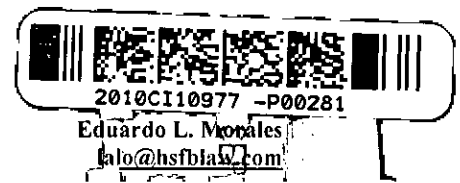
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September 6, 2013

**VIA HAND DELIVERY**

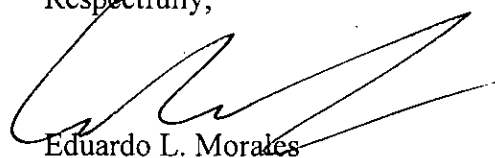
The Honorable Barbara Hanson Nellermeoe  
Bexar County Courthouse  
100 Dolorosa  
San Antonio, Texas 78205


Re: Cause No. 2010-CI-10977, *John K. Meyer, et al. vs. JP Morgan Chase Bank, N.A., et al.*, in the 225th Judicial District Court of Bexar County, Texas

Dear Judge Nellermeoe:

Enclosed is a file-stamped copy of the Second Supplement to Defendants' Motion for Joinder of Necessary Parties which was e-filed today in the above-referenced matter.

Respectfully,

  
Eduardo L. Morales

BY   
13 SEP - 9 PM 3:37  
FILED  
DONNA KAY McRINNEY  
DISTRICT CLERK  
BEXAR COUNTY

ELM/arz  
Enclosure

cc:

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DONNA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY

13 SEP -6 PM 1:45

DEPUTY

BY \_\_\_\_\_

The Honorable Barbara Hanson Nellermoe  
Bexar County Courthouse  
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**Filed  
13 August 30 P6:07  
Donna Kay McKinney  
District Clerk  
Bexar District  
Accepted by:  
Cynthia Flores**

(Consolidated Under)  
CAUSE NO. 2010-CI-10977

**JOHN K. MEYER, ET. AL.**

**Plaintiffs,**

**VS.**

**JPMORGAN CHASE BANK, N.A.  
INDIVIDUALLY/CORPORATELY  
AND AS TRUSTEE OF THE SOUTH  
TEXAS SYNDICATE TRUST  
and GARY P. AYMES**

### Defendants.

**W**

**IN THE DISTRICT COURT**

## 225TH JUDICIAL DISTRICT

**BEXAR COUNTY, TEXAS**

**DEFENDANT JPMORGAN CHASE BANK, N.A.'S MOTION FOR  
RECONSIDERATION OF THE COURT'S DECISION TO CANCEL THE HEARING  
ON ITS MOTION TO RETAIN ADVISERS, SEEK ALTERNATIVES, AND EXPEND  
TRUST ASSETS, OR ALTERNATIVELY, REQUEST FOR THE COURT TO  
CONSIDER THE MOTION BY SUBMISSION**

Defendant JPMorgan Chase Bank, N.A. (“J.P. Morgan”), Trustee of the South Texas Syndicate Trust (the “Trust”), files this Motion for Reconsideration of the Court’s Decision to Cancel the Hearing on J.P. Morgan’s Motion to Retain Advisers, Seek Alternatives, and Expend Trust Assets, or Alternatively, Request for the Court to Consider the Motion by Submission, and respectfully shows the Court as follows:

1.

**RELIEF REQUESTED**

J.P. Morgan requests that the Court reconsider its cancellation of the July 10-11, 2013 hearing previously scheduled on J.P. Morgan's Motion Requesting Court Approval to Retain Advisers, Seek Alternatives, and Expend Trust Assets (the "Process Motion") and allow J.P.

Page 1

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Morgan to proceed with an evidentiary hearing, including the presentation of live testimony, on its motion for reasons that include the following:

- a qualified financial adviser has determined that current market conditions and other circumstances are favorable to obtain alternatives for the Trust under a variety of structures that are economically favorable to the beneficiaries as a group when compared to the Trust's current structure;
- based on information obtained from the financial adviser, it is likely that unsolicited proposals for strategic alternatives involving the Trust or its assets may be made, whether or not the Trust engages in a process to solicit proposals; and
- market conditions are volatile and there is no assurance that opportunities that may currently be available to the Trust will be available in the future.

Alternatively, J.P. Morgan requests that the Court allow J.P. Morgan to submit additional documentary evidence, including testimony by affidavit, in support of the Process Motion and that the Court consider its Process Motion and the opposition thereto by submission.

## 2.

### **RELEVANT PROCEDURAL HISTORY**

On April 2, 2013, J.P. Morgan filed its Process Motion. A two day hearing on J.P. Morgan's Process Motion was scheduled for July 10-11, 2013. On July 9, 2013, the Court heard Plaintiffs' Motion for Partial Summary Judgment Regarding Trustee Resignation ("Partial Summary Judgment Motion"). At the conclusion of the July 9, 2013 hearing, the Court indicated it would grant Plaintiffs' Partial Summary Judgment Motion and order J.P. Morgan to resign as trustee. Plaintiffs' counsel objected to the Court holding the hearing on J.P. Morgan's Process Motion on July 10-11, 2013 in light of the Court's summary judgment ruling. After considering brief arguments from both sides, the Court determined that the hearing on J.P. Morgan's Process Motion should be cancelled. The Process Motion remains pending and has not been ruled upon.

On July 19, 2013, the Court signed an order granting Plaintiffs' Partial Summary Judgment Motion. Although ordered to resign pursuant to such Court order, J.P. Morgan is to act as trustee until a successor trustee is appointed.

Since the order requiring J.P. Morgan's resignation, Plaintiffs have not filed any pleading seeking to have a successor trustee appointed and have not in any way communicated to J.P. Morgan the plan and timeline for appointing a successor trustee. Nonetheless, J.P. Morgan intends to comply with the Court's order and will be filing a Petition for Resignation with the Court. Although Plaintiffs were opposed to proceeding with the July 10-11, 2013 hearing on J.P. Morgan's Process Motion, not all trust beneficiaries are plaintiffs in this lawsuit. *Thus, only a portion of the beneficiaries have been heard on a matter of importance to all beneficiaries.* J.P. Morgan's duties do not run only to the Plaintiffs or only to the beneficiaries that own a majority of the interests in the Trust. Because J.P. Morgan still believes that it is in the best interest of the beneficiaries as a group to implement the plan outlined in the Process Motion (the "Plan") and as J.P. Morgan continues to serve as Trustee for an unspecified period of time, J.P. Morgan respectfully requests the opportunity to present its Process Motion to the Court by hearing, or alternatively, by submission.

### 3.

#### **REQUEST FOR RECONSIDERATION**

Both the production associated with the Trust's acreage and the market's knowledge of its geology and the geology of the Eagle Ford Shale have increased significantly in recent periods. Receipts from royalties and delay rentals from the Trust's properties, net of production expenses and taxes, have more than tripled since 2010. The market currently views the Eagle Ford Shale as very attractive investment opportunity.

As a result of the increase in the production from the Trust's acreage and the number of producing wells, the market's increased understanding of the Eagle Ford Shale play, and the development of more attractive market terms for transactions involving mineral interests, J.P. Morgan determined that opportunities may be available to the Trust that did not exist earlier, or that have become more economically attractive. Accordingly, J.P. Morgan explored the appropriateness of seeking strategic alternatives for the Trust. As part of this process, J.P. Morgan retained Jackson Walker L.L.P. as legal counsel, and Jackson Walker retained Lazard Frères & Co., LLC ("Lazard Frères") as a financial adviser, to provide advice on potential strategic alternatives that may be available to the Trust and the advisability of engaging in a process seeking proposals for consideration by the Trustee for the benefit of the beneficiaries as a group.

Lazard Frères studied the Trust's assets, including reviewing existing lease agreements, permitting activity, producing well performance, and monthly distributions to beneficiaries. Lazard Frères also approached certain potential counterparties on a "no-name" basis to test the degree of interest for various alternatives to the Trust's current structure. It identified three principal non-exclusive alternatives to the current trust structure that could potentially be completed now or staged over time, as described in the report prepared by Lazard Frères (the "Lazard Report"):

- **Joint Venture arrangement.** The Lazard Report anticipates that as a result of a process to explore strategic alternatives, the Trust may find an industry partner who will propose to manage the Trust's assets and investigate different market opportunities over time. A joint venture would have the advantage of allowing the managers to actively explore business opportunities for the joint venture outside of the Trust's existing assets. A joint venture would also have the ability to explore the other alternatives discussed in the Lazard Report over time, including sale of assets from time to time or conducting an initial public offering of securities issued by the joint venture or an affiliate.

- **Capital markets monetization through an income producing vehicle.** The Lazard Report observes that investor appetite for securities paying dividends or distributions is high. A transaction of this kind would likely result in the beneficiaries receiving a distribution of cash and securities in an existing or new publicly traded entity in exchange for their interest in the Trust, thus providing near-term liquidity and an opportunity for each beneficiary to participate in continued royalty growth from the development of the Trust's acreage for as long as the beneficiary desired to hold the securities.
- **Sale of all or a portion of the Trust's minerals.** The Lazard Report expects that consideration offered for the Trust's assets would include cash and/or securities and that the Trust may receive proposals for all or a portion of the Trust's assets, as well as proposals that contemplate sales of acreage over time, with the Trust holding acreage until it becomes a producing property. A transaction involving securities may prove attractive because it would allow the beneficiaries to participate in the growth and profits of the buyer's business following the sale. Transactions involving cash may also be attractive because beneficiaries would be able to use distributed cash to diversify their investments. In a sale of properties over time, the Trust would have the opportunity to benefit from increases in value that can be expected to result from drilling and completing wells on the Trust's acreage.

Lazard Frères has advised J.P. Morgan that if the Trust were to engage in a process to seek out and explore strategic alternatives, it is likely that one or more of those alternatives will be economically favorable to the beneficiaries when compared to continuing the Trust's current structure. A copy of the Lazard Report was provided by J.P. Morgan to the beneficiaries.

On April 2, 2013, J.P. Morgan filed its Process Motion. By that motion, J.P. Morgan sought approval of a plan to:

- Conduct a process to solicit proposals from third parties interested in:
  - purchasing all or a part of the Trust assets for cash or securities, in a single transaction or a series of staged transactions; or
  - engaging in a transaction or business arrangement with the Trust, including accessing the capital markets to monetize Trust assets through an income producing vehicle or otherwise altering the Trust's business structure; or
  - continuing a trust structure for the Trust's properties; or
  - any combination thereof;

- Retain an investment banker or other qualified financial adviser to assist J.P. Morgan in soliciting and evaluating proposals from third parties;
- Enter into discussions and negotiations with third parties making proposals and otherwise exploring the terms and conditions of proposed transactions and other proposals for the purpose of evaluating the options available and the associated potential benefits and detriments to the Trust's beneficiaries relating thereto, and preparing and documenting one or more of such alternatives for presentation to the Trust's beneficiaries and submission to the Court for approval; and
- Seek Court approval of any transaction(s) and/or Trust structure modification, including any proposal that a third party become successor trustee of the Trust, proposed by J.P. Morgan following the evaluation, selection and documentation process described below.

As described in the Process Motion, the Plan would establish a competitive process to bring forth proposals for the Trust and its assets to be evaluated in comparison to the current Trust structure, afford the Trust's beneficiaries with an opportunity to support or object to any selected proposal(s), and provide a process for the Court to make a determination regarding any selected proposal(s) and the future management of the Trust's properties. The Plan is designed to identify and explore alternatives and have a Court process to approve a successor trustee or alternate management structure for the Trust's properties.

On July 9, 2013, this Court cancelled the two-day hearing on J.P. Morgan's motion that had been scheduled for July 10-11, 2013. At that hearing, J.P. Morgan intended to introduce testimony of its representative Aaron Reber, the National Director of Specialty Asset Groups, and David Cecil, Lazard Frères' Managing Director, Financial Advisory, and Head of North American Exploration.

It was expected that Mr. Reber would have testified, among other things, about the changing conditions that led to the retention of Lazard Frères, and that Mr. Cecil would have explained Lazard Frères' analysis of the Trust's assets, its consideration of strategic alternatives,

its conclusion that a process will likely yield alternatives that are more economically favorable to the beneficiaries as a group when compared to the Trust's current structure, and that it is currently the appropriate time to conduct that process. Specifically, it was expected that Mr. Cecil would have testified that increasing production and market interest in the Trust assets, combined with declining projections for oil and gas prices, market volatility, and investment volatility all counsel toward conducting a process now. It was also expected that Mr. Cecil would have testified about the possibility of unsolicited proposals for strategic alternatives for the Trust or its assets, and that being unprepared to consider such a proposal could have negative economic consequences.

4.

#### **ORDER**

A proposed form of order is attached hereto as Exhibit "1". It is drafted either to be granted or denied, as the Court deems appropriate. Though the previously filed Process Motion and this motion make clear that J.P. Morgan believes the process should move forward and requests that the hearing on the Process Motion be reset, J.P. Morgan respectfully requests an order either granting or denying this motion.

5.

#### **PRAYER**

J.P. Morgan requests that this Court reconsider its cancellation of the hearing scheduled on J.P. Morgan's Process Motion and hear that motion. Alternatively, J.P. Morgan requests that it be allowed to submit additional documentary evidence, including testimony by affidavit, to this Court and that this Court consider its Process Motion and any opposition thereto, on the

merits by submission. J.P. Morgan requests all such other and further relief, at law or in equity, to which it may be entitled.

Respectfully submitted,

**JACKSON WALKER L.L.P.**

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By: /s/ Mark T. Josephs

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Sara Hollan Chelette  
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David Jed Williams  
State Bar No. 21518060

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MORGAN CHASE BANK, N.A., TRUSTEE  
OF THE SOUTH TEXAS SYNDICATE  
TRUST**

**CERTIFICATE OF SERVICE**

This is to certify that on this 30th day of August, 2013, a true and correct copy of the foregoing was served on the following via telecopier.

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/s/ Sara Hollan Chelette  
Sara Hollan Chelette

(Consolidated Under)  
CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET. AL.	§	IN THE DISTRICT COURT
	§	
Plaintiffs,	§	
	§	
VS.	§	
	§	
JPMORGAN CHASE BANK, N.A.	§	225TH JUDICIAL DISTRICT
INDIVIDUALLY/CORPORATELY	§	
AND AS TRUSTEE OF THE SOUTH	§	
TEXAS SYNDICATE TRUST	§	
and GARY P. AYMES	§	BEXAR COUNTY, TEXAS
	§	
Defendants.	§	

**ORDER ON DEFENDANT JPMORGAN CHASE BANK, N.A.'S MOTION FOR  
RECONSIDERATION OF THE COURT'S DECISION TO CANCEL THE HEARING  
ON ITS MOTION TO RETAIN ADVISERS, SEEK ALTERNATIVES, AND EXPEND  
TRUST ASSETS, OR ALTERNATIVELY, REQUEST FOR THE COURT TO  
CONSIDER THE MOTION BY SUBMISSION**

On this day, the Court considered Defendant JPMorgan Chase Bank, N.A.'s ("J.P. Morgan"), Trustee of the South Texas Syndicate Trust, Motion for Reconsideration of the Court's Decision to Cancel the Hearing on Its Motion to Retain Advisers, Seek Alternatives, and Expend Trust Assets, or Alternatively, Request for the Court to Consider the Motion by Submission (the "Motion for Reconsideration") and finds that J.P. Morgan's Motion for Reconsideration should be:

**A. GRANTED-**The Court finds that an evidentiary hearing should be held on J.P. Morgan's Motion to Retain Advisers, Seek Alternatives, and Expend Trust Assets, and the hearing is scheduled for \_\_\_\_\_.

(or)

**EXHIBIT "1"**

**B. GRANTED-**The Court finds that J.P. Morgan should be allowed to submit additional evidence, including affidavit testimony, in support of its Motion to Retain Advisers, Seek Alternatives, and Expend Trust Assets, that Plaintiffs should be permitted to respond to that evidence, and that the Court should consider the motion and evidence by submission.

Accordingly, J.P. Morgan will submit any additional evidence by  
\_\_\_\_\_ and Plaintiffs will respond by  
\_\_\_\_\_.

(or)

**C. DENIED-**J.P. Morgan's Motion for Reconsideration is denied in its entirety.

Signed this \_\_\_\_ day of September, 2013.

\_\_\_\_\_  
Honorable Judge Barbara H. Nellermoe  
Judge Presiding

CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET. AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	
	§	
JPMORGAN CHASE BANK, N.A.	§	225 <sup>TH</sup> JUDICIAL DISTRICT
INDIVIDUALLY/CORPORATELY	§	
AND AS TRUSTEE OF THE SOUTH	§	
TEXAS SYNDICATE TRUST	§	
and GARY P. AYMES	§	BEXAR COUNTY, TEXAS

**SECOND SUPPLEMENT TO DEFENDANTS'**  
**MOTION FOR JOINDER OF NECESSARY PARTIES**

Defendants JPMorgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust (collectively "J.P. Morgan") and Gary P. Aymes file this Second Supplement to Defendants' Motion for Joinder of Necessary Parties (filed on February 8, 2013 and incorporated herein along with the First Supplement) and would show the Court as follows:

**I.**

On February 8, 2013, Defendants filed their Motion for Joinder of Necessary Parties ("the Motion"), which Motion was heard by the Court on February 25, 2013. At the conclusion of the hearing, the Court deferred ruling on the Motion.

**II.**

On March 15, 2013, Defendants filed their First Supplement to Defendants' Motion for Joinder of Necessary Parties ("the First Supplement") both as an Advisory to the Court and as an additional basis and ground for granting Defendants' Motion for Joinder of Necessary Parties filed on February 8, 2013.

**III.**

Defendants file this their Second Supplement to Defendants' Motion for Joinder of Necessary Parties both as an Advisory to the Court and as a request that the Court conduct a

hearing and enter an order with respect to the Defendants' Motion for Joinder of Necessary Parties.

#### **IV.**

On July 19, 2013, this Court signed its Order Granting Plaintiffs' Motion for Partial Summary Judgment Regarding Trustee Resignation. In its Order, the Court ruled that the Trustee shall resign as Trustee of the South Texas Syndicate Trust and that the resignation shall be effective upon the selection and appointment of the successor trustee. To date, no successor trustee has been selected and appointed. The ruling by the Court compelling the resignation of the Trustee does not affect the legal status of the non-party STS Trust beneficiaries as being necessary parties to the appointment of a successor trustee. *See* TEX. TRUST CODE §§115.001(a)(3) and 115.011(b).

#### **V.**

Defendants incorporate as if fully set forth herein Defendants' Motion for Joinder of Necessary Parties and Defendants' First Supplement to Defendants' Motion for Joinder of Necessary Parties. Defendants re-urge the Motion and the First Supplement and ask the Court to set a hearing on this matter and to order the joinder of the absent STS Trust beneficiaries as parties to this case pursuant to the Texas Trust Code, the Texas Uniform Declaratory Judgments Act, TEX. CIV. PRAC. & REM. CODE §§37.001-37.011 and TEX. R. CIV. P. 39.

#### **VI.**

#### **CONCLUSION AND PRAYER**

It is undisputed that all Trust beneficiaries are necessary parties to this case. Because Plaintiffs have failed to join all necessary parties, Defendants ask the Court to set this matter for hearing and for leave to join all absent STS Trust beneficiaries as parties to this case under Rule

39 of the Texas Rules of Civil Procedure, under the Texas Trust Code and pursuant to the Texas Uniform Declaratory Judgments Act.

**WHEREFORE, PREMISES CONSIDERED,** Defendants pray that the Court grant their motion and the relief requested herein and that the Court grant Defendants such other and further relief to which they may be entitled.

Respectfully submitted,

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State Bar No. 24027527

**ATTORNEYS FOR DEFENDANTS**

## **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was served on the following, as indicated:

### **VIA FAX and EMAIL**

Mr. George Spencer, Jr.  
Mr. Robert Rosenbach  
CLEMENS & SPENCER  
112 East Pecan, Suite 1300  
San Antonio, Texas 78205

### **VIA FAX and EMAIL**

Mr. James L. Drought  
Mr. Ian Bolden  
DROUGHT DROUGHT & BOBBITT, LLP  
112 East Pecan, Suite 2900  
San Antonio, Texas 78205

### **VIA FAX and EMAIL**

Mr. Richard Tinsman  
Ms. Sharon C. Savage  
TINSMAN & SCIANO, INC.  
10107 McAllister Freeway  
San Antonio, Texas 78216

### **VIA FAX and EMAIL**

Mr. Michael S. Christian  
ZELLE HOFMANN VOELBEL & MASON  
44 Montgomery Street, Suite 3400  
San Francisco, California 94104

### **VIA FAX and EMAIL**

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77045

### **VIA FAX and EMAIL**

Mr. Jim L. Flegle  
LOEWINSOHN FLEGLE DEARY, L.L.P.  
12377 Merit Drive, Suite 900  
Dallas, Texas 75251

### **VIA FAX and EMAIL**

Mr. Steven J. Badger  
Ms. Ashley Bennett Jones  
ZELLE HOFMANN VOELBEL & MASON  
901 Main Street, Suite 4000  
Dallas, Texas 75202-3975

### **VIA FAX and EMAIL**

Mr. John B. Massopust  
ZELLE HOFMANN VOELBEL & MASON  
500 Washington Avenue South, Suite 4000  
Minneapolis, MN 55415-1152

### **VIA FAX and EMAIL**

Mr. Matthew J. Gollinger  
ZELLE HOFMANN VOELBEL & MASON  
500 Washington Avenue South, Suite 4000  
Minneapolis, MN 55415-1152

on this 6<sup>th</sup> day of September 2013.

*s/Patrick K. Sheehan*

Patrick K. Sheehan



# CLEMENS & SPENCER

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
SUITE 1300

112 EAST PECAN STREET

SAN ANTONIO, TEXAS 78205-1531

(210) 227-7121 Telephone (210) 227-0732 Telecopier

ERNEST W. CLEMENS  
(1897-1978)

GEORGE H. SPENCER  
(1923-2013)

George H. Spencer, Jr.  
spencer@clemens-spencer.com

September 5, 2013

The Honorable Judge Barbara H. Nellermeoe  
45<sup>th</sup> District Court  
Bexar County Courthouse  
100 Dolorosa  
San Antonio, TX 78205

*via Hand Delivery*

FILED  
DONNA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY  
2013  
SEP -9 PM 3:38

Re: Cause No. ~~2011~~<sup>2010</sup> CI-10977; *John K. Meyer, et al. v. JPMorgan Chase Bank N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust and Gary P. Aymes*; in the 225<sup>th</sup> District Court, Bexar County, Texas  
(Our File No. 2184-24286)

Your Honor:

The attorneys for Defendant J. P. Morgan, Trustee, recently filed a motion requesting you to reconsider your decision back in July that, in light of the removal of J. P. Morgan as trustee, it was neither necessary nor a fruitful use of the Court's and the parties' time to hear several days of testimony and evidence about J. P. Morgan's consultants' ideas about a "process" of how the STS Trust could be restructured, broken up and sold, *et cetera*. The motion to reconsider that decision should be denied by you without hearing oral argument on it.

As you will recall from the July hearing, the owners of a majority of the beneficial interests in the STS Trust actively and affirmatively demanded J. P. Morgan's removal as trustee. No beneficiary opposed the motion to remove; no beneficiary spoke up in support of J. P. Morgan's continued service as trustee.

Similarly, though J. P. Morgan's motion to reconsider states that a copy of the Lazard Freres report (outlining the supposedly advantageous features of the various alternative structures for the STS Trust) has been sent to every beneficiary (motion at page 5), the Court will note that not a single beneficiary is petitioning the Court to consider that plan/"process"; not a single beneficiary is joining in J. P. Morgan's request that the plan/"process" be the subject of a multi-day evidentiary hearing.

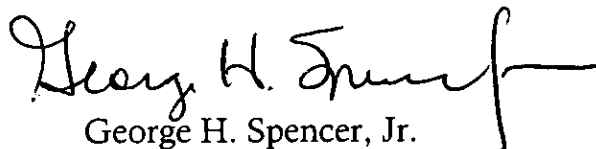
DOCUMENT  
SCANNED  
AS FILED

The obvious truth is that the STS Trust beneficiaries want nothing more to do with J. P. Morgan, least of all having their trust assets spent on a J. P. Morgan devised "process" or a hearing about such a "process" that would be time-consuming, expensive, and pointless.

As J. P. Morgan's motion to reconsider itself proposes as an alternative, you should simply circle the word "Denied" (option C on J. P. Morgan's proposed order) and sign and date the order.

Respectfully submitted,

CLEMENS & SPENCER

  
George H. Spencer, Jr.

GHSjr/ns

cc: Mr. Patrick K. Sheehan  
Mr. Rudy Garza  
Mr. Kevin M. Beiter  
Mr. David Jed Williams  
*via Facsimile No. (210) 271-1730*

Mr. David R. Deary  
Mr. Jim L. Flegle  
Mr. Michael J. Donley  
*via Facsimile No. (214) 572-1717*

Mr. Richard Tinsman  
*via Facsimile No. (210) 225-6235*

Mr. James L. Drought  
*via Facsimile No. (210) 222-0586*

Mr. Steven J. Badger  
Ms. Ashley Bennett Jones  
*via Facsimile No. (214) 760-8994*

The Honorable Judge Barbara Hanson Neller  
September 5, 2013  
Page 3

Mr. John B. Massopust  
Mr. Matt Gollinger  
*via Facsimile No. (612) 336-9100*

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
*via Facsimile No. (713) 871-2024*

Mr. Mark T. Josephs  
Ms. Sara Hollan Chelette  
*via Facsimile No. (214) 953-5822*

CLEMENS & SPENCER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 1300

112 EAST PECAN STREET

SAN ANTONIO, TEXAS 78205-1531

FILED  
DONNA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY

13 SEP -9 PM 3:36

DEPUTY

BY

The Honorable Judge Barbara H. Nellermoe

45<sup>th</sup> District Court

Bexar County Courthouse

100 Dolorosa

San Antonio, TX 78205

FILED  
DOMINIA KAY MCKINNEY  
DISTRICT CLERK  
BEVANT COUNTY

1 the deposition is as follows:

2 Mr. Michael Christian - 2:47  
3 (No other counsel questioned Witness)

4 That pursuant to information given to the  
5 deposition officer at the time said testimony was taken,  
6 the following includes counsel for all parties of  
7 record:

8 Mr. Ian Bolden/Mr. Michael Christian/  
9 Mr. James Drought/Mr. Richard Tinsman/Ms. Sharon  
10 Savage/Mr. Robert Rosenbach, Attorney(s) for  
11 Plaintiff(s)  
12 Mr. Rudy Garza/Ms. Susan Kravik, Attorney(s)  
13 for Defendant(s)

14 I further certify that I am neither counsel  
15 for, related to, nor employed by any of the parties or  
16 attorneys in the action in which this proceeding was  
17 taken, and further that I am not financially or  
18 otherwise interested in the outcome of the action.

19 Further certification requirements pursuant to  
20 Rule 203 of TRCP will be certified to after they have  
21 occurred.

22 Certified to by me this 10 day of  
23 September, 2013.



24 Leesa L. Parker  
25 LEESA L. PARKER, Texas CSR 5343  
Expiration Date: 12/31/2013  
KIM TINDALL & ASSOCIATES, LLC  
Registration No. 631  
645 Lockhill Selma, Suite 200  
San Antonio, Texas 78216  
(210) 697-3400

## 1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2  
3 The original deposition ~~was~~ was not returned to  
4 the deposition officer on 10-04-13;

5 If returned, the attached Changes and Signature  
6 page contains any changes and the reasons therefor;

7 If returned, the original deposition was  
8 delivered to MR. IAN BOLDEN, designated Custodial  
9 Attorney;

10 That \$ 113.60 is the deposition officer's  
11 charges to the Plaintiff for preparing the original  
12 deposition transcript and any copies of exhibits;

13 That the deposition was delivered in accordance  
14 with Rule 203.3, and that a copy of this certificate was  
15 served on all parties shown herein on and filed with the  
16 Clerk.

17 Certified to by me this 21st day of

18 Oct, 2013.

19 By BW

20 Leesa L. Parker  
LEESA L. PARKER, Texas CSR 5343  
Expiration Date: 12/31/2013  
21 KIM TINDALL & ASSOCIATES, LLC  
Registration No. 631  
22 645 Lockhill Selma, Suite 200  
San Antonio, Texas 78216  
23 (210) 697-3400  
24  
25

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## CHANGES AND SIGNATURE

WITNESS NAME: DESIGNATED CORPORATE REPRESENTATIVE OF JP  
MORGAN CHASE BANK, NA

DATE OF DEPOSITION: AUGUST 29, 2013

PAGE	LINE	CHANGE	REASON
41	13	CHANGE "estate" To "state"	
79	5	CHANGE 2010 To 2000	

1 I, DESIGNATED CORPORATE REPRESENTATIVE OF  
2 JP MORGAN CHASE BANK, NA, have read the foregoing  
3 deposition and hereby affix my signature that same is  
4 true and correct, except as noted above.

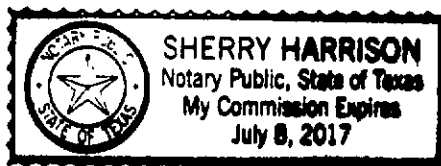
5  
6 Gary P. Aymes

7 DESIGNATED CORPORATE  
8 REPRESENTATIVE OF JP MORGAN  
CHASE BANK, NA

9  
10  
11 THE STATE OF Texas )  
12 COUNTY OF Bexar

13 Before me, Gary P. Aymes, on this day  
14 personally appeared DESIGNATED CORPORATE REPRESENTATIVE  
15 OF JP MORGAN CHASE BANK, NA, known to me (or proved to  
16 me under oath or through \_\_\_\_\_) (description  
17 of identity card or other document) to be the person  
18 whose name is subscribed to the foregoing instrument and  
19 acknowledged to me that they executed the same for the  
20 purposes and consideration therein expressed.

21 this 4th day of October, 2013.  
22



Sherry Harrison  
NOTARY PUBLIC IN AND FOR THE  
STATE OF Texas

(Consolidated Under)  
CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET AL.  
Plaintiffs,

vs.

JP MORGAN CHASE BANK, N.A.  
INDIVIDUALLY/CORPORATELY  
AND AS TRUSTEE OF THE SOUTH  
TEXAS SYNDICATE TRUST  
and GARY P. AYMES,  
Defendants.

§  
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§  
§

IN THE DISTRICT COURT

225<sup>TH</sup> JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFFS' NOTICE OF FILING OF RULE 11 AGREEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Now come Plaintiffs/Plaintiff-Intervenors in the above-entitled and numbered  
cause, and file the attached Rule 11 Agreement with the Court.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, Minnesota 55415-1152  
(612) 339-2020 - Telephone  
(612) 336-9100 - Facsimile  
**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,  
LINDA ALDRICH, ET AL.**

Jim L. Flegle  
State Bar No. 07118600  
LOEWINSOHN FLEGLE DEARY, L.L.P.  
12377 Merit Dr., Suite 900  
Dallas, Texas 75251  
(214) 572-1700 - Telephone  
(214) 572-1717 - Facsimile

FILED  
DOUGLAS KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY  
2013 OCT 25 A 11:38

DEPUTY

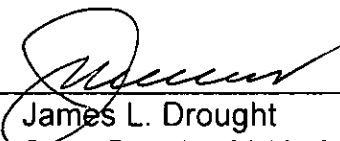
**ATTORNEYS FOR PLAINTIFFS,  
EMILIE BLAZE, ET AL.**

Richard Tinsman  
State Bar No. 20064000  
Sharon C. Savage  
State Bar No. 0474200  
TINSMAN & SCIANO, INC.  
10107 McAllister Fwy  
San Antonio, Texas 78216  
Telephone: (210) 225-3121  
Facsimile: (210) 225-6235

George H. Spencer, Jr.  
State Bar No. 18921001  
Robert Rosenbach  
State Bar No. 17266400  
CLEMENS & SPENCER, P.C.  
112 East Pecan Street, Suite 1300  
San Antonio, Texas 78205  
Telephone: (210) 227-7121  
Facsimile: (210) 227-0732

DROUGHT, DROUGHT & BOBBITT, LLP  
2900 Weston Centre  
112 East Pecan Street  
San Antonio, Texas 78205  
(210) 225-4031 Telephone  
(210) 222-0586 Telecopier

By: \_\_\_\_\_

  
James L. Drought  
State Bar No. 06135000

**ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.**

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent by:

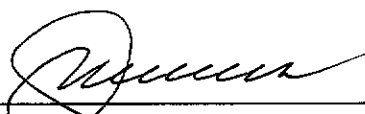
<u>      </u>	U.S. Certified Mail, Return Receipt Requested to:
<u>  ✓  </u>	Facsimile to:
<u>      </u>	First Class Mail to:
<u>      </u>	Hand Delivery to:

Mr. Patrick K. Sheehan  
Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Mr. John C. Eichman  
Ms. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 25<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
James L. Drought



## DROUGHT DROUGHT &amp; BOBBITT LLP

ATTORNEYS AT LAW

October 22, 2013

Mr. Patrick K. Sheehan

VIA FAX

Mr. David Jed Williams

Hornberger Sheehan Fuller Beiter Wittenberg &amp; Garza, Inc.

The Quarry Heights Building

7373 Broadway, Suite 300

San Antonio, Texas 78209

Re: Cause No. 2010-CI-10977; *John K. Meyer, et al., Plaintiff v. JP Morgan, et al., Defendants.*  
**Rule 11 Letter Agreement**

Dear Counsel:

We propose that Plaintiffs' deadline to designate expert witnesses be extended to **November 15, 2013** and that Defendants' deadline to designate expert witnesses be extended to **January 10, 2014**.

All other deadlines set forth in the Amended Docket Control Order dated May 7, 2013 will remain the same.

If this meets with your approval, please so indicate by signing below and returning to me. I will then see that our agreement is filed as a Rule 11 letter.

With best regards.

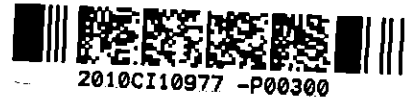
Sincerely,

  
James L. Drought

JLD/beb

AGREED this 23<sup>rd</sup> day of October, 2013.  
David Jed Williams, Attorney for Defendants

# USLEGAL SUPPORT



Bre  
119

225th.

October 14, 2013

2010 CI 10977

Ms. Margaret G. Montemayor  
Bexar County District Clerk  
Bexar County Court House, 1<sup>st</sup> Floor  
100 Dolorosa Street  
San Antonio, Texas 78205-3028

Dear Madam:

Please find enclosed for filing the following certificate(s) of deposition(s):

DEPOSITION OF	CASE NUMBER	COURT
Thomas L. Warner ( 146654)	2010-CI-10977	225 <sup>TH</sup>
Ingrid Skop, MD ( 148276)	2011-CI-18285	285 <sup>TH</sup>
Carlos Palacio ( 147036)	2013-CI- 01265	37 <sup>TH</sup>
Martha Sue Gessel ( 146733)	2012- CI- 02993	288 <sup>TH</sup>

Please date stamp this cover letter and return it in the enclosed self-addressed stamped envelope.

Sincerely,

Cherie Kell  
General Reporting Manager

Enclosures

FILED  
DONNA KAY HECKINNEY  
DISTRICT CLERK  
BEXAR COUNTY  
2013 OCT 17 P 2:58  
DEPUTY

Steven M. Moore

NO CASE

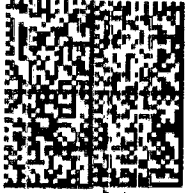
049J82051462

\$01.520

10/17/2013

Mailed From 77060

US POSTAGE



FILED  
DONNA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY  
2013 OCT 17 BR  
2013 OCT 17 P 2:21

DEPUTY

BY: \_\_\_\_\_

USLEGAL  
SUPPORT

363 N. Sam Houston Pkwy. E. # 1200  
Houston TX 77060



Ms. Margaret G. Montemayor  
Bexar County District Clerk  
Bexar County Court House, 1st Floor  
100 Dolorosa Street  
San Antonio, Texas 78205-3028

REPORTER'S CERTIFICATE

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF WASHINGTON )

I hereby certify that I reported the deposition of THOMAS L. WARNER, on the 20th day of August 2013, in Minneapolis, Minnesota, and that the witness was by me first duly sworn to tell the whole truth;

That the testimony was transcribed by me and is a true record of the testimony of the witness;

That the cost of the original has been charged to the party who noticed the deposition, and that all parties who ordered copies have been charged at the same rate for such copies;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel;

That I am not financially interested in the action and have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect my impartiality;

That the right to read and sign the deposition by the witness was reserved.

WITNESS MY HAND AND SEAL THIS 20th day of August 2013.

*Kelley E. Zilles*

Kelley E. Zilles, RPR  
Notary Public, Washington County, Minnesota  
My commission expires 1-31-2015

DOCUMENT  
SCANNED AS  
FILED

146654

CERTIFICATION  
ORAL VIDEOTAPED DEPOSITION OF  
THOMAS L. WARNER

The deposition transcript was submitted on August 30<sup>th</sup>, 2013, to the witness or to the attorney for the witness for examination, signature and return by October 2<sup>nd</sup>, 2013;

MATTHEW J. GOLLINGER, ESQ. Attorney for the  
Plaintiff  
DAVID JED WILLIAMS, ESQ. Attorney for the  
Defendants

The original deposition was/was not returned to the deposition officer on October 2nd, 2013;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to DAVID JED WILLIAMS, Custodial Attorney;

That \$ 1354.<sup>55</sup> is the deposition officer's charges to the defendants for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein and filed with the Clerk.

CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET AL, ) IN THE DISTRICT COURT

Plaintiffs, )

VS. )

JPMORGAN CHASE BANK, N.A.,  
INDIVIDUALLY/CORPORATELY  
AND AS TRUSTEE OF THE SOUTH  
TEXAS SYNDICATE TRUST, and  
GARY P. AYMES,

Defendants. ) BEXAR COUNTY, TEXAS

REPORTER'S CERTIFICATION  
DEPOSITION OF JOHN CARTER PIPER  
August 13, 2013

I, PATRICIA HARRIS VERNON, Certified Shorthand  
Reporter in and for the State of Texas, hereby certify to  
the following:

That the witness, JOHN CARTER PIPER, was duly sworn  
by the officer and that the transcript of the oral  
deposition is a true record of the testimony given by the  
witness;

That the deposition transcript was submitted on  
8. 28. 13 to the witness or to the attorney  
for the witness for examination, signature and return to  
me by 9. 20. 13;

That the amount of time used by each party at the  
deposition is as follows:

DOCUMENT  
SCANNED AS  
FILED

46660

1 MICHAEL J. GOLLINGER - 00:00 minutes  
2 PATRICK K. SHEEHAN - 06 hours: 15 minutes

3 That pursuant to information given to the deposition  
4 officer at the time said testimony was taken, the  
5 following includes counsel for all parties of record:

6 MICHAEL J. GOLLINGER and JOHN B. MASSOPUST, Attorneys  
for the Plaintiffs and John Carter Piper;

7 RICHARD TINSMANN, JAMES L. DROUGHT, IAN T. BOLDEN,  
8 ROBERT J. ROSENBACH, GEORGE SPENCER, JR., DAVID R. DEARY,  
JIM L. FLEGLE, JEVEN R. SLOAN, STEVEN J. BADGER,  
Attorneys for the Plaintiffs;

9 PATRICK K. SHEEHAN and SUSAN P. KRAVIK, Attorneys for  
the Defendants;

10  
11 I further certify that I am neither counsel for,  
12 related to, nor employed by any of the parties or  
13 attorneys in the action in which this proceeding was  
14 taken, and further that I am not financially or otherwise  
15 interested in the outcome of the action.

16 Further certification requirements pursuant to Rule  
17 203 of TRCP will be certified to after they have  
18 occurred.

19 Certified to by me this 20th day of August, 2013.



PATRICIA HARRIS VERNON

Texas CSR No. 1321

Expiration Date: 12/31/2014

23  
24 Firm Certification #344  
25

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 WITNESS NAME: JOHN CARTER PIPER, August 13, 2013

3 The original deposition was/was not returned to the  
4 deposition officer;

5 If returned, the attached Changes and Signature Page  
6 contains any changes and the reasons therefor;

7 If returned, the original deposition was delivered to  
8 PATRICK K. SHEEHAN, Esquire, for safekeeping on

9 September 20<sup>th</sup> 2013;

10 That \$ 1317.45 is the deposition officer's  
11 charges to the defendants for preparing the original  
12 deposition transcript and any copies of exhibits;

13 That the deposition was delivered in accordance with  
14 Rule 203.3, and that a copy of this certificate was  
15 served on all parties shown herein and filed with the  
16 Clerk.

17 Certified to by me this 27<sup>th</sup> day of  
18 September, 2013.

19

20

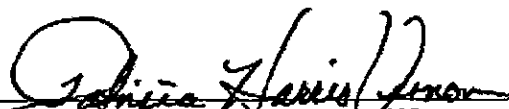
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PATRICIA HARRIS VERNON  
Texas CSR No. 1321  
Expiration Date: 12/31/2014  
Firm Certification #344

CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET. AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	
	§	
JPMORGAN CHASE BANK, N.A.	§	225 <sup>TH</sup> JUDICIAL DISTRICT
INDIVIDUALLY/CORPORATELY	§	
AND AS TRUSTEE OF THE SOUTH	§	
TEXAS SYNDICATE TRUST	§	
and GARY P. AYMES	§	BEXAR COUNTY, TEXAS

**DEFENDANT'S MOTION FOR PROTECTIVE ORDER CONCERNING  
PLAINTIFFS' THIRD SET OF INTERROGATORIES**

Defendant JPMorgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust (collectively "JPMorgan") files this Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories (pursuant to common law and Texas Rule of Civil Procedure 192.6).

1.01

On September 9, 2013, Plaintiffs served upon JPMorgan their Third Set of Interrogatories. A true and correct copy of Plaintiffs' Third Set of Interrogatories is attached hereto and incorporated herein as Exhibit "A" to this Motion.

1.02

These Interrogatories, in general, seek highly confidential business and personal information and information that is confidential and proprietary to JPMorgan (or to other non-party JPMorgan entities), and potentially to multiple third parties including lessees of STS Trust. The requested information is not relevant to the subject matter of this case and is thus, beyond the scope of permissible discovery. In its responses to the Interrogatories, JPMorgan has specifically objected to the offending interrogatories in addition to seeking the relief requested

herein. All such objections are incorporated herein and made a part of this Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories.

1.03

In the Interrogatories, Plaintiffs attempt to task the JPMorgan entity sued in this case to obtain confidential, private, and/or proprietary information pertaining to entities and persons that are not parties to this case. Plaintiffs addresses many requests to "J.P. Morgan" defined to improperly include "any and all past or present partners, officers, directors, managers, employees, attorneys, representatives, agents, shareholders, affiliates, subsidiaries, parents, successors, assigns, or any entity in which Defendant has an ownership interest, individually, collectively, or in any combination and/or permutation whatsoever." JPMorgan objects to being required to respond to these Interrogatories in any capacity other than the capacities in which it has been sued and to which these Interrogatories are directed. JPMorgan should only have to respond to discovery with information and documents obtainable from only one such entity - Defendant JPMorgan Chase Bank, N.A., Individually/Corporately and in its role as Trustee of the South Texas Syndicate Trust. JPMorgan objects to the definition of "J.P. Morgan" as overly broad to include entities or businesses unrelated to the business that administers personal trusts. Accordingly, JPMorgan moves for a protective order.

1.04

In its responses, JPMorgan has objected to the alleged "relevant time period" designated by Plaintiffs in the Interrogatories to be January 1, 2000 to the present. This time period is overly broad and unduly burdensome in purporting to require JPMorgan to search for and produce information going back over thirteen (13) years. Accordingly, JPMorgan moves for a protective order.

1.05

Further, many of the Interrogatories have no relevance to the subject matter of this case, are overly broad in scope and would unduly burden JPMorgan with the need to search for, organize and review a massive amount of information and data from an extended period of time at great time and expense. Accordingly, JPMorgan moves for a protective order.

1.06

Further, in the requests, Plaintiffs seek information that may consist of potential banking records for third parties (See Interrogatory Nos. 1 through 16). With respect to this information, Plaintiffs have failed to satisfy the requirements of Texas Finance Code §59.006, and specifically, §§59.006(b), (c), and (d), which require that Plaintiffs pay JPMorgan's costs and attorneys' fees, give notice to the affected possible customers of JPMorgan and give those customers an opportunity to consent or refuse to consent to the production of their records.<sup>1</sup>

1.07

Texas Rules of Civil Procedure 192.6(b) provides that "[t]o protect the movant from undue burden, unnecessary expense, harassment, annoyance, or the invasion of personal, constitutional, or property rights, the court may make any order in the interest of justice...". JPMorgan thus moves for a protective order under Rule 192.6(b) and under the common law to protect itself (and others affected by these discovery requests, such as third parties) from the invasion of personal and business rights of privilege, confidentiality, and privacy caused by the requested discovery, as well as the rights of privilege, confidentiality, and privacy of Defendant and other third parties having rights with respect to the requested discovery.

---

<sup>1</sup> "Record" is defined by Tex. Fin. Code §59.001(7) as "financial or other information of a customer maintained by a financial institution."

JPMorgan further moves for a protective order quashing the Interrogatories in their entirety in order to protect JPMorgan from incurring the time and expense commitment that would be required to comply with these largely irrelevant, overly broad, and unduly burdensome discovery requests. Additionally, to the extent any such information, if any, is required to be or ordered to be searched for, reviewed, catalogued, organized or otherwise dealt with by JPMorgan (or its agents), it requests that all labor, material, copying and all other related charges, attorneys' fees, professional fees, costs or expenses be ordered assessed against Plaintiffs who are seeking this information and/or against Plaintiffs' share of distributions from the STS Trust and/or ordered reimbursed from the STS Trust estate. *See* TEX. PROP. CODE 114.064 ("In any proceeding under this code the court may make such award of costs and reasonable and necessary attorney's fees as may seem equitable and just"); *In re Ray Ellison Grandchildren Trust*, 261 S.W.3d 111, 126 (Tex. App. – San Antonio 2008, pet. denied) ("The granting or denying of attorney's fees under this section is within the sound discretion of the trial court").

WHEREFORE, JPMorgan prays that the Court grant this Motion and sign a protective order in this case and grant JPMorgan such other and further relief to which it may be entitled.

Respectfully submitted,

**HORNBERGER SHEEHAN FULLER BEITER  
WITTENBERG & GARZA INCORPORATED**

7373 Broadway, Suite 300

San Antonio, Texas 78209

Telephone: (210) 271-1700

Fax: (210) 271-1740

By: /s/ Eduardo L. Morales

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State Bar No. 18175500

Kevin M. Beiter

State Bar No. 02059065

Rudy A. Garza

State Bar No. 07738200

David Jed Williams

State Bar No. 21518060

Eduardo L. Morales

State Bar No. 24027527

**ATTORNEYS FOR DEFENDANTS**

## **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing DEFENDANT'S MOTION FOR PROTECTIVE ORDER CONCERNING PLAINTIFFS' THIRD SET OF INTERROGATORIES was served on the following, as indicated, on this the 16<sup>th</sup> day of October 2013:

Mr. Steven J. Badger  
Ms. Ashley Bennett Jones  
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Mr. Jim L. Flegle  
Mr. Jeven R. Sloan  
LOEWINSOHN FLEGLE DEARY, L.L.P.  
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**VIA ELECTRONIC DELIVERY OR FAX**

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**VIA ELECTRONIC DELIVERY OR FAX**

Mr. John B. Massopust  
Mr. Matthew J. Gollinger  
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Mr. Jeffrey J. Towers  
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Mr. Kelly M. Walne  
Boyer Short  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77045

**VIA ELECTRONIC DELIVERY OR FAX**

/s/ Eduardo L. Morales  
Eduardo L. Morales



OFFICE OF CIVIL JURY ASSIGNMENT CLERK  
BEXAR COUNTY COURTHOUSE--ROOM 422  
SAN ANTONIO, TEXAS 78205  
(210) 335-2520

September 30, 2013

**NOTICE OF JURY TRIAL SETTING**

STEVEN BADGER  
Attorney at Law  
1201 MAIN ST 3000  
DALLAS, TX 75202-3978

RE: JOHN K MEYER VS. JP MORGAN CHASE BANK N A ET AL  
Cause No: 2010-CI-10977

The above-styled and -numbered cause is set for trial **ON THE MERITS** on the 24th day of March, 2014 at 8:30 AM in the 37th District Court. Failure to appear may result in default or dismissal for want of prosecution.

All parties shall deliver Motions in Limine, Motions to Realign Parties or Equalize Peremptory Strikes, and a Proposed Jury Charge to all other parties by Noon on the last business day prior to the above-referenced trial date.

In the event the trial is expected to last ten (10) working days or longer, it is strongly suggested that a Rule 166 Pretrial Motion be heard at least sixty (60) days before the above-referenced setting date.

This cause is also set on the ADR docket on the \_\_\_\_\_ in the \_\_\_\_\_ District Court, Bexar County Courthouse. You do not have to appear if an Agreed Order of Referral for Mediation is Provided to the ADR Coordinator three (3) days prior to the setting. Otherwise, failure to appear as noticed may result in court selecting a mediator and allocating mediator fees between the parties.

MICHAEL MERY

JURY MONITORING JUDGE

CC:

DAVID WILLIAMS  
FRED STUMPF  
GEORGE SPENCER  
JAMES DROUGHT  
JIM FLEGLE  
JOHN EICHMAN  
JOHN MASSOPUST  
MARK JOSEPHS  
MARK RANDOLPH  
MATTHEW GOLLINGER

PATRICK SHEEHAN  
RICHARD TINSMAN  
RUDY GARZA  
STEVEN BADGER

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DONNA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY



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BEXAR COUNTY

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BEXAR COUNTY COURTHOUSE-ROOM 422  
SAN ANTONIO, TEXAS 78205  
(210) 335-2520

September 30, 2013

**NOTICE OF JURY TRIAL SETTING**

FRED STUMPF  
Attorney at Law  
1400 POST OAK BLVD 400  
HOUSTON, TX

RE: JOHN K. MEYER VS. JP MORGAN CHASE BANK N A ET AL  
Cause No: 2010-CI-10977

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MICHAEL MERY

JURY MONITORING JUDGE

CC:

DOCUMENT SCANNED  
AS FILED

DAVID WILLIAMS  
FRED STUMPF  
GEORGE SPENCER  
JAMES DROUGHT  
JIM FLEGLE  
JOHN EICHMAN  
JOHN MASSOPUST  
MARK JOSEPHS  
MARK RANDOLPH  
MATTHEW GOLLINGER

PATRICK SHEEHAN  
RICHARD TINSMAN  
RUDY GARZA  
STEVEN BADGER

*[Handwritten signature]*  
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DONNA KAY MCKINNEY  
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BEXAR COUNTY



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SAN ANTONIO, TEXAS 78205  
(210) 335-2520

September 30, 2013

NOTICE OF JURY TRIAL SETTING

FILE COPY

RE: JOHN K MEYER VS. JP MORGAN CHASE BANK N A ET AL  
Cause No: '2010-CI-10977

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MICHAEL MERY

JURY MONITORING JUDGE

CC:

DAVID WILLIAMS  
FRED STUMPF  
GEORGE SPENCER  
JAMES DROUGHT  
JIM FLEGLE  
JOHN EICHMAN  
JOHN MASSOPUST  
MARK JOSEPHS  
MARK RANDOLPH  
MATTHEW GOLLINGER

PATRICK SHEEHAN  
RICHARD TINSMAN  
RUDY GARZA  
STEVEN BADGER

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DONNA KAY McKINNEY  
DISTRICT CLERK  
BEXAR COUNTY

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8/6/2013

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CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET AL. ) IN THE DISTRICT COURT  
vs. ) BEXAR COUNTY, TEXAS  
JPMORGAN CHASE BANK, N.A. )  
INDIVIDUALLY/CORPORATELY )  
AND AS TRUSTEE OF THE )  
SOUTH TEXAS SYNDICATE )  
TRUST AND GARY P. AYMES ) 225TH JUDICIAL DISTRICT

FILED  
DONNA KAY MUMFORD  
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BEXAR COUNTY  
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## REPORTER'S CERTIFICATE

ORAL &amp; VIDEOTAPED DEPOSITION OF JOHN DE QUERVAIN PIPER

August 6, 2013

I, Loretta M. Ortegon, Certified Shorthand Reporter in and  
for the State of Texas, hereby certify to the following:

That the witness, JOHN DE QUERVAIN PIPER, was duly sworn  
and that the transcript of the deposition is a true record of  
the testimony given by the witness;

That the deposition transcript was duly submitted on  
8/9/13 to the witness or to the attorney for the  
witness for examination, signature, and return to me by

9/1/13.

That pursuant to information given to the deposition  
officer at the time said testimony was taken, the following  
includes all parties of record and the amount of time used by  
each party at the time of the deposition:

Mr. Matthew J. Gollinger (0 hours 0 minutes)  
Attorney for Plaintiffs

Mr. David Jed Williams (5 hours 37 minutes)

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AS FILED

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1 Mr. Patrick K. Sheehan, Ms. Stephanie Curette (0 hours 0  
minutes)

2 Attorneys for Defendants

3 Mr. Richard Tinsman, Ms. Sharon C. Savage (0 hours 0  
minutes)

4 Attorneys for Plaintiffs

5 Mr. James L. Drought, Mr. Ian T. Bolden (0 hours 0  
minutes)

6 Attorneys for Plaintiffs

7 Mr. Robert Rosenbach (0 hours 0 minutes)

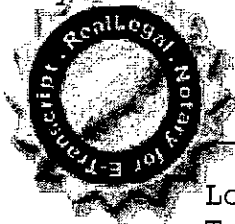
8 Attorney for Plaintiffs

9 That a copy of this certificate was served on all parties  
10 shown herein on \_\_\_\_\_ and filed with the  
11 Clerk.

12 I further certify that I am neither counsel for, related  
13 to, nor employed by any of the parties in the action in which  
14 this proceeding was taken, and further that I am not  
15 financially or otherwise interested in the outcome of this  
16 action.

17 Further certification requirements pursuant to Rule 203 of  
18 the Texas Code of Civil Procedure will be complied with after  
19 they have occurred.

20 Certified to by me on this 9 day August, 2013.



21 Loretta M. Ortegon

22 Loretta M. Ortegon, CSR  
23 Texas CSR 2721  
24 Expiration: 12/31/13  
25 U.S. Legal Support, Inc.  
4801 NW Loop 410, Suite 375  
San Antonio, Texas 78229  
(210) 734-7127

## FURTHER CERTIFICATION UNDER TRCP RULE 203

The original deposition transcript with corrections ( ) was (✓) was not returned pursuant to the Rules, and the (✓) original transcript ( ) copy of nonsignature certificate to be attached to attorney's copy of the deposition was sent to the custodial attorney, Mr. David Jed Williams, for safekeeping and use at trial.

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

\$ 1505.<sup>00</sup> is the deposition officer's charges to the Defendants for preparing the original deposition and any copies of exhibits;

The deposition was delivered in accordance with Rule 203.3, and a copy of this certificate, served on all parties shown herein, was filed with the Clerk.

Certified to by me on this 9<sup>th</sup> day of September, 2013.

Loretta M. Ortega *BAE*

Loretta M. Ortega, CSR  
Texas CSR 2721  
Expiration: 12/31/13  
U.S. Legal Support, Inc.  
4801 NW Loop 410, Suite 375  
San Antonio, Texas 78229  
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(Consolidated Under)  
CAUSE NO. 2010-CI-10977

FILED  
DONNA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY

JOHN K. MEYER, ET AL.  
Plaintiffs,

vs.

JP MORGAN CHASE BANK, N.A.  
INDIVIDUALLY/CORPORATELY  
AND AS TRUSTEE OF THE SOUTH  
TEXAS SYNDICATE TRUST  
and GARY P. AYMES,  
Defendants.

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IN THE DISTRICT COURT

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225<sup>TH</sup> JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**PLAINTIFFS' MOTION TO COMPEL AND FOR SANCTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

Now come Plaintiffs, John K. Meyer, et al., in the above-styled and numbered cause, and file this Motion to Compel Defendant JP Morgan Chase Bank, N.A. ("JPM") to answer Requests for Production and would respectfully show the Court the following:

**Introduction**

1. JPM was the trustee of a trust known as the South Texas Syndicate ("STS") until it was forced to resign by court order dated July 19, 2013. A successor trustee is being selected.

2. Plaintiffs are beneficiaries of the trust and have alleged that JPM breached its fiduciary duty by failing to provide information regarding the trust and failing to properly manage the trust. Plaintiffs have sought to obtain information

regarding the trust through discovery, but JPM's modus operandi is to wrongfully and without cause refuse to provide such information as follows:

**Meyer's Fourth Request for Production**

3. On or about August 7, 2013, Meyer served JPM with his Fourth Request for Production. On or about September 9, 2013, JPM served its Objections and Responses, a copy of which is attached as **Exhibit 1**. JPM raised numerous unfounded objections to 20 of the 32 Requests for Production and has failed to produce any documents.

4. As an example, Request for Production No. 1 asks JPM to produce the specialty asset budgets discovered and addressed during one of their corporate representative's deposition. JPM has objected that the Request is "overly broad , harassing, and unduly burdensome" and further that the Request "seeks information that is not relevant to the subject matter of this case..."

5. First, the Request simply asks for the budgets from 2007 to 2011 – a far cry from being overly broad, harassing, or unduly burdensome. Second, the Plaintiffs allege that JPM did not properly manage the Trust by being understaffed, among other things, and whether there was an appropriate budget set out for the Oil and Gas department of the Specialty Assets division in order to properly fulfill their duties as trustee is directly relevant to the subject matter of this case.

6. On or about September 10, 2013, Plaintiff's counsel wrote a letter to Defendant's counsel in an attempt to resolve this matter without judicial intervention,

a copy of which is attached as **Exhibit 2**.

**Trustee's Independent and Ongoing Obligations**

7. As is well settled under Texas law, a trustee has an independent and ongoing obligation to fully disclose all material facts which might affect a beneficiary's rights. This obligation is separate and apart from the obligation to respond to litigation discovery and is not eliminated or reduced by the fact that there is litigation between the trustee and the beneficiary. *Montgomery v. Kennedy*, 669 S.W.2d 309, 313 (Tex. 1984); *Huie v. DeShazo*, 922 S.W.2d 923 (Tex. 1996).

**Request for Attorney's Fees**

8. In sum, JPM's practice is to systematically fail to provide relevant and important information in response to a discovery request and has done so without any legitimate justification. Plaintiffs request that the Court require JPM to pay the attorney's fees out of its corporate monies and not out of the Trust's monies. That is, the penalty for abusing the discovery process should be imposed on the offending party itself and should not be permitted to escape the "sting" of that penalty by paying it with the Trust beneficiaries' money.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Court set this matter for hearing and that upon hearing hereof, enter an order granting Plaintiff's Motion to Compel JPM to remove its objections to Plaintiffs' Request for Production and produce documents and award reasonable attorney's fees incurred for bringing this Motion, and further pray for such other and additional relief to which

they may show themselves to justly entitled.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
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(612) 336-9100 - Facsimile  
**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,  
LINDA ALDRICH, ET AL.**

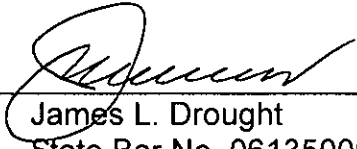
Jim L. Flegle  
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Facsimile: (210) 227-0732

DROUGHT, DROUGHT & BOBBITT, LLP  
2900 Weston Centre  
112 East Pecan Street  
San Antonio, Texas 78205  
(210) 225-4031 Telephone  
(210) 222-0586 Telecopier


By: \_\_\_\_\_

  
James L. Drought  
State Bar No. 06135000

**ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.**

**CERTIFICATE OF CONFERENCE**

I hereby certify that an attempt was made with counsel for Defendant to resolve this matter. As of the date of filing of this Motion, the matter has not been resolved. Accordingly, it is requested that the Court determine the matters at hand.

  
James L. Drought

**FIAT**

Plaintiffs' Motion to Compel is hereby set for hearing on October 3, 2013 at 8:30 a.m. in the Presiding Judicial District Court of Bexar County, Texas *Room 109.*

SIGNED this 19<sup>th</sup> day of September 2013.

**ANTONIA ARTEAGA**  
DISTRICT JUDGE  
**57TH DISTRICT COURT**

**JUDGE PRESIDING**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent  
by:


<u>          </u>	U.S. Certified Mail, Return Receipt Requested to:
<u>  ✓  </u>	Facsimile to:
<u>          </u>	First Class Mail to:
<u>          </u>	Hand Delivery to:

Mr. Patrick K. Sheehan  
Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Mr. John C. Eichman  
Mr. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 19<sup>th</sup> day of September, 2013.

  
James L. Drought

CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET. AL.,  
Plaintiffs,

V.

JPMORGAN CHASE BANK, N.A.  
INDIVIDUALLY/CORPORATELY  
AND AS TRUSTEE OF THE SOUTH  
TEXAS SYNDICATE TRUST  
and GARY P. AYMES,  
Defendants.

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IN THE DISTRICT COURT

225TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**DEFENDANT JPMORGAN CHASE BANK, N.A.'S RESPONSES TO PLAINTIFFS'**  
**FOURTH REQUEST FOR PRODUCTION**

Defendant JPMorgan Chase Bank, N.A., Individually/Corporately, ("J.P. Morgan")  
submits these Responses to Plaintiff's Fourth Request for Production.

Respectfully submitted,

**HORNBERGER SHEEHAN FULLER BEITER  
WITTENBERG & GARZA INCORPORATED**

7373 Broadway, Suite 300  
San Antonio, Texas 78209  
(210) 271-1700 Telephone  
(210) 271-1740 Fax

By: \_\_\_\_\_

Patrick K. Sheehan  
State Bar No. 18175500  
Kevin M. Beiter  
State Bar No. 02059065  
Rudy A. Garza  
State Bar No. 07738200  
David Jed Williams  
State Bar No. 21518060

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of this document was served upon the following on September 9, 2013 by the method indicated:

Mr. Steven J. Badger  
Ms. Ashley Bennett Jones  
ZELLE HOFMANN VOELBEL & MASON LLP  
901 Main Street, Suite 4000  
Dallas, Texas 75202-3975

**VIA FACSIMILE**

Mr. David R. Deary  
Mr. Jim L. Flegle  
Mr. Jeven R. Sloan  
LOEWINSOHN FLEGLE DEARY, L.L.P.  
12377 Merit Drive, Suite 900  
Dallas, Texas 75251

**VIA FACSIMILE**

Mr. James L. Drought  
DROUGHT DROUGHT & BOBBITT, LLP  
112 East Pecan, Suite 2900  
San Antonio, Texas 78205

**VIA FACSIMILE**

Mr. John B. Massopust  
Mr. Matthew J. Gollinger  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, MN 55415-1152

**VIA FACSIMILE**

Mr. George Spencer, Jr.  
Mr. Jeffrey J. Towers  
CLEMENS & SPENCER  
112 East Pecan, Suite 1300  
San Antonio, Texas 78205

**VIA FACSIMILE**

Mr. Richard Tinsman  
Ms. Sharon C. Savage  
TINSMAN & SCIANO, INC.  
10107 McAllister Freeway  
San Antonio, Texas 78205

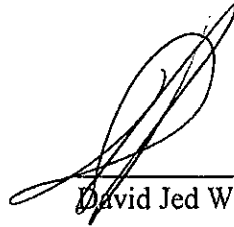
**VIA FACSIMILE**

Mr. Michael S. Christian  
ZELLE HOFMANN VOELBEL & MASON  
44 Montgomery Street, Suite 3400  
San Francisco, California 94104

**VIA FACSIMILE**

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77045

VIA FACSIMILE

A handwritten signature in dark ink, appearing to read "David Jed Williams", is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke.

**DEFENDANT'S RESPONSES TO PLAINTIFFS' FOURTH REQUEST FOR  
PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** Produce all the Specialty Asset budgets addressed by Kevin Smith in his deposition on July 29, 2013 for the years 2007, 2008, 2009, 2010 and 2011.

**OBJECTIONS:**

Defendant objects to this Request on the following bases:

1. This Request seeks confidential, private, and/or proprietary information pertaining to J.P. Morgan.
2. This Request is overly broad, harassing, and unduly burdensome. For example, this request is not limited to budgets for bank departments utilized by J.P. Morgan in its capacity as Trustee of the South Texas Syndicate Trust.
3. This Request seeks information that is not relevant to the subject matter of this case for discovery purposes and is beyond the scope of discovery as confined by the subject matter of this case. *See* TRCP 192 cmt. 1. For example, this request is not limited to budgets for bank departments utilized by J.P. Morgan in its capacity as Trustee of the South Texas Syndicate Trust.

**REQUEST FOR PRODUCTION NO. 2:** Produce Patricia Schultz-Ormond's job application.

**RESPONSE:**

Defendant will produce responsive documents within its possession or control, if any.

**REQUEST FOR PRODUCTION NO. 3:** Produce H.L. Tompkins' job application.

**RESPONSE:**

Defendant will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 4:** Produce the job postings for a senior mineral manager position for the year 2005.

**RESPONSE:**

Defendant will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 5:** Produce the job postings for a senior mineral manager position for the year H.L. Tompkins was hired by J.P. Morgan Chase Bank, N.A.

**RESPONSE:**

Defendant will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 6:** Produce all communications between any JP Morgan office and Patricia Schultz-Ormond regarding assistance provided to Patricia Schultz-Ormond during 2008 and 2009.

**OBJECTIONS:**

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiver of these objections, Defendant refers Plaintiffs to responsive documents, if any, already produced.

**REQUEST FOR PRODUCTION NO. 7:** Produce all of Patricia Schultz-Ormond's monthly "administrative reports" for the years 2007, 2008, and 2009 (see bates-number Defendants088119 which references the administrative reports).

**OBJECTIONS:**

Defendant objects to this Request on the following bases:

1. This Request seeks confidential, private, and/or proprietary information pertaining to Defendant and/or its clients.
2. This Request is overly broad, harassing, and unduly burdensome. For example, this request is not limited solely to administrative reports relating to STS.
3. This Request seeks information that is not relevant to the subject matter of this case for discovery purposes and is beyond the scope of discovery as confined by the subject matter of this case. See TRCP 192 cmt. 1. For example, this request is not limited solely to administrative reports relating to STS.

**REQUEST FOR PRODUCTION NO. 8:** Produce all the risk management guidelines the Office of the Comptroller of the Currency issued to nationally chartered banks, for the years 2007, 2008, 2009 and 2010.

**OBJECTIONS:**

Defendant objects to this Request on the following bases:

1. This Request is overly broad, harassing, and unduly burdensome. For example, this request is not limited to guidelines applicable to Defendant and bears no relation to Defendant's role as Trustee of South Texas Syndicate trust.
2. This Request seeks information that is not relevant to the subject matter of this case for discovery purposes and is beyond the scope of discovery as confined by the subject matter of this case. See TRCP 192 cmt. 1. For example, this request is not even limited to guidelines applicable to Defendant and bears no relation to Defendant's role as Trustee of South Texas Syndicate trust.

**REQUEST FOR PRODUCTION NO. 9:** Produce the expert report prepared by Dr. Norman S. Neidell in Cause No, 09-04-00036-CVL; *JP Morgan Chase Bank NA, in its capacity as Trustee of the South Texas Syndicate Trust vs. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc.*, in the 218<sup>th</sup> Judicial District of La Salle County, Texas.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. This Request seeks a document that contains confidential information under the Agreed Protective Order entered in the case referenced in the Request. Defendant is prohibited under the terms of that Order from producing the requested document.

**REQUEST FOR PRODUCTION NO. 10:** Produce the expert report prepared by Dr. Jory A. Pacht in Cause No. 09-04-00036-CVL; *JP Morgan Chase Bank MA., in its capacity as Trustee of the South Texas Syndicate Trust vs. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc.*, in the 218<sup>th</sup> Judicial District of La Salle County, Texas.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. This Request seeks a document that contains confidential information under the Agreed Protective Order entered in the case referenced in the Request. Defendant is prohibited under the terms of that Order from producing the requested document.

**REQUEST FOR PRODUCTION NO. 11:** Produce the expert report prepared by Dr. James A. Murtha in Cause No 09-04-00036-CVL; *JP Morgan Chase Bank N.A., in its capacity as Trustee of the South Texas Syndicate Trust vs. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc.*, in the 218<sup>th</sup> Judicial District of La Salle County, Texas.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. This Request seeks a document that contains confidential information under the Agreed Protective Order entered in the case referenced in the Request. Defendant is prohibited under the terms of that Order from producing the requested document.

**REQUEST FOR PRODUCTION NO. 12:** Produce all other experts reports exchanged between the parties in Cause No. 09-04-00036-CVL; *JP Morgan Chase Bank NA, in its capacity as Trustee of the South Texas Syndicate Trust vs. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc.*, in the 216<sup>th</sup> Judicial District of La Salle County, Texas.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. This Request seeks a document that contains confidential information under the Agreed Protective Order entered in the case referenced in the Request. Defendant is prohibited under the terms of that Order from producing the requested document.

**REQUEST FOR PRODUCTION NO. 13:** Produce any option agreements regarding the STS granted to Petrohawk Properties, L.P. in 2008 or 2009.

**RESPONSE:**

Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 14:** Produce the detailed memorandum prepared by Mark Anderson addressing trust structure alternatives.

**RESPONSE:**

Defendant will produce this Memorandum.

**REQUEST FOR PRODUCTION NO. 15:** Produce any mineral manager meeting notes, list of transactions, list of pending transactions, or new inquiries submitted to the national mineral manager by any mineral manager in 2008 or 2009 (see Patricia Schultz-Ormond deposition pgs. 69-70 dated June 10, 2013.)

**OBJECTIONS:**

Defendant objects to this Request on the following bases:

1. This Request seeks confidential, private, and/or proprietary information pertaining to Defendant and/or its clients.
2. This Request is overly broad, harassing, and unduly burdensome. For example, this request is not limited solely to transactions relating to STS.
3. This Request seeks information that is not relevant to the subject matter of this case for discovery purposes and is beyond the scope of discovery as confined by the subject matter of this case. *See* TRCP 192 cmt. 1. For example, this request is not limited solely to transactions relating to STS.
4. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with

these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court “must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information.” Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**REQUEST FOR PRODUCTION NO. 16:** Produce all documents evidencing any sixty (60) day extension extending the Broad Oak / Hunt leases which are referred to as Lease No. 3598 and 3599 from July 2012 to September 2012.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information (“ESI”) in addition to the ESI that was produced under the Court’s December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court “must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information.” Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 17:** Produce all documents evidencing any sixty (60) day extension extending the Broad Oak / Hunt leases which are referred to as Lease No. 3598 and 3599 from July 2012 to September 2012.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 18:** Produce all documents evidencing any payment received for the 60 (sixty) day extension for the Broad Oak / Hunt Lease No. 3599 which extended the lease from July 2012 to September 2012.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 19:** Produce all documents evidencing any payment received for the August 2012 amendments to the Broad Oak / Hunt Lease No. 3063 and Lease No. 4184.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 20:** Produce all documents evidencing what acreage was held by production under the Broad Oak / Hunt Lease No 4184.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of

any extraordinary steps required to retrieve and produce the information.” Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 21:** Produce all documents evidencing any attempt to lease the acreage not held by production under the Broad Oak / Hunt Lease No. 4184 since its termination in February 2013.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information (“ESI”) in addition to the ESI that was produced under the Court’s December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court “must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information.” Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 22:** Produce all documents evidencing any attempt to lease the acreage that was previously leased under the Broad Oak / Hunt Lease No. 3083 subsequent to its termination in March 2013.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 23:** Produce all Consents to Assignments made by you regarding the Broad Oak / Hunt Lease Nos. 3598, 3599, 3083, and 4184.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 24:** Produce all documents evidencing all consideration received for amending the Broad Oak/Hunt Lease Nos. 3598, 3599, 3083, and 4184 in July 2009 and October 2012.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 25:** Produce all documents evidencing all consideration received for amending the Broad Oak / Hunt Lease No 3083 in March 2008.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In

addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 26:** Produce all documents showing all wells drilled around the acreage subject to the four (4) Broad Oak / Hunt Leases Nos. 3589, 3599, 8038, 4184 that would require the lessee to drill an offset well.

**OBJECTION:**

Defendant objects to this Request on the following basis:

1. Defendant objects to this request in purporting to require the production of electronically stored information ("ESI") in addition to the ESI that was produced under the Court's December 19, 2012 Order Regarding ESI-Related Motions. Any ESI to be produced in addition to the ESI already produced under that Order is not reasonably available to Defendant in the ordinary course of its business. Defendant cannot – through reasonable effort – retrieve the data or information requested or produce it in the form requested. Defendant therefore objects to complying with these requests with regard to any additional ESI production under TRCP 196.4. In addition, in the event the Court orders that Defendant must produce any additional ESI, the Court "must order that the requesting party pay the reasonable expenses of any extraordinary steps required to retrieve and produce the information." Defendant therefore objects to the production of any such additional ESI without payment of its reasonable expenses.

**RESPONSE:**

Subject to and without waiving this objection, Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 27:** Produce the mid-year reviews created or completed by Patricia Schultz-Ormond for the years 2005, 2006, 2007, 2008, and 2009.

**RESPONSE:**

Defendant has produced documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 28:** Produce any title opinions prepared for the Cullen leases (approximately 15,000 acres).

**RESPONSE:**

Defendant has produced and/or will produce documents responsive to this Request, if any.

**REQUEST FOR PRODUCTION NO. 29:** Produce statements 1, 2 and 3 to Schedule E for the 2001 STS tax return.

**RESPONSE:**

Defendant will produce the requested documents.

**REQUEST FOR PRODUCTION NO. 30:** Produce statements 1 and 2 to Schedule E for the 2002 STS tax return.

**RESPONSE:**

Defendant will produce the requested documents.

**REQUEST FOR PRODUCTION NO. 31:** Produce Schedule E and all attached statements for the STS 2010 tax return.

**RESPONSE:**

Defendant will produce the requested documents.

**REQUEST FOR PRODUCTION NO. 32:** Produce the 2012 STS income tax return.

**RESPONSE:**

Defendant will produce the requested documents.



DROUGHT DROUGHT & BOBBITT LLP

ATTORNEYS AT LAW

September 10, 2013

Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza, Inc.  
7373 Broadway, Suite 300  
San Antonio, Texas 78209

VIA FAX

Re: Cause No. 2010-CI-10977; *John K. Meyer, et al. v. JP Morgan Chase Bank, N.A., et al.*; in the District Court, 225<sup>th</sup> Judicial District, Bexar County, Texas

Dear Jed:

I received your objections and responses to our fourth request for production and your motion for protective order.

The purpose of this letter is to attempt to confer.

First, regarding Request for Production Nos. 2, 3, 4, 5, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, and 32, please let me know as soon as possible when you will be able to produce the requested documents.

I have reviewed your objections to Request for Production Nos. 1, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 and do not believe that they are well taken and request that you remove them within seven (7) days of receipt of this letter. If you fail to do so, we will file a motion to compel.

With best regards.

Sincerely,

  
James L. Drought

JLD/beb

cc via email transmission:  
co-counsel

Williams Ltr - JPM's responses to 4th RFP.wpd

10/11,0001

EXHIBIT 2

X

(Consolidated Under)  
2010-CI-10977

JOHN K. MEYER, ET AL

vs.

JP MORGAN CHASE BANK, N.A.,  
INDIVIDUALLY/CORPORATELY  
AND AS TRUSTEE OF THE SOUTH  
TEXAS SYNDICATE TRUST  
and GARY P. AYMES

§  
§  
§  
§  
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§  
§

IN THE DISTRICT COURT

225<sup>th</sup> JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS


ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY  
JUDGMENT REGARDING TRUSTEE RESIGNATION

On the 9th day of July, 2013, came on to be considered Plaintiffs' Motion for Partial Summary Judgment Regarding Trustee Resignation and the Court having *Defendants' Response to Plaintiffs' Motion for Partial Summary Judgment,* considered the motion, <sup>^</sup>the record (including the supplemental record) and the arguments of counsel, finds that the motion should be granted.

It is accordingly ORDERED that Plaintiffs' Motion for Partial Summary Judgment Regarding Trustee Resignation is GRANTED. Defendant JP Morgan Chase Bank, N.A. ("JPMorgan") shall resign as Trustee of the South Texas Syndicate Trust. JP Morgan's resignation shall be effective upon the selection and appointment of the successor trustee.

IT IS FURTHER ORDERED, that JP Morgan shall transition its role to such <sup>and shall convey and deliver all of the trust property</sup> successor as the beneficiaries, or the Court in which proceedings may be had for the <sup>trust property</sup> appointment of a successor, shall appoint. BN

SIGNED this 19<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
Honorable Barbara Nellermoe  
District Judge Presiding

REPORTED BY  
JUDY STEWART, C.S.R.  
(210) 335-0787

APPROVED:

**CLEMENS & SPENCER, P.C.**

112 E. Pecan St., Suite 1300  
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(210) 227-0732 – Facsimile

By: \_\_\_\_\_

GEORGE H. SPENCER, JR.  
State Bar No. 18921001

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By: \_\_\_\_\_

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By: \_\_\_\_\_

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MATTHEW J. GOLLINGER (*pro hac vice*)

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**KELLY M. WALNE**

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(210) 271-1730 - Facsimile

By: \_\_\_\_\_

**PATRICK K. SHEEHAN**

State Bar No. 18175500

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TRUSTEE OF THE SOUTH TEXAS  
SYNDICATE TRUST AND GARY P. AYMES**

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901 Main Street, Suite 6000  
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(214) 953-6000 -- Telephone  
(214) 953-5822 -- Facsimile

By: \_\_\_\_\_

**MARK T. JOSEPHS**

State Bar No. 11031400

**SARA HOLLAN CHELETTE**

State Bar No. 24046091

**ATTORNEYS FOR DEFENDANT,  
J.P. MORGAN CHASE BANK, N.A.,  
TRUSTEE OF THE SOUTH TEXAS  
SYNDICATE TRUST**

CAUSE NO. 2010-CI-10977

2010CI10977-P00287

JOHN K. MEYER ) IN THE DISTRICT COURT

VS. )

JP MORGAN CHASE BANK, N.A., ) 225TH JUDICIAL DISTRICT  
INDIVIDUALLY/CORPORATELY AND )

AS TRUSTEE OF THE SOUTH TEXAS )

Syndicate Trust AND GARY P. )

AYMES ) BEXAR COUNTY, TEXAS

REPORTER'S CERTIFICATION  
ORAL AND VIDEOTAPED DEPOSITION OF AARON J. REBER  
JULY 3, 2013

I, JOANNA M. MARTINEZ, Certified Shorthand Reporter  
in and for the State of Texas, hereby certify to the  
following:

That the witness, AARON J. REBER, was duly sworn by  
the officer and that the transcript of the ORAL AND  
VIDEOTAPED DEPOSITION is a true record of the testimony  
given by the witness;

That the deposition transcript was submitted on  
8-12-13 to the attorney for the witness  
for examination, signature, and return to me by  
9-03-13;

That the amount of time used by each party at the  
deposition is as follows:

Mr. Jim L. Flegle - 4 Hours: 4 Minutes

That pursuant to information given to the deposition  
officer at the time said testimony was taken, the  
following includes counsel for all parties of record:

FOR THE PLAINTIFFS, JOHN K. MEYER, JOHN MEYER, JR.,  
THEODORE MEYER:

Mr. James L. Drought  
Mr. Ian T. Bolden  
Mr. Richard Tinsman  
Mr. Aaron Valadez  
Mr. Robert J. Rosenbach

FOR THE PLAINTIFF EMILIE BLAZE:  
Mr. Jim L. Flegle

DOMINIC J. HENNEY  
DISTRICT CLERK  
BEXAR COUNTY  
2013 SEP 16 PM 3:35  
2013 SEP 16 PM 3:35  
JULY  
Joanna Martinez

1 FOR THE DEFENDANT, J.P. MORGAN CHASE BANK, N.A.  
2 INDIVIDUALLY AND CORPORATELY AND AS TRUSTEE OF THE STS  
TRUST:

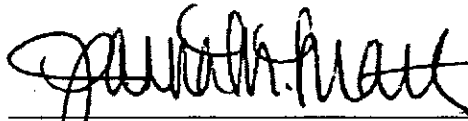
3 Mr. Patrick K. Sheehan

4 I further certify that I am neither counsel for,  
5 related to, nor employed by any of the parties or  
6 attorneys in the action in which this proceeding was  
7 taken, and further that I am not financially or  
8 otherwise interested in the outcome of the action.

9 Further certification requirements pursuant to Rule  
10 203 of TRCP will be certified to after they have  
11 occurred.

12 Certified to by me this 7th day of August, 2013.



14 

15 JOANNA M. MARTINEZ, CSR, RPR, RMR  
16 Texas CSR 3574

17 Expiration date: 12/31/14

18 Kim Tindall & Associates, Inc.  
19 Firm Registration No. 631  
20 645 Lockhill Selma, Suite 200  
21 San Antonio, Texas 78216  
22 (210) 697-3400  
23  
24  
25

CAUSE NO. 2010-CI-10977

JOHN K. MEYER ) IN THE DISTRICT COURT  
VS. )  
JP MORGAN CHASE BANK, N.A., ) 225TH JUDICIAL DISTRICT  
INDIVIDUALLY/CORPORATELY AND )  
AS TRUSTEE OF THE SOUTH TEXAS )  
Syndicate Trust AND GARY P. )  
AYMES ) BEXAR COUNTY, TEXAS

FURTHER CERTIFICATION UNDER RULE 203 TRCP  
ORAL AND VIDEOTAPED DEPOSITION OF AARON J. REBER  
JULY 3, 2013

The original deposition was / was not returned to  
the deposition officer on 8-30-13;

If returned, the attached Changes and Signature page  
contains any changes and the reasons therefor;

If returned, the original deposition was delivered  
to Mr. Jim L. Flegle, Attorney;

That \$ 1654.55 is the deposition officer's  
charges to the Plaintiff Emilie Blaze for preparing the  
original deposition transcript and any copies of  
exhibits;

That the deposition was delivered in accordance with  
Rule 203.3, and that a copy of this certificate was  
served on all parties shown herein and filed with the  
Clerk.

Certified to by me this 9th day of Sept.,  
2013.

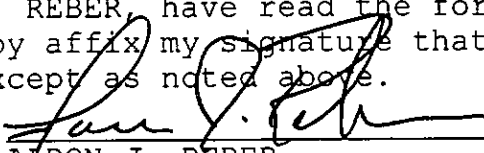
By BW

Joanna M. Martinez  
JOANNA M. MARTINEZ, CSR, RPR, RMR  
Texas CSR 3574  
Expiration date: 12/31/14

Kim Tindall & Associates, Inc.  
Firm Registration No. 631  
645 Lockhill Selma, Suite 200  
San Antonio, Texas 78216  
(210) 697-3400

CHANGES AND SIGNATURE			
PAGE	LINE	CHANGE	REASON
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I, AARON J. REBER, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

  
AARON J. REBER

THE STATE OF Ohio )

COUNTY OF Franklin )

1 Before me, Aaron J. Reber, on this day  
2 personally appeared AARON J. REBER, known to me or  
3 proved to me under oath or through driver's license,  
4 to be the person whose name is subscribed to the  
5 foregoing instrument and acknowledged to me that they  
6 executed the same for the purposes and consideration  
7 therein expressed.

8 Given under my hand and seal of office this the  
9 27 day of August, 2013.

10 Linda L. Johnson

11 Notary Public in and for

12 the State of Ohio.



CAUSE NO. 2010-CI-10977

JOHN K. MEYER ) IN THE DISTRICT COURT  
 )  
 VS. )  
 )  
 JP MORGAN CHASE BANK, N.A., ) 225TH JUDICIAL DISTRICT  
 INDIVIDUALLY/CORPORATELY AND )  
 AS TRUSTEE OF THE SOUTH TEXAS )  
 SYNDICATE TRUST AND GARY P. )  
 AYMES ) BEXAR COUNTY, TEXAS

REPORTER'S CERTIFICATION  
 ORAL AND VIDEOTAPED DEPOSITION OF CHARLOTTE K. RAY  
 JULY 23, 2013

I, JOANNA M. MARTINEZ, Certified Shorthand Reporter  
 in and for the State of Texas, hereby certify to the  
 following:

That the witness, CHARLOTTE K. RAY, was duly sworn  
 by the officer and that the transcript of the ORAL AND  
 VIDEOTAPED DEPOSITION is a true record of the testimony  
 given by the witness;

That the deposition transcript was submitted on  
8-12-13 to the attorney for the witness  
 for examination, signature, and return to me by  
9-03-13;

That the amount of time used by each party at the  
 deposition is as follows:

Mr. Matthew J. Gollinger - 4 Hours: 51 Minutes

That pursuant to information given to the deposition  
 officer at the time said testimony was taken, the  
 following includes counsel for all parties of record:

FOR THE PLAINTIFFS, JOHN K. MEYER, JOHN MEYER, JR.,  
 THEODORE MEYER:

Mr. James L. Drought  
 Mr. Ian T. Bolden  
 Ms. Ariane Vokes  
 Mr. Richard Tinsman  
 Ms. Sharron Savage  
 Mr. Robert J. Rosenbach

1 FOR THE PLAINTIFF EMILIE BLAZE:  
Mr. Michael Donley

2 FOR THE PLAINTIFF INTERVENORS:  
3 Mr. Matthew J. Gollinger

4 FOR THE DEFENDANT, J.P. MORGAN CHASE BANK, N.A.  
5 INDIVIDUALLY AND CORPORATELY AND AS TRUSTEE OF THE STS  
TRUST:

6 Mr. Patrick K. Sheehan  
7 Mr. David Jed Williams

8 I further certify that I am neither counsel for,  
9 related to, nor employed by any of the parties or  
10 attorneys in the action in which this proceeding was  
taken, and further that I am not financially or  
otherwise interested in the outcome of the action.

11 Further certification requirements pursuant to Rule  
12 203 of TRCP will be certified to after they have  
occurred.

13 Certified to by me this 1st day of August, 2013.



16 Joanna M. Martinez  
JOANNA M. MARTINEZ, CSR, RPR, RMR  
Texas CSR 3574  
Expiration date: 12/31/14

17 Kim Tindall & Associates, Inc.  
18 Firm Registration No. 631  
645 Lockhill Selma, Suite 200  
19 San Antonio, Texas 78216  
20 (210) 697-3400  
21  
22  
23  
24  
25

CAUSE NO. 2010-CI-10977

JOHN K. MEYER ) IN THE DISTRICT COURT  
)  
VS. )  
)  
JP MORGAN CHASE BANK, N.A., ) 225TH JUDICIAL DISTRICT  
INDIVIDUALLY/CORPORATELY AND )  
AS TRUSTEE OF THE SOUTH TEXAS )  
SYNDICATE TRUST AND GARY P. )  
AYMES ) BEXAR COUNTY, TEXAS

FURTHER CERTIFICATION UNDER RULE 203 TRCP  
ORAL AND VIDEOTAPED DEPOSITION OF CHARLOTTE K. RAY  
JULY 23, 2013

The original deposition was / was not returned to  
the deposition officer on 8-30-13;

If returned, the attached Changes and Signature page  
contains any changes and the reasons therefor;

If returned, the original deposition was delivered  
to MR. MATTHEW J. GOLLINGER, Custodial Attorney;

That \$ 1565.25 is the deposition officer's  
charges to the Plaintiff Intervenor for preparing the  
original deposition transcript and any copies of  
exhibits;

That the deposition was delivered in accordance with  
Rule 203.3, and that a copy of this certificate was  
served on all parties shown herein and filed with the  
Clerk.

Certified to by me this 9th day of Sept.,  
2013.

Joanna M. Martinez By BW  
JOANNA M. MARTINEZ, CSR, RPR, RMR  
Texas CSR 3574  
Expiration date: 12/31/14

Kim Tindall & Associates, Inc.  
Firm Registration No. 631  
645 Lockhill Selma, Suite 200  
San Antonio, Texas 78216  
(210) 697-3400

## 1 CERTIFIED QUESTION(S).

2 I, Joanna M. Martinez, a Certified Shorthand  
3 Reporter in and for the State of Texas hereby certify  
4 that at the time of the taking of the deposition of the  
5 witness, Mr. Matthew J. Gollinger, the following  
6 proceedings were had and testimony adduced:

7 Beginning at Page 28, Line 4:

8 Q. (BY MR. GOLLINGER) So am I correct that it is  
9 the bank's policy to not inquire nor consider whether or  
10 not a potential defendant in a litigation might be a  
11 customer of J.P. Morgan?

12 MR. SHEEHAN: You don't -- just a minute.  
13 You don't need to --

14 Why are you asking this witness questions  
15 about the bank's policy regarding conflicts of interest?  
16 Show me where on your notice that category is described.  
17 Show me where it is. If you can show it to me, I'll let  
18 her answer the question.

19 MR. GOLLINGER: I think it's very clear  
20 that we're talking about the decision to bring suit  
21 against Pioneer and the process that was involved.

22 MR. SHEEHAN: Then ask her about  
23 questions -- here is your notice: The factual basis,  
24 legal theories in terms of settlement of the lawsuit.

25 That's what you want to ask this witness  
about. Ask her about that. There's nothing in that

1       that indicates that she's supposed to bone up and be  
2       prepared to discuss what policy considerations or  
3       protocols J.P. Morgan as a corporation follows before it  
4       files a lawsuit. So if that's your question, she's not  
5       going to answer it. You haven't asked --

6                       MR. TINSMAN: You think the policies are  
7       not relevant, Mr. Sheehan?

8                       MR. SHEEHAN: I'm not talking to you,  
9       Dick. You're not taking this deposition --

10                      MR. TINSMAN: I know.

11                      MR. SHEEHAN: -- so just remain calm,  
12       please.

13                      MR. TINSMAN: I'm one of the counsel.

14                      MR. SHEEHAN: Good for you. He's asking  
15       the questions. I'm communicating with him.

16                      MR. GOLLINGER: That's fine.

17                      MR. SHEEHAN: So if the policy is your  
18       question, and your question is that you're going to ask  
19       this witness under this notice questions about J.P.  
20       Morgan's policies that they follow or protocols before  
21       filing lawsuits, generally, she's not going to answer  
22       those kinds of questions. That is not what you asked  
23       her -- this witness to come and be prepared to testify  
24       concerning the corporate rep, and she isn't prepared to  
25       testify concerning that as a corporate rep, because she

1       wasn't asked to be prepared to testify to that as a  
2       corporate rep.

3               MR. GOLLINGER: Pat, I understand that  
4       you're objecting to my question as outside the scope of  
5       the notice, correct?

6               MR. SHEEHAN: Yes.

7               MR. GOLLINGER: And you're instructing the  
8       witness not to answer, correct?

9               MR. SHEEHAN: Yes. Yes, I am.

10              MR. GOLLINGER: I think we're good then.

11              MR. TINSMAN: Certify the question.

12              MR. GOLLINGER: I'm sorry?

13              MR. TINSMAN: You're going to have to  
14       certify the question.

15              MR. GOLLINGER: We're going to certify the  
16       question.

17       Beginning at Page 102, Line 24:  
18

19              Q. (BY MR. GOLLINGER) What danger would there  
20       have been in disclosing to the attendees at this April  
21       27th, 2010 meeting the terms of the proposed settlement  
22       with Pioneer?

23              MR. SHEEHAN: Let me -- hang on just a  
24       second.

25              Let me ask you, Matt, to point to me on

1 your notice where any of these questions that I've been  
2 letting you continue to ask fits?

3 MR. GOLLINGER: They fit under the terms  
4 of settlement of the lawsuit, which is the factual  
5 basis, legal theories, terms of settlement of the  
6 lawsuit.

7 MR. SHEEHAN: Just a minute. The terms of  
8 the settlement of the lawsuit, if I read this notice  
9 that you-all wrote correctly, refers to what were the  
10 terms of the settlement of the lawsuit. What I don't  
11 see on here is: Terms of the settlement of the lawsuit,  
12 communications with beneficiaries about the terms of the  
13 settlement of the lawsuit.

14 Do you see that on here?

15 MR. GOLLINGER: I believe that  
16 communication with beneficiaries is part and parcel of  
17 everything that's in this deposition notice. It's  
18 impossible for J.P. Morgan -- as a corporate  
19 representative of J.P. Morgan to testify about the  
20 factual basis, legal theories, in terms of settlement in  
21 the lawsuit without discussing their communication with  
22 the beneficiaries about the same.

23 MR. SHEEHAN: I couldn't -- no. I  
24 couldn't even -- I could not more strongly disagree with  
25 you on that, because what this says is the factual

1 basis. What that means is, is what were your  
2 complaints, what were your concerns. You've talked with  
3 this lady about that. What were the legal theories.  
4 You've got the pleadings. You've had some discussions  
5 with her about that. And what were the terms of the  
6 settlement. There's been no discussion about that so  
7 far, other than some of the settlement offer proposals.  
8 And what were the reasons for settling the case, which  
9 we haven't gotten to yet either.

10 But these questions that you've been  
11 asking regarding communications with the beneficiary and  
12 whether they're privileged, and, if so, to what extent,  
13 or what danger would there -- would be in advising them  
14 of something in this April meeting, none of that has  
15 anything to do with this notice.

16 So it's really unfair of you to ask those  
17 type of questions to this witness, who hasn't done any  
18 investigation with reference to answering those kind of  
19 questions. And therefore, as a corporate  
20 representative, isn't in a position to answer them on  
21 behalf of the corporation or in a position in answering  
22 to bind the corporation with her answer.

23 So I'm going to say to you, to make this  
24 less painful than it's already been, that in terms of  
25 the issue of communications about this meeting or

1 communications with the beneficiaries about the  
2 settlement of the lawsuit -- of the terms of the  
3 lawsuit, that she's not going to answer those questions,  
4 because you did not ask someone to come prepared to  
5 answer those questions in this notice.

6 MR. GOLLINGER: I appreciate you making  
7 that record, Pat. We disagree. We believe that these  
8 questions are germane to this notice. We'll certify the  
9 question to the court, but I'll move on.

10 Beginning at Page 146, Line 2:

11  
12 Q. (BY MR. GOLLINGER) What did J.P. Morgan  
13 consider with respect to resignation at the conclusion  
14 of the Pioneer litigation?

15 MR. SHEEHAN: As far as -- you're not --  
16 you're instructed not to answer that question, as being  
17 outside the scope of this notice.

18 MR. GOLLINGER: And how is it outside the  
19 scope?

20 MR. SHEEHAN: Well, show me in the notice  
21 here where that fits, a discussion about any prospect  
22 relating to resignation. Which category would that fit  
23 under?

24 MR. GOLLINGER: Oh, I think it would fit  
25 under the terms of settlement. Clearly it relates to

1 the conclusion of the Pioneer litigation and what J.P.  
2 Morgan was considering doing.

3 MR. SHEEHAN: That's a term of settlement  
4 of the Pioneer case?

5 MR. GOLLINGER: And also reasons for  
6 settlement. We're entitled to discover what J.P. Morgan  
7 did and didn't do and considered in bringing this suit  
8 to a resolution.

9 MR. SHEEHAN: I disagree with you on that.  
10 It's outside the scope. She's not going to answer that.

11 MR. GOLLINGER: Okay. We'll certify that  
12 question and move on.

13 Page 175, Line 9:

14 Q. (BY MR. GOLLINGER) And, so, upon the discovery  
15 of the Eagle Ford formation, and whether it's in 2008,  
16 2009, 2010 or 2011, and the ground underneath the  
17 acreage held by the Cullen leases would create an  
18 obligation on the part of Pioneer to drill and develop  
19 that Eagle Ford formation, correct?

20 MR. SHEEHAN: Just to --

21 A. Maybe. I don't know.

22 MR. SHEEHAN: And my objection to the  
23 question is twofold: One is it's outside the scope of  
24 the notice; and the other is it also calls for a legal  
25 conclusion and an interpretation of the leases, which

1       isn't her responsibility to answer anyway.

2                   MR. GOLLINGER: Well, I think it goes  
3 directly to the terms of the settlement and the reasons  
4 for settlement. And if J.P. Morgan had no idea of  
5 whether the Cullen leases -- or excuse me -- that  
6 Pioneer would be required to drill on the Cullen leases,  
7 absent the lawsuit, then, you know, we're entitled to an  
8 I don't know or we didn't consider that, as part of the  
9 terms of settlement.

10                  MR. SHEEHAN: Well, I don't think you're  
11 entitled to. And I don't know or we didn't consider  
12 that because it's outside -- that type of question is  
13 outside the scope of the notice that you've sent.

14                  So it's not a proper question of this  
15 witness, nor would any answer she gave be a proper  
16 answer to a question that's outside of the scope of this  
17 notice, nor would any answer that this witness gave to  
18 such a question would be proper because it calls for a  
19 legal conclusion. I mean, you're asking her to sit here  
20 as a non oil and gas lawyer and express an opinion or a  
21 point of view about obligations of Cullen under these  
22 leases to develop the Eagle Ford, and that's not a  
23 proper question to this witness under this notice.

24                  MR. GOLLINGER: Well, I disagree, because,  
25 "A," it has to do with the facts underpinning of the

1 lawsuit, whether or not the lessee was obligated to.  
2 develop the mineral rights and drill on the property.

3 So this witness, as a corporate  
4 representative of J.P. Morgan, is required to research  
5 and understand the basis of the lawsuit and the  
6 obligation of the lessee to develop the rights.

7 Second, the -- this witness is testifying  
8 for J.P. Morgan on the terms of settlement and the  
9 reasons for settlement. And if the reasons for  
10 settlement included a drilling program that J.P.  
11 Morgan -- excuse me -- Pioneer would have been obligated  
12 to undertake in any event, then that is points two  
13 through five effectively weren't reasons for settlement  
14 and are elusory recitations. So it bears directly on  
15 J.P. Morgan's reasons for settlement and the facts  
16 underlying the lawsuit.

17 MR. SHEEHAN: I haven't -- I appreciate  
18 that explanation, but I don't change my position that  
19 it's not appropriate -- it's not an appropriate line of  
20 questions for this witness, for all the reasons that I  
21 stated.

22 MR. GOLLINGER: Okay. I will proceed and  
23 I will certify that question to the court and see if we  
24 can get a better answer sometime down the line.

25 Beginning at Page 178, Line 5:

1 Q. (BY MR. GOLLINGER) My question is whether four  
2 wells, one per year between 2011 and 2014, on the  
3 roughly 15,800 acres of Cullen leases, constitutes  
4 reasonably delinquent drilling operations in the view of  
5 J.P. Morgan?

6 MR. SHEEHAN: Objection, form. And let  
7 me --

8 THE WITNESS: I don't --

9 MR. SHEEHAN: Let me say this too. Let me  
10 say this, again, because, again, I think you're outside  
11 the scope of this notice.

12 There's nothing in this notice that said  
13 that this witness is supposed to come prepared to talk  
14 about what reasonably prudent development operations  
15 consist of, under this settlement agreement or  
16 otherwise. Where does it say that?

17 MR. GOLLINGER: Pat, I believe I've  
18 articulated the basis for that. I felt like this  
19 question is a little different than the one that I  
20 articulated earlier, but if you're going to instruct the  
21 witness not to answer on the same basis --

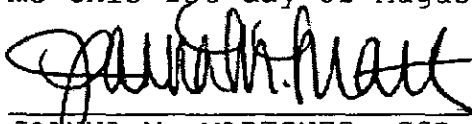
22 MR. SHEEHAN: I'm going to instruct her  
23 not to answer on the same basis.

24 MR. GOLLINGER: And I will reserve my  
25 objection on the same basis and certify that question to

1 the court as well.

2 MR. SHEEHAN: And to be clear, the same  
3 basis is the list of objections and concerns that I  
4 expressed to the prior question. I'll incorporate those  
5 into my reasoning, for instructing the witness not to  
6 answer this one.

7 Certified to by me this 1st day of August, 2013.

8 

9 JOANNA M. MARTINEZ, CSR, RPR,  
10 Texas CSR 3574

Expiration date: 12/31/14

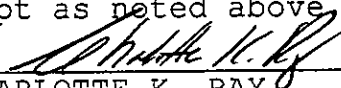


11 Kim Tindall & Associates, Inc.  
12 Firm Registration No. 631  
13 645 Lockhill Selma, Suite 200  
14 San Antonio, Texas 78216  
15 (210) 697-3400  
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## CHANGES AND SIGNATURE

PAGE	LINE	CHANGE	REASON
10	14	"file a record" s/b "file it of record"	typo
111	17	"plug" s/b "play"	typo
112	5	"being unknow or in the area" s/b "being known in the area"	typo
146	18	"outside" s/b "outset"	typo
183	6-9	should read "No. The 2.5% is charged on distributions, not receipts. We made a special separate distribution of the settlement proceeds, but we did not charge the 2.5% fee on that distribution."	mis-spoke - research after deposition revealed JPM did not take a fee on this distribution
183	10-13	delete	mis-spoke See above
184	24	"correct" s/b "no"	see above mis-spoke
185	17	"That sounds accurate" s/b "No, because we did not charge a fee on distribution of the settlement proceeds"	see above mis-spoke
p185	19	"No" s/b "Yes, because we did not charge a fee on the distribution of settlement proceeds"	see above mis-spoke
188	6	"That's correct" s/b "That's correct, except that the net was almost \$288,000."	see above mis-spoke


I, CHARLOTTE K. RAY, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

  
CHARLOTTE K. RAY

THE STATE OF LOUISIANA )  
PARISH )  
COUNTY OF EAST BATON ROUGE )

1 Before me, Laura C. Poche, on this day  
2 personally appeared CHARLOTTE K. RAY, known to me or  
3 proved to me under oath or through personally known,  
4 to be the person whose name is subscribed to the  
5 foregoing instrument and acknowledged to me that they  
6 executed the same for the purposes and consideration  
7 therein expressed.

8 Given under my hand and seal of office this the  
9 28<sup>th</sup> day of August, 2013.

10   
11 Laura C. Poche LSRA#19980  
12 Notary Public in and for

13 the State of Louisiana.

CAUSE NO. 2010-CI-10977



1 CAUSE NO. 2010-CI-10977

2 JOHN K. MEYER ) IN THE DISTRICT COURT

3 VS. )

4 JP MORGAN CHASE BANK, N.A., ) 225TH JUDICIAL DISTRICT

5 INDIVIDUALLY/CORPORATELY AND )

6 AS TRUSTEE OF THE SOUTH TEXAS )

7 SYNDICATE TRUST AND GARY P. )

8 AYMES ) BEXAR COUNTY, TEXAS

7 REPORTER'S CERTIFICATION

8 ORAL AND VIDEOTAPED DEPOSITION OF KEVIN R. SMITH

9 JULY 29, 2013

10 I, JOANNA M. MARTINEZ, Certified Shorthand Reporter

11 in and for the State of Texas, hereby certify to the

12 following:

13 That the witness, KEVIN R. SMITH, was duly sworn by

14 the officer and that the transcript of the ORAL AND

15 VIDEOTAPED DEPOSITION is a true record of the testimony

16 given by the witness;

17 That the deposition transcript was submitted on

18 8-12-13 to the attorney for the witness

19 for examination, signature, and return to me by

20 9-03-13;

21 That the amount of time used by each party at the

22 deposition is as follows:

23 Mr. Jim L. Flegle - 3 Hours: 39 Minutes

24 That pursuant to information given to the deposition

25 officer at the time said testimony was taken, the

following includes counsel for all parties of record:

FOR THE PLAINTIFFS, JOHN K. MEYER, JOHN MEYER, JR.,

THEODORE MEYER:

Mr. James L. Drought

Mr. Ian T. Bolden

Mr. Richard Tinsman

Ms. Sharron Savage

Mr. Robert J. Rosenbach

FOR THE PLAINTIFF EMILIE BLAZE:

Mr. Jim L. Flegle

DOMINICK  
DISTRICT CLERK  
BEXAR COUNTY  
2013 SEP 16 PM 3:34  
BY *Joanna Martinez*

1 FOR THE PLAINTIFF INTERVENORS:  
2 Mr. Matthew J. Gollinger

3 FOR THE DEFENDANT, J.P. MORGAN CHASE BANK, N.A.  
4 INDIVIDUALLY AND CORPORATELY AND AS TRUSTEE OF THE STS  
5 TRUST:

6 Mr. Patrick K. Sheehan  
7 Mr. David Jed Williams

8 I further certify that I am neither counsel for,  
9 related to, nor employed by any of the parties or  
10 attorneys in the action in which this proceeding was  
11 taken, and further that I am not financially or  
12 otherwise interested in the outcome of the action.

13 Further certification requirements pursuant to Rule  
14 203 of TRCP will be certified to after they have  
15 occurred.

16 Certified to by me this 7th day of August, 2013.



17 *Joanna M. Martinez*

18 JOANNA M. MARTINEZ, CSR, RPR, RMR  
19 Texas CSR 3574  
20 Expiration date: 12/31/14

21 Kim Tindall & Associates, Inc.  
22 Firm Registration No. 631  
23 645 Lockhill Selma, Suite 200  
24 San Antonio, Texas 78216  
25 (210) 697-3400

CAUSE NO. 2010-CI-10977

JOHN K. MEYER ) IN THE DISTRICT COURT  
VS. )  
JP MORGAN CHASE BANK, N.A., ) 225TH JUDICIAL DISTRICT  
INDIVIDUALLY/CORPORATELY AND )  
AS TRUSTEE OF THE SOUTH TEXAS )  
SYNDICATE TRUST AND GARY P. )  
AYMES ) BEXAR COUNTY, TEXAS

FURTHER CERTIFICATION UNDER RULE 203 TRCP  
ORAL AND VIDEOTAPED DEPOSITION OF KEVIN R. SMITH  
JULY 29, 2013

The original deposition ~~was~~ was not returned to  
the deposition officer on 8-30-13;

If returned, the attached Changes and Signature page  
contains any changes and the reasons therefor;

If returned, the original deposition was delivered  
to MR. JIM L. FLEGLE, Custodial Attorney;

That \$ 1309.65 is the deposition officer's  
charges to the Plaintiff Emilie Blaze for preparing the  
original deposition transcript and any copies of  
exhibits;

That the deposition was delivered in accordance with  
Rule 203.3, and that a copy of this certificate was  
served on all parties shown herein and filed with the  
Clerk.

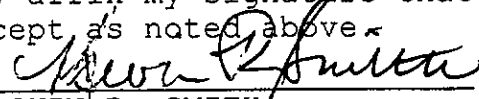
Certified to by me this 9th day of Sept.,  
2013.

Joanna M. Martinez By BW  
JOANNA M. MARTINEZ, CSR, RPR, RMA  
Texas CSR 3574  
Expiration date: 12/31/14

Kim Tindall & Associates, Inc.  
Firm Registration No. 631  
645 Lockhill Selma, Suite 200  
San Antonio, Texas 78216  
(210) 697-3400

CHANGES AND SIGNATURE			
PAGE	LINE	CHANGE	REASON
72	20	"operating" model versus operative	
73	18	"discussions" versus decisions	
77	6	insert "of" so the line reads Patty has of the	relationship
93	21	delete the M from JPM so it reads	JP Morgan
97	9	revise to "I don't know" from "I didn't know."	
119	18	add "opinion" to the end of the response	
126	5	I believe that was Pat Sheehan objecting	rather than Mr. Flegle.

I, KEVIN R. SMITH, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

  
KEVIN R. SMITH

THE STATE OF Texas )

COUNTY OF Denton )

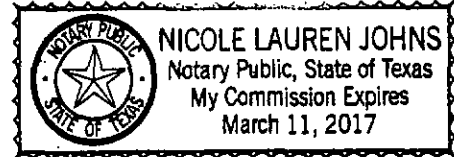
1 Before me, NICOLE L. JOHNS, on this day  
2 personally appeared KEVIN R. SMITH, known to me or  
3 proved to me under oath or through Personally Known,  
4 to be the person whose name is subscribed to the  
5 foregoing instrument and acknowledged to me that they  
6 executed the same for the purposes and consideration  
7 therein expressed.

8 Given under my hand and seal of office this the  
9 28 day of August, 2013.

10 Nicole Lauren Johns

11 Notary Public in and for

12 the State of Texas.



(Consolidated Under)  
CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET. AL.	§	IN THE DISTRICT COURT
	§	
VS.	§	
	§	
JPMORGAN CHASE BANK, N.A.	§	225 <sup>TH</sup> JUDICIAL DISTRICT
INDIVIDUALLY/CORPORATELY	§	
AND AS TRUSTEE OF THE SOUTH	§	
TEXAS SYNDICATE TRUST	§	
and GARY P. AYMES	§	BEXAR COUNTY, TEXAS

**JPMORGAN CHASE BANK, N.A., JPMORGAN CHASE BANK, N.A.**  
**INDIVIDUALLY/CORPORATELY AND AS TRUSTEE OF THE SOUTH TEXAS**  
**SYNDICATE TRUST AND GARY P. AYMES' MOTION TO QUASH DEPOSITION OF**  
**JOHN MINTER, COLLEEN DEAN, SHERRY HARRISON, DEBRA ROUND, ROBERT**  
**BUEHLER, CHARLES CUSACK, DAVID HEREFORD, STEVE AREA, KEVIN R.**  
**SMITH AND PEGGY TALISSE.**

Defendant JPMorgan Chase Bank, N.A. Individually/Corporately and as Trustee of the South Texas Syndicate Trust and Gary P. Aymes file this Motion to Quash Plaintiffs' Notice of Intention to Take Oral and Videotaped Depositions of John Minter, Colleen Dean, Sherry Harrison, Debra Round, Robert Buehler, Charles Cusack, David Hereford, Steve Area, Kevin R. Smith and Peggy Talisse (referred to herein as the "Notices") pursuant to Tex. R. Civ. P.199.4. Because this motion is being filed within three days from the date the Notices were served, this motion objecting to the time and place for the deposition stays the deposition until the motion can be determined by the Court. Tex. R. Civ. P. 199.4.

**I.**

Plaintiffs served the Notices on Defendants by facsimile transmission on September 5, 2013. Defendants' file this motion within three business days thereof. The Notices purport to set the depositions of (i) John Minter on September 24, 2013; (ii) Colleen Dean on September 24,

2013; (iii) Sherry Harrison on September 26, 2013; (iv) Debra Round on October 1, 2013; (v) Robert Buehler on October 9, 2013; (vi) Charles Cusack on October 10, 2013; (vii) David Hereford on October 11, 2013; (viii) Steve Area on October 11, 2013; (ix) Kevin R. Smith on October 15, 2013; and (x) Peggy Talisse on October 16, 2013 (collectively referred to herein as the “Deponents”).<sup>1</sup>

## **II.**

The Notices are objectionable and should be quashed because (i) Plaintiffs issued the Notices without conferring with Defendants’ counsel regarding either Deponents and/or their counsel’s availability to appear at the depositions before serving the notices; and (ii) neither Deponents nor counsel for Defendants are available on the dates and times set forth in the Notices. However, Defendants’ counsel will confer with Plaintiffs’ counsel concerning alternative dates and times that are available for counsel and the witnesses. Thus, pursuant to Tex. R. Civ. P. 199.4, Defendants object to the time and place for the depositions and respectfully request that the Notices be quashed.

## **III.**

WHEREFORE, PREMISES CONSIDERED, Defendants object to the Notices and respectfully request that the Notices be quashed. Further, Defendants seek such further relief at law or in equity to which they may be justly entitled.

---

<sup>1</sup> A true and correct copy of the Notices are attached hereto and incorporated herein as Exhibits “1” through “10” respectively.

Respectfully submitted,

**HORNBERGER SHEEHAN FULLER BEITER  
WITTENBERG & GARZA INCORPORATED**

7373 Broadway, Suite 300  
San Antonio, Texas 78209  
(210) 271-1700 Telephone  
(210) 271-1740 Fax

By: /s David Jed Williams

Patrick K. Sheehan  
State Bar No. 18175500  
Kevin M. Beiter  
State Bar No. 02059065  
Rudy A. Garza  
State Bar No. 07738200  
David Jed Williams  
State Bar No. 21518060

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing MOTION TO QUASH was served on the following, as indicated, on this the 10<sup>th</sup> day of September 2013:

/s/ David Jed Williams

David Jed Williams

Mr. Steven J. Badger  
Ms. Ashley Bennett Jones  
ZELLE HOFMANN VOELBEL & MASON LLP  
901 Main Street, Suite 4000  
Dallas, Texas 75202-3975

**VIA ELECTRONIC DELIVERY OR FAX**

Mr. David R. Deary  
Mr. Jim L. Flegle  
Mr. Jeven R. Sloan  
LOEWINSOHN FLEGLE DEARY, L.L.P.  
12377 Merit Drive, Suite 900  
Dallas, Texas 75251

**VIA ELECTRONIC DELIVERY OR FAX**

Mr. James L. Drought  
DROUGHT DROUGHT & BOBBITT, LLP  
112 East Pecan, Suite 2900  
San Antonio, Texas 78205

**VIA ELECTRONIC DELIVERY OR FAX**

Mr. John B. Massopust  
Mr. Matthew J. Gollinger  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, MN 55415-1152

**VIA ELECTRONIC DELIVERY OR FAX**

Mr. George Spencer, Jr.  
Mr. Jeffrey J. Towers  
CLEMENS & SPENCER  
112 East Pecan, Suite 1300  
San Antonio, Texas 78205

**VIA ELECTRONIC DELIVERY OR FAX**

Mr. Richard Tinsman  
Ms. Sharon C. Savage  
TINSMAN & SCIANO, INC.  
10107 McAllister Freeway  
San Antonio, Texas 78205

**VIA ELECTRONIC DELIVERY OR FAX**

Mr. Michael S. Christian  
ZELLE HOFMANN VOELBEL & MASON  
44 Montgomery Street, Suite 3400  
San Francisco, California 94104

**VIA ELECTRONIC DELIVERY OR FAX**

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77045

**VIA ELECTRONIC DELIVERY OR FAX**

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, you are hereby requested to produce and permit Plaintiffs to inspect and/or copy the documents designated and identified in **Exhibit 1** to the extent any of said documents are in your actual or constructive possession, custody or control. This request specifically encompasses all documents stored in electronic form, and you are requested to produce e-mail, electronic calendars, voice mail, and billing and accounting files in hard copy and electronically, together with software required to access the same

(Microsoft Office, Outlook, Outlook Express, Word and WordPerfect documents may be produced on diskette or CD-ROM without underlying software). Defendant must produce all requested documents, as they are kept in the ordinary course of business or segregated according to each request, for inspection and copying, not more than 30 days after service. The place of production shall be at the law offices of Drought, Drought & Bobbitt, L.L.P., 2900 Weston Centre, 112 East Pecan Street, San Antonio, Texas 78205.

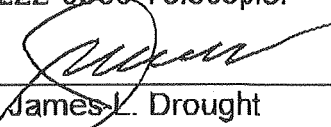
Respectfully submitted,

Richard Tinsman  
Sharon C. Savage  
TINSMAN & SCIANO, INC.  
10107 McAllister Fwy  
San Antonio, Texas 78216  
Telephone: (210) 225-3121  
Facsimile: (210) 225-6235

George H. Spencer, Jr.  
Robert Rosenbach  
CLEMENS & SPENCER, P.C.  
112 East Pecan Street, Suite 1300  
San Antonio, Texas 78205  
Telephone: (210) 227-7121  
Facsimile: (210) 227-0732

DROUGHT, DROUGHT & BOBBITT, LLP  
2900 Weston Centre  
112 East Pecan Street  
San Antonio, Texas 78205  
(210) 225-4031 Telephone  
(210) 222-0586 Telecopier

By: \_\_\_\_\_

  
James L. Drought  
State Bar No. 06135000

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent  
by:

\_\_\_\_ U.S. Certified Mail, Return Receipt Requested to:  
\_\_\_\_ ☒ Facsimile to:  
\_\_\_\_ First Class Mail to:  
\_\_\_\_ Hand Delivery to:

Mr. Patrick K. Sheehan  
Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Mr. John C. Eichman  
Mr. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 7<sup>th</sup> day of August, 2013.



James L. Drought

**EXHIBIT 1**

**REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** Produce all the Specialty Asset budgets addressed by Kevin Smith in his deposition on July 29, 2013 for the years 2007, 2008, 2009, 2010 and 2011.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:** Produce Patricia Schultz-Ormond's job application.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 3:** Produce H.L. Tompkins' job application.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:** Produce the job postings for a senior mineral manager position for the year 2005.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:** Produce the job postings for a senior mineral manager position for the year H.L. Tompkins was hired by J.P. Morgan Chase Bank, N.A.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:** Produce all communications between any JP Morgan office and Patricia Schultz-Ormond regarding assistance provided to Patricia Schultz-Ormond during 2008 and 2009.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:** Produce all of Patricia Schultz-Ormond's monthly "administrative reports" for the years 2007, 2008, and 2009 (see bates-number Defendants088119 which references the administrative reports).

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 8:** Produce all the risk management guidelines the Office of the Comptroller of the Currency issued to nationally chartered banks, for the years 2007, 2008, 2009 and 2010.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 9:** Produce the expert report prepared by Dr. Norman S. Neidell in *Cause No. 09-04-00036-CVL; JP Morgan Chase Bank N.A., in its capacity as Trustee of the South Texas Syndicate Trust vs. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc., in the 218<sup>th</sup> Judicial District of La Salle County, Texas.*

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 10:** Produce the expert report prepared by Dr. Jory A. Pacht in *Cause No. 09-04-00036-CVL; JP Morgan Chase Bank N.A., in its capacity as Trustee of the South Texas Syndicate Trust vs. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc., in the 218<sup>th</sup> Judicial District of La Salle County, Texas.*

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 11:** Produce the expert report prepared by Dr. James A. Murtha in Cause No. 09-04-00036-CVL; JP Morgan Chase Bank N.A., in its capacity as Trustee of the South Texas Syndicate Trust vs. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc., in the 218<sup>th</sup> Judicial District of La Salle County, Texas.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 12:** Produce all other experts reports exchanged between the parties in Cause No. 09-04-00036-CVL; JP Morgan Chase Bank N.A., in its capacity as Trustee of the South Texas Syndicate Trust vs. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc., in the 218<sup>th</sup> Judicial District of La Salle County, Texas.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 13:** Produce any option agreements regarding the STS granted to Petrohawk Properties, L.P. in 2008 or 2009.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 14:** Produce the detailed memorandum prepared by Mark Anderson addressing trust structure alternatives.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 15:** Produce any mineral manager meeting notes, list of transactions, list of pending transactions, or new inquiries submitted to the national mineral manager by any mineral manager in 2008 or 2009 (see Patricia Schultz-Ormond deposition pgs. 69 - 70 dated June 10, 2013.)

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 16:** Produce all documents evidencing any sixty (60) day extension extending the Broad Oak / Hunt leases which are referred to as Lease No. 3598 and 3599 from July 2012 to September 2012.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 17:** Produce all documents evidencing any payment received for the 60 (sixty) day extension for the Broad Oak / Hunt Lease No. 3598 which extended the lease from July 2012 to September 2012.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 18:** Produce all documents evidencing any payment received for the 60 (sixty) day extension for the Broad Oak / Hunt Lease No. 3599 which extended the lease from July 2012 to September 2012.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 19:** Produce all documents evidencing any payment received for the August 2012 amendments to the Broad Oak / Hunt Lease No. 3083 and Lease No. 4184.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 20:** Produce all documents evidencing what acreage was held by production under the Broad Oak / Hunt Lease No. 4184.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 21:** Produce all documents evidencing any attempt to lease the acreage not held by production under the Broad Oak / Hunt Lease No. 4184 since its termination in February 2013.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 22:** Produce all documents evidencing any attempt to lease the acreage that was previously leased under the Broad Oak / Hunt Lease No. 3083 subsequent to its termination in March 2013.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 23:** Produce all Consents to Assignments made by you regarding the Broad Oak / Hunt Lease Nos. 3598, 3599, 3083, and 4184.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 24:** Produce all documents evidencing all consideration received for amending the Broad Oak / Hunt Lease Nos. 3598, 3599, 3083, and 4184 in July 2009 and October 2012.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 25:** Produce all documents evidencing all consideration received for amending the Broad Oak / Hunt Lease No. 3083 in March 2008.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 26:** Produce all documents showing all wells drilled around the acreage subject to the four (4) Broad Oak / Hunt Leases Nos. 3589, 3599, 8038, 4184 that would require the lessee to drill an offset well.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 27:** Produce the mid-year reviews created or completed by Patricia Schultz-Ormond for the years 2005, 2006, 2007, 2008, and 2009.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 28:** Produce any title opinions prepared for the Cullen leases (approximately 15,000 acres).

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 29:** Produce statements 1, 2 and 3 to Schedule E for the 2001 STS tax return.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 30:** Produce statements 1 and 2 to Schedule E for the 2002 STS tax return.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 31:** Produce Schedule E and all attached statements for the STS 2010 tax return. .

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 32:** Produce the 2012 STS income tax return.

**RESPONSE:**

# **EXHIBIT “A”**

**CAUSE NO. 2010-CI-10977**

JOHN K. MEYER, *ET AL.*,

Plaintiffs,

JP MORGAN CHASE BANK, N.A.,  
INDIVIDUALLY/CORPORATELY  
AND AS TRUSTEE OF THE SOUTH  
TEXAS SYNDICATE TRUST AND  
GARY P. AYMES,

Defendants.

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§  
§

IN THE DISTRICT COURT

225<sup>th</sup> JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**PLAINTIFFS' THIRD SET OF INTERROGATORIES TO DEFENDANT  
JP MORGAN CHASE BANK, N.A., INDIVIDUALLY/CORPORATELY  
AND AS TRUSTEE OF THE SOUTH TEXAS SYNDICATE TRUST**

TO: Defendant JP Morgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust., by and through its attorney of record, Patrick K. Sheehan, Hornberger Fuller Sheehan & Beiter Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209

Pursuant to Rules 193 and 197 of the Texas Rules of Civil Procedure, you are required to serve on the undersigned your full and complete written responses under oath to each of the Interrogatories set forth herein within thirty (30) days after the service of the Interrogatories.

**DEFINITIONS AND INSTRUCTIONS**

A. To the fullest extent permitted by the Texas Rules of Civil Procedure, these Interrogatories are intended to be continuing in nature. You are requested and required to supplement your answers when appropriate or necessary to make them correct and complete.

B. If You contend that You may partially or entirely withhold responsive information because of a rule, privilege, immunity, or other reason, provide information sufficient for Plaintiff to assess the merits of such contention.

C. Each Interrogatory is to be read, construed and responded to separately and independently without reference to or being limited by any other Interrogatory.

D. In answering these Interrogatories, You are required to furnish all information available to You, including information in Your possession, custody or control. Such information available to You and requested herein includes information in the possession, custody, or control of Your attorneys, agents, accountants, consultants, and all other persons acting on Your behalf, and not merely such information known to You or of Your own personal knowledge.

E. If You cannot answer any of these Interrogatories in full after exercising due diligence to secure the information, You are required to so state and answer to the extent possible, specifying Your inability to answer the remainder, stating what information or knowledge You have concerning the unanswered portions and why You are unable to answer the unanswered portions.

F. As used herein, the words and phrases set out below shall have the meaning prescribed for them:

1. "Document" or "documents" shall mean every document within the widest permissible scope of the Texas Rules of Civil Procedure, including, without limitation, every original (and every copy of any original or copy which differs in any way from any original) of every writing or recording of every kind or description, whether handwritten, typed, drawn, sketched, printed, or recorded or maintained by any physical, mechanical, electronic, or electrical means whatsoever, including, without limitation, electronic communications or data bases, emails (including, without limitation, received emails, sent emails, and deleted emails together with all attachments), text messages, SMS, MMS, BBM, or other instant message system or

format, books, records, papers, pamphlets, brochures, circulars, advertisements, specifications, notebooks, worksheets, reports, lists, analyses, summaries, tax returns, financial statements, profit and loss statements, cash flow statements, balance sheets, annual or other periodic reports, calendars, appointment books, diaries, telephone bills and toll call records, expense reports, commission statements, itineraries, agendas, check books, canceled checks, receipts, agreements, applications, offers, acceptances, proposals, purchase orders, invoices, written, electronic or otherwise recorded memorials of oral communications, forecasts, photographs, photographic slides or negatives, films, film strips, tapes and recordings, and any "tangible things" as that term is used in Texas Rule of Civil Procedure 196.1.

2. As used herein, the terms "constitute, refer or relate to," "refer or relate to," "relating to," "related," "evidencing," "reflect," "reflecting," "support," "evidence" and any similar term shall mean -- unless otherwise indicated -- having any relationship or connection to, concerning, being connected to, commenting on, responding to, containing, evidencing, showing, memorializing, describing, analyzing, reflecting, pertaining to, comprising, constituting, proving or tending to prove or otherwise establishing any reasonable, logical or causal connection.

3. As used herein, the terms "communication" or "communications" shall mean any document, oral statement, conversation, meeting, or conference, formal or informal, under any circumstances whatsoever, whereby information of any nature was stated, written, recorded, or in any manner transmitted or transferred.

4. As used herein, the terms "fact" or "facts" shall mean all evidentiary facts presently known to you and all evidentiary facts the existence of which is presently inferred by you from the existence of any combination of evidentiary and/or ultimate facts.

5. As used herein, the terms "person" or "persons" includes any natural person and any firm, limited liability company, partnership, joint venture, hospital, institution, corporation, business, organization, trust, association or any other business or governmental or quasi-governmental entity, political subdivision, commission, board or agency of any character whatsoever together with the partners, trustees, officers, directors, employees, or agents thereof.

6. The terms "AND" and "OR" are to be construed either disjunctively or conjunctively, whichever is appropriate, so as to bring within the scope of these Requests any information or documents that might otherwise be considered beyond its scope.

7. As used herein, the word "any" shall include the word "all," and the word "all" shall include the word "any."

8. The term "Relevant", as used herein, includes by way of illustration only and not by way of limitation, the following: (1) information that either would or would not support the disclosing parties' contentions; (2) identification of those persons who, if their potential testimony were known, might reasonably be expected to be deposed or called as a witness by any of the parties; (3) information that is likely to have an influence on or affect the outcome of a claim or defense; (4) information that deserves to be considered in the preparation, evaluation or trial of a claim or defense; and (5) information that reasonable and competent counsel would consider reasonably necessary to prepare, evaluate or try a claim or defense.

9. As used herein, the words "include" and "including" shall mean "including without limitation."

10. The terms "Petition" and/or "Lawsuit" shall refer to the petition filed in the above-captioned litigation, all amendments made thereto and all claims made therein.

11. "Defendants," as used herein means any and all defendants named in this lawsuit, and any agents, employees, partners, managers, members, lawyers, accountants, representatives, and any other person or entity acting on behalf of a defendant or subject to their control.

12. "You," and "Your" shall mean and refer to JP Morgan Chase Bank, N.A., Individually/Corporately and as Trustee of South Texas Syndicate Trust, including but not limited to, Gary P. Aymes and any and all past or present partners, officers, directors, managers, employees, attorneys, representatives, agents, shareholders, affiliates, subsidiaries, parents, successors, assigns, or any entity in which Defendant has an ownership interest, individually, collectively, or in any combination and/or permutation whatsoever.

13. "Trust" as used herein refers to the trust that is the subject of this lawsuit, commonly designated and referred to as the "South Texas Syndicate". "Trust" as used herein also refers to and includes the assets, property, and/or estate of the Trust. "Trust" further includes the fiduciary relationship governing the Trustee with respect to the Trust property when that reading of the term would cause more documents or information to be covered by the term.

14. "Trust Assets" as used herein refers to the assets, property and the estate of the Trust (*i.e.* South Texas Syndicate Trust).

15. "Trustee" shall mean Defendant JP Morgan Chase Bank, N.A., Corporately and as Trustee of the South Texas Syndicate Trust, and any individual or entity acting on its behalf, and Gary P. Aymes in his capacity as an employee of Defendant JP Morgan Chase Bank, N.A. and his capacity as fiduciary officer and/or administrator of the Trust.

16. As used herein, the term "Identify" as used herein shall include the following:

- a. When used in reference to a person, shall mean his full name, present or last known home address and telephone number, present or last known business address and telephone number, employer and job title;

- b. When used in reference to a firm or corporation, shall mean its full name and address, telephone number, any other names by which it is or has been known, its state of incorporation, and its principal place of business;
- c. When used in reference to someone or something other than a person, firm, or corporation, shall mean its official name, organizational form, address and telephone number;
- d. When used in reference to a document, shall mean the type of document, date, author, addressee, title, its present location, identity of its custodian and the substance of its contents;
- e. When used in reference to a communication or statement, shall mean the form of communication (*i.e.*, telephone conversation, letter, face-to-face conversation, *etc.*), the date of the communication and the date on which it was sent and received, the identity of the persons who were involved in the communication, the substances of the communication, the present location of the communication and the identity of its custodian; and
- f. When used in reference to an act, meeting or other event, shall mean a description of the substance of the events constituting the act or meeting, the date of its occurrence, the identity of any documents concerning such act or meeting, and the identity of any documents concerning such act or meeting.

17. "Petrohawk" shall mean Petrohawk Energy Corporation and shall include all iterations and forms of Petrohawk Energy Corporation, including but not limited to all predecessor, successor, parent, subsidiary, and affiliate companies.

18. "First Rock" shall mean First Rock Inc. and shall include all iterations and forms of First Rock Inc., including but not limited to all predecessor, successor, parent, subsidiary, and affiliate companies.

19. "Blackbrush" shall mean Blackbrush Oil & Gas, L.P., Blackbrush Oil & Gas LLP, and Blackbrush Oil & Gas Inc. and shall include all iterations and forms of Blackbrush Oil & Gas, L.P., Blackbrush Oil & Gas LLP, and Blackbrush Oil and Gas Inc., including but not limited to all predecessor, successor, parent, subsidiary, and affiliate companies.

20. "Broad Oak" shall mean Broad Oak Energy II, LLC and shall include all iterations and forms of Broad Oak Energy II, LLC, including but not limited to all predecessor, successor, parent, subsidiary, and affiliate companies.

21. "BHP Billiton" shall mean BHP Billiton and shall include all iterations and forms of BHP Billiton, including but not limited to all predecessor, successor, parent, subsidiary, and affiliate companies.

F. In construing this request:

1. The singular shall include the plural and the plural shall include the singular.
2. A masculine, feminine, or neuter pronoun shall not exclude the other genders.
3. The past tense of a verb shall include the present tense, and the present tense of a verb shall include the past tense.

H. The relevant time period is from January 1, 2000 to the present.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

Describe with particularity the actions and responsibilities undertaken by You, both as STS trustee and as JPMorgan Chase corporate/investment bank, in connection with Petrohawk's investigation and leasing of the Eagle Ford Shale property interests and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these actions.

#### **RESPONSE:**

#### **INTERROGATORY NO. 2:**

Describe with particularity the actions and responsibilities undertaken by You, both as STS trustee and as JPMorgan Chase corporate/investment bank, in connection with First Rock's investigation and leasing of the Eagle Ford Shale property interests and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these actions.

#### **RESPONSE:**

**INTERROGATORY NO. 3:**

Describe with particularity the actions and responsibilities undertaken by You, both as STS trustee and as JPMorgan Chase corporate/investment bank, in connection with Blackbrush's investigation and leasing of the Eagle Ford Shale property interests and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these actions.

**RESPONSE:**

**INTERROGATORY NO. 4:**

Describe with particularity the actions and responsibilities undertaken by You, both as STS trustee and as JPMorgan Chase corporate/investment bank, in connection with Broad Oak's investigation and leasing of the Eagle Ford Shale property interests and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these actions.

**RESPONSE:**

**INTERROGATORY NO. 5:**

Describe with particularity Your role, both as STS trustee and as JPMorgan Chase corporate/investment bank, in BHP Billiton's purchase of Petrohawk and identify Your officer(s), director(s), or employee(s) best suited to testify about Your role in this transaction.

**RESPONSE:**

**INTERROGATORY NO. 6:**

Describe with particularity each and every financing, loan, or credit arrangement between You, both as STS trustee and as JPMorgan Chase corporate/investment bank, and Petrohawk and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these financing, loan, or credit arrangements.

**RESPONSE:**

**INTERROGATORY NO. 7:**

Describe with particularity each and every financing, loan, or credit arrangement between You, both as STS trustee and as JPMorgan Chase corporate/investment bank, and First Rock and

identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these financing, loan, or credit arrangements.

**RESPONSE:**

**INTERROGATORY NO. 8:**

Describe with particularity each and every financing, loan, or credit arrangement between You, both as STS trustee and as JPMorgan Chase corporate/investment bank, and Blackbrush and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these financing, loan, or credit arrangements.

**RESPONSE:**

**INTERROGATORY NO. 9:**

Describe with particularity each and every financing, loan, or credit arrangement between You, both as STS trustee and as JPMorgan Chase corporate/investment bank, and Broad Oak and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these financing, loan, or credit arrangements.

**RESPONSE:**

**INTERROGATORY NO. 10:**

Describe with particularity each and every financing, loan, or credit arrangement between You, both as STS trustee and as JPMorgan Chase corporate/investment bank, and BHP Billiton and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these financing, loan, or credit arrangements.

**RESPONSE:**

**INTERROGATORY NO. 11:**

Describe with particularity any activity You perform for or service You provide to, both as STS trustee and as JPMorgan Chase corporate/investment bank, BHP Billiton and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these activities or services.

**RESPONSE:**

**INTERROGATORY NO. 12:**

Describe with particularity any investment and ownership interest You, both as STS trustee and as JPMorgan Chase corporate/investment bank, have had in Petrohawk and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these interests.

**RESPONSE:**

**INTERROGATORY NO. 13:**

Describe with particularity any investment and ownership interest You, both as STS trustee and as JPMorgan Chase corporate/investment bank, have had in First Rock and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these interests.

**RESPONSE:**

**INTERROGATORY NO. 14:**

Describe with particularity any investment and ownership interest You, both as STS trustee and as JPMorgan Chase corporate/investment bank, have had in Blackbrush and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these interests.

**RESPONSE:**

**INTERROGATORY NO. 15:**

Describe with particularity any investment and ownership interest You, both as STS trustee and as JPMorgan Chase corporate/investment bank, have had in Broad Oak and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these interests.

**RESPONSE:**

**INTERROGATORY NO. 16:**

Describe with particularity any investment and ownership interest You, both as STS trustee and as JPMorgan Chase corporate/investment bank, have had in BHP Billiton and identify Your officer(s), director(s), or employee(s) best suited to testify about the substance of these interests.

**RESPONSE:**

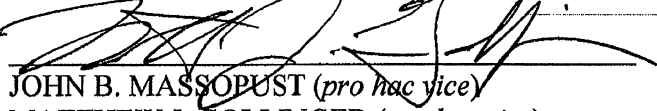
**INTERROGATORY NO. 17:**

Identify Your officer(s), director(s), or employee(s) who can attest to the accuracy and authenticity of Your responses to these Interrogatories.

**RESPONSE:**

DATE: September 9, 2013.

ZELLE HOFMANN VOELBEL & MASON, LLP



JOHN B. MASSOPUST (*pro hac vice*)

MATTHEW J. GOLLINGER (*pro hac vice*)

500 Washington Avenue South, Suite 5000

Minneapolis, Minnesota 55415

Telephone: (612) 339-2020

Facsimile: (612) 336-9100

**ATTORNEYS FOR PLAINTIFF-  
INTERVENORS, LINDA ALDRICH, ET AL.**

**CERTIFICATE OF SERVICE**

I certify that on September 9, 2013, this document was served on the following described parties in the manner indicated below:

Patrick K. Sheehan  
David Jed Williams  
Hornberger Sheehan Fuller & Beiter, Inc.  
The Quarry Heights Building  
7373 Broadway, Suite 300  
San Antonio, TX 78209

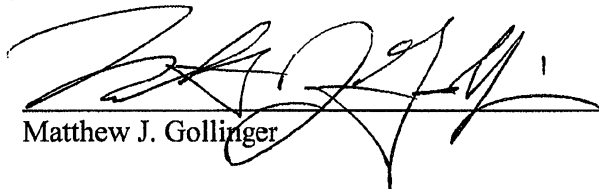
Via U.S. Mail and Email

Sara Chelette  
Jackson Walker, LLP  
901 Main Street, Suite 6000  
Dallas, TX 75202

Via U.S. Mail and Email

Fred W. Stumpf  
Boyer Short  
Nine Greenway Plaza, Suite 3100  
Houston, TX 77046

Via U.S. Mail and Email

  
Matthew J. Gollinger

**EXHIBIT "1"**

(Consolidated Under)  
**CAUSE NO. 2010-CI-10977**

<b>JOHN K. MEYER, ET AL.</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Plaintiffs,</b>	§	
	§	
<b>vs.</b>	§	
	§	
<b>JP MORGAN CHASE BANK, N.A.</b>	§	
<b>INDIVIDUALLY/CORPORATELY</b>	§	<b>225<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>AND AS TRUSTEE OF THE SOUTH</b>	§	
<b>TEXAS SYNDICATE TRUST</b>	§	
<b>and GARY P. AYMES,</b>	§	
<b>Defendants.</b>	§	<b>BEXAR COUNTY, TEXAS</b>

**NOTICE OF INTENTION TO TAKE ORAL AND  
 VIDEOTAPED DEPOSITION OF JOHN MINTER**

TO: John Minter  
 c/o Mr. Patrick K. Sheehan  
 Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
 The Quarry Heights Building  
 7373 Broadway, Suite 300  
 San Antonio, TX 78209

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **John Minter** will be taken upon oral examination beginning at **9:30 a.m. on September 24, 2013**, and his answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Hornberger Sheehan Fuller Beiter Wittenberg & Garza, Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

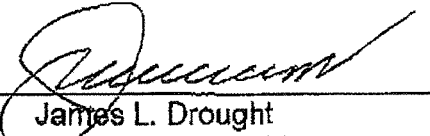
John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, Minnesota 55415-1152  
(612) 339-2020 - Telephone  
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**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,  
LINDA ALDRICH, ET AL.**

Jim L. Flegle  
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Dallas, Texas 75251  
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**ATTORNEYS FOR PLAINTIFFS,  
EMILIE BLAZE, ET AL.**

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Sharon C. Savage  
State Bar No. 0474200  
TINSMAN & SCIANO, INC.  
10107 McAllister Fwy  
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Telephone: (210) 225-3121  
Facsimile: (210) 225-6235

George H. Spencer, Jr.  
State Bar No. 18921001  
Robert Rosenbach  
State Bar No. 17266400  
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112 East Pecan Street, Suite 1300  
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Telephone: (210) 227-7121  
Facsimile: (210) 227-0732

DROUGHT, DROUGHT & BOBBITT, LLP  
2900 Weston Centre  
112 East Pecan Street  
San Antonio, Texas 78205  
(210) 225-4031 Telephone  
(210) 222-0586 Telecopier

By:   
James L. Drought  
State Bar No. 06135000  
**ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent by:

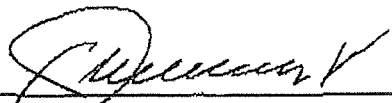
       U.S. Certified Mail, Return Receipt Requested to:  
  ✓   Facsimile to:  
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Mr. Patrick K. Sheehan  
Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Mr. John C. Eichman  
Mr. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.

  
James L. Drought

**EXHIBIT “2”**

(Consolidated Under)  
**CAUSE NO. 2010-CI-10977**

<b>JOHN K. MEYER, ET AL.</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Plaintiffs,</b>	§	
	§	
<b>vs.</b>	§	
	§	
<b>JP MORGAN CHASE BANK, N.A.</b>	§	
<b>INDIVIDUALLY/CORPORATELY</b>	§	<b>225<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>AND AS TRUSTEE OF THE SOUTH</b>	§	
<b>TEXAS SYNDICATE TRUST</b>	§	
<b>and GARY P. AYMES,</b>	§	
<b>Defendants.</b>	§	<b>BEXAR COUNTY, TEXAS</b>

**NOTICE OF INTENTION TO TAKE ORAL AND  
VIDEOTAPED DEPOSITION OF COLLEEN DEAN**

TO: Colleen Dean  
c/o Mr. Patrick K. Sheehan  
Hornberger Sheehan Fuller Belter Wittenberg & Garza Incorporated  
The Quarry Heights Building  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **Colleen Dean** will be taken upon oral examination beginning at **1:30 p.m. on September 24, 2013**, and her answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Hornberger Sheehan Fuller Belter Wittenberg & Garza, Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, Minnesota 55415-1152  
(612) 339-2020 - Telephone  
(612) 336-9100 - Facsimile  
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Dallas, Texas 75251  
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(214) 572-1717 - Facsimile  
**ATTORNEYS FOR PLAINTIFFS,  
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Richard Tinsman  
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Sharon C. Savage  
State Bar No. 0474200  
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Facsimile: (210) 225-6235

George H. Spencer, Jr.  
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Robert Rosenbach  
State Bar No. 17266400  
CLEMENS & SPENCER, P.C.  
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San Antonio, Texas 78205  
Telephone: (210) 227-7121  
Facsimile: (210) 227-0732

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2900 Weston Centre  
112 East Pecan Street  
San Antonio, Texas 78205  
(210) 225-4031 Telephone  
(210) 222-0586 Telecopier

By: 

James L. Drought

State Bar No. 06135000

ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent by:

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First Class Mail to:

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Hand Delivery to:

Mr. Patrick K. Sheehan

Mr. Rudy Garza

Mr. David Jed Williams

Hornberger Sheehan Fuller Beiter Wittenberg &amp; Garza Incorporated

7373 Broadway, Suite 300

San Antonio, TX 78209

Mr. John C. Eichman

Mr. Amy S. Bowen

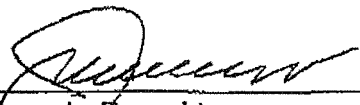
Hunton &amp; Williams LLP

1445 Ross Avenue, Suite 3700

Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.

  
James L. Drought

**EXHIBIT “3”**

(Consolidated Under)  
**CAUSE NO. 2010-CI-10977**

**JOHN K. MEYER, ET AL.**  
**Plaintiffs,**

**vs.**

**JP MORGAN CHASE BANK, N.A.**  
**INDIVIDUALLY/CORPORATELY**  
**AND AS TRUSTEE OF THE SOUTH**  
**TEXAS SYNDICATE TRUST**  
**and GARY P. AYMES,**  
**Defendants.**

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**IN THE DISTRICT COURT**

**225<sup>TH</sup> JUDICIAL DISTRICT**

**BEXAR COUNTY, TEXAS**

**NOTICE OF INTENTION TO TAKE ORAL AND**  
**VIDEOTAPED DEPOSITION OF SHERRY HARRISON**

**TO: Sherry Harrison**  
**c/o Mr. Patrick K. Sheehan**  
**Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated**  
**The Quarry Heights Building**  
**7373 Broadway, Suite 300**  
**San Antonio, TX 78209**

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **Sherry Harrison** will be taken upon oral examination beginning at **2:30 p.m. on September 26, 2013**, and her answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Hornberger Sheehan Fuller Beiter Wittenberg & Garza, Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, Minnesota 55415-1152  
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**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,  
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**ATTORNEYS FOR PLAINTIFFS,  
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Sharon C. Savage  
State Bar No. 0474200  
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10107 McAllister Fwy  
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George H. Spencer, Jr.  
State Bar No. 18921001  
Robert Rosenbach  
State Bar No. 17266400  
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112 East Pecan Street, Suite 1300  
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Telephone: (210) 227-7121  
Facsimile: (210) 227-0732

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2900 Weston Centre  
112 East Pecan Street  
San Antonio, Texas 78205  
(210) 225-4031 Telephone  
(210) 222-0586 Telecopier

By: 

James L. Drought  
State Bar No. 06135000

ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.

**CERTIFICATE OF SERVICE**

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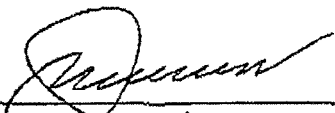
       U.S. Certified Mail, Return Receipt Requested to:  
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       First Class Mail to:  
       Hand Delivery to:

Mr. Patrick K. Sheehan  
Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Belter Wittenberg & Garza Incorporated  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Mr. John C. Eichman  
Mr. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
 Mr. Kelly M. Walne  
 Boyer Short, A Professional Corporation  
 Nine Greenway Plaza, Suite 3100  
 Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.

  
 \_\_\_\_\_  
 James L. Drought

**EXHIBIT “4”**

(Consolidated Under)  
**CAUSE NO. 2010-CI-10977**

**JOHN K. MEYER, ET AL.**  
**Plaintiffs,**

**vs.**

**JP MORGAN CHASE BANK, N.A.**  
**INDIVIDUALLY/CORPORATELY**  
**AND AS TRUSTEE OF THE SOUTH**  
**TEXAS SYNDICATE TRUST**  
**and GARY P. AYMES,**  
**Defendants.**

§  
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§  
§

**IN THE DISTRICT COURT**

**225<sup>TH</sup> JUDICIAL DISTRICT**

**BEXAR COUNTY, TEXAS**

**NOTICE OF INTENTION TO TAKE ORAL AND**  
**VIDEOTAPED DEPOSITION OF DEBRA ROUND**

**TO: Debra Round**  
**c/o Mr. Patrick K. Sheehan**  
**Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated**  
**The Quarry Heights Building**  
**7373 Broadway, Suite 300**  
**San Antonio, TX 78209**

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **Debra Round** will be taken upon oral examination beginning at **1:30 p.m. on October 7, 2013**, and her answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Hornberger Sheehan Fuller Beiter Wittenberg & Garza, Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, Minnesota 55415-1152  
(612) 339-2020 - Telephone  
(612) 336-9100 - Facsimile  
**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,  
LINDA ALDRICH, ET AL.**

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Dallas, Texas 75251  
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(214) 572-1717 - Facsimile  
**ATTORNEYS FOR PLAINTIFFS,  
EMILIE BLAZE, ET AL.**

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Sharon C. Savage  
State Bar No. 0474200  
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Robert Rosenbach  
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2900 Weston Centre  
112 East Pecan Street  
San Antonio, Texas 78205  
(210) 225-4031 Telephone  
(210) 222-0586 Telecopier

By: 

James L. Drought

State Bar No. 06135000

ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent by:

        
  ✓    
        
      

U.S. Certified Mail, Return Receipt Requested to:

Facsimile to:

First Class Mail to:

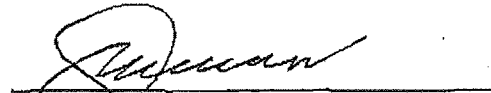
Hand Delivery to:

Mr. Patrick K. Sheehan  
Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Mr. John C. Eichman  
Mr. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.

  
James L. Drought

**EXHIBIT "5"**

(Consolidated Under)  
**CAUSE NO. 2010-CI-10977**

<b>JOHN K. MEYER, ET AL.</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Plaintiffs,</b>	§	
	§	
<b>vs.</b>	§	
	§	
<b>JP MORGAN CHASE BANK, N.A.</b>	§	
<b>INDIVIDUALLY/CORPORATELY</b>	§	<b>225<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>AND AS TRUSTEE OF THE SOUTH</b>	§	
<b>TEXAS SYNDICATE TRUST</b>	§	
<b>and GARY P. AYMES,</b>	§	
<b>Defendants,</b>	§	<b>BEXAR COUNTY, TEXAS</b>

**NOTICE OF INTENTION TO TAKE ORAL AND  
 VIDEOTAPED DEPOSITION OF ROBERT BUEHLER**

TO: Robert Buehler  
 c/o Mr. Patrick K. Sheehan  
 Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
 The Quarry Heights Building  
 7373 Broadway, Suite 300  
 San Antonio, TX 78209

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **Robert Buehler** will be taken upon oral examination beginning at **9:30 a.m. on October 9, 2013**, and his answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Hornberger Sheehan Fuller Beiter Wittenberg & Garza, Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
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Telephone: (210) 225-3121  
Facsimile: (210) 225-6235

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Robert Rosenbach  
State Bar No. 17266400  
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(210) 222-0586 Telecopier

By: 

James L. Drought  
State Bar No. 06135000

ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.

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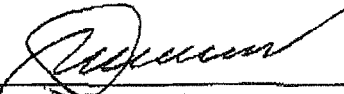
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Mr. Patrick K. Sheehan  
Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
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San Antonio, TX 78209

Mr. John C. Eichman  
Mr. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
James L. Drought

**EXHIBIT "6"**

(Consolidated Under)

CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET AL.  
Plaintiffs,

vs.

JP MORGAN CHASE BANK, N.A.  
INDIVIDUALLY/CORPORATELY  
AND AS TRUSTEE OF THE SOUTH  
TEXAS SYNDICATE TRUST  
and GARY P. AYMES,  
Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

225<sup>TH</sup> JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**NOTICE OF INTENTION TO TAKE ORAL AND  
VIDEOTAPED DEPOSITION OF CHARLES CUSACK**

TO: Charles Cusack  
c/o Mr. Patrick K. Sheehan  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
The Quarry Heights Building  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **Charles Cusack** will be taken upon oral examination beginning at **9:30 a.m. on October 10, 2013**, and his answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Tinsman & Sciano, Inc., 10107 McAllister Freeway, San Antonio, TX 78216 by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, Minnesota 55415-1152  
(612) 339-2020 - Telephone  
(612) 336-9100 - Facsimile  
**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,  
LINDA ALDRICH, ET AL.**

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**ATTORNEYS FOR PLAINTIFFS,  
EMILIE BLAZE, ET AL.**

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State Bar No. 20064000  
Sharon C. Savage  
State Bar No. 0474200  
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George H. Spencer, Jr.  
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Robert Rosenbach  
State Bar No. 17266400  
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San Antonio, Texas 78205  
(210) 225-4031 Telephone  
(210) 222-0586 Telecopier

By: 

James L. Drought  
State Bar No. 06135000

ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.

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Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Mr. John C. Eichman  
Mr. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
James L. Drought

**EXHIBIT “7”**

(Consolidated Under)  
**CAUSE NO. 2010-CI-10977**

<b>JOHN K. MEYER, ET AL.</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
<b>Plaintiffs,</b>	<b>§</b>	
	<b>§</b>	
<b>vs.</b>	<b>§</b>	
	<b>§</b>	
<b>JP MORGAN CHASE BANK, N.A.</b>	<b>§</b>	
<b>INDIVIDUALLY/CORPORATELY</b>	<b>§</b>	<b>225<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>AND AS TRUSTEE OF THE SOUTH</b>	<b>§</b>	
<b>TEXAS SYNDICATE TRUST</b>	<b>§</b>	
<b>and GARY P. AYMES,</b>	<b>§</b>	
<b>Defendants.</b>	<b>§</b>	<b>BEXAR COUNTY, TEXAS</b>

**NOTICE OF INTENTION TO TAKE ORAL AND  
 VIDEOTAPED DEPOSITION OF DAVID HEREFORD**

TO: David Hereford  
 c/o Mr. Patrick K. Sheehan  
 Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
 The Quarry Heights Building  
 7373 Broadway, Suite 300  
 San Antonio, TX 78209

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **David Hereford** will be taken upon oral examination beginning at **9:30 a.m. on October 11, 2013**, and his answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Hornberger Sheehan Fuller Beiter Wittenberg & Garza, Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, Minnesota 55415-1152  
(612) 339-2020 - Telephone  
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Sharon C. Savage  
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George H. Spencer, Jr.  
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Robert Rosenbach  
State Bar No. 17266400  
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San Antonio, Texas 78205  
(210) 225-4031 Telephone  
(210) 222-0586 Telecopier

By: 

James L. Drought  
State Bar No. 06135000

ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.

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Mr. Patrick K. Sheehan  
Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
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San Antonio, TX 78209

Mr. John C. Eichman  
Mr. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.



James L. Drought

**EXHIBIT “8”**

(Consolidated Under)  
**CAUSE NO. 2010-CI-10977**

<b>JOHN K. MEYER, ET AL.</b>	§	<b>IN THE DISTRICT COURT</b>
<b>Plaintiffs,</b>	§	
	§	
<b>vs.</b>	§	
	§	
<b>JP MORGAN CHASE BANK, N.A.</b>	§	
<b>INDIVIDUALLY/CORPORATELY</b>	§	<b>225<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>AND AS TRUSTEE OF THE SOUTH</b>	§	
<b>TEXAS SYNDICATE TRUST</b>	§	
<b>and GARY P. AYMES,</b>	§	
<b>Defendants.</b>	§	<b>BEXAR COUNTY, TEXAS</b>

**NOTICE OF INTENTION TO TAKE ORAL AND  
VIDEOTAPED DEPOSITION OF STEVE AREA**

TO: Steve Area  
c/o Mr. Patrick K. Sheehan  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
The Quarry Heights Building  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **Steve Area** will be taken upon oral examination beginning at **1:30 p.m. on October 11, 2013**, and his answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Hornberger Sheehan Fuller Beiter Wittenberg & Garza, Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

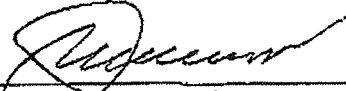
John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
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**ATTORNEYS FOR PLAINTIFFS,  
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(210) 222-0586 Telecopier

By:   
James L. Drought  
State Bar No. 06135000

**ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.**

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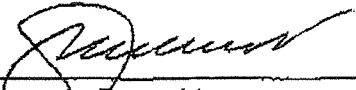
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Mr. Rudy Garza  
Mr. David Jed Williams  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Mr. John C. Eichman  
Mr. Amy S. Bowen  
Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.

  
James D. Drought

**EXHIBIT “9”**

(Consolidated Under)  
**CAUSE NO. 2010-CI-10977**

<b>JOHN K. MEYER, ET AL.</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
<b>Plaintiffs,</b>	<b>§</b>	
	<b>§</b>	
<b>vs.</b>	<b>§</b>	
	<b>§</b>	
<b>JP MORGAN CHASE BANK, N.A.</b>	<b>§</b>	
<b>INDIVIDUALLY/CORPORATELY</b>	<b>§</b>	<b>225<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>AND AS TRUSTEE OF THE SOUTH</b>	<b>§</b>	
<b>TEXAS SYNDICATE TRUST</b>	<b>§</b>	
<b>and GARY P. AYMES,</b>	<b>§</b>	
<b>Defendants.</b>	<b>§</b>	<b>BEXAR COUNTY, TEXAS</b>

**NOTICE OF INTENTION TO TAKE ORAL AND  
VIDEOTAPED DEPOSITION OF KEVIN R. SMITH**

**TO: Kevin R. Smith**  
**c/o Mr. Patrick K. Sheehan**  
**Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated**  
**The Quarry Heights Building**  
**7373 Broadway, Suite 300**  
**San Antonio, TX 78209**

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **Kevin R. Smith** will be taken upon oral examination beginning at **9:30 a.m. on October 15, 2013**, and his answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Hornberger Sheehan Fuller Beiter Wittenberg & Garza, Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, Minnesota 55415-1152  
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**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,  
LINDA ALDRICH, ET AL.**

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Robert Rosenbach  
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By: 

James L. Drought  
State Bar No. 06135000

ATTORNEYS FOR PLAINTIFFS,  
JOHN K. MEYER, ET AL.

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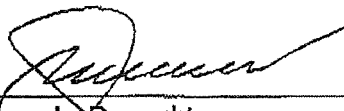
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Mr. David Jed Williams  
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Hunton & Williams LLP  
1445 Ross Avenue, Suite 3700  
Dallas, Texas 75202

Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
James L. Drought

**EXHIBIT "10"**

(Consolidated Under)  
**CAUSE NO. 2010-CI-10977**

<b>JOHN K. MEYER, ET AL.</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
<b>Plaintiffs,</b>	<b>§</b>	
	<b>§</b>	
<b>vs.</b>	<b>§</b>	
	<b>§</b>	
<b>JP MORGAN CHASE BANK, N.A.</b>	<b>§</b>	
<b>INDIVIDUALLY/CORPORATELY</b>	<b>§</b>	<b>225<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>AND AS TRUSTEE OF THE SOUTH</b>	<b>§</b>	
<b>TEXAS SYNDICATE TRUST</b>	<b>§</b>	
<b>and GARY P. AYMES,</b>	<b>§</b>	
<b>Defendants.</b>	<b>§</b>	<b>BEXAR COUNTY, TEXAS</b>

**NOTICE OF INTENTION TO TAKE ORAL AND  
VIDEOTAPED DEPOSITION OF PEGGY TALISSE**

TO: Peggy Talisse  
o/o Mr. Patrick K. Sheehan  
Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated  
The Quarry Heights Building  
7373 Broadway, Suite 300  
San Antonio, TX 78209

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **Peggy Talisse** will be taken upon oral examination beginning at **9:30 a.m. on October 16, 2013**, and her answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Hornberger Sheehan Fuller Beiter Wittenberg & Garza, Inc., The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, TX 78209, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

John B. Massopust (*pro hac vice*)  
Matthew J. Gollinger (*pro hac vice*)  
ZELLE HOFMANN VOELBEL & MASON LLP  
500 Washington Avenue South, Suite 4000  
Minneapolis, Minnesota 55415-1152  
(612) 339-2020 - Telephone  
(612) 336-9100 - Facsimile  
**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,  
LINDA ALDRICH, ET AL.**

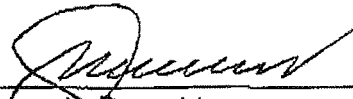
Jim L. Flegle  
State Bar No. 07118600  
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Mr. Fred W. Stumpf  
Mr. Kelly M. Walne  
Boyer Short, A Professional Corporation  
Nine Greenway Plaza, Suite 3100  
Houston, Texas 77046

on this the 5<sup>th</sup> day of September, 2013.

  
James L. Drought