

CAUSE NO. 2010-CI-10977

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

NOTICE OF FILING RULE 11 AGREEMENT

Now comes JPMORGAN CHASE BANK, N.A. (“Defendant”), in the above styled and referenced cause, and files the attached Rule 11 Agreement.

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
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Charles A. Gall

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John C. Eichman

State Bar No. 06494800

Amy S. Bowen

State Bar No. 24028216

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing NOTICE OF FILING RULE 11 AGREEMENT was served on the following, as indicated, on January 7, 2014.

Mr. George Spencer, Jr.
Mr. Jeffrey J. Towers
CLEMENS & SPENCER
112 East Pecan, Suite 1300
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VIA EMAIL OR FACSIMILE

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

VIA EMAIL OR FACSIMILE

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

VIA EMAIL OR FACSIMILE

Mr. David R. Deary
Mr. Jim L. Flegle
Mr. Jeven R. Sloan
LOEWINSOHN FLEGLE DEARY, L.L.P.
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VIA EMAIL OR FACSIMILE

Mr. John B. Massopust
Mr. Matthew J. Gollinger
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VIA EMAIL OR FACSIMILE

Mr. Steven J. Badger
Ms. Ashley Bennett Jones
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VIA EMAIL OR FACSIMILE

Mr. Michael S. Christian
ZELLE HOFMANN VOELBEL & MASON
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VIA EMAIL OR FACSIMILE

Mr. Fred W. Stumpf
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VIA EMAIL OR FACSIMILE

Mr. David M. Prichard
PRICHARD HAWKINS McFARLAND & YOUNG
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10101 Reunion Place
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VIA EMAIL OR FACSIMILE

Mr. Alan V. Ytterberg
Mr. J. Graham Kenney
Ytterberg Deery Knull LLP
3555 Timmons Lane, Suite 1000
Houston, Texas 77027-6495

VIA EMAIL OR FACSIMILE

s/ David Jed Williams
David Jed Williams

Stephanie L. Curette
scurette@hsflaw.com

December 19, 2013

Mr. Matthew J. Gollinger
ZELLE HOFMANN VOELBEL & MASON
500 Washington Avenue South, Suite 4000
Minneapolis, Minnesota 55416-1152

VIA EMAIL

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

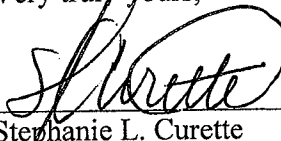
Dear Matthew:

On December 6, 2013, during the deposition of Catherine Hilgartner Masucci, two exhibits were submitted with duplicate numbering and have consequently been omitted from the record. The record should include Exhibits 711A and 722A. Please let this letter serve as a Rule 11 agreement regarding corrections to the referenced exhibit numbers.

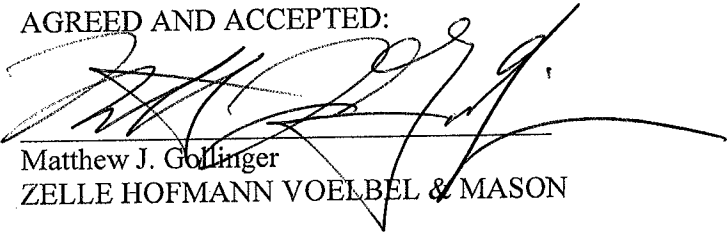
Enclosed are copies of Exhibits 711A and 722A.

Please sign below to indicate your acceptance and agreement to the filing of this letter as a TRCP 11 agreement.

Very truly yours,


Stephanie L. Curette

AGREED AND ACCEPTED:


Matthew J. Gollinger
ZELLE HOFMANN VOELBEL & MASON



2010CI10977

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

225TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFFS' NOTICE OF FILING OF RULE 11 AGREEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Now come Plaintiffs 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
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ATTORNEYS FOR INTERVENOR-PLAINTIFFS,
LINDA ALDRICH, ET AL.

Jim L. Flegle
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DROUGHT DROUGHT & BOBBITT LLP

ATTORNEYS AT LAW

January 6, 2014

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

VIA EMAIL

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 we postpone Renee McElhaney's deposition until some time after the mediation deadline of February 21, 2014 and that you do not have to designate (as defined in the current Scheduling Order) your expert on attorney's fees until ten (10) days after we make Renee McElhaney available for her deposition. The Renee McElhaney deposition will take place at some date between February 22, 2014 and March 5, 2014.

Further, if we decide that we want to take the deposition of your expert on attorney's fees, we will be entitled to do so some time prior to the trial date.

Any *Daubert/Robinson* motion filing or relief sought thereunder regarding experts on attorney's fees, if any, shall be filed by 5:00 p.m. on March 17, 2014.


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.

S:\LDWeyer, John\A. Corres\Counsel ltr - Rule 11 letter re postponing Renee McElhaney depo.wpd

Counsel ltr
January 6, 2014
Page 2

With best regards.

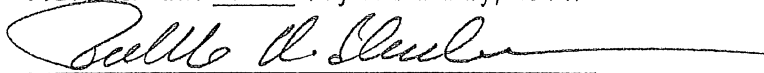
Sincerely,



James L. Drought

JLD/beb

AGREED this 7th day of January, 2014.



Patrick K. Sheehan, Attorney for Defendants

Cause No. 2010-CI-10977

JOHN K. MEYER	§	IN THE DISTRICT COURT
	§	
vs.	§	225 TH JUDICIAL DISTRICT
	§	
JPMORGAN CHASE BANK, N.A.,	§	
ET AL	§	BEXAR COUNTY, TEXAS

NOTICE OF APPEARANCE OF ADDITIONAL COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, JOHN K. MEYER, and files this Notice of Appearance of Additional Counsel. David M. Prichard, State Bar No. 1637900, Kevin M. Young, State Bar No. 22199700 and David R. Montpas, State Bar No. 00794324, of PRICHARD, HAWKINS, MCFARLAND & YOUNG, LLP, 10101 Reunion Place, Suite 600, San Antonio, Texas 78216, will also appear as additional attorneys of record for Plaintiff in the above-referenced cause of action. All attorneys are members in good standing of the State Bar of Texas.

Respectfully submitted,



David M. Prichard
Texas Bar No. 16317900
Direct Line: (210) 477-7401
E-mail: dprichard@phmy.com

Kevin M. Young
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PRICHARD HAWKINS MCFARLAND
& YOUNG, LLP
10101 Reunion Place, Suite 600
San Antonio, TX 78216
(210) 477-7400 – Telephone
(210) 477-7450 – Facsimile
**ATTORNEYS FOR PLAINTIFF,
JOHN K. MEYER**

CERTIFICATE OF SERVICE

This is to certify that the foregoing *Notice of Appearance of Additional Counsel* has been served in accordance with the Texas Rules of Civil Procedure this 23rd day of December, 2013, to all counsel of record:

Alan V Ytterberg
Ytterberg Derry Knull, LLP
3555 Timmons Lane, Suite 1000
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Dallas, Texas 75202

Patrick K. Sheehan
Kevin M. Beiter
Rudy A. Garza
David Jed Williams
Hornberger Sheehan Fuller
& Beiter Incorporated
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David R. Deary
Jim L. Flegle
Jeven R. Sloan
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Steven J. Badger
Ashley Bennett Jones
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Dallas, Texas 75202-3975

John B. Massopust
Matt Gollinger
Zelle Hofmann Voelbel & Mason, LLP
500 Washington Avenue South, Suite 4000
Minneapolis, Minnesota 55415-1152



David M. Prichard



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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

JMJ

REPORTER'S CERTIFICATION
ORAL AND VIDEOTAPED DEPOSITION OF JOHN CLAER MINTER, JR.
OCTOBER 30, 2013

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

That the witness, JOHN CLAER MINTER, JR., 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
11-12-13 to the attorney for the witness
for examination, signature, and return to me by
12-05-13;

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

Mr. Richard Tinsman - 2 Hours: 41 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
- Ms. Sharron Savage
- Mr. Robert J. Rosenbach

Joanna Martinez

DEPUTY

2013 DEC 17 AM 11:05

BEXAR COUNTY
DISTRICT CLERK
JOANNA KAY MCKINNEY
210-697-3408
FILED

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

Mr. Rudy Garza

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
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.

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

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



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

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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 JOHN CLAER MINTER, JR.
OCTOBER 30, 2013

The original deposition was / was not returned to
the deposition officer on 12-03-13 ;

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

If returned, the original deposition was delivered
to MR. IAN T. BOLDEN, Custodial Attorney;

That \$ 964.50 is the deposition officer's
charges to the Plaintiff 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 Dec.,
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
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(210) 697-3400

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CHANGES AND SIGNATURE

PAGE	LINE	CHANGE	REASON
13	15	"developed" should be "delivered"	incorrect word
21	12	"private" should be "previous"	incorrect word
22	11	"Colleen is a managing director"	incorrect word
23	25	"sales management perspective"	omitted word
24	6	"reports to Marty Heerick"	incorrect word
26	14	"San Antonio office has not been closed"	omitted word
28	14	"it would <u>not</u> be..."	incorrect word
69	6	"clients in the trust"	incorrect words
88	6	"I don't know at what..."	incorrect word

I, JOHN CLAER MINTER, JR., have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.


JOHN CLAER MINTER, JR.

THE STATE OF Texas)

COUNTY OF Travis)

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Before me, John Claer Minter, Jr., on this day personally appeared JOHN CLAER MINTER, JR., known to me or proved to me under oath or through _____, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 3rd day of December, 2013.

[Signature]

Notary Public in and for the State of Texas.



CAUSE NO. 2010-CI-10977

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

**DEFENDANT JPMORGAN CHASE BANK, N.A.'S
MOTION TO QUASH THE DEPOSITION NOTICES OF MIRIAM BAUM,
GEORGE GLYPHIS, SAJU THOMAS AND PASCHALL TOSCH**

Defendant JPMorgan Chase Bank, N.A., in its corporate capacity, (“JPMorgan”) files this Motion to Quash Plaintiffs’ Notices of the Intention to Take Oral and Videotaped Depositions of Miriam Baum, George Glyphis, Saju Thomas and Paschall Tosch, pursuant to Tex. R. Civ.P. 199.4 as follows.

I.

On December 13, 2013, Plaintiffs served notices by facsimile to take the following depositions (the “Deposition Notices”):

- George Glyphis, on January 14, 2014, at 9 am in San Antonio, Texas;
- Miriam Baum, on January 14, 2014, at 2 pm in San Antonio, Texas;
- Saju Thomas, on January 15, 2014, at 9:30 am in San Antonio, Texas; and
- Paschall Tosch, on January 15, 2014, at 1:30 pm in San Antonio, Texas.

**DEFENDANT JPMORGAN CHASE BANK, N.A.'S,
MOTION TO QUASH THE DEPOSITION NOTICES OF MIRIAM BAUM, GEORGE GLYPHIS,
SAJU THOMAS AND PASCHALL TOSCH**

Copies of the Deposition Notices are attached hereto as Exhibits “A” – “D.” All four individuals are employees of JPMorgan or a related entity. The witnesses are collectively referred to here as the “JPMorgan Witnesses”. Ms. Baum, Mr. Thomas and Mr. Glyphis all work in New York City and reside in the New York area. Mr. Tosch works in Houston, Texas and resides in the Houston area.

II.

JPMorgan objects to the time and place of the depositions as noticed. Prior to serving the Deposition Notices, Plaintiffs failed to confirm that the witnesses were available on the dates noticed or that they would appear at the locations indicated. The noticed location does not comply with Texas Rule of Civil Procedure 199.2(b).

III.

Because this motion is filed within three business days of the date the Deposition Notices were served, this motion stays the deposition until the motion can be determined by the Court. Tex. R. Civ. P. 199.4. JPMorgan will work with Plaintiffs’ counsel to schedule appropriate depositions on mutually convenient dates and at proper locations.

WHEREFORE, JPMorgan respectfully requests that the Deposition Notices be quashed and seeks such further relief to which it may be justly entitled.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By: /s/ John C. Eichman

John C. Eichman

State Bar No. 06494800

Email: jeichman@hunton.com

Amy S. Bowen

State Bar No. 24028216

Email: abowen@hunton.com

1445 Ross Avenue, Suite 3700

Dallas, Texas 75202

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(214) 880-0011 (fax)

**ATTORNEYS FOR DEFENDANT
JPMORGAN CHASE BANK, N.A., IN
ITS CORPORATE CAPACITY**

**DEFENDANT JPMORGAN CHASE BANK, N.A.'S,
MOTION TO QUASH THE DEPOSITION NOTICES OF MIRIAM BAUM, GEORGE GLYPHIS,
SAJU THOMAS AND PASCHALL TOSCH**

– Page 3

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on the following counsel of record via facsimile this 19th day of December, 2013.

John B. Massopust
Matthew J. Gollinger
Zelle Hofmann Voelbel & Mason LLP
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Jim L. Flegle
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Dallas, Texas 75251
Facsimile: (214) 572-1717

Patrick K. Sheehan
David Jed Williams
HORNBERGER SHEEHAN FULLER &
BEITER, INC.
The Quarry Heights Building
7373 Broadway, Suite 300
San Antonio, Texas 78209
Facsimile: (210) 271-1730

/s/ John C. Eichman

John C. Eichman

EXHIBIT A

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

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

**NOTICE OF INTENTION TO TAKE ORAL AND
VIDEOTAPED DEPOSITION OF GEORGE S. GLYPHIS**

TO: George S. Glyphis
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 **George S. Glyphis** will be taken upon oral examination beginning at **9:00 a.m. on January 14, 2014**, 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,

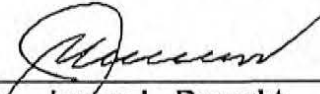
John B. Massopust (*pro hac vice*)
Matthew J. Gollinger (*pro hac vice*)
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**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,
LINDA ALDRICH, ET AL.**

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

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Sharon C. Savage
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Robert Rosenbach
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(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
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Dallas, Texas 75202

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

on this the 13th day of December, 2013.

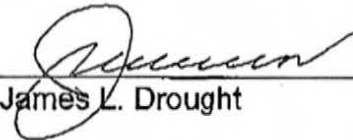

James L. Drought

EXHIBIT B

(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

225TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

NOTICE OF INTENTION TO TAKE ORAL AND
VIDEOTAPED DEPOSITION OF MIRIAM BAUM

TO: Miriam Baum
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 **Miriam Baum** will be taken upon oral examination beginning at **1:30 p.m. on January 14, 2014**, 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,

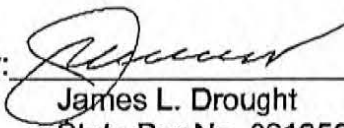
John B. Massopust (*pro hac vice*)
Matthew J. Gollinger (*pro hac vice*)
ZELLE HOFMANN VOELBEL & MASON LLP
500 Washington Avenue South, Suite 4000
Minneapolis, Minnesota 55415-1152
(612) 339-2020 - Telephone
(612) 336-9100 - Facsimile
**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,
LINDA ALDRICH, ET AL.**

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
**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:

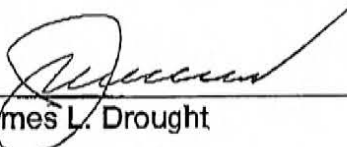
- U.S. Certified Mail, Return Receipt Requested to:
- Facsimile to:
- First Class Mail to:
- Hand Delivery to:

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
Boyer Short, A Professional Corporation
Nine Greenway Plaza, Suite 3100
Houston, Texas 77046

on this the 13th day of December, 2013.



James L. Drought

EXHIBIT C

(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

225TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

NOTICE OF INTENTION TO TAKE ORAL AND
VIDEOTAPED DEPOSITION OF SAJU THOMAS

TO: Saju Thomas
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 **Saju Thomas** will be taken upon oral examination beginning at **9:30 a.m. on January 15, 2014**, 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,

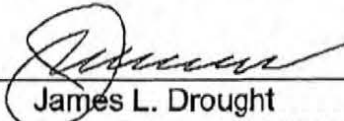
John B. Massopust (*pro hac vice*)
Matthew J. Gollinger (*pro hac vice*)
ZELLE HOFMANN VOELBEL & MASON LLP
500 Washington Avenue South, Suite 4000
Minneapolis, Minnesota 55415-1152
(612) 339-2020 - Telephone
(612) 336-9100 - Facsimile
**ATTORNEYS FOR INTERVENOR-PLAINTIFFS,
LINDA ALDRICH, ET AL.**

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
**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.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
Boyer Short, A Professional Corporation
Nine Greenway Plaza, Suite 3100
Houston, Texas 77046

on this the 13th day of December, 2013.

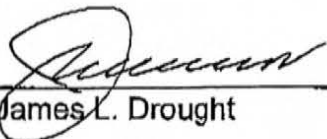

James L. Drought

EXHIBIT D

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.**

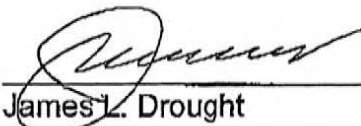
Jim L. Flegle
State Bar No. 07118600
LOEWINSOHN FLEGLE DEARY, L.L.P.
12377 Merit Dr., Suite 900
Dallas, Texas 75251
(214) 572-1700 - Telephone
(214) 572-1717 - Facsimile
**ATTORNEYS FOR PLAINTIFFS,
EMILIE BLAZE, ET AL.**

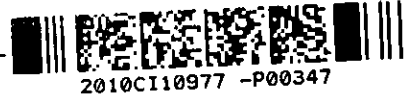
Richard Tinsman
State Bar No. 20064000
Sharon C. Savage
State Bar No. 0474200
TINSMAN & SCIANO, INC.
10107 McAllister Fwy
San Antonio, Texas 78216
Telephone: (210) 225-3121
Facsimile: (210) 225-6235

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

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

on this the 13th day of December, 2013.


James L. Drought



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NO. 2010-CI-10977

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

FILED
DONNA KAY MCKINNEY
DISTRICT CLERK
BEXAR COUNTY

2013 DEC 17 AM 11:06

DEPUTY

BY

REPORTER'S CERTIFICATION
DEPOSITION OF GARY AYMES
SEPTEMBER 26, 2013

I, Barbara Kay Griffin, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, GARY AYMES, 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 10-21-13 to the attorney for Defendants for examination, signature, and return to me by 11-18-13;

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

- Michael S. Christian - 02:23
- James L. Drought - 00:31

Document scanned as filed.

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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:

Michael S. Christian, James L. Drought, Robert Rosenbach, Richard Tinsman and Sharon Savage, Attorneys for Plaintiff(s)

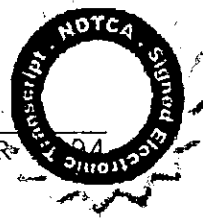
Rudy Garza, Attorney for Defendant(s)

I further certify that I am neither counsel for, related to, nor employed by any of the parties or 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.

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

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

Barbara Kay Griffin
BARBARA KAY GRIFFIN, Texas CSR
Expiration Date: 12/31/14
Firm Registration No. 631
645 Lockhill Selma, Suite 200
San Antonio, Texas 78216
(210) 697-3400



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FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition ~~was~~ was not returned to the deposition officer on 11-18-13;


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

If returned, the original deposition was delivered to MICHAEL S. CHRISTIAN, Custodial Attorney;

That \$1,118.00 is the deposition officer's charges to the Plaintiffs 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 Dec., 2013.

 By BW
BARBARA KAY GRIFFIN, Texas CSR 2494
Expiration Date: 12/31/14
Firm Registration No. 631
645 Lockhill Selma, Suite 200
San Antonio, Texas 78216
(210) 697-3400

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CHANGES AND SIGNATURE

WITNESS: GARY AYMES

DATE OF DEPOSITION: 9/26/13

PAGE	LINE	CHANGE	REASON
1	13	the to an	
1	25	"to" to "as"	
19	18	balance to balanced	
21	22	that to what	
40	14	from to "to"	
60	24	trusted on to trusts owning	
63	23	investment or not to investment, we are not	
88	2	basically to basis	
113	1	lien to legal	
98	11	rule to pool	

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

Gary Aymes
GARY AYMES, Witness

THE STATE OF Texas)
COUNTY OF Bexar)

Before me, _____, on this day personally appeared GARY AYMES, known to me (or proved to me under oath or through _____) (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 14th day of November, 2013.

Sherry Harrison
Notary Public in and for the State of Texas





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CAUSE NO. 2010-CI-10977

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

FILED
 DONNA KAY HEKINNEY
 DISTRICT CLERK
 BEXAR COUNTY
 2014 JAN 14 P 1:56
 DEPUTY
 CLERK

Reporter's Certification
 DEPOSITION OF CHARLES CUSACK
 October 31, 2013

I, Janet G. Hoffman, Certified Shorthand Reporter
 in and for the State of Texas, hereby certify to the
 following:

That the witness, CHARLES CUSACK, 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
11-21-13 to the witness or to the
 attorney for the witness for examination, signature and
 return to me by 12-11-13;

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

JIM L. FLEGLE - 02:23
 KEVIN M. BEITER - 00:25

**Document
 scanned as filed.**

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

5 JIM L. FLEGLE, Attorney for Plaintiff;
 6 KEVIN M. BEITER, Attorney for Defendants.

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

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

15 Certified to by me this 13 of November, 2013.

16
 17 *Janet G Hoffman*

18 Janet G. Hoffman
 19 Texas CSR No. 4208
 20 Expiration Date: 12/31/13



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

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FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was ~~was not~~ returned to the deposition officer on 12-11-13;

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

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

That \$ 783.00 is the deposition officer's charges to the Plaintiff 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 7th day of Jan, 2013⁴.

Janet G Hoffman

Janet G. Hoffman
Texas CSR No. 4208
Expiration Date: 12/31/13

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

225th District Court of BEXAR County, Texas

100 DOLOROSA ST #200 SAN ANTONIO TX 78205

Bexar County District Clerk

Case #: 2010-CI-10977 225TH

Accepted By: Maria Jackson

JOHN K. MEYER, ET AL

Plaintiff

VS

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

Defendant

RETURN OF SERVICE

I, Louis Conant, make statement to the fact;
That I am a competent person more than 18 years of age or older and not a party to this action, nor interested in outcome of the suit. That I received the documents stated below on 01/06/14 10:33 am, instructing for same to be delivered upon Stell, Michael F Ryder Scott Company Lp.

That I delivered to : Stell, Michael F Ryder Scott Company Lp.

the following : SUBPOENA REQUIRING MICHAEL F. STELL TO APPEAR FOR ORAL AND
: VIDEOTAPED DEPOSITION; NOTICE OF INTENTION TO TAKE ORAL AND
: VIDEOTAPED DEPOSITION OF MICHAEL F. STELL

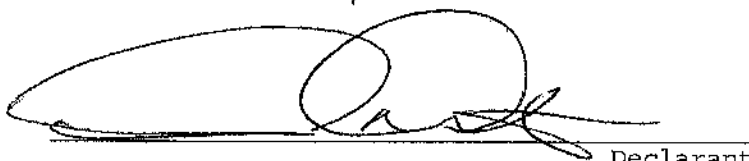
at this address : 1100 Louisiana Suite 4600
: Houston, Harris County, TX 77002

Manner of Delivery : by PERSONALLY delivering the document(s) to the person above.

Delivered on : JAN 7, 2014 3:10 pm

My name is Louis Conant, my date of birth is JUL 19th, 1965, and my address is Professional Civil Process Houston, 1500 McGowen, Suite 140, Houston TX 77004, and U.S.A. I declare under penalty of perjury that the foregoing is true and correct. Executed in Harris County, State of Texas, on the 7th day of

January, 20 14.



Declarant

Louis Conant

Texas Certification#: SCH-5959 Exp. 10/31/15

Private Process Server
Professional Civil Process Houston
1500 McGowen, Suite 140 Houston TX 77004
(713) 227-5858

PCP Inv. #H14100100



+ Service Fee: 65.00
Witness Fee: 10.00
Mileage Fee: .00

tomcat

AX02H14100100

Bobbitt, Calhoun

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

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

**SUBPOENA REQUIRING DOUGLAS A. FORDYCE
TO APPEAR FOR ORAL AND VIDEOTAPED DEPOSITION**

TO: Douglas A. Fordyce
Lazard Freres & Co. LLC
600 Travis Street, Suite 2300
Houston, Texas 77002

Greetings:

YOU ARE COMMANDED to attend and give testimony at a deposition on oral questions at the following time and place:

TIME: 9:30 a.m.
DATE: January 23, 2014
PLACE:: Lazard Freres & Co. LLC
600 Travis Street, Suite 2300
Houston, Texas 77002

Your deposition will also be video recorded.

DUTIES OF PERSON SERVED WITH SUBPOENA

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

(a) *Compliance required.* Except as provided in this subdivision, a person served with a subpoena must comply with the command stated in the subpoena unless discharged by the court or by the party summoning such witness. A person commanded to appear and give testimony must remain at the place of deposition, hearing, or trial from day to day until discharged by the court or by the party summoning the witness.

(b) *Organizations.* If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency, or other organization, and the matters on which examination is requested are described with reasonable particularity, the organization must designate one or more persons to testify on its behalf as to matters known or reasonably available to the organization.

(c) *Production of documents or tangible things.* A person commanded to produce documents or tangible things need not appear in person at the time and place of production unless the person is also commanded to attend and give testimony, either in the same subpoena or a separate one. A person must produce documents as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged but must comply with Rule 193.3. A non-party's production of a document authenticates the document for use against the non-party to the same extent as a party's production of a document is authenticated for use against the party under Rule 193.7.

(d) *Objections.* A person commanded to produce and permit inspection and copying of designated documents and things may serve on the party requesting issuance of the subpoena--before the time specified for compliance--written objections to producing any or all of the designated materials. A person need not comply with the part of a subpoena to which objection is made as provided in this paragraph unless ordered to do so by the court. The party requesting the subpoena may move for such an order at any time after an objection is made.

(e) *Protective orders.* A person commanded to appear at a deposition, hearing, or trial, or to produce and permit inspection and copying of designated documents and things may move for a protective order under Rule 192.6(b)--before the time specified for compliance--either in the court in which the action is pending or in a district court in the county where the subpoena was served. The person must serve

the motion on all parties in accordance with Rule 21a. A person need not comply with the part of a subpoena from which protection is sought under this paragraph unless ordered to do so by the court. The party requesting the subpoena may seek such an order at any time after the motion for protection is filed.

WARNING

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

This **subpoena** is issued at the request of Plaintiffs and Plaintiff-Intervenors, whose attorneys of record are listed below.

Date of issuance: January 8, 2014.


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

Richard Tinsman
State Bar No. 20064000
Sharon C. Savage
State Bar No. 0474200
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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
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(210) 222-0586 Telecopier

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

RETURN OF SUBPOENA

I certify that I served the annexed Subpoena by delivering a copy together with a fee of \$10.00 to Douglas A. Fordyce, in person at Lazard Freres & Co. LLC, 600 Travis Street, Suite 2300, Houston, Texas 77002, on the _____ day of _____, 2014.

Signature

Print Name

Title

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____, 2014.

Notary Public, State of Texas

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

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

NOTICE OF INTENTION TO TAKE ORAL AND
VIDEOTAPED DEPOSITION OF DOUGLAS A. FORDYCE

TO: Douglas A. Fordyce
Lazard Freres & Co. LLC
600 Travis Street, Suite 2300
Houston, Texas 77002

Please take notice that on behalf of Plaintiffs and Plaintiff-Intervenors, the oral and videotaped deposition of **Douglas A Fordyce** will be taken upon oral examination beginning at **9:30 a.m. on January 23, 2014**, and his answers may be used as testimony in the above-numbered and entitled cause. Said deposition will be taken at the offices of Lazard Freres & Co. LLC, 600 Travis Street, Suite 2300, Houston, Texas 77002, by an official court reporter.

Please take notice that this deposition will be video recorded.

Respectfully submitted,

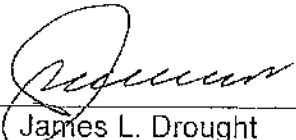
John B. Massopust (*pro hac vice*)
Matthew J. Gollinger (*pro hac vice*)
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By: 
James L. Drought
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**ATTORNEYS FOR PLAINTIFFS,
JOHN K. MEYER, ET AL.**

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

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

on this the 13th day of December, 2013.



James L. Drought

 **NORTON ROSE FULBRIGHT**

January 9, 2014

Via E-Mail

John Massopust
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jeff.webb@nortonrosefulbright.com

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RULE 11 AGREEMENT

Re: Cause No. 2010-CI-10977; ***John K. Meyer, et. al. v. JP Morgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust and Gary P. Aymes; In the 225th Judicial District Court of Bexar County, Texas***

Dear John:

Per our discussions, this letter will confirm that the Plaintiffs who served the subpoenas to produce documents on Shell and SWEPI have agreed to extend the deadline to the end of the day on Monday, ~~February 3~~, 2014, for Shell and SWEPI to serve responses, including pursuant to Tex. R. Civ. P. 176.6, to the subpoenas.

JANUARY 23, OBM
If the above accurately reflects our agreement, please sign below for your client and on behalf of all Plaintiffs who served the subpoenas, and return an executed copy to me.

I appreciate your professional courtesies.

If you have any questions, please do not hesitate to let me know.

Very truly yours,


Jeffrey A. Webb

AGREED:

George Spencer, Jr.
State Bar No. 18921001

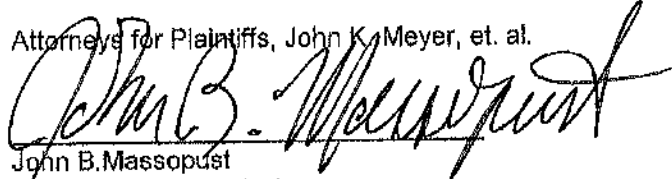
AND

Richard Tinsman
State Bar No. 20064000
Sharon C. Savage
State Bar No. 0474200

AND

James L. Drought
State Bar No. 06135000

Attorneys for Plaintiffs, John K. Meyer, et. al.


John B. Massopust
(Admitted pro hac vice)

Attorneys for Intervenor-Plaintiffs, Linda Aldrich, et. al.

*for all counsel
by permission*

Jim L. Flegle
State Bar No. 07118600
Attorneys for Plaintiffs, Emilie Blaze, et. al.

CAUSE NO. 2010-CI-10977

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

PLAINTIFFS' MOTION TO COMPEL

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 in the process of being selected.

2. Plaintiffs are beneficiaries of the trust and have alleged that JPM breached its fiduciary duties 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 has refused to provide such information as follows:

Plaintiffs' Third Set of Interrogatories

3. On or about September 9, 2013, Plaintiffs' served JP Morgan with their Third Set of Interrogatories. On or about October 17, 2013 JP Morgan served its

responses (Exhibit 1). JP Morgan has failed to provide substantive responses and raised a number of unfounded objections including that the information sought is confidential, proprietary, privileged, not relevant, with regard to Interrogatories Nos. 1, 2, 5, 6, 10, 11, 12 and 16.

4. The Interrogatories in the preceding paragraph seek information about Defendant JP Morgan Chase Bank, N.A.'s relationship with Petrohawk and BHP Billiton. Both Petrohawk and BHP have profited by obtaining rights to drill minerals held by the STS Trust. JP Morgan, as trustee of the STS Trust, granted the mineral lease rights. JP Morgan has admitted that it has a commercial relationship with both BHP and Petrohawk, but has refused to provide the information sought by the Interrogatories enumerated above (see Exhibit 2).

5. In Interrogatory 17, Defendant was asked to identify a witness competent to testify to the information sought in Interrogatories Nos. 1, 2, 5, 6, 10, 11, 12 and 16. As the Interrogatories have not been answered, no witness has been identified.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Court set this matter for hearing and that upon hearing hereof, enter an order removing JP Morgan's objections and requiring Defendant to provide answers to Plaintiffs' Third Set of Interrogatories and granting any other additional relief to which Plaintiffs may be justly entitled.

Dated: January 13, 2014

Respectfully submitted,

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**ZELLE HOFMANN VOELBEL &
MASON LLP**

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5000
Minneapolis, MN 55415
Telephone: (612) 339-2020
Facsimile: (612) 336-9100

By: /s/ Ian T. Bolden

**ATTORNEYS FOR PLAINTIFFS, JOHN
K. METER, 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.

/s/ Ian T. Bolden

FIAT

Plaintiff's Motion to Compel is hereby set for hearing on January ¹⁷____, 2014 at 8:30 a.m. in the Presiding Judicial District Court, Room 109, Bexar County, San Antonio, Texas.

1/13/2014

SIGNED this ____ day of January, 2014.

Laura Salinas

Presiding Judge

166th District Court

Bexar County, Texas

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been served via email on the below listed counsel of record via the method indicated, this 13th day of January, 2014:

Patrick K. Sheehan
David Jed Williams
Mr. Rudy Garza
Mark A. Randolph
Kevin M. Beiter
Hornberger Sheehan Fuller
Beiter Wittenberg & Garza Inc.
The Quarry Heights Building
7373 Broadway, Suite 300
San Antonio, TX 78209

John C. Eichman
Amy S. Bowen
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Fred W. Stumpf
Boyer Short, A Professional Corporation
Nine Greenway Plaza, Suite 3100
Houston, TX 77046

Mark T. Josephs
Sara Hollan Chelette
Jackson Walker, LLP
901 Main Street, Suite 6000
Dallas, TX 75202

/s/

Ian T. Bolden

EXHIBIT 1

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.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

225TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**DEFENDANT JPMORGAN CHASE BANK, N.A.'S OBJECTIONS AND RESPONSES
TO PLAINTIFFS' THIRD SET OF INTERROGATORIES**

Defendant JPMorgan Chase Bank, N.A., Individually/Corporately, and as Trustee of the South Texas Syndicate ("JPMorgan") submits these Objections and Responses to Plaintiffs' Third Set of Interrogatories.

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: 

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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 JPMORGAN CHASE BANK, N.A.'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' THIRD SET OF INTERROGATORIES was served upon the following on the 16th day of October 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.
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VIA FACSIMILE

Mr. James L. Drought
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VIA FACSIMILE

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Mr. George Spencer, Jr.
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VIA FACSIMILE

Mr. Richard Tinsman
Ms. Sharon C. Savage
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10107 McAllister Freeway
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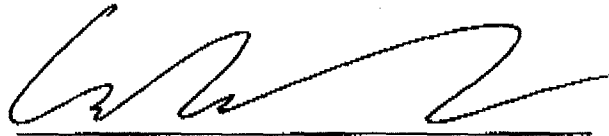
VIA FACSIMILE

Mr. Michael S. Christian
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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 black ink, appearing to read 'Eduardo L. Morales', written over a horizontal line.

Eduardo L. Morales

**JPMORGAN'S OBJECTIONS AND RESPONSES TO
PLAINTIFFS' THIRD SET OF INTERROGATORIES**

I. GENERAL OBJECTIONS AND REQUEST FOR PROTECTIVE ORDER

A. These Interrogatories in some instances seek information that would constitute an invasion of JPMorgan's (or other person's or entity's) personal rights of privilege, confidentiality, and privacy. Additionally, many of these Interrogatories have questionable or 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 many years past at great time and expense in order to accurately respond. JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories, which Motion is incorporated herein by reference in its entirety, and JPMorgan objects to these Interrogatories (where applicable) on each and all of the bases set forth in the Motion for Protective Order Concerning Plaintiffs Third Set of Interrogatories (and as provided below).

B. JPMorgan objects to the definition of "you" and "your" to the extent it would include any person or entity other than the actual party in this case to whom the request is directed. Plaintiffs' definition would purport 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 having to seek or search for information from non-parties to this lawsuit or to responding to these Interrogatories in any capacity (or on behalf of any person or entity) other than in the capacities in which it has been sued and in which these Interrogatories are directed. JPMorgan's responses herein are only from such entity, Defendant JPMorgan Chase Bank, N.A., Individually/Corporately and in its role as Trustee of the South Texas Syndicate Trust. JPMorgan further objects to the definition of "You" as overly broad to include entities or businesses unrelated to the business that administers personal trusts.

C. JPMorgan objects to the alleged "relevant time period" from January 1, 2000 to the present as overly broad and unduly burdensome in purporting to require JP Morgan to search for, organize and review information going back over thirteen (13) years.

Subject to these objections and following the entry of an appropriate agreed order and/or the Court's ruling on JPMorgan's Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories (and protections requested hereinabove on the general objections and requests for protective order incorporated herein), JPMorgan will further respond and/or supplement as appropriate or required.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined (e.g. "actions and responsibilities undertaken...in connection with Petrohawk's investigation and leasing of the Eagle Ford Shale property interests"), non-specific, overly broad, harassing, and unduly burdensome.
2. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
3. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "Petrohawk"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely Petrohawk. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, with respect to the role of JPMorgan Chase Bank, N.A. as Trustee of the STS Trust (referred to herein as the "Trustee"), in connection with the leasing of the STS mineral interests, see the deposition transcripts of JPMorgan's corporate representatives.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague,

undefined (e.g. "actions and responsibilities undertaken...in connection with First Rock's investigation and leasing of the Eagle Ford Shale property interests"), non-specific, overly broad, harassing, and unduly burdensome.

2. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
3. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "First Rock"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely First Rock. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, with respect to the Trustee's role in connection with the leasing of the STS mineral interests, see the deposition transcripts of JPMorgan's corporate representatives.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined (e.g. "actions and responsibilities undertaken...in connection with Blackbrush's investigation and leasing of the Eagle Ford Shale property interests"), non-specific, overly broad, harassing, and unduly burdensome.
2. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.

3. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "Blackbrush"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely Blackbrush. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, with respect to the Trustee's role in connection with the leasing of the STS mineral interests, see the deposition transcripts of JPMorgan's corporate representatives.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined (e.g. "actions and responsibilities undertaken...in connection with..."), non-specific, overly broad, harassing, and unduly burdensome.
2. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
3. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "Broad Oak"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.

4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely Broad Oak. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, with respect to the Trustee's role in connection with the leasing of the STS mineral interests, see the deposition transcripts of JPMorgan's corporate representatives.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "BHP Billiton and Petrohawk"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
2. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
3. This Interrogatory seeks information that may consist of potential banking records for third parties, namely BHP Billiton and Petrohawk. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee did not undertake any role in BHP Billiton's purchase of Petrohawk.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "each and every financing, loan, or credit agreement between You...and Petrohawk"), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "Petrohawk"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely Petrohawk. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee does not have any financing, loan, or credit arrangements with Petrohawk.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "each and every financing, loan, or credit agreement between You...and First Rock"), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "First Rock"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely First Rock. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee does not have any financing, loan, or credit arrangements with First Rock.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "each and every financing, loan, or

credit agreement between You...and Blackbrush”), harassing, and unduly burdensome.

2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. “Blackbrush”). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs’ Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely Blackbrush. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee does not have any financing, loan, or credit arrangements with Blackbrush.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. “each and every financing, loan, or credit agreement between You...and Broad Oak”), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. “Broad Oak”). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs’ Third Set of Interrogatories and objects to further responding to this discovery request

until such Motion has been determined and protections granted as requested therein.

3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely Broad Oak. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee does not have any financing, loan, or credit arrangements with Broad Oak.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "each and every financing, loan, or credit agreement between You...and BHP Billiton"), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "BHP Billiton"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.

4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely BHP Billiton. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee does not have any financing, loan, or credit arrangements with BHP Billiton.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "any activity Your perform or service You provide to...BHP Billiton"), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "BHP Billiton"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely BHP Billiton. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "any investment and ownership interest You...have had in First Rock"), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "First Rock"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely First Rock. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee does not have any investment or ownership interest in First Rock.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee of the STS Trust has not performed any activities for nor has it provided any services to BHP Billiton.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "any investment and ownership interest You...have had in Petrohawk"), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "Petrohawk"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely Petrohawk. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee does not have any investment or ownership interest in Petrohawk.

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "any investment and ownership interest You...have had in Blackbrush"), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "Blackbrush"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely Blackbrush. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee of the STS Trust does not have any investment or ownership interest in Blackbrush.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "any investment and ownership interest You...have had in Broad Oak"), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "Broad Oak"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request

until such Motion has been determined and protections granted as requested therein.

3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely Broad Oak. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee does not have any investment or ownership interest in Broad Oak.

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.

OBJECTIONS:

JPMorgan objects to this Interrogatory on the following bases:

1. This Interrogatory is wholly improper as worded, not allowed by the TRCP including Rule 197 TRCP, lacks the required specificity of inquiry, and is vague, undefined, non-specific, overly broad (e.g. "any investment and ownership interest You...have had in BHP Billiton"), harassing, and unduly burdensome.
2. This Interrogatory seeks confidential, private, and/or proprietary information pertaining to JPMorgan and third parties (e.g. "BHP Billiton"). Accordingly, JPMorgan has filed a Motion for Protective Order Concerning Plaintiffs' Third Set of Interrogatories and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
3. This Interrogatory seeks information that is not relevant to this proceeding and is not calculated to lead to the discovery of admissible evidence.
4. This Interrogatory seeks information that may consist of potential banking records for third parties, namely BHP Billiton. With respect to these requested records, Plaintiffs have not satisfied the requirements of TEX. FIN. 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.

RESPONSE:

Subject to and without waiving the foregoing objections, the Trustee does not have any investment or ownership interest in BHP Billiton.

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.

OBJECTION:

JPMorgan objects to this Interrogatory because it is vague and undefined to the extent it asks JPMorgan to identify officer(s), director(s), or employee(s) to attest to the "authenticity" of its responses.

EXHIBIT 2

Matt Gollinger

From: Jed Williams <jwilliams@hsfblaw.com>
Sent: Wednesday, December 04, 2013 11:05 AM
To: Matt Gollinger
Cc: Pat Sheehan
Subject: FW: John K. Meyer, et al. v. JP Morgan Chase Bank, N.A., et al.
Attachments: 11-25-13.ltr.pdf

Matt – in further response to the attached letter, JPM has determined that it has had no relationship First Rock, Blackbrush or Broad Oak. We will amend our responses to reflect that.

With regard to BHP and Petrohawk, there has been a relationship and we have the general information to amend our responses. However, as with the Pioneer and Reliance information, we cannot provide relationship information without the involvement and consent of BHP and Petrohawk.

David Jed Williams

Hornberger Sheehan Fuller Beiter
Wittenberg & Garza Incorporated
7373 Broadway, Suite 300
San Antonio, Texas 78209
Tel. (210) 271-1731
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From: Teresa M. Knight [<mailto:TKnight@zelle.com>]
Sent: Monday, November 25, 2013 3:02 PM
To: Jed Williams
Cc: spencer@clemens-spencer.com; rosenbachb@clemens-spencer.com; jld@ddb-law.com; rtinsman@tsslawyers.com; ssavage@tsslawyers.com; fstumpf@boyerjacobs.com; jimf@LFDlaw.com; Michael Christian; Matt Gollinger
Subject: John K. Meyer, et al. v. JP Morgan Chase Bank, N.A., et al.

Mr. Williams, Please see the attached from Matthew Gollinger.



Teresa Knight
Case Assistant

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CAUSE NO. 2010-CI-10977

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

**PLAINTIFFS' MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS
RELATED TO *JP MORGAN CHASE BANK, N.A., IN ITS CAPACITY AS TRUSTEE OF
THE SOUTH TEXAS SYNDICATE TRUST V. PIONEER NATURAL RESOURCES USA,
INC. AND EOG RESOURCES, INC.***

Plaintiffs John K. Meyer, John Meyer, Jr., Theodore Meyer, Emilie Blaze and Plaintiff Intervenor (collectively, the “Beneficiaries”) file this Motion to Compel the Production of Documents related to *JP Morgan Chase Bank, N.A., in its capacity as trustee of the South Texas Syndicate Trust v. Pioneer Natural Resources USA, Inc. and EOG Resources, Inc.* (the “Pioneer Litigation”).

INTRODUCTION

This is a dispute arising out of JP Morgan’s role as trustee for the South Texas Syndicate trust. The Beneficiaries have sued JP Morgan alleging JP Morgan has mismanaged trust assets, engaged in tortious activity, and failed to act in the Beneficiaries’ best interests. Pertinent to this Motion, the Beneficiaries assert that JP Morgan acted imprudently, improperly, and in violation of its fiduciary duties in its prosecution and settlement of the Pioneer Litigation. The Beneficiaries have served document requests on JP Morgan requesting its entire Pioneer Litigation file. Although JP Morgan has produced some documents, it continues to withhold

documents the Beneficiaries are entitled to. The Beneficiaries seek all of JP Morgan's Pioneer Litigation documents, including:

- JP Morgan's correspondence with its attorneys;
- The Pioneer Litigation settlement agreement;
- Communications between JP Morgan and/or its counsel and third parties.

JP Morgan claims these documents are privileged. They are not. JP Morgan has a duty to disclose these documents, as they contain material facts about how it conducted the Pioneer Litigation and JP Morgan cannot hide behind its blanket assertions of privilege. The Beneficiaries have a right to discover these documents. As such, the Beneficiaries respectfully request that the Court issue an order compelling JP Morgan to produce the requested documents.

I.

DISPUTED DOCUMENT REQUESTS

The Beneficiaries have requested JP Morgan's complete Pioneer Litigation file:

REQUEST FOR PRODUCTION NO. 84:

A copy of the complete litigation file, including but not limited to all work product and attorney-client communications, for the Pioneer/EOG dispute or litigation.

See Blaze's Request for Production No. 84. However, JP Morgan has refused to produce the requested documents, objecting to their production on relevance and privilege grounds:

OBJECTIONS:

Defendant objects to this Request on the following bases:

1. This Request is non-specific, overly broad, harassing, and unduly burdensome.
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.

3. This Request seeks confidential, private, and/or proprietary information pertaining to the South Texas Syndicate Trust. Accordingly, J.P. Morgan has filed a Motion for Protective Order and objects to further responding to this discovery request until such Motion has been determined and protections granted as requested therein.
4. All necessary parties (in excess of 200 beneficiaries of the South Texas Syndicate Trust) have not been joined and J.P. Morgan objects to producing information that may be confidential (or otherwise objectionable) to the other beneficiaries before they are joined and have the opportunity to be heard regarding any objections that they may have to the release of the requested information to Plaintiff.

CLAIM OF PRIVILEGE:

Subject to the above-objections and the Court's determination as to the proper scope of this Request and J.P. Morgan's obligations (if any) to further respond and produce documents thereunder, J.P. Morgan anticipates that documents responsive to this Request (or redacted information in such documents) have been or will be withheld from production under attorney-client and work product privileges.

Plaintiffs served additional requests for documents related to the Pioneer/EOG Litigation and the settlement thereof. *See* Blaze's Requests for Production Nos. 75-86. Although JP Morgan eventually produced some Pioneer Litigation documents, it continues to withhold Pioneer Litigation documents crucial to the Beneficiaries' claims.

II.

ARGUMENT AND AUTHORITIES

The Beneficiaries request that JP Morgan produce the Pioneer Litigation settlement agreement, its correspondence with its attorneys concerning the Pioneer Litigation, and any other documents not yet produced related to the prosecution and settlement of the Pioneer Litigation. The Court should require JP Morgan to produce the requested documents because (1) they are relevant and (2) JP Morgan's claims of privilege are not grounds for JP Morgan's failure to produce them.

A. The Requested Documents Are Relevant.

The requested documents are discoverable because they are relevant. “A party is typically entitled to obtain discovery on any matter that is not privileged and is relevant to the subject matter of the pending action and appears to be reasonable[y] calculated to lead to the discovery of admissible evidence.” *In re K.L. & J. Ltd. P’ship*, 336 S.W.3d 286, 290 (Tex. App.—San Antonio 2010, no pet.). Here, the Beneficiaries claim JP Morgan breached the fiduciary duties it owed to them by the actions taken and not taken in filing, litigating, and settling the Pioneer Litigation. *See* Plaintiffs’ Fourth Amended Petition at ¶167. The requested documents are relevant because they are the best available evidence to show whether JP Morgan acted prudently in its fiduciary capacity on behalf of the Beneficiaries. Because the requested documents are relevant, the Court should order they be produced.

B. Privilege Does Not Allow JP Morgan to Withhold the Requested Documents.

JP Morgan refuses to produce the requested documents, claiming the documents are privileged. The attorney-client privilege and work product protections do not spare JP Morgan from production. First, any privilege protecting attorney-client communications in the Pioneer Litigation does not protect JP Morgan from producing documents in this litigation. Second, the privilege afforded to JP Morgan’s communications with its attorneys in the Pioneer Litigation does not prevent it from producing documents in this litigation. Third, the requested documents contain material facts about JP Morgan’s administration of the trust that JP Morgan has a duty to disclose and the Beneficiaries are entitled to know about.

1. Certain documents JP Morgan has failed to produce cannot be privileged.

JP Morgan cannot withhold the requested documents under a blanket claim of privilege. Not all of the documents withheld meet the requirements for the attorney-client or work product privileges. Portions of the requested documents (*e.g.*, the Pioneer Litigation settlement

agreement, expert reports, communications with opposing counsel, *et cetera*) were shared with third parties. As such, they are not privileged and JP Morgan should be compelled to produce them.

2. JP Morgan cannot use attorney-client privilege from the Pioneer Litigation to prevent disclosure in this litigation.

JP Morgan cannot hide behind Pioneer Litigation attorney-client privilege to prevent the Beneficiaries from discovering whether JP Morgan acted prudently in prosecuting that action. The Texas Supreme Court has held that a trustee can use the attorney-client privilege to withhold documents from trust beneficiaries. *Huie v. DeShazo*, 922 S.W.2d 920, 921 (Tex. 1996). JP Morgan's assertion of privilege is improper and its continued reference to *Huie* is misplaced.

In *Huie v. DeShazo*, a trust beneficiary sued the trustee for mismanaging the trust, engaging in self-dealing, diverting business opportunities from the trust, and comingling and converting trust property. 922 S.W.2d at 922. The beneficiary sought to obtain information about the trustee's management of the trust by deposing the trustee's attorney. But the attorney refused to testify about the trustee's management of the trust, claiming the information was protected by the attorney-client and work product privileges. *Id.* The beneficiary then moved to compel responses, arguing that because the trustee was acting in a fiduciary capacity on behalf of the beneficiaries, the trustee's affairs were the beneficiaries' affairs; thus, the beneficiaries were entitled to discover the trustee's communications with counsel, as the beneficiaries were the true recipients of the legal advice. *Id.* at 922-23.

Ultimately, the Texas Supreme Court held the beneficiary could not compel the trustee's attorney to respond. *Id.* at 921. The court reasoned that allowing the trustee to assert the privilege prevented harm to the trust. *Id.* at 923-24. First, the court reasoned, the attorney client privilege allowed a trustee to consult freely with his attorney to obtain the best possible legal

advice. *Id.* at 924. Without the privilege, trustees might forego legal advice (which could have an adverse effect on trust administration) because, later, disappointed beneficiaries could review the trustee's attorney-client communications to second-guess the trustee's actions. *Id.* Second, the court reasoned, if beneficiaries could access these communications, trustees might feel compelled to follow the attorney's advice, ignoring their own judgment and experience (which would have an adverse effect on the trust). *Id.* Ultimately, the court found that the application of the privilege prevented harm to the trust and thus to trust beneficiaries. *Id.*

The *Huie v. DeShazo* rationale does not support JP Morgan's assertion of privilege in this case. In *Huie*, although the plaintiff beneficiary sought to discover attorney-client communication, the sought after information was more proximate to the pending lawsuit than the information sought by the Beneficiaries. The *Huie* beneficiary sued the trustee then sought to depose the attorney defending the suit. This is not the case here. By contrast, here, the Beneficiaries have requested information about JP Morgan's prosecution of another lawsuit; a lawsuit one-step removed from the currently pending suit. The Beneficiaries do not seek information from JP Morgan about JP Morgan's actions in defending the pending lawsuit. The Beneficiaries claim JP Morgan's actions in the Pioneer Litigation were improper; how JP Morgan conducted the lawsuit is the subject of the claims. JP Morgan cannot use attorney-client privilege to thwart the Beneficiaries' claims of impropriety. No beneficiary could ever prove its trustee acted improperly in conducting prior litigation if the trustee could hide behind the veil of privilege. Here, JP Morgan is not using the privilege as a shield to protect itself in furtherance of the policies underlying the privilege, but, rather, as a sword to ensure that any improprieties remain concealed. The *Huie* court was concerned that discovering attorney-client communications would ultimately result in an adverse result to the trust and the trust

beneficiaries. *Id.* at 924. But, here, allowing JP Morgan to withhold such communications ensures that the adverse result to the Beneficiaries never be corrected. Because JP Morgan is using privilege to conceal impropriety, the Court should compel the production of the requested documents.

3. The requested documents contain material facts JP Morgan must disclose to the Beneficiaries; JP Morgan’s claims of privilege do not relieve JP Morgan of this duty.

JP Morgan cannot withhold the requested documents under a claim of attorney client privilege because the documents contain material facts that JP Morgan has a duty to disclose. Trustees owe their beneficiaries “a fiduciary duty of full disclosure of all material facts known to them that might affect [the beneficiaries’] rights.” *Huie*, 922 S.W.2d at 923; *Shannon v. Frost Nat. Bank of San Antonio*, 533 S.W.2d 389, 393 (Tex. Civ. App. 1975)(“Generally, if a beneficiary of a trust requests information about the trust from the trustee, the trustee must promptly furnish it. . . .”). “Applying the attorney-client privilege does not limit this duty.” *Id.* If a trustee knows of a material fact independently of its communications with its attorney, the trustee must disclose it. *Huie*, 922 S.W.2d at 923. A trustee cannot cloak in attorney-client privilege a material fact it has a duty to disclose merely by communicating that fact to an attorney. *Id.*

The Beneficiaries claim that JP Morgan imprudently conducted and settled the Pioneer Litigation. The decisions JP Morgan made during the prosecution and settlement of the Pioneer Litigation are material facts for the purpose of determining whether JP Morgan breached its fiduciary duties. What JP Morgan did during the Pioneer Litigation materially affects the rights of the Beneficiaries. Thus, JP Morgan has a duty to disclose, and the Beneficiaries have a right to learn about, JP Morgan’s Pioneer Litigation decisions to the extent those decisions exist independently of JP Morgan’s confidential communications with counsel.

Although JP Morgan has a duty to disclose these material facts, it has not done so. Instead, JP Morgan refuses to disclose this information under a blanket assertion of privilege. JP Morgan has made no effort to separate those material facts it has a duty to disclose, as existing independently from its confidential communications with counsel, and those facts that are truly privileged. JP Morgan is not allowed to withhold material facts it has a duty to disclose under the attorney-client privilege or work-product privilege merely because it may have communicated those facts to its attorneys. *Id.* JP Morgan must disclose those Pioneer Litigation documents, including correspondence with counsel and the settlement agreement, containing material facts that exist independently of JP Morgan's confidential communications with counsel.

Given JP Morgan's improper blanket assertion of privilege and complete failure to disclose material facts, the Beneficiaries request an order requiring (1) that JP Morgan produce to the Beneficiaries its complete Pioneer Litigation file, or (2) that JP Morgan submit to the Court its Pioneer Litigation file so the Court may conduct an in camera review and determine what documents JP Morgan must produce as containing material facts existing independently of JP Morgan's communications with counsel.

C. The Court Can Alleviate Confidentiality Concerns by Subjecting the Requested Documents to the Protection of the Protective Order Entered in This Case.

Defendants' claim that disclosing the requested information related to the Pioneer Litigation will result in the disclosure of "confidential, private, and/or proprietary information pertaining to the South Texas Syndicate Trust." Def. Response to Pl. Request for Prod. No. 84. This is no reason to deny discovery. A protective order has been entered in this cause to protect confidentiality, and the Court can relieve JP Morgan's confidentiality concerns by subjecting confidential documents to the protective order already in place in this case. *See Agreed*

Protective Order, signed November 14, 2011. Because the requested documents can be protected by the protective order entered in this case, the Court should compel Defendants to produce the requested Pioneer Litigation documents.

CONCLUSION

JP Morgan has improperly used the attorney-client and work product privileges to withhold documents. JP Morgan must produce these documents, as they contain material facts JP Morgan, as trustee, has a duty to disclose. And the Beneficiaries have a right to their production, as they are relevant and able to be withheld on privilege grounds. As such, the Beneficiaries respectfully request that the Court order JP Morgan to produce the requested documents. Alternatively, the Beneficiaries request that the Court conduct an *in camera* review to determine what material facts about the Pioneer Litigation JP Morgan must disclose as existing independently of confidential attorney-client communications.

Dated: January ____, 2014

Respectfully submitted,

CLEMENS & SPENCER, P.C.

GEORGE SPENCER, JR.
State Bar No. 18921001
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**ZELLE HOFMANN VOELBEL &
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5000
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Facsimile: (612) 336-9100

By: /s/ Ian T. Bolden

**ATTORNEYS FOR PLAINTIFFS, JOHN
K. METER, 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.

 /s/ Ian T. Bolden

FIAT

Plaintiff's Motion to Compel is hereby set for hearing on January 23, 2014 at 8:30 a.m. in the Presiding Judicial District Court, Room 109, Bexar County, San Antonio, Texas.

SIGNED this 13TH day of January, 2014.

Laura Salinas
Presiding Judge
166th District Court

JUDGE PRESIDING
Bexar County, Texas

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been served via email on the below listed counsel of record via the method indicated, this 13th day of January, 2014:

Patrick K. Sheehan
David Jed Williams
Mr. Rudy Garza
Mark A. Randolph
Kevin M. Beiter
Hornberger Sheehan Fuller
Beiter Wittenberg & Garza Inc.
The Quarry Heights Building
7373 Broadway, Suite 300
San Antonio, TX 78209

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

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

Mark T. Josephs
Sara Hollan Chelette
Jackson Walker, LLP
901 Main Street, Suite 6000
Dallas, TX 75202

/s/ _____
Ian T. Bolden



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

CRT

JOHN K. MEYER, ET. AL.

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

VS.

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

225TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**SUBPOENA REQUIRING PRODUCTION OF DOCUMENTS
ISSUED IN THE NAME OF THE STATE OF TEXAS**

**TO ANY PEACE OFFICER, CONSTABLE OF THE STATE OF TEXAS OR OTHER
PERSON DULY AUTHORIZED TO SERVE OR EXECUTE SUBPOENAS:**

This Subpoena is directed to:

**SENTINEL TRUST COMPANY, L.B.A.
c/o D. Fort Flowers Jr.
2001 Kirby Drive
Suite 1200
Houston, Texas 77019-6044**

FILED
DONNA KAY MCKINNEY
DISTRICT CLERK
BEXAR COUNTY
2014 JAN -8 PM 1:52
DEPUTY
Patricia

This Subpoena directs **SENTINEL TRUST COMPANY, L.B.A.** to produce and deliver for inspection and copying the documents requested on the attached Notice of Requests for Production of Documents.

Defendants JP Morgan Chase Bank, N.A., in its individual/corporate capacity and as Trustee of the South Texas Syndicate Trust, and Gary P. Aymes request that such documents be produced at **10:00 a.m. on January 17, 2014**, at 2001 Kirby Drive, Houston, Texas 77019-6044 (or at another mutually agreed upon place and time).

This Subpoena is issued at the instance and request of Defendants JP Morgan Chase Bank, N.A., in its individual/corporate capacity and as Trustee of the South Texas Syndicate Trust, and Gary P. Aymes. The attorneys of record for Defendants are: Patrick K. Sheehan and David Jed Williams of the law firm of Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated, The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, Texas 78209-3266.

THIS SUBPOENA IS ISSUED UNDER RULE 176 OF THE TEXAS RULES OF CIVIL PROCEDURE. RULE 176.8(A) STATES: FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE

TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.

This Subpoena is issued by David Jed Williams, attorney for Defendants, on behalf of Defendants.

Respectfully submitted,

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

The Quarry Heights Building
7373 Broadway, Suite 300
San Antonio, Texas 78209-3266
Tel: 210-271-1700
Fax: 210-271-1740

Dated: December 19, 2013

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

RETURN

CAME TO HAND ON THE 19 DAY OF DECEMBER 2013, AT 3:05
O'CLOCK P.M. AND EXECUTED (~~NOT EXECUTED~~) ON THE 20 DAY OF
DECEMBER 2013, BY DELIVERING TO SENTINEL TRUST COMPANY, L.B.A. C/O D.
FORT FLOWERS JR. A TRUE COPY OF THIS SUBPOENA UPON WHICH I ENDORSED
THE DATE OF DELIVERY. CAUSE OF FAILURE TO EXECUTE THIS SUBPOENA IS

TOTAL FEES: \$ _____

HARRIS COUNTY, TEXAS

BY: _____

NON-PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO THIS _____ DAY OF _____, 2013.

**AFFIDAVIT
ATTACHED**

Notary Public, State of Texas

X J M J, President Sentinel Trust Company

RETURN OF SERVICE

State of Texas

County of Bexar

225th District Court

Case Number: 2010-CI-10977 Court Date: 1/17/2014 10:00 am

Plaintiff:

John K. Meyer, Et Al

vs.

Defendant:

**JPMorgan Chase Bank, N.A. Individually/Corporately and as Trustee
of the South Texas Syndicate Trust and Gary P. Aymes**

Received these papers on the 19th day of December, 2013 at 2:40 pm to be served on **Sentinel Trust Company, L.B.A.** by delivering to, **D. Fort Flowers Jr., Agent, 2001 Kirby Dr, Suite 1200, Houston, Harris County, TX 77019-6044.**

I, Andrew Espinoza, do hereby affirm that on the **20th day of December, 2013 at 9:50 am, I:**

delivered to an **AUTHORIZED** person a true copy of the **Subpoena Requiring Production of Documents with Defendants' Notice of Requests for Production of Documents and \$11.00 Witness Fee** with the date of delivery endorsed thereon by me, to: **D. Fort Flowers, Jr as Authorized** at the address of: **2001 Kirby Dr, Suite 1200, Houston, Harris County, TX 77019-6044**, who stated is authorized to accept delivery for **Sentinel Trust Company, L.B.A.**, and informed said person of the contents therein.

I am a private process server authorized by the Supreme Court of Texas. I am over the age of twenty one, not a party to nor interested in the outcome of this lawsuit. I am capable of making this Affidavit, and fully competent to testify to the matters stated herein. I have personal knowledge of each of the matters stated herein and the statements made in this Affidavit are true and correct.



Andrew Espinoza
SCH 454, EXP 09/2014

Our Job Serial Number: ESA-2013001968

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

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

**PIONEER NATURAL RESOURCES COMPANY’S OBJECTIONS AND RESPONSES
TO PLAINTIFFS’ NOTICE OF SUBPOENA FOR DOCUMENTS WITHOUT
DEPOSITION FROM PIONEER NATURAL RESOURCES COMPANY AND
PLAINTIFFS’ SUBPOENA FOR DOCUMENTS WITHOUT DEPOSITION
FROM PIONEER NATURAL RESOURCES COMPANY**

TO: Plaintiffs John K. Meyer and Emilie Blaze, by and through their counsel of record, David R. Deary, Jim L. Flegle, and Michael J. Donley, Loewinsohn Flegle Deary, L.L.P., 12377 Merit Drive, Suite 900, Dallas, Texas 75251, George Spencer, Jr., Clemens & Spencer, P.C., 112 E. Pecan St., Suite 1300, San Antonio, Texas 78205, James L. Drought, Drought & Bobbitt, LLP, 112 E. Pecan St., Suite 2900, San Antonio, Texas 78205, Richard Tinsman, Tinsman & Sciano, Inc., 10107 McAllister Freeway, San Antonio, Texas 78205

Pursuant to Texas Rules of Civil Procedure 176, 191, 193, 196, and 205, Pioneer Natural Resources Company (“Pioneer”) hereby submits its Objections and Responses to Plaintiffs’ Notice of Subpoena for Documents Without Deposition from Pioneer Natural Resources Company and Plaintiffs’ Subpoena for Documents Without Deposition from Pioneer Natural Resources Company.

Respectfully submitted,

John Matthew Sjoberg *with permission by*
Mark Domel

John Matthew Sjoberg
State Bar No. 18451480
Mark Domel
State Bar No. 24003636
JACKSON, SJOBERG, MCCARTHY & TOWNSEND, LLP
711 W. 7th Street
Austin TX 78701
(512) 472-7600
(512) 225-5565 Fax

ATTORNEYS FOR PIONEER NATURAL
RESOURCES COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and foregoing was sent as follows on this the 24 day of January, 2014.

David R. Deary
Jim L. Flegle
Michael J. Donley
Loewinsohn Flegle Deary, L.L.P.
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214-572-1717 (FAX)

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 First Class Mail
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 Facsimile
 Hand Delivery
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ATTORNEYS FOR PLAINTIFFS
EMILIE BLAZE, ET AL.

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 Facsimile
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K. MEYER, ET AL.

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David Jed Williams
Mark A. Randolph
Kevin M. Beiter
Hornberger Sheehan Fuller Beiter
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San Antonio, Texas 78209

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 First Class Mail
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 Facsimile
 Hand Delivery
 Federal Express



John Matthew Sjoberg
*with permission by
Mark Lund*

**OBJECTIONS AND RESPONSES TO PLAINTIFFS' NOTICE OF SUBPOENA
FOR DOCUMENTS WITHOUT DEPOSITION FROM
PIONEER NATURAL RESOURCES COMPANY AND
PLAINTIFFS' SUBPOENA FOR DOCUMENTS WITHOUT DEPOSITION FROM
PIONEER NATURAL RESOURCES COMPANY**

A. Objections to Notice of Subpoena and Subpoena

Pioneer objects to Plaintiffs' Notice of Subpoena and Subpoena as violating Texas Rule of Civil Procedure 205. Rule 205.3(b)(3) states that the notice of subpoena "must state . . . the items to be produced or inspected, either by individual item or by category, describing each item and category with reasonable particularity" Here, the requests for production and the definitions stated in the Notice of Subpoena are almost entirely different from the requests for production and definitions stated in the Subpoena. Accordingly, Plaintiffs' Notice of Subpoena does not state the items to be produced or inspected with "reasonable particularity," and, in fact, does not state them at all. Plaintiffs have failed to comply with Rule 205, and, as a result, Plaintiffs entire Notice of Subpoena and Subpoena are defective. In light of these defects, Pioneer cannot be required to respond in the time and manner requested. Further, Pioneer considers the request for production contained in the Notice of Subpoena to have been replaced, in their entirety, by the requests for production contained in the subpoena. Therefore, the requests for production in the Notice of Subpoena are void, and Pioneer will not respond to them.

Pioneer objects to the time of Production. Due to Plaintiffs' violation of Rule 205, Pioneer did not have notice of the actual documents sought by Plaintiffs until Pioneer received Plaintiffs' Subpoena on December 27, 2013, which was during the holiday period in which Pioneer personnel were on vacation. Given the scope of Plaintiffs' requests for production, Plaintiffs' failure to follow the procedures set forth in Rule 205, and Plaintiffs' late notice to Pioneer of the actual documents sought by Plaintiffs, Pioneer has not received adequate time to gather the requested documents. Pioneer does not intend to produce any documents at the time requested by Plaintiffs.

Pioneer objects that the documents sought by Plaintiffs contain Pioneer's confidential and/or proprietary information and that Plaintiffs have failed to offer or propose a protective order to insure the confidentiality of that information. Pioneer will not produce any documents until all parties to the subject litigation enter into a mutually agreeable protective order that will insure the confidentiality of all of Pioneer's confidential information.

Pioneer objects that Plaintiffs have not made any provision for the payment to Pioneer of its costs associated with Plaintiffs' document requests. "A party requiring production of documents by a nonparty must reimburse the nonparty's reasonable costs of production." *See* TEX. R. CIV. P. 205.3(f).

Subject to and without waiving the foregoing objections and the following objections to the requests for production set forth below, Pioneer will work with Plaintiffs to produce relevant, responsive, non-privileged documents so long as Pioneer is given an adequate time to respond and a mutually agreeable protective order is entered.

B. Objections and Responses to Requests for Production of Documents

REQUEST FOR PRODUCTION NO. 1:

All transcripts of depositions taken in the Pioneer Litigation.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 2:

All interrogatories and responses to interrogatories sent and/or exchanged in the Pioneer Litigation.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 3:

All documents that refer or relate to Patricia Shultz-Ormond.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to this request on the ground that it seeks documents that are not within Pioneer's possession, custody, or control. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 4:

Documents that refer or relate to Your claim that JP Morgan and/or Patricia Shultz-Ormond, acting on behalf of the STS Trust, interfered with Your contractual rights.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this

request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place. Information or material responsive to this request will be withheld under the attorney-client privilege and/or the work product doctrine.

REQUEST FOR PRODUCTION NO. 5:

All documents that refer or relate to Your counterclaim in the Pioneer Litigation.

RESPONSE: Pioneer objects that this request is duplicative of Request for Production No. 5. Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place. Information or material responsive to this request will be withheld under the attorney-client privilege and/or the work product doctrine.

REQUEST FOR PRODUCTION NO. 6:

All communications with JP Morgan [sic] counsel that refer or relate to the Pioneer Litigation.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 7:

Settlement agreements and drafts of settlement agreements sent and/or exchanged with JP Morgan or its counsel that refer or relate to the Pioneer Litigation.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to this request on the ground that it seeks documents and/or information that are subject to confidentiality agreements between JP Morgan and Pioneer. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 8:

All documents and communications between You and JP Morgan that refer or relate to:

- (a) STS Trust;
- (b) Eagle Ford Shale;
- (c) Leases held by You for any STS Trust mineral interests;
- (d) La Salle County, Texas;
- (e) McMullen County, Texas; or
- (f) Patricia Shultz-Ormond.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 9:

All documents that refer or relate to line(s) of credit extended, loans given to, or other financing arrangements between JP Morgan and You.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Based upon these foregoing objections, Pioneer does not intend to produce documents responsive to this request.

REQUEST FOR PRODUCTION NO. 10:

All documents that refer or relate to JP Morgan's role in Your purchase of Evergreen Resources, Inc. in 2004, including but not limited to documents generated in the course of JP Morgan's role as merger advisor, documents reflecting JP Morgan's agreement to underwrite an unsecured credit line, and documents relating to Your option to increase any credit facility.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Based upon these foregoing objections, Pioneer does not intend to produce documents responsive to this request.

REQUEST FOR PRODUCTION NO. 11:

All documents that refer or relate to any involvement by JP Morgan in Your acquisition of the Cullen Leases from Hilcorp Energy in 2005.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 12:

All documents that refer or relate to any involvement by JP Morgan in Your purchase of any energy related company between 2000 and the present.

RESPONSE: Pioneer objects to this request as vague as to the term “energy related company.” Pioneer further objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer states that it did not purchase any “energy related company” between 2000 and the present that is or was involved in the Eagle Ford Shale. Based upon this fact and upon the foregoing objections, Pioneer does not intend to produce any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 13:

Communications with Petrohawk that refer or relate to the STS Trust or JP Morgan’s actions as trustee of the STS Trust.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Petrohawk. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 14:

Communications with Petrohawk that refer or relate to the Cullen leases.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Petrohawk. Pioneer further objects that this request seeks documents that contain

confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 15:

Communications with Reliance that refer or relate to the STS Trust or JP Morgan's actions on behalf of the STS Trust.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Reliance. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 16:

Communications with Reliance that refer or relate to the Cullen leases.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Reliance. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 17:

All documents that refer or relate to any business transaction between You and Reliance that refer or relate to STS Trust mineral interests.

RESPONSE: Pioneer objects to this request on the grounds that it is vague as to the term "business transaction." Pioneer further objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Reliance. Pioneer further objects that this request seeks documents that

contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.



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

JOHN K. MEYER, ET. AL.

§
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§
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§

IN THE DISTRICT COURT

VS.

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

225TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**SUBPOENA REQUIRING PRODUCTION OF DOCUMENTS
ISSUED IN THE NAME OF THE STATE OF TEXAS**

**TO ANY PEACE OFFICER, CONSTABLE OF THE STATE OF TEXAS OR OTHER
PERSON DULY AUTHORIZED TO SERVE OR EXECUTE SUBPOENAS.**

This Subpoena is directed to:

**BROADWAY NATIONAL BANK
c/o James. D. Krause
8626 Tesoro Dr.
Suite 500
San Antonio Texas, 78217**

Donna Kay McKinney
DEPUTY

2014 JAN - 8 PM 1:53

FILED
DONNA KAY MCKINNEY
DISTRICT CLERK
BEXAR COUNTY

This Subpoena directs **BROADWAY NATIONAL BANK** to produce and deliver for inspection and copying the documents requested on the attached Notice of Requests for Production of Documents.

Defendants JP Morgan Chase Bank, N.A., in its individual/corporate capacity and as Trustee of the South Texas Syndicate Trust, and Gary P. Aymes request that such documents be produced at **10:00 a.m. on January 13, 2014**, at 8626 Tesoro Dr., Suite 500, San Antonio Texas, 78217 (or at another mutually agreed upon place and time).

This Subpoena is issued at the instance and request of Defendants JP Morgan Chase Bank, N.A., in its individual/corporate capacity and as Trustee of the South Texas Syndicate Trust, and Gary P. Aymes. The attorneys of record for Defendants are: Patrick K. Sheehan and David Jed Williams of the law firm of Hornberger Sheehan Fuller Beiter Wittenberg & Garza Incorporated, The Quarry Heights Building, 7373 Broadway, Suite 300, San Antonio, Texas 78209-3266.

THIS SUBPOENA IS ISSUED UNDER RULE 176 OF THE TEXAS RULES OF CIVIL PROCEDURE. RULE 176.8(A) STATES: FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE

Document scanned as filed.

TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.


This Subpoena is issued by Eduardo L. Morales, attorney for Defendants, on behalf of Defendants.

Respectfully submitted,

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

The Quarry Heights Building
7373 Broadway, Suite 300
San Antonio, Texas 78209-3266
Tel: 210-271-1700
Fax: 210-271-1740

Dated: December 17, 2013

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
Eduardo L. Morales
State Bar No. 24027527

ATTORNEYS FOR DEFENDANTS

RETURN

CAME TO HAND ON THE 17th DAY OF DECEMBER 2013, AT 2:45 O'CLOCK P.M. AND EXECUTED (~~NOT EXECUTED~~) ON THE 17th DAY OF DECEMBER 2013, BY DELIVERING TO BROADWAY NATIONAL BANK C/O JAMES D. KRAUSE A TRUE COPY OF THIS SUBPOENA UPON WHICH I ENDORSED THE DATE OF DELIVERY. CAUSE OF FAILURE TO EXECUTE THIS SUBPOENA IS

TOTAL FEES: \$ _____

Mike McEwen

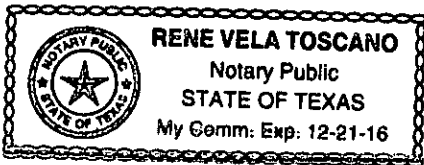
BEXAR COUNTY, TEXAS

BY: Mike McEwen / PS # SCH 2243
Exp. 8-31-15

NON-PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO THIS 6th DAY OF January, 2014.[Ⓞ]



[Signature]

Notary Public, 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 TH JUDICIAL DISTRICT
INDIVIDUALLY/CORPORATELY	§	
AND AS TRUSTEE OF THE SOUTH	§	
TEXAS SYNDICATE TRUST	§	
and GARY P. AYMES	§	BEXAR COUNTY, TEXAS

**DEFENDANTS' NOTICE OF REQUESTS FOR PRODUCTION
OF DOCUMENTS TO BROADWAY NATIONAL BANK**

Defendants JPMorgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust, and Gary P. Aymes (collectively referred to herein as the "Defendants") serve upon:

BROADWAY NATIONAL BANK
c/o James D. Goudge
1177 N.E. Loop 410
San Antonio Texas, 78209-1517

this Notice of Request for Production of Documents.

Pursuant to Texas Rules of Civil Procedure 205, Defendants request that BROADWAY NATIONAL BANK produce for inspection and copying all documents responsive to the Requests attached hereto and incorporated herein as Exhibit "A" at 10:00 a.m. on January 13, 2014 at 1177 N.E. Loop 410, San Antonio Texas, 78209-1517. Defendants will serve a Subpoena upon BROADWAY NATIONAL BANK c/o James D. Goudge after the expiration of ten (10) days from service of this Notice.

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

The Quarry Heights Building

7373 Broadway, Suite 300

San Antonio, Texas 78209-3266

Tel: 210-271-1700

Fax: 210-271-1740

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

I hereby certify a true and correct copy of the above and foregoing DEFENDANTS' NOTICE OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO BROADWAY NATIONAL BANK was served upon the following persons, as indicated, on this the 5th day of December 2013:

Mr. George Spencer, Jr. **VIA CM/RRR # 7012 3460 0000 9264 8077**
Mr. Jeffrey J. Towers
CLEMENS & SPENCER
112 East Pecan, Suite 1300
San Antonio, Texas 78205

Mr. James L. Drought **VIA CM/RRR # 7012 3460 0000 9264 8084**
DROUGHT DROUGHT & BOBBITT, LLP
112 East Pecan, Suite 2900
San Antonio, Texas 78205

Mr. Richard Tinsman **VIA CM/RRR # 7012 3460 0000 9264 8060**
Ms. Sharon C. Savage
TINSMAN & SCIANO, INC.
10107 McAllister Freeway
San Antonio, Texas 78205

Mr. David R. Deary **VIA CM/RRR # 7013 0600 0001 0245 0113**
Mr. Jim L. Flegle
Mr. Jeven.R. Sloan
LOEWINSOHN FLEGLE DEARY, L.L.P.
12377 Merit Drive, Suite 900
Dallas, Texas 75251

Mr. Steven J. Badger **VIA CM/RRR # 7009 2250 0003 6296 0896**
Ms. Ashley Bennett Jones
ZELLE HOFMANN VOELBEL & MASON LLP
901 Main Street, Suite 4000
Dallas, Texas 75202-3975

Mr. John B. Massopust **VIA CM/RRR # 7013 0600 0001 0245 0106**
Mr. Matthew J. Gollinger
ZELLE HOFMANN VOELBEL & MASON LLP
500 Washington Avenue South, Suite 4000
Minneapolis, MN 55415-1152

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

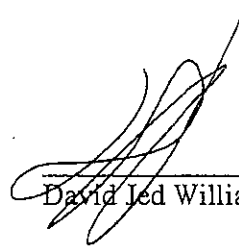
VIA CM/RRR # 7012 3460 0000 9264 8091

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

VIA CM/RRR # 7012 3460 0000 9264 8053

BROADWAY NATIONAL BANK
c/o James D. Goude
1177 N.E. Loop 410
San Antonio Texas, 78209-1517

VIA CM/RRR # 7009 2250 0003 6296 1008
AND HAND-DELIVERY



David Ted Williams

1. INSTRUCTIONS

- a. For any requested information about a document that no longer exists or cannot be located, identify the document, state how and when it passed out of existence, or when it could no longer be located, and the reason(s) for the disappearance. Also, identify each person having knowledge about the disposition of loss and identify each document evidencing the existence or nonexistence of each document that cannot be located.
- b. Each Request below includes a request for the production of data and/or information that exists in electronic and/or magnetic form. All responsive data and/or information that exists in electronic or magnetic form should be: (i) copied to a CD-ROM, DVD-ROM, or other external storage device in its native format (i.e., the format in which such data and/or information that exists in electronic and/or magnetic form was created, maintained, and/or used in the ordinary course of business) with all metadata intact; and (ii) produced in bates numbered form either (a) printed on paper or (b) electronically in either PDF or TIFF format. Your response should include all necessary glossaries, keys and indices for interpretation of the information. If any electronic or magnetic data requested cannot be produced in the form requested, please state the form in which information is regularly kept and/or can be produced.
- c. Time period: Unless otherwise specified, the applicable time frame regarding the requests for production below shall be from January 1, 2005 through November 1, 2011.

2. DEFINITIONS

The following definitions shall have the following meanings, unless the context requires otherwise:

- a. **“Document”** or **“documents”** is defined to be synonymous in meaning and equal in scope to the usage of this term in Tex. R. Civ. P. 192.3(b). A draft or a non-identical copy is a separate document within the meaning of the term. **“Documents”** shall mean every document within the widest possible scope of the Texas Rules of Civil Procedure and shall include, without limitation, any writing or record of any type or description, whether printed or recorded (mechanically or electronically) or reproduced by hand, including, without limitation, any letters, e-mails (sent, received, deleted, saved or other, with all attachments), text messages, SMS, MMS, BBM, and other instant message system or format, correspondence, telegrams, memoranda, notes, records, reports, financial statements, statistical and financial records, minutes, memoranda, notice or notes of meetings, telephone or personal conversations or conferences or other communications, envelopes, interoffice, intra-office or intra-company communications, microfilm, microfiches, tape recordings, videotapes, photographs, bulletins, studies, plans, analyses, notices, computer records, runs, programs or software and any codes necessary to comprehend such records, runs, programs or software, hard drives, CD-ROMs, memory cores, tapes, disks, books, pamphlets, illustrations, lists, forecasts, brochures, periodicals, charts, graphs, indexes, bills, statements, files,

agreements, contracts, subcontracts, completed forms, schedules, work sheets, data compilations, policies, amendments to policies or contracts, training manuals, operator's manuals, users manuals, calendars, diaries, test results, reports and notebooks, opinions or reports of consultants, and any other written, printed, typed, recorded, or graphic matter, of any nature, however produced or reproduced, including copies and drafts of such documents, and any and all handwritten notes or notations in whatever form. **"Documents"** shall include those documents in your possession, custody or control.

- b. **"Communication"** or **"communications"** means the transmittal of information (in the form of facts, ideas, inquiries or otherwise) and includes, without limitation, every manner or means of statement, utterance, notation, disclaimer, transfer or exchange of information of any nature whatsoever, by or to whomever, whether oral or written or whether face-to-face, by telephone, mail, facsimile, electronic mail (email), personal delivery or otherwise, including but not limited to, correspondence, conversations, dialogue, discussions, interviews, consultations, agreements, and other understandings.
- c. **"Person"** or **"persons"** shall mean natural persons, firms, partnerships, associations, joint ventures, limited liability companies, corporations, and any other form of business organization or arrangement, as well as governmental or quasi-governmental agencies. If other than a natural person, include all natural persons associated with such entity.
- d. **"Concern"** or **"concerning"** or **"referring"** or **"pertaining"** or **"relating to"** means, in whole or in part, directly or indirectly, referring to, relating to, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, and constituting.
- e. **"You"** or **"Your"** or **"Yours"** means Broadway National Bank and its agents, assigns, employees, attorneys, investigators, and all other representatives, persons or entities acting for or on its behalf, and/or persons or entities in which it owns any interest.
- f. **"J.P. Morgan"** means Defendant, JPMorgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust, its agents or representatives, owners, officers, employees, predecessors and/or successors in interests and all other persons or entities acting in concert with it or under its control, whether directly or indirectly, including any attorney.\
- g. **"Aymes"** means Defendant, Gary P. Aymes.
- h. **"Defendants"** means Defendants J.P. Morgan and Aymes including their respective (as applicable) agents or representatives, owners, officers, employees, predecessors and/or successors in interests and all other persons or entities acting

in concert with them or under their control, whether directly or indirectly, including any attorney.

- i. **"STS Trust"** means the South Texas Syndicate Trust described in Plaintiffs' Consolidated Second Amended Petition including, without limitation all assets owned or controlled by the STS Trust.
- j. **"STS Trust Minerals"** means the mineral interests owned by the STS Trust under approximately 132,000 acres of land in La Salle and McMullen Counties, Texas described in Paragraph 22 of Plaintiffs' Consolidated Second Amended Petition.
- k. **"Trust Beneficiary(ies)"** means the holders of certificates of beneficial interests in the STS Trust.
- l. **"Claim"** or "claims" means any and all or causes of or action or defenses urged by any party in the above-captioned cause or known to you, including any claims as yet unasserted.
- m. **"Lawsuit"** means this lawsuit filed under the above-referenced heading and cause number.

REQUESTS FOR PRODUCTION

All documents concerning or mentioning any of the following:

- a. The Lawsuit;
 - b. The STS Trust;
 - c. The STS Minerals and/or leases; and/or
 - d. The Trust Beneficiary(ies).
2. All communications You sent to any person (except your attorneys) concerning or mentioning any of the following:
- a. The Lawsuit;
 - b. The STS Trust;
 - c. The STS Minerals and/or leases; and/or
 - d. The Trust Beneficiary(ies).
3. All communications You received from any person (except your attorneys) concerning or mentioning any of the following:
- a. The Lawsuit;
 - b. The STS Trust;
 - c. The STS Minerals and/or leases; and/or
 - d. The Trust Beneficiary(ies).
4. All communications You sent to any Trust Beneficiary (or beneficiary representative) including but not limited to John Meyer, John Q. Piper, Carter Piper, Brian Ferro, John Blaze, and Tom Warner concerning or mentioning any of the following:
- a. The Lawsuit;
 - b. The STS Trust;
 - c. The STS Minerals and/or leases; and/or
 - d. The Trust Beneficiary(ies).
5. All communications You received from any Trust Beneficiary (or beneficiary representation) including but not limited to John Meyer, John Q. Piper, Carter Piper, Brian Ferro, John Blaze, and Tom Warner concerning or mentioning any of the following:
- a. The Lawsuit;
 - b. The STS Trust;
 - c. The STS Minerals and/or leases;
 - d. The Trust Beneficiary(ies).

6. All internal communications including but not limited to communications between or among Pamela Parish, Robert G. Owenby, Jr., Kenneth T. Dorbandt, James D. Goudge, or Shaun Kennedy, mentioning or pertaining to:

- a. The Lawsuit;
- b. The STS Trust;
- c. The STS Minerals and/or leases; and/or
- d. The Trust Beneficiary(ies).

7. All documents concerning or mentioning presentations You made to any Trust Beneficiary.

8. All communications You sent to any person (except your attorney) concerning or mentioning presentations You made to any Trust Beneficiary.

9. All communications You received from any person (except your attorney) concerning or mentioning presentations You made to any Trust Beneficiary.

10. All communications You sent to any Trust Beneficiary concerning or mentioning presentations You made to any Trust Beneficiary.

11. All communications You received from any Trust Beneficiary concerning or mentioning presentations You made to any Trust Beneficiary.

12. All diaries, calendars, or other documents evidencing dates of meetings or telephone calls with any persons (except your attorneys) concerning or pertaining to the following:

- a. The Lawsuit;
- b. The STS Trust;
- c. The STS Minerals and/or leases; and/or
- d. The Trust Beneficiary(ies).

13. All diaries, calendars, or other documents evidencing dates of meetings or telephone calls with any Trust Beneficiary concerning or pertaining to the following:

- a. The Lawsuit;
- b. The STS Trust;
- c. The STS Minerals and/or leases; and/or
- d. The Trust Beneficiary(ies).

14. Any audio or video recordings, notes or memos of any phone conferences, meetings, presentations, or any communications with any person (except your attorney) pertaining to the following:

- a. The Lawsuit;
- b. The STS Trust;

- c. The STS Minerals and/or leases; and/or
 - d. The Trust Beneficiary(ies).
15. Any audio or video recordings, notes, or memos of any phone conferences, meetings, presentations, or any communications with any Trust Beneficiary pertaining to the following:
- a. The Lawsuit;
 - b. The STS Trust;
 - c. The STS Minerals and/or leases; and/or
 - d. The Trust Beneficiary(ies).

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

JOHN K. MEYER, ET AL.	§	IN THE DISTRICT COURT
Plaintiffs,	§	
	§	
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,	§	
Defendants.	§	BEXAR COUNTY, TEXAS

PLAINTIFFS' MOTION TO COMPEL

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 in the process of being selected.

2. Plaintiffs are beneficiaries of the trust and have alleged that JPM breached its fiduciary duties 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 has refused to provide such information as follows:

Plaintiffs' Sixth Request for Production
Nos. 1, 2, 3, 6, and 7

3. On or about November 8, 2013, Plaintiffs' served JP Morgan with their Sixth Request for Production. On or about December 11, 2013, JP Morgan served its responses (**Exhibit 1**). JP Morgan has raised a number of unfounded objections including that the information sought is confidential, proprietary, privileged, not relevant, with regard to Request for Production Nos. 1, 2, 3, 6, and 7.

4. In Request for Production No. 8, although Defendant states that it has produced documents responsive to the request, it has not identified which documents it refers to. All documents produced by the Defendant have been Bates-stamped, and Defendant should be required to identify the particular "set of guidelines and policies" Patricia Schultz-Ormond referred to in her deposition.

6. In Request for Production No. 9, Defendant has offered to produce all invoices submitted by Robert Buehler, however, Defendant has failed to produce such documents.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Court set this matter for hearing and that upon hearing hereof, enter an order removing JP Morgan's objections and requiring Defendant to provide answers to Plaintiffs' Sixth Request for Production, and producing the requested documents, and granting any other additional relief to which Plaintiffs may be justly entitled.

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
**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

FIAT

Plaintiffs' Motion to Compel is hereby set for hearing on January 16, 2014 at 8:30 a.m. in the Presiding Judicial District Court, Room 109, Bexar County, San Antonio, Texas.

1/10/2014

SIGNED this ____ day of January, 2014.

Laura Salinas

Presiding Judge

166th District Court

JUDGE PRESIDING

Bexar County, Texas

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

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

on this the 10th day of January, 2014.

/s/
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'
SIXTH REQUEST FOR PRODUCTION**

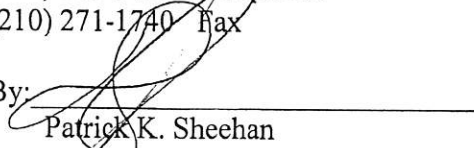
Defendant JPMorgan Chase Bank, N.A., Individually/Corporately, ("J.P. Morgan")
submits these Responses to Plaintiff's Sixth Request for Production.

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

EXHIBIT 1

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this document was served upon the following on December 11, 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 CERTIFIED MAIL

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

VIA CERTIFIED MAIL

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

VIA CERTIFIED MAIL

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

VIA CERTIFIED MAIL

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

VIA CERTIFIED MAIL

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

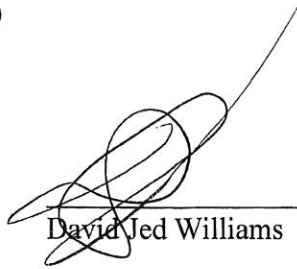
VIA CERTIFIED MAIL

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

VIA CERTIFIED MAIL

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

VIA CERTIFIED MAIL



David Jed Williams

DEFENDANT'S RESPONSES TO PLAINTIFFS' SIXTH REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce the standard monthly reports prepared by Bertram Hayes-Davis for the April 2008 through July 2012 time period. (See page 18 of Bert Hayes-Davis' deposition.)

OBJECTIONS:

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 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 reports relating to STS.

REQUEST FOR PRODUCTION NO. 2: Produce the STS Tax Opinion prepared by Cox & Smith.

CLAIM OF PRIVILEGE:

Documents responsive to this Request have been or will be withheld from production under attorney-client and work product privileges.

REQUEST FOR PRODUCTION NO. 3: Produce the Fiduciary Governance Committee Minutes for the years 2008, 2009, and 2010.

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 minutes 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 minutes relating to STS.

REQUEST FOR PRODUCTION NO. 4: Produce all audits of the STS Trust prepared by Carneiro Chumney.

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 5: Produce all audits of the STS Trust prepared by any other accounting firm.

RESPONSE:

Defendant is not aware of any audits of the STS Trust prepared by any other accounting firm.

REQUEST FOR PRODUCTION NO. 6: Produce all documents sent or received regarding the OCC's Conflict of Interest examination. (See DEFENDANTS_137997[*sic*]).

CLAIM OF PRIVILEGE:

Documents responsive to this Request have been or will be withheld from production under the attorney-client, work product and bank examination privileges.

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 examinations 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 examinations relating to STS.

REQUEST FOR PRODUCTION NO. 7: Produce all correspondence between the OCC and JPM regarding the specialty asset group from 2007-2010.

CLAIM OF PRIVILEGE:

Documents responsive to this Request have been or will be withheld from production under the bank examination privilege.

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 correspondence regarding 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 correspondence relating to STS.

REQUEST FOR PRODUCTION NO. 8: Produce the "set of guidelines and policies" Patricia Schultz-Ormond needed to adhere to. (See page 53 of Patricia Schultz-Ormond's June 10, 2013 deposition).

RESPONSE:

Defendant has produced documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 9: Produce all invoices submitted by Robert Buehler regarding the STS Trust during the 2007-2010 time period.

RESPONSE:

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

Buehler.

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 12: Produce all meeting agendas referring to or mentioning the STS Trust. (See page 69 of Patricia Schultz-Ormond's June 10, 2013 deposition.)

RESPONSE:

Defendants have been unable to locate any documents responsive to this request. However, in the event responsive documents are located, Defendants reserve the right to redact privileged information.

REQUEST FOR PRODUCTION NO. 13: Produce the list of transactions submitted to the National Mineral Manager. (See page 69 of Patricia Schultz-Ormond's June 10, 2013 deposition.)

RESPONSE:

Defendants have been unable to locate any documents responsive to this request. However, in the event responsive documents are located, Defendants reserve the right to redact non-STS client identifying information, as not relevant and confidential.

REQUEST FOR PRODUCTION NO. 14: Produce the JPM internal database regarding bonuses for the 2007-2010 time period. (See page 72 of Patricia Schultz-Ormond's deposition.)

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 and would include the entire JPM database.
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.

RESPONSE:

Subject to and without waiving this objection, Defendant has produced information responsive to this request for certain counties for the 2007-2010 time period.

REQUEST FOR PRODUCTION NO. 15: Produce all materials developed to market the Eagle Ford shale strategy discussed by Mr. Minter in his deposition in connection with Exhibits 654 and 655. (Page reference from deposition will be supplemented upon receipt of Minter's deposition.)

RESPONSE:

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

REQUEST FOR PRODUCTION NO. 16: Produce all written documentation pertaining to the 2 to 3 presentations Petrohawk made to Pattie Ormond at the JPM offices in 2008 which were described by Bob Buehler in his deposition. (Page reference from deposition will be supplemented upon receipt of Minter's deposition.)

RESPONSE:

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

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

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

**PIONEER NATURAL RESOURCES COMPANY’S OBJECTIONS AND RESPONSES
TO PLAINTIFFS’ NOTICE OF SUBPOENA FOR DOCUMENTS WITHOUT
DEPOSITION FROM PIONEER NATURAL RESOURCES COMPANY AND
PLAINTIFFS’ SUBPOENA FOR DOCUMENTS WITHOUT DEPOSITION
FROM PIONEER NATURAL RESOURCES COMPANY**

TO: Plaintiffs John K. Meyer and Emilie Blaze, by and through their counsel of record, David R. Deary, Jim L. Flegle, and Michael J. Donley, Loewinsohn Flegle Deary, L.L.P., 12377 Merit Drive, Suite 900, Dallas, Texas 75251, George Spencer, Jr., Clemens & Spencer, P.C., 112 E. Pecan St., Suite 1300, San Antonio, Texas 78205, James L. Drought, Drought & Bobbitt, LLP, 112 E. Pecan St., Suite 2900, San Antonio, Texas 78205, Richard Tinsman, Tinsman & Sciano, Inc., 10107 McAllister Freeway, San Antonio, Texas 78205

Pursuant to Texas Rules of Civil Procedure 176, 191, 193, 196, and 205, Pioneer Natural Resources Company (“Pioneer”) hereby submits its Objections and Responses to Plaintiffs’ Notice of Subpoena for Documents Without Deposition from Pioneer Natural Resources Company and Plaintiffs’ Subpoena for Documents Without Deposition from Pioneer Natural Resources Company.

Respectfully submitted,

John Matthew Sjoberg *with primary by*
Mark Domel

John Matthew Sjoberg
State Bar No. 18451480
Mark Domel
State Bar No. 24003636
JACKSON, SJOBERG, MCCARTHY & TOWNSEND, LLP
711 W. 7th Street
Austin TX 78701
(512) 472-7600
(512) 225-5565 Fax

ATTORNEYS FOR PIONEER NATURAL
RESOURCES COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and foregoing was sent as follows on this the 24 day of January, 2014.

David R. Deary
Jim L. Flegle
Michael J. Donley
Loewinsohn Flegle Deary, L.L.P.
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214-572-1717 (FAX)

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 First Class Mail
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 Facsimile
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ATTORNEYS FOR PLAINTIFFS
EMILIE BLAZE, ET AL.

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K. MEYER, ET AL.

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 Facsimile
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Patrick K. Sheehan
David Jed Williams
Mark A. Randolph
Kevin M. Beiter
Hornberger Sheehan Fuller Beiter
Wittenberg & Garza Inc.
The Quarry Heights Building
7373 Broadway, Suite 300
San Antonio, Texas 78209

By:
 First Class Mail
 Certified Mail, Return Receipt Requested
 Facsimile
 Hand Delivery
 Federal Express



John Matthew Sjoberg
*with permission by
Mark Lund*

**OBJECTIONS AND RESPONSES TO PLAINTIFFS' NOTICE OF SUBPOENA
FOR DOCUMENTS WITHOUT DEPOSITION FROM
PIONEER NATURAL RESOURCES COMPANY AND
PLAINTIFFS' SUBPOENA FOR DOCUMENTS WITHOUT DEPOSITION FROM
PIONEER NATURAL RESOURCES COMPANY**

A. Objections to Notice of Subpoena and Subpoena

Pioneer objects to Plaintiffs' Notice of Subpoena and Subpoena as violating Texas Rule of Civil Procedure 205. Rule 205.3(b)(3) states that the notice of subpoena "must state . . . the items to be produced or inspected, either by individual item or by category, describing each item and category with reasonable particularity" Here, the requests for production and the definitions stated in the Notice of Subpoena are almost entirely different from the requests for production and definitions stated in the Subpoena. Accordingly, Plaintiffs' Notice of Subpoena does not state the items to be produced or inspected with "reasonable particularity," and, in fact, does not state them at all. Plaintiffs have failed to comply with Rule 205, and, as a result, Plaintiffs entire Notice of Subpoena and Subpoena are defective. In light of these defects, Pioneer cannot be required to respond in the time and manner requested. Further, Pioneer considers the request for production contained in the Notice of Subpoena to have been replaced, in their entirety, by the requests for production contained in the subpoena. Therefore, the requests for production in the Notice of Subpoena are void, and Pioneer will not respond to them.

Pioneer objects to the time of Production. Due to Plaintiffs' violation of Rule 205, Pioneer did not have notice of the actual documents sought by Plaintiffs until Pioneer received Plaintiffs' Subpoena on December 27, 2013, which was during the holiday period in which Pioneer personnel were on vacation. Given the scope of Plaintiffs' requests for production, Plaintiffs' failure to follow the procedures set forth in Rule 205, and Plaintiffs' late notice to Pioneer of the actual documents sought by Plaintiffs, Pioneer has not received adequate time to gather the requested documents. Pioneer does not intend to produce any documents at the time requested by Plaintiffs.

Pioneer objects that the documents sought by Plaintiffs contain Pioneer's confidential and/or proprietary information and that Plaintiffs have failed to offer or propose a protective order to insure the confidentiality of that information. Pioneer will not produce any documents until all parties to the subject litigation enter into a mutually agreeable protective order that will insure the confidentiality of all of Pioneer's confidential information.

Pioneer objects that Plaintiffs have not made any provision for the payment to Pioneer of its costs associated with Plaintiffs' document requests. "A party requiring production of documents by a nonparty must reimburse the nonparty's reasonable costs of production." *See* TEX. R. CIV. P. 205.3(f).

Subject to and without waiving the foregoing objections and the following objections to the requests for production set forth below, Pioneer will work with Plaintiffs to produce relevant, responsive, non-privileged documents so long as Pioneer is given an adequate time to respond and a mutually agreeable protective order is entered.

B. Objections and Responses to Requests for Production of Documents

REQUEST FOR PRODUCTION NO. 1:

All transcripts of depositions taken in the Pioneer Litigation.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 2:

All interrogatories and responses to interrogatories sent and/or exchanged in the Pioneer Litigation.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 3:

All documents that refer or relate to Patricia Shultz-Ormond.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to this request on the ground that it seeks documents that are not within Pioneer's possession, custody, or control. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 4:

Documents that refer or relate to Your claim that JP Morgan and/or Patricia Shultz-Ormond, acting on behalf of the STS Trust, interfered with Your contractual rights.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this

request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place. Information or material responsive to this request will be withheld under the attorney-client privilege and/or the work product doctrine.

REQUEST FOR PRODUCTION NO. 5:

All documents that refer or relate to Your counterclaim in the Pioneer Litigation.

RESPONSE: Pioneer objects that this request is duplicative of Request for Production No. 5. Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place. Information or material responsive to this request will be withheld under the attorney-client privilege and/or the work product doctrine.

REQUEST FOR PRODUCTION NO. 6:

All communications with JP Morgan [sic] counsel that refer or relate to the Pioneer Litigation.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 7:

Settlement agreements and drafts of settlement agreements sent and/or exchanged with JP Morgan or its counsel that refer or relate to the Pioneer Litigation.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to this request on the ground that it seeks documents and/or information that are subject to confidentiality agreements between JP Morgan and Pioneer. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 8:

All documents and communications between You and JP Morgan that refer or relate to:

- (a) STS Trust;
- (b) Eagle Ford Shale;
- (c) Leases held by You for any STS Trust mineral interests;
- (d) La Salle County, Texas;
- (e) McMullen County, Texas; or
- (f) Patricia Shultz-Ormond.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 9:

All documents that refer or relate to line(s) of credit extended, loans given to, or other financing arrangements between JP Morgan and You.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Based upon these foregoing objections, Pioneer does not intend to produce documents responsive to this request.

REQUEST FOR PRODUCTION NO. 10:

All documents that refer or relate to JP Morgan's role in Your purchase of Evergreen Resources, Inc. in 2004, including but not limited to documents generated in the course of JP Morgan's role as merger advisor, documents reflecting JP Morgan's agreement to underwrite an unsecured credit line, and documents relating to Your option to increase any credit facility.

RESPONSE: Pioneer objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Based upon these foregoing objections, Pioneer does not intend to produce documents responsive to this request.

REQUEST FOR PRODUCTION NO. 11:

All documents that refer or relate to any involvement by JP Morgan in Your acquisition of the Cullen Leases from Hilcorp Energy in 2005.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 12:

All documents that refer or relate to any involvement by JP Morgan in Your purchase of any energy related company between 2000 and the present.

RESPONSE: Pioneer objects to this request as vague as to the term “energy related company.” Pioneer further objects to this request for production on the ground that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer states that it did not purchase any “energy related company” between 2000 and the present that is or was involved in the Eagle Ford Shale. Based upon this fact and upon the foregoing objections, Pioneer does not intend to produce any documents responsive to this request.

REQUEST FOR PRODUCTION NO. 13:

Communications with Petrohawk that refer or relate to the STS Trust or JP Morgan’s actions as trustee of the STS Trust.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Petrohawk. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 14:

Communications with Petrohawk that refer or relate to the Cullen leases.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Petrohawk. Pioneer further objects that this request seeks documents that contain

confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 15:

Communications with Reliance that refer or relate to the STS Trust or JP Morgan's actions on behalf of the STS Trust.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Reliance. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 16:

Communications with Reliance that refer or relate to the Cullen leases.

RESPONSE: Pioneer objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Reliance. Pioneer further objects that this request seeks documents that contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.

REQUEST FOR PRODUCTION NO. 17:

All documents that refer or relate to any business transaction between You and Reliance that refer or relate to STS Trust mineral interests.

RESPONSE: Pioneer objects to this request on the grounds that it is vague as to the term "business transaction." Pioneer further objects to this request for production on the grounds that it is overly broad and unduly burdensome and seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Pioneer further objects to the extent that documents responsive to this request are covered by confidentiality agreements between Pioneer and Reliance. Pioneer further objects that this request seeks documents that

contain confidential and/or proprietary information. Subject to and without waiving the foregoing objections and subject to the entry of a mutually agreeable protective order, Pioneer will produce non-privileged documents in its possession that are not prohibited from disclosure under any confidentiality provision and are responsive to this request, if any, at a mutually agreeable time and place.



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CAUSE NO. 2010-C1-10977

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

REPORTER'S CERTIFICATE
DEPOSITION OF JEREMY DERINGTON
OCTOBER 28, 2013

Handwritten: Andrea Hernandez

Stamp: DONNA J. PAYNE
DISTRICT CLERK
2014 JAN -7 PM 4:23

I, Rachel J. Payne, a Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, JEREMY DERINGTON, 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 11-13-13 to the witness or to the attorney for the witness for examination, signature and return to me by 12-06-13;

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

1 Mr. Ian Bolden - 0:49;

2 Mr. David Williams - 0:08;

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

7 Mr. Ian Bolden, Attorney for Plaintiffs,

8 Mr. David Williams, Attorney for Defendants.

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

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

17 Certified to by me this ~~11th~~ day of

18 Nov, 2013.



Rachel J. Payne

RACHEL J. PAYNE, CSR
TEXAS CSR No. 8399
Expiration Date: 12/31/13
KIM TINDALL & ASSOCIATES
Firm Registration No. 631
645 Lockhill Selma, Suite 200
San Antonio, Texas 78216
210.697.3400

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FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was was not
returned to the deposition officer on 12-06-13;

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

If returned, the original deposition was delivered
to Mr. Ian Bolden, Custodial Attorney;

That \$ 358.00 is the deposition officer's
charges to the Plaintiff 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 on and filed with the
Clerk.

Certified to by me this 2nd day of
Jan, 2014.

Rachel J. Payne By BW
RACHEL J. PAYNE, CSR
TEXAS CSR No. 8399
Expiration Date: 12/31/13
KIM TINDALL & ASSOCIATES
Firm Registration No. 631
645 Lockhill Selma, Suite 200
San Antonio, Texas 78216
210.697.3400



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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 ROBERT WILLIAM BUEHLER
NOVEMBER 5, 2013

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

That the witness, ROBERT WILLIAM BUEHLER, 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
11-13-13 to the attorney for the witness
for examination, signature, and return to me by
12-06-13;

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

- Mr. Michael S. Christian - 3 Hours: 43 Minutes
- Mr. James L. Drought - 16 Minutes
- Mr. Patrick K. Sheehan - 52 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,
THEODORE MEYER:

- Mr. James L. Drought
- Mr. Richard Tinsman
- Ms. Sharron Savage
- Mr. Aaron Valadez
- Mr. Robert J. Rosenbach

CR

DONNA KAY BARKMEYER
 DISTRICT CLERK
 2014 JAN 7 10:24
 2014 JAN 7 PM 4:24
Not for Valadez

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FOR THE PLAINTIFF INTERVENORS:
Mr. Michael S. Christian

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

Mr. Patrick K. Sheehan
Ms. Stephanie L. Curette

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
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.

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

Certified to by me this 11th day of November, 2013.



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

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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 ROBERT WILLIAM BUEHLER
NOVEMBER 5, 2013

The original deposition was / was not returned to
the deposition officer on 12-06-13;

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

If returned, the original deposition was delivered
to MR. IAN T. BOLDEN, Custodial Attorney;

That \$ 1317.65 is the deposition officer's
charges to the Plaintiffs 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 5th day of Jan.,
2014.

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

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CAUSE NO. 2010-CI-10977

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

**DEFENDANTS' SPECIAL EXCEPTIONS
TO PLAINTIFFS' FOURTH AMENDED PETITION AND
SPECIAL EXCEPTIONS TO INTERVENORS' PLEAS IN INTERVENTION**

Defendants JPMorgan Chase Bank, N.A. in all capacities (“J.P. Morgan”) and Gary P. Aymes (collectively referred to herein as “Defendants”) file these Special Exceptions to Plaintiffs’ Fourth Amended Petition and Special Exceptions to Intervenor’s Pleas in Intervention (and amendments thereto) requesting the Plaintiffs and Plaintiff Intervenor to replead, pursuant to Rule 91 of the Texas Rules of Civil Procedure, for the following reasons:

SPECIAL EXCEPTIONS TO PLAINTIFFS' FOURTH AMENDED PETITION

1. Defendants specially except to Plaintiffs’ Fourth Amended Petition because it is impermissibly general, vague, and obscure in that it fails to allege, that in the unlikely event that damages are to be awarded, the specific individuals who would be entitled to such damages. If Plaintiffs purport to bring the claims in this action on behalf of beneficiaries that are not parties to this action, Plaintiffs should be required to state: (1) on whose behalf they are bringing this action and (2) Plaintiffs alleged authority to bring this action on their behalf. Defendants are entitled to know whether damages are sought only by the named Plaintiffs or whether Plaintiffs seek damages for non-parties; further Plaintiffs should be required to plead the basis and authority for seeking damages for any non-parties.

2. Defendants specially except to Plaintiffs' Fourth Amended Petition because it is impermissibly general, vague, and obscure in that it fails to allege on whose behalf the Plaintiffs purport to bring their causes of action. Counsel for Plaintiffs has stated on the record that if any recovery is made in this case, the recovery will go to the Trust; however, Plaintiffs do not allege whether they are bringing this action only on their own behalves or whether they purport to bring this action on behalf of the Trust or on behalf of all beneficiaries. If Plaintiffs seek damages on the basis of any derivative claims, they should be required to plead specifically the basis of such claims and authority for bringing such claims.

3. Defendants specially except to Plaintiffs' Fourth Amended Petition because it fails to comply with TEX. R. CIV. P. 39(c). Plaintiffs have admitted that all of the STS beneficiaries are necessary parties, and TEX. R. CIV. P. 39(c) requires a pleading asserting a claim for relief to state the names, if known to the pleader, of any persons to be joined if feasible, who have not been joined, and the reasons why they are not joined. Plaintiffs should be required to plead in conformity with the requirements of TEX. R. CIV. P. Rule 39(c).

WHEREFORE, PREMISES CONSIDERED, Defendants pray that the Court sustain Defendants' Special Exceptions and the relief requested herein, order Plaintiffs and Plaintiff Intervenor to replead their case or in the alternative strike Plaintiff's Fourth Amended Petition and the Pleas in Intervention and Amended Pleas in Intervention, and grant such other and further relief to which Defendants may be entitled.

Respectfully submitted,

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

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By: */s David Jed Williams*

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Defendants' Special Exceptions was served on the following, as indicated, on January 6, 2014:

Mr. Steven J. Badger **VIA EMAIL OR FACSIMILE**
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VIA EMAIL OR FACSIMILE

Mr. Alan V. Ytterberg
Mr. J. Graham Kenney
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VIA EMAIL OR FACSIMILE

/s David Jed Williams
DAVID JED WILLIAMS

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

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

**DEFENDANTS' RESPONSE TO MOTION TO APPOINT
SUCCESSOR TRUSTEE AND MOTION FOR SEVERANCE
AND CROSS-MOTION TO JOIN NON-PARTY BENEFICIARIES**

NOW COME, JPMorgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust (hereinafter referred to as "JPMorgan") and Gary P. Aymes (collectively referred to herein as "Defendants") and file this Response to Motion to Appoint Successor Trustee and Motion for Severance filed by Thomas A. Warner, William Piper, John C. Piper, John Q. Piper, Addison Piper, David McLean, Mary McLean Evans and Catherine Masucci (hereinafter collectively "Movant-Beneficiaries") and would show to the Court as follows:

I. SUMMARY OF POSITION

The Court should order the joinder in this case of all STS beneficiaries prior to any consideration of a severance of the claims related to the appointment of a successor trustee.

II. FACTS AND ARGUMENT

2.01

On February 11, 2013, certain beneficiaries of the South Texas Syndicate Trust ("STS" or "the Trust") demanded that JPMorgan resign as Trustee of the Trust based upon certain 1951 correspondence. On March 7, 2013, JPMorgan filed a Counter-Petition for Declaratory Relief

and Instructions from the Court because the resignation demand raised questions arising in the administration of this Trust that required resolution by the Court.

2.02

On July 19, 2013, the Court entered an Order Granting Plaintiffs' Motion for Partial Summary Judgment Regarding Trustee Resignation (the "Resignation Order") by which the Court ordered JPMorgan to resign as Trustee of the Trust effective on the selection and appointment of a successor trustee. Without waiving any claims of error with respect to the Court's determination that JPMorgan should resign as trustee, JPMorgan has determined that it will resign and transition its role and convey and deliver trust property to such successor trustee as the Court shall appoint following acceptance of such appointment by such successor trustee. Nothing in this Response should be considered a waiver of JPMorgan's position that all beneficiaries should be joined in this proceeding, that the moving beneficiaries failed to establish that JPMorgan was required to resign, and that JPMorgan did not breach any agreement with respect to the issue of JPMorgan's resignation as Trustee. See Section III, *infra*.

2.03

JPMorgan has been awaiting the selection of a successor trustee for five months, and JPMorgan stands ready to effect an orderly transition to a successor trustee consistent with the order of the Court and requirements of the Texas Trust Code.

2.04

This motion was filed and brought by Plaintiffs in this case under Chapter 115 of the Texas Trust Code. TEX. TRUST CODE § 115.011(3) provides that a person who is actually receiving distributions from the trust estate at the time the action is filed is a necessary party to the action. At the inception of the litigation, the original Plaintiff, John K. Meyer specifically

asked the court to provide the names of all beneficiaries for the purpose of joining the other beneficiaries as parties to the action. *See* Plaintiff's Motion to Compel Discovery and for sanctions filed November 15, 2010. Defendants on numerous occasions have objected to the Plaintiffs' failure to join all beneficiaries who were actually receiving distributions from the STS Trust at the time the action was filed. After Plaintiff Meyer obtained the contact information to join the beneficiaries, additional Plaintiffs intervened and changed course and have since continuously and consistently objected to the joinder of all non-party beneficiaries within the meaning of § 115.011(3). Defendants have also filed Motions requesting that they be authorized to join said non-party STS Trust Beneficiaries as parties herein since their request for abatement and their request that Plaintiffs be ordered to join said non-party STS Trust Beneficiaries were denied. Plaintiffs opposed this relief as well.

2.05

Section 115.001(3) specifically provides that an action to appoint or remove a trustee is a proceeding under Chapter 15 of the Texas Trust Code. Furthermore, the specific claim to remove JPMorgan as Trustee and appoint a successor trustee has been a claim of the Plaintiffs since the inception of the litigation. Movant-Beneficiaries now take the position in their Motion that the Court should determine the "appropriate method for providing notice of this Motion to each of the beneficiaries of the Trust not already a party to this action." The Texas Trust Code provides no authority for "notice" to these necessary parties other than to make them parties to this proceeding. *See* § 115.011(3). The only "notice" provision of Chapter 115 relates to "Notice to Beneficiaries of Tort or Contract Proceeding" in accordance with TEX. TRUST CODE § 115.015, which is not applicable to either the resignation of a trustee or the appointment of a successor trustee. Movant-Beneficiaries do not rely on § 115.015 as the basis for their Motion.

2.06

Defendants request that this Court order that the “appropriate method for providing notice” to the non-party Trust beneficiaries is to join them as parties to this proceeding prior to the severance of any motion for the appointment of a successor trustee. After the joinder of the non-party beneficiaries, the question of severance under Rule 41 of the Texas Rules of Civil Procedure can then be addressed by the Court. However, Defendants object to severance of the motion or to any ruling on it prior to the joinder of all STS beneficiaries to this case.

2.07

Attached as Exhibit A to this Response is correspondence written by David Pritchard, counsel for John K. Meyer, the original plaintiff in this proceeding. This correspondence underscores the significance of making all beneficiaries parties to this action. Mr. Pritchard states that Movants “ignored Mr. Meyer and others in whatever work they undertook,” and notes that “the shadowy process by a select few to the exclusion of many others certainly causes concern by some excluded from the process.” This correspondence is simply indicative of just one more of the many reasons why all beneficiaries should be made parties to this proceeding.

2.08

JPMorgan asks that the Court to defer ruling on the Movant-Beneficiaries’ request that JPMorgan be ordered to “provide detailed information regarding the Trust, the Trust’s beneficiaries and the Trust’s assets” and “deliver the original books and records of the Trust” to BOKF, N.A., dba Bank of Texas (Bank of Texas) because that request is premature, currently improper, demonstrably unnecessary and potentially overbroad. *See* Mtn. at 2. JPMorgan intends to turn over to the duly Court appointed successor trustee all documentation required by

Texas law. JPMorgan and Bank of Texas have a meeting scheduled for January 15, 2014 to initiate the transition so that an efficient and orderly transition can be achieved in the event that Bank of Texas is appointed as successor trustee and accepts such appointment. That said, JPMorgan has no intention to disclose any confidential information to Bank of Texas or any other proposed successor until an appointment becomes effective per Court Order. Moreover, the Movant-Beneficiaries' request is vague because it provides no guidance as to what is meant by "detailed information" and "books and records." As written, the request could cover privileged information as well as historic, voluminous records that have no relevance to the current and future administration of the Trust and would be unduly burdensome to produce. Such voluminous records could also be potentially burdensome on the successor trustee to consider and integrate into its files, with possibly no relevance to its administration of the Trust. JPMorgan requests that the Court rule on the requests in the event that the Court appoints Bank of Texas as the successor, and the Movant-Beneficiaries (or their counsel) have had an in-person meeting to discuss the mechanics of the transition process.

III. PRESERVATION OF RIGHT TO APPEAL

The July 19, 2013 Resignation Order is an interlocutory order and is not currently subject to an interlocutory appeal. While JPMorgan has complied with the Resignation Order, JPMorgan notifies the Court and Plaintiffs of its preservation of its right to appeal the Court's Resignation Order when such Order becomes appealable. Because Plaintiffs have sought or may seek additional relief associated with claims relating to the resignation issue, including, without limitation, an alleged breach of a contractual agreement to resign, JPMorgan's determination to resign will not render its appeal futile or moot.

IV. DEFENDANTS' CROSS-MOTION TO JOIN NON-PARTY BENEFICIARIES

JPMorgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust (hereinafter referred to as "JPMorgan") and Gary P. Aymes (collectively referred to herein as "Defendants") file this Cross-Motion to Join the Non-Party Beneficiaries as parties to this proceeding and would show the Court as follows:

4.01

Defendants previously filed their Motion for Joinder of Necessary Parties in this proceeding. Plaintiff/Plaintiff-Intervenor opposed Defendants efforts to join all beneficiaries as necessary parties pursuant to Tex. Trust Code § 115.011(3). On September 27, 2013, the Court entered its Order Denying Defendants' Motion to Join Necessary Parties. Nothing in this Response and Cross-Motion is intended to waive any objection or claim of error with respect to the Court's Order Denying Defendants' Motion to Join Necessary Parties.

4.02

Movants now seek to effectuate the appointment of a successor trustee, and they request the Court to determine the appropriate method for providing "notice" to the non-party beneficiaries. Significantly, Movants do not suggest or request the type of notice that should be provided to the non-party beneficiaries, and Movants do not deny that service of process should be utilized to provide the proper "notice" to the non-party beneficiaries. To the extent that Movants request that the non-party beneficiaries be made parties to this proceeding, Defendants agree that the non-party beneficiaries should be made parties to this proceeding and request that the Court order the joinder of the non-party beneficiaries.

4.03

As discussed supra, Exhibit A, which is incorporated into this motion, further exemplifies the concern with the process expressed by the original Plaintiff to this action and the necessity for all non-party beneficiaries to be joined in this proceeding.

4.04

In light of Movants' claim for relief under Texas Trust Code Chapter 115, Defendants move and re-urge this Court to order the joinder of all the non-party beneficiaries to this action.

WHEREFORE, PREMISES CONSIDERED, Defendants requests that this Court rule that (a) the Texas Trust Code provides that all beneficiaries of the Trust are necessary parties and must be joined to this action, and (b) the only appropriate method for providing notice of Movant-Beneficiaries' Motion to each of the beneficiaries of the Trust not already a party to this action is to cause them to become parties to this proceeding prior to ruling on the severance requested by Movant-Beneficiaries. Defendants further pray that the Court grant Defendants Cross-Motion to Join Non-Party Beneficiaries and order the joinder of all non-party beneficiaries of the STS Trust and provide such further relief to which the Defendants show themselves entitled.

Respectfully submitted,

**HORNBERGER SHEEHAN FULLER BEITER
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Defendants' Response to Motion to Appoint Successor Trustee and Motion for Severance was served on the following, as indicated, on this the _____ day of January, 2014:

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Mr. James L. Drought
Mr. Ian Bolden
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Via Email or Facsimile

Mr. David M. Prichard

PRICHARD HAWKINS MCFARLAND & YOUNG

Union Square, Suite 600

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/s Patrick K. Sheehan

PATRICK K. SHEEHAN

EXHIBIT "A"

PRICHARD HAWKINS MCFARLAND & YOUNG

ATTORNEYS ♦ COUNSELORS

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From: David M. Prichard **Date:** 12/23/2013
Fax: (210) 477-7450 **Client/** 10000
Phone: (210) 477-7410 **Matter:** 0006

Re: Meyer v JPMorgan, et al **Pages:** 8

CC: Mark T. Josephs **Fax:** (214) 661-6651 **Phone:**
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Steven J. Badger (214) 760-8994
John B. Massopust (612) 336-9100

 Urgent For Review Please Comment**Notes:**

Attached is the Notice of Appearance of Additional Counsel, which has been electronically filed with the Court today.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

Please call (210) 477-7432 for any problems and/or confirmation.

RETURN TO: Irma J. Walston

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December 23, 2013

Mr. Alan V. Ytterberg
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Re: Cause No. 2010-CI-10977: John K. Meyer, et al vs. JPMorgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust and Gary F. Aymes; filed in the 225th Judicial District Court of Bexar County, Texas

Dear Mr. Ytterberg:

Please be advised that I represent John K. Meyer personally. I enclose a copy of my Notice of Appearance in the underlying matter. Please copy me with correspondence and pleadings going forward.

Mr. Meyer has retained me in connection with significant concerns he has regarding the relief you are seeking in your Motion to Appoint Successor Trustee and Motion for Severance. Your motion raises several questions and I am hopeful that we can avoid rancorous and protracted litigation over the issue of a successor trustee and frankly, your continued involvement in the case representing certain beneficiaries with the prospect of adversity with certain others.

As you know, Mr. Meyer is a longtime beneficiary of the South Texas Syndicate who spent several years in a trust department of a large financial institution. Recall it was Mr. Meyer who initiated the lawsuit seeking to remove J.P. Morgan-Chase as Trustee of the South Texas Syndicate. His vision and guidance were certainly prescient. He certainly would have been an ideal beneficiary to have worked with your group to locate, interview, and select a successor trustee. Jack's background makes him uniquely qualified to actively participate in such an

Mr. Alan V. Ytterberg
December 23, 2013
Page 2

endeavor. Instead, the beneficiaries you represent ignored Mr. Meyer and others in whatever work they undertook. Not having the benefit of participating in the shadowy process by a select few to the exclusion of many others certainly causes concern by some excluded from the process.

My client and I would like to be provided with the materials both generated and received by your group in arriving at the recommendation outlined in your motion. This includes all requests for proposal, responses thereto, letters of introduction, PowerPoint presentations, outlines, summaries, bids, proposals from all potential trustees considered. After this information is received and analyzed, Mr. Meyer would be willing to sit down with representatives of your group to fashion an equitable solution going forward. My client would be very interested in working as a partner with your group in evaluating potential successor trustees and future oversight and governance of this remarkable trust.

Perhaps we could schedule a call soon to discuss Jack's issues so we do not have to oppose your recently filed motion and begin yet another round of expensive and time-consuming adversarial litigation. A candid sit down discussion might well solve the animus which exists (and shouldn't) among the STS beneficiaries.

I look forward to speaking with you soon. Best wishes for a glorious holiday season.

Very truly yours,



David M. Prichard

DMP/138674.2/irma

Enclosure

cc: Mr. John K. Meyer

PTMY
.com

Mr. Alan V. Ytterberg
December 23, 2013
Page 3

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Mr. Alan V. Ytterberg
December 23, 2013
Page 4

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Cause No. 2010-CI-10977

JOHN K. MEYER	§	IN THE DISTRICT COURT
	§	
vs.	§	225 TH JUDICIAL DISTRICT
	§	
JPMORGAN CHASE BANK, N.A.,	§	
ET AL	§	BEXAR COUNTY, TEXAS

NOTICE OF APPEARANCE OF ADDITIONAL COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, JOHN K. MEYER, and files this Notice of Appearance of Additional Counsel. David M. Prichard, State Bar No. 1637900, Kevin M. Young, State Bar No. 22199700 and David R. Montpas, State Bar No. 00794324, of PRICHARD, HAWKINS, MCFARLAND & YOUNG, LLP, 10101 Reunion Place, Suite 600, San Antonio, Texas 78216, will also appear as additional attorneys of record for Plaintiff in the above-referenced cause of action. All attorneys are members in good standing of the State Bar of Texas.

Respectfully submitted,



David M. Prichard
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CERTIFICATE OF SERVICE

This is to certify that the foregoing *Notice of Appearance of Additional Counsel* has been served in accordance with the Texas Rules of Civil Procedure this 23rd day of December, 2013, to all counsel of record:

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CAUSE NO. 2010-CI-10977

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

FIAT


A hearing on Defendants' Special Exceptions to Plaintiffs' Fourth Amended Petition and Special Exceptions to Intervenors' Pleas in Intervention and Defendants' Response to Motion to Appoint Successor Trustee and Motion for Severance And Cross-Motion to Join Non-Party Beneficiaries is hereby set for Friday, January 10, 2014, at 2:00 p.m. before Judge Barbara Nellermoe in the 45th District Court of Bexar County, Texas.

SIGNED ON this 6 day of January, 2014.

Barbara Nellermoe
Presiding Judge
45th District Court
Bexar County, Texas

JUDGE PRESIDING

FILED
DONNA KAY HENNING
DISTRICT CLERK
BEXAR COUNTY

14 JAN -6 PM 4:20
BY 

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing FIAT was served on the following, as indicated, on January 6, 2014:

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