



HUNTON & WILLIAMS LLP
FOUNTAIN PLACE
1445 ROSS AVENUE
SUITE 3700
DALLAS, TEXAS 75202-2799

TEL 214 • 979 • 3000
FAX 214 • 880 • 0011

CHARLES A. GALL
DIRECT DIAL: 214 • 468 • 3325
EMAIL: cgall@hunton.com

FILE NO: 70031.000008

March 10, 2014

Ms. Jennifer Contreras, Court Clerk
225th District Court
Bexar County Courthouse
100 Dolorosa, 4th Floor
San Antonio, TX 78205

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

Dear Ms. Contreras:

Please be advised that I will be on vacation out of the country from April 28, 2014 through May 9, 2014 for my fortieth wedding anniversary. I request that the Court not set this case for trial during a that time that will interfere with this vacation.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "C. Gall".

Charles A. Gall

CAG/kkd

HUNTON & WILLIAMS

March 10, 2014

Page 2

cc: **Via Email**

John B. Massopust
Matthew J. Gollinger
Zelle Hofmann Voelbel & Mason LLP
500 Washington Avenue South, Suite 5000
Minneapolis, MN 55415
jmassopu@zelle.com
mgollinger@zelle.com

Michael S. Christian
Zelle Hoffmann Voelbel & Mason LLP
44 Montgomery Street, Suite 3400
San Francisco, California 94104
mchristian@zelle.com

James L. Drought
Ian T. Bolden
Drought Drought & Bobbitt, LLP
112 E. Pecan Street, Suite 2900
San Antonio, Texas 78205
jld@ddb-law.com
itb@ddb-law.com

Richard Tinsman
Sharon C. Savage
Tinsman & Sciano, Inc.
10107 McAllister Freeway
San Antonio, Texas 78205
rtinsman@tsslawyers.com
ssavage@tsslawyers.com

Steven J. Badger
Zelle Hofmann Voelbel & Mason LLP
901 Main Street, Suite 4000
Dallas, Texas 75202-3975
sbadger@zelle.com

George Spencer, Jr.
Robert Rosenbach
Clemens & Spencer, P.C.
112 E. Pecan St., Suite 1300
San Antonio, Texas 78205
spencer@clemens-spencer.com
rosenbar@clemens-spencer.com

David R. Deary
Jim L. Flegle
Jeven R. Sloan
Loewinsohn Flegle Deary, L.L.P.
12377 Merit Drive, Suite 900
Dallas, Texas 75251
davidd@LFDlaw.com
jimf@LFDlaw.com
jevans@LFDlaw.com

Fred W. Stumpf
Glast, Phillips & Murray
Nine Greenway Plaza, Suite 3100
Houston, Texas 77046
fstumpf@gpm-law.com

One of the most unique and valuable aspects of the STS Trust is that there is a single point of control over the undivided interest to mineral rights to 132,000 contiguous acres in La Salle and McMullen Counties, dating to a 1906 title. These massive and unified mineral rights are one of a very limited number of “gem assets” in the Eagle Ford shale play.

Defendant JP Morgan was not selected by the STS beneficiaries to act as Trustee. Rather, the Alamo National Bank became the first commercial trustee of the STS Trust in 1951. As the financial industry consolidated through successive bank mergers and consolidations, JP Morgan became the successor trustee of the STS Trust in 2001. Pursuant to a July 2013 order of Judge Nellermoe, 73rd Judicial District Court of Bexar County, Texas, JP Morgan was ordered to resign as trustee and transition the STS Trust to a successor trustee.

During JP Morgan’s tenure as Trustee, it repeatedly breached its fiduciary duties to the STS beneficiaries. It did this by, *inter alia*: (1) leasing out all available acreage to one of its commercial clients, Petrohawk, for grossly inadequate bonus compensation under the circumstances; (2) failing to procure leases with adequate terms and development requirements; and (3) failing to obtain releases of acreage subject to terminated leases held by certain other JP Morgan commercial clients, allowing these commercial clients to “flip” the STS acreage for extraordinary profits.

I. APPLICABLE LAW

Texas Rule 193.6 gives courts discretion to continue or temporarily postpone a trial setting to allow supplement to expert evidence. *See* Tex. R. Civ. P. 193.6(c); *Talley Const. Co. v. Rodriguez*, 01-03-01147-CV, 2006 WL 908180, at *25-26 (Tex. App.—Houston [1st Dist.] Apr. 6, 2006, no pet.); *See H.B. Zachry Co. v. Gonzalez*, 847 S.W.2d 246, 246–47 (Tex. 1993) (per curiam) (discussing predecessor to Rule 193.6 and holding that party’s failure to

identify witnesses more than thirty days before trial as required by rule was not a basis for excluding their testimony where the trial was reset to another date more than thirty days later). The discovery rule requiring disclosure of expert reports and information before trial is intended to provide adequate information about the experts' opinions to allow the opposing party the necessary information to prepare to cross-examine the experts and to rebut the testimony with their own experts. *See State v. Target Corp.*, 194 S.W.3d 46, 49 (Tex. App—Waco 2006, no pet.). Additionally sufficient cause exists to grant this continuance in the interest of justice and as more fully set out below.

II. APPLICATION OF LAW TO FACTS

This Court should continue trial to allow the parties to complete discovery in an orderly fashion. JP Morgan's continual delays in producing discovery and presenting witnesses has significantly prejudiced Plaintiffs' ability to present its case in an orderly and fair fashion. One of Plaintiffs' experts, Charles Graham, has had his damages calculations unfairly restricted based upon the pendency and closeness of the current trial setting. This evidence cannot at this point to be timely presented at trial by any other source.

In contrast, JP Morgan could have prevented this delay on a number of occasions. This Court has the discretion to, and should, continue the trial date to allow Plaintiffs to timely serve their expert evidence and allow the parties to complete discovery.

The continuance is not sought for delay only, but that justice may be done.

Additionally the court should open discovery for not less than 90 days to allow an orderly presentation of this case. This would include allowing adequate time to depose necessary fact and expert witnesses (including any witnesses that may be outside the courts subpoena power given the new trial date) and enter appropriate supplementation of expert reports and disclosures

that are necessary in the interest of justice. This would also allow adequate time to supplement expert reports so to ensure an orderly advancement of this case to trial given continued discovery that has occurred since the original expert reports and discovery control deadlines that have been extended by agreement or otherwise. Additionally defendant's expert testified before Judge Pozza that he would need at least 90 days to adequately respond to the supplemental findings of plaintiffs' liability and damages experts that have been disclosed. The court should therefore reset the trial date, and enter a new discovery control plan including setting a new discovery closure date and setting new expert deadlines. Pursuant to Rule 193.6(c) the court may grant a continuance or temporarily postpone a trial to allow a response to be made, amended, or supplemented and to allow opposing parties to conduct discovery regarding any new information presented by that response. Further, it was impossible to complete the discovery within the time provided by the existing schedule order and the court in the interest of justice should allow reasonable additional time to complete discovery.

If the court fails to grant this continuance the Plaintiffs' will suffer substantial harm and prejudice in the presentation of the Plaintiffs' case in chief.

III. CONCLUSION

WHEREFORE, Plaintiffs respectfully request that the above entitled and numbered cause be removed from this it's present setting and reset to sufficiently allow the parties to complete discovery at least 90 days from the present setting or at such time as the court deems just and fair.

DATE: March 7, 2014.

Respectfully submitted,

CLEMENS & SPENCER, P.C.

GEORGE SPENCER, JR.
spencer@clemens-spencer.com
State Bar No. 18921001
112 E. Pecan St., Suite 1300
San Antonio, Texas 78205
Telephone: (210) 227-7121
Facsimile: (210) 227-0732

**DROUGHT DROUGHT & BOBBITT,
LLP**

JAMES L. DROUGHT
jld@ddb-law.com
State Bar No. 06135000
112 E. Pecan St., Suite 2900
San Antonio, Texas 78205
Telephone: (210) 225-4031
Facsimile: (210) 222-0586

TINSMAN & SCIANO, INC.

RICHARD TINSMAN
rtinsman@tsslawyers.com
State Bar No. 20064000
10107 McAllister Freeway
San Antonio, Texas 78205
Telephone: (210) 225-3121
Facsimile: (210) 225-6235

LOEWINSOHN FLEGLE DEARY, L.L.P.

DAVID R. DEARY
davidd@lfdlaw.com
State Bar No. 05624900
JIM L. FLEGLE
jimf@lfdlaw.com
State Bar No. 07118600
MICHAEL J. DONLEY
michaeld@lfdlaw.com
State Bar No. 24045795
12377 Merit Drive, Suite 900
Dallas, Texas 75251
Telephone: (214) 572-1700
Facsimile: (214) 572-1717

**ZELLE HOFMANN VOELBEL & MASON
LLP**

JOHN B. MASSOPUST (pro hac vice)
jmassopust@zelle.com
MICHAEL CHRISTIAN (pro hac vice)
mchristian@zelle.com
MATTHEW J. GOLLINGER (pro hac vice)
mgollinger@zelle.com
500 Washington Avenue South, Suite 5000
Minneapolis, Minnesota 55415
Telephone: (612) 339-2020
Facsimile: (612) 336-9100

STEVEN J. BADGER
sbadger@zelle.com
Texas State Bar No. 01499050
901 Main Street, Suite 4000
Dallas, Texas 75202-3975
Telephone: (214) 742-3000
Facsimile: (214) 760-8994

By: 

Richard Tinsman

ATTORNEYS FOR PLAINTIFFS

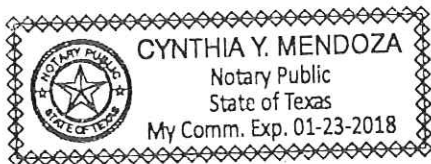
Verification

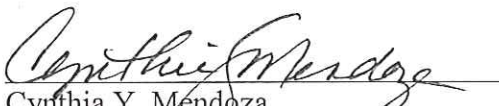
State of Texas, §
 §
County of Bexar §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Richard Tinsman, who, after being duly sworn, stated under oath that he is one of the attorneys for Plaintiffs in this action; that he has read the motion; and that every statement contained in the motion is within his personal knowledge and is true and correct.


Richard Tinsman

SUBSCRIBED AND SWORN TO BEFORE ME on March 7, 2014.




Cynthia Y. Mendoza
Notary Public in and for the State of Texas

My commission expires on January 23, 2018.

ORDER SETTING HEARING DATE

The hearing on Plaintiffs' First Motion for Continuance of Trial is set for Monitoring Court on the 12th day of March, 2014 at 9:00 a.m. ^(37d) *in the Paul Elizondo Tower, 101 West Nueces,*
Signed this 7th day of March, 2014. _{8:30}

MAR 07 2014
Monitoring Judge *Michael E. Mery*
Presiding Judge
37th District Court
Bexar County, Texas

Suite 4.02

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been served on the below listed counsel of record via e-filing and by hand delivery to Hornberger Sheehan Fuller Beiter Wittenberg & Garza Inc. this 7th day of March 2014:

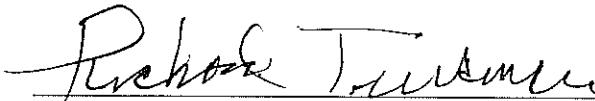
Patrick K. Sheehan
Rudy A. Garza
David Jed Williams
Hornberger Sheehan Fuller
Beiter Wittenberg & Garza Inc.
The Quarry Heights Building
7373 Broadway, Suite 300
San Antonio, TX 78209

Charles A. Gall
John C. Eichman
Hunton & Williams LLP
1445 Ross Avenue, Suite 3700
Dallas, TX 75202

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

Fred W. Stumpf
Kelly M. Walne
Boyer Short, PC
Nine Greenway Plaza, Suite 3100
Houston, TX 77046

Beiter, Kevin M.
McGinnis Lochridge
600 Congress Avenue
Suite 2100
Austin, TX 78701


Richard Tinsman

(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

DEFENDANT'S FOURTH AMENDED ANSWER

Defendant JPMorgan Chase Bank, N.A., Individually/Corporately and as Trustee of the South Texas Syndicate Trust (collectively referred to herein as "Defendant"), files this Fourth Amended Answer to Plaintiffs' Sixth Amended Petition and Answer to Defendant JPMorgan's Counter-Petition and to any hereafter amended petition and would show the Court as follows:

I. GENERAL DENIAL

1.01

Subject to, reserving and without waiving its Plea in Abatement, Defendant denies generally the allegations contained in Plaintiffs' Sixth Amended Petition and Answer to Defendant JPMorgan's Counter-Petition and demands strict proof thereof.

II. DEFENSES AND AFFIRMATIVE DEFENSES

2.01

Defendant asserts the defenses of the doctrine of estoppel, equitable estoppel and quasi-estoppel.

2.02

Defendant asserts the defense of unclean hands.

2.03

Defendant asserts the defense of laches.

2.04

Defendant asserts the defense of merger in that any negotiations or agreements conducted prior to the Final Judgment dated February 12, 1951, merged into the Final Judgment dated February 12, 1951.

2.05

Defendant asserts the defense of res judicata and collateral estoppel and asserts that the Plaintiffs' claims regarding resignation and specific performance constitute an impermissible collateral attack on the Final Judgment dated February 12, 1951.

2.06

Defendant denies that the trustee of the South Texas Trust ("STS") entered into any transaction on behalf of or relating to STS that constituted self-dealing, but if it did any such transaction was fair and equitable to the beneficiaries and was otherwise fully in compliance with the trustee's duties to the beneficiaries.

2.07

Defendant denies that the trustee of the STS entered into any transaction on behalf of or relating to STS that constituted a conflict of interest, but if it did any such transaction was entered into in good faith, was reasonable and was otherwise fully in compliance with the trustee's duties to the beneficiaries.

2.08

Plaintiffs' claims for breach of fiduciary duty/breach of trust relating to or arising out of alleged self-dealing and/or conflicts of interest in connection with transactions with third-parties who are or have been customers of the commercial banking or investment banking businesses of

JPMorgan Chase Bank, N.A. (“JPMorgan”) are barred under federal law, including but not limited to the Federal Reserve Act of 1913, § 11(k), 38 Stat. 251, 262; Gramm-Leach-Bliley Financial Services Modernization Act, Pub. L. No. 106-102, 113 Stat. 1338 (1999); and 12 C.F.R. § 9.5 et seq.

2.09

Plaintiffs’ claims for breach of fiduciary duty/breach of trust relating to or arising out of alleged self-dealing and/or conflicts of interest in connection with transactions with third-parties who are or have been customers of the commercial banking or investment banking businesses of JPMorgan are barred under Texas Trust Code § 113.053, because those third-parties are not “business associates” of JPMorgan or do not otherwise fall within the scope of that provision.

2.10

Plaintiffs’ claims for breach of fiduciary duty/breach of trust relating to the mineral leases and amendments the trustee entered into all fail or are barred because the trustee complied with its obligations under the Uniform Prudent Investor Act, Texas Trust Code § 117.001 et seq. Plaintiffs’ claims also fail because they are based on hindsight in violation of Texas Trust Code § 117.001 et seq.

2.11

Defendant affirmatively pleads that the Plaintiffs’ claims are barred by the applicable statutes of limitations pursuant to Texas Civil Practice & Remedies Code §§ 16.003 and 16.004.

2.12

Defendant affirmatively pleads that at all pertinent times, the Defendant was acting in accordance with the terms and provisions of the STS Trust.

2.13

Defendant pleads that the Plaintiffs are not entitled to recover in the capacity in which they sue in that they are not entitled to bring this action on behalf of the STS Trust or on behalf of beneficiaries that are not parties to this proceeding pursuant to Texas Rule of Civil Procedure 93(2).

2.14

Defendant pleads that there is a defect of parties Plaintiff pursuant to Texas Rule of Civil Procedure 93(4).

2.15

Defendant affirmatively pleads that the Plaintiffs are not entitled to bring this action on behalf of the STS Trust or on behalf of beneficiaries that are not parties to this proceeding.

2.16

Defendant affirmatively pleads that the Plaintiffs' causes of action should be dismissed because of their failure to join all necessary parties to this proceeding.

2.17

Defendant denies that it is liable for exemplary damages. However, if Defendant is found liable for exemplary damages, Defendant pleads the caps and protections provided under the Texas Damages Act, Chapter 41 of the Texas Civil Practice & Remedies Code, and the Due Process Clauses of the United States and Texas Constitutions. *See* U.S. Const. amend. XIV; Tex. Const. art, I, §§ 13 and 19.

2.18

Any award of punitive damages would violate Defendant's right to due process and other rights under the Texas and United States Constitution.

III. REIMBURSEMENT AND RECOVERY OF ATTORNEYS' FEES AND COSTS

3.01

Defendant seeks reimbursement and recovery of its reasonable and necessary attorneys' fees and costs as may be equitable and just under Texas Trust Code § 114.064.

IV. PRODUCTION OF DOCUMENTS

4.01

Defendant hereby places Plaintiffs on notice that Defendant intends to use any document produced by Plaintiffs in any pretrial proceeding at trial.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiffs take nothing by this suit, and that, upon final trial, Defendant recovers its attorneys' fees, costs, costs of court, together with such other and further relief to which Defendant may be justly entitled.

VERIFICATION

STATE OF TEXAS §

COUNTY OF BEXAR §

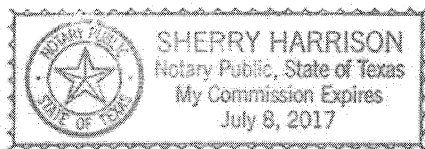
Before me, the undersigned notary, on this day personally appeared Gary P. Aymes, the affiant, whose identity is known to me. After I administered the oath, affiant testified as follows:


“My name is Gary P. Aymes. I am capable of making this verification. I have read paragraphs 2.13 and 2.14 of Defendant’s Fourth Amended Answer. The facts stated in these two paragraphs are within my personal knowledge and are true and correct.”



Gary P. Aymes

Sworn to and subscribed before me by Gary P. Aymes on March 7, 2014.





Notary Public in and for the State of Texas
My commission expires: 7-8-17

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, as indicated, on this 7th day of March 2014.

VIA ELECTRONIC SERVICE

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

VIA ELECTRONIC SERVICE

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

VIA ELECTRONIC SERVICE

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

VIA ELECTRONIC SERVICE

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

VIA ELECTRONIC SERVICE

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

VIA ELECTRONIC SERVICE

Mr. Fred W. Stumpf
GLAST, PHILLIPS & MURRAY
Nine Greenway Plaza, Suite 3100
Houston, Texas 77046

VIA ELECTRONIC SERVICE

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

VIA ELECTRONIC SERVICE

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

/s/ Patrick K. Sheehan
Patrick K. Sheehan

One of the most unique and valuable aspects of the STS Trust is that there is a single point of control over the undivided interest to mineral rights to 132,000 contiguous acres in La Salle and McMullen Counties, dating to a 1906 title. These massive and unified mineral rights are one of a very limited number of “gem assets” in the Eagle Ford shale play.

Defendant JP Morgan was not selected by the STS beneficiaries to act as Trustee. Rather, the Alamo National Bank became the first commercial trustee of the STS Trust in 1951. As the financial industry consolidated through successive bank mergers and consolidations, JP Morgan became the successor trustee of the STS Trust in 2001. Pursuant to a July 2013 order of Judge Nellerroe, 73rd Judicial District Court of Bexar County, Texas, JP Morgan was ordered to resign as trustee and transition the STS Trust to a successor trustee.

During JP Morgan’s tenure as Trustee, it repeatedly breached its fiduciary duties to the STS beneficiaries. It did this by, *inter alia*: (1) leasing out all available acreage to one of its commercial clients, Petrohawk, for grossly inadequate bonus compensation under the circumstances; (2) failing to procure leases with adequate terms and development requirements; and (3) failing to obtain releases of acreage subject to terminated leases held by certain other JP Morgan commercial clients, allowing these commercial clients to “flip” the STS acreage for extraordinary profits.

I. APPLICABLE LAW

Texas Rule 193.6 gives courts discretion to continue or temporarily postpone a trial setting to allow supplement to expert evidence. *See* Tex. R. Civ. P. 193.6(c); *Talley Const. Co. v. Rodriguez*, 01-03-01147-CV, 2006 WL 908180, at *25-26 (Tex. App.—Houston [1st Dist.] Apr. 6, 2006, no pet.); *See H.B. Zachry Co. v. Gonzalez*, 847 S.W.2d 246, 246–47 (Tex. 1993) (per curiam) (discussing predecessor to Rule 193.6 and holding that party’s failure to

identify witnesses more than thirty days before trial as required by rule was not a basis for excluding their testimony where the trial was reset to another date more than thirty days later). The discovery rule requiring disclosure of expert reports and information before trial is intended to provide adequate information about the experts' opinions to allow the opposing party the necessary information to prepare to cross-examine the experts and to rebut the testimony with their own experts. *See State v. Target Corp.*, 194 S.W.3d 46, 49 (Tex. App—Waco 2006, no pet.). Additionally sufficient cause exists to grant this continuance in the interest of justice and as more fully set out below.

II. APPLICATION OF LAW TO FACTS

This Court should continue trial to allow the parties to complete discovery in an orderly fashion. JP Morgan's continual delays in producing discovery and presenting witnesses has significantly prejudiced Plaintiffs' ability to present its case in an orderly and fair fashion. One of Plaintiffs' experts, Charles Graham, has had his damages calculations unfairly restricted based upon the pendency and closeness of the current trial setting. This evidence cannot at this point to be timely presented at trial by any other source.

In contrast, JP Morgan could have prevented this delay on a number of occasions. This Court has the discretion to, and should, continue the trial date to allow Plaintiffs to timely serve their expert evidence and allow the parties to complete discovery.

The continuance is not sought for delay only, but that justice may be done.

Additionally the court should open discovery for not less than 90 days to allow an orderly presentation of this case. This would include allowing adequate time to depose necessary fact and expert witnesses (including any witnesses that may be outside the courts subpoena power given the new trial date) and enter appropriate supplementation of expert reports and disclosures

that are necessary in the interest of justice. This would also allow adequate time to supplement expert reports so to ensure an orderly advancement of this case to trial given continued discovery that has occurred since the original expert reports and discovery control deadlines that have been extended by agreement or otherwise. Additionally defendant's expert testified before Judge Pozza that he would need at least 90 days to adequately respond to the supplemental findings of plaintiffs' liability and damages experts that have been disclosed. The court should therefore reset the trial date, and enter a new discovery control plan including setting a new discovery closure date and setting new expert deadlines. Pursuant to Rule 193.6(c) the court may grant a continuance or temporarily postpone a trial to allow a response to be made, amended, or supplemented and to allow opposing parties to conduct discovery regarding any new information presented by that response. Further, it was impossible to complete the discovery within the time provided by the existing schedule order and the court in the interest of justice should allow reasonable additional time to complete discovery.

If the court fails to grant this continuance the Plaintiffs' will suffer substantial harm and prejudice in the presentation of the Plaintiffs' case in chief.

III. CONCLUSION

WHEREFORE, Plaintiffs respectfully request that the above entitled and numbered cause be removed from this it's present setting and reset to sufficiently allow the parties to complete discovery at least 90 days from the present setting or at such time as the court deems just and fair.

DATE: March 7, 2014.

Respectfully submitted,

CLEMENS & SPENCER, P.C.

GEORGE SPENCER, JR.
spencer@clémens-spencer.com
State Bar No. 18921001
112 E. Pecan St., Suite 1300
San Antonio, Texas 78205
Telephone: (210) 227-7121
Facsimile: (210) 227-0732

**DROUGHT DROUGHT & BOBBITT,
LLP**

JAMES L. DROUGHT
jld@ddb-law.com
State Bar No. 06135000
112 E. Pecan St., Suite 2900
San Antonio, Texas 78205
Telephone: (210) 225-4031
Facsimile: (210) 222-0586

TINSMAN & SCIANO, INC.

RICHARD TINSMAN
rtinsman@tsslawyers.com
State Bar No. 20064000
10107 McAllister Freeway
San Antonio, Texas 78205
Telephone: (210) 225-3121
Facsimile: (210) 225-6235

LOEWINSOHN FLEGLE DEARY, L.L.P.

DAVID R. DEARY
davidd@lfdlaw.com
State Bar No. 05624900
JIM L. FLEGLE
jimf@lfdlaw.com
State Bar No. 07118600
MICHAEL J. DONLEY
michaeld@lfdlaw.com
State Bar No. 24045795
12377 Merit Drive, Suite 900
Dallas, Texas 75251
Telephone: (214) 572-1700
Facsimile: (214) 572-1717

**ZELLE HOFMANN VOELBEL & MASON
LLP**

JOHN B. MASSOPUST (pro hac vice)
jmassopust@zelle.com
MICHAEL CHRISTIAN (pro hac vice)
mchristian@zelle.com
MATTHEW J. GOLLINGER (pro hac vice)
mgollinger@zelle.com
500 Washington Avenue South, Suite 5000
Minneapolis, Minnesota 55415
Telephone: (612) 339-2020
Facsimile: (612) 336-9100

STEVEN J. BADGER
sbadger@zelle.com
Texas State Bar No. 01499050
901 Main Street, Suite 4000
Dallas, Texas 75202-3975
Telephone: (214) 742-3000
Facsimile: (214) 760-8994

By: 

Richard Tinsman

ATTORNEYS FOR PLAINTIFFS

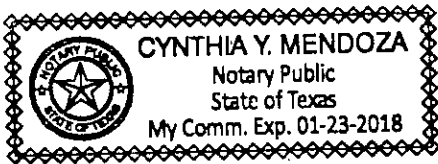
Verification

State of Texas, §
 §
County of Bexar §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Richard Tinsman, who, after being duly sworn, stated under oath that he is one of the attorneys for Plaintiffs in this action; that he has read the motion; and that every statement contained in the motion is within his personal knowledge and is true and correct.

Richard Tinsman
Richard Tinsman

SUBSCRIBED AND SWORN TO BEFORE ME on March 7, 2014.



Cynthia Y. Mendoza
Cynthia Y. Mendoza
Notary Public in and for the State of Texas

My commission expires on January 23, 2018.

ORDER SETTING HEARING DATE

The hearing on Plaintiffs' First Motion for Continuance of Trial is set for Monitoring Court on the 12th day of March, 2014 at ~~9:00~~^{8:30} a.m. *Paul Elizondo Tower, 101 West Ninth,*
Signed this 7th day of March, 2014.

STW

Suite 402

Monitoring Judge

MAR 07 2014

Michael E. Mery
Presiding Judge
37th District Court
Bexar County, Texas

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been served on the below listed counsel of record via e-filing and by hand delivery to Hornberger Sheehan Fuller Beiter Wittenberg & Garza Inc. this 7th day of March 2014:


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

Charles A. Gall
John C. Eichman
Hunton & Williams LLP
1445 Ross Avenue, Suite 3700
Dallas, TX 75202

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

Fred W. Stumpf
Kelly M. Walne
Boyer Short, PC
Nine Greenway Plaza, Suite 3100
Houston, TX 77046

Beiter, Kevin M.
McGinnis Lochridge
600 Congress Avenue
Suite 2100
Austin, TX 78701


Richard Tinsman

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on this the 6th day of March, 2014.

**ZELLE HOFMAAN VOELBEL & MASON
LLP**

John B. Massopust
Matthew J. Gallinger
500 Washington Avenue South, Suite 5000
Minneapolis, MN 55415
jmassopu@zelle.com
mgollinger@zelle.com

Michael S. Christian
44 Montgomery Street, Suite 3400
San Francisco, California 94104
mchristian@zelle.com

**ZELLE HOFMAAN VOELBEL & MASON
LLP**

Steven J. Badger
Ashley Bennett Jones
901 Main Street, Suite 4000
Dallas, Texas 75202-3975
sbadger@zelle.com

DROUGHT DROUGHT & BOBBITT, LLP

James L. Drought
112 E. Pecan Street, Suite 2900
San Antonio, Texas 78205
jld@ddb-law.com

TINSMAN & SCIANO, INC.

Richard Tinsman
Sharon C. Savage
10107 McAllister Freeway
San Antonio, Texas 78205
rtinsman@tsslawyers.com
ssavage@tsslawyers.com

CLEMENS & SPENCER, P.C.

George Spencer, Jr.
Jeffrey J. Jowers
112 E. Pecan St., Suite 1300
San Antonio, Texas 78205
spencer@clemens-spencer.com
jowersj@clemens-spencer.com

LOEWINSOHN FLEGLE DREARY, L.L.P.

David R. Deary
Jim L. Flegle
Jeven R. Sloan
12377 Merit Drive, Suite 900
Dallas, Texas 75251
davidd@LFDlaw.com
jimf@LFDlaw.com
jevenc@LFDlaw.com

GLAST, PHILLIPS & MURRAY

Fred W. Stumpf
Nine Greenway Plaza, Suite 3100
Houston, Texas 77046
fstumpf@gpm-law.com

HUNTON & WILLIAMS LLP

Charles A. Gall
cgall@hunton.com
John C. Eichman
jeichman@hunton.com
1445 Ross Avenue, Suite 3700
Dallas, Texas 75202

**HORNBERGER SHEEHAN FULLER
WITTENBERG & GARZA INC.**

Patrick K. Sheehan
David Jed Williams
Mark A. Randolph
The Quarry Heights Building
7373 Broadway, Suite 300
San Antonio, TX 78209

ATTORNEYS FOR DEFENDANTS

By: /s/ Kevin M. Beiter
Kevin M. Beiter

NR 45M
JUDGE'S NOTES



CAUSE NO.: 2010CI10977

COURT: 225

DATE/TIME: 03/06/2014 08:30AM

SETTING COURT: 109

STYLE: JOHN K MEYER
VS. JP MORGAN CHASE BANK N A ET AL

DISCOVERY LEVEL: 2

ATTORNEY(S) FOR CASE:

GEORGE SPENCER JR -
PATRICK SHEEHAN -
JIM FLEGLE -
JOHN MASSOPUST -
RUDY GARZA
DAVID WILLIAMS
RICHARD TINSMAN -
DAVID PRICHARD

Document
scanned as filed.

MARK RANDOLPH
JAMES DROUGHT -
STEVEN BADGER
MATTHEW COLLINGER
JOHN EICHMAN
MARK JOSEPHS
FRED STUMPF

CHARIS BALL

DEPUTY
BY: *[Signature]*

14 MAR -6 AM 9:21

FILED
DONNA KAY McKINNEY
DISTRICT CLERK
BEXAR COUNTY

THIS CASE HAS 15 OR MORE ATTORNEYS

TYPE OF MOTION OR APPLICATION:

NON-JURY SET ON TRADITIONAL/NO EVIDENCE M/F SUMMARY JUDGMENT

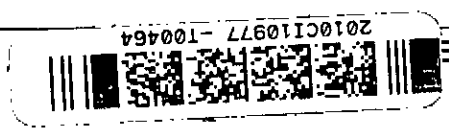
CONFERRING _____ ESTIMATE HEARING TIME _____
AGREED ORDER _____ ASSIGNED COURT _____
DROP _____ RECORD TAKEN Mary Helen
INTERPRETER _____ RESET DATE _____ TIME _____

Mary Helen Vargas, CSR, RPR
224th Official Court Reporter
100 Dolorosa Street
San Antonio, TX 78205
(210)335-2138 mvargas@bexar.org

DATE OF NOTES _____

JUDGE INITIALS _____

Response to obj:
3:00 on March 11 - Hearing 8:30 on March 12th
no further continuances on MSJ.





1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET AL) IN THE DISTRICT COURT
)
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) 225TH JUDICIAL DISTRICT

FILED
DISTRICT CLERK
BEXAR COUNTY
2014 MAR 19 PM 3:08
RECEIVED
BY
DEPUTY

REPORTER'S CERTIFICATE

ORAL VIDEOTAPED DEPOSITION OF PASCHALL TOSCH

February 11, 2014

CRT

I, Shauna Foreman, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, PASCHALL TOSCH, was duly sworn
and that the transcript of the deposition is a true
record of the testimony given by the witness;

That the deposition transcript was duly
submitted on 2-13-14 to the witness or to
the attorney for the witness for examination,
signature, and return to me by

3-10-14

That pursuant to information given to the
deposition officer at the time said testimony was

1 taken, the following includes all parties of record
 2 and the amount of time used by each party at the time
 3 of the deposition:

4 Michael S. Christian (1h10m)
 Attorney for Plaintiff
 5 John Eichman (0h16m)
 Attorney for Defendant
 6

7 That a copy of this certificate was served on
 8 all parties shown herein on 3-17-14
 9 and filed with the Clerk.

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

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

18 Certified to by me on this 11th day of
 19 February, 2014.



20 Shauna Foreman

21 Shauna Foreman, CSR
 22 Texas CSR 3786
 23 Expiration: 12/31/2014
 24 Kim Tindall & Associates
 645 Lockhill Selma, Suite 200
 25 San Antonio, Texas 78216
 (210) 697-3400

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FURTHER CERTIFICATION UNDER TRCP RULE 203

The original deposition was ~~was not~~ returned to the deposition officer on 3-10-14.

If returned, the attached Changes and Signature page(s) contain(s) any changes and the reasons therefor.

If returned, the original deposition was delivered to Michael S. Christian, Custodial Attorney.

~~\$15.00~~ is the deposition officer's charges to the Plaintiff for preparing the original deposition and any copies of exhibits;

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

Certified to by me on this 17th day of March, 2014.

Shauna Foreman By BW

Shauna Foreman, CSR
Texas CSR 3786
Expiration: 12/31/2014
Kim Tindall & Associates
645 Lockhill Selma, Suite 200
San Antonio, Texas 78216
(210) 697-3400
Firm No. 631



2010CI10977 -P00492

225th District Court of BEXAR County, Texas

100 DOLOROSA ST #200 SAN ANTONIO TX 78205

Case #: 2010-CI-10977

JOHN K. MEYER, ET AL

Plaintiff

VS

JP MORGAN CHASE BANK, N.A.; ET AL

Defendant

Donna Kay McKinney
 District Clerk, Bexar County, Texas

FILED
 O'Clock M
 MAR 12 2014

RETURN OF SERVICE

I, Norrissa A Abram, 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 02/05/14 5:27 pm, instructing for same to be delivered upon Marubeni Eagle Ford Lp By Delivery To National Registered Agents Inc Its Registered Agent Marie Garcia Corp Ops Spec.

That I delivered to : Marubeni Eagle Ford Lp By Delivery To National Registered Agents
 : Inc Its Registered Agent Marie Garcia Corp Ops Spec.

the following : PLAINTIFFS' SUBPOENA TO NON-PARTY TO PRODUCE DOCUMENTS INCLUDING
 : ELECTRONIC AND/OR MAGNETIC DATA; EXHIBIT

at this address : 1999 Bryan St Ste 900
 : Dallas, Dallas County, TX 75201

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

Delivered on : February 7, 2014 10:45 am

Document scanned as filed.

My name is Norrissa A Abram, my date of birth is September 9th, 1990, and my address is Professional Civil Process Dallas, Inc., 2206 Century Center Blvd., Irving TX 75062, and U.S.A. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on the 10 day of

Feb, 2014.

Norrissa Abram

 Declarant

Norrissa A Abram

Texas Certification#: SCH-10067 Exp. 12/31/15

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

PCP Inv. #D14200347



AX02H14200311

+ Service Fee: 120.00
 Witness Fee: .00
 Mileage Fee: .00

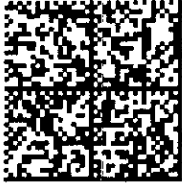
aabram

Bobbitt, Calhoun

PROFESSIONAL CIVIL PROCESS

A Member of the Axzas Network

P.O. Box 342467 • Austin, TX 78734-0042



017H15533594

\$0.490

02/27/2014

Mailed From 78669

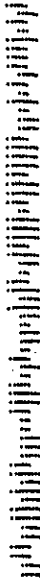
HASLER

US POSTAGE

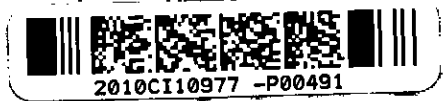
225th District Court of Bexar County, Texas
100 Dolorosa St. #200
San Antonio, TX 78205

RECEIVED
MAR 12 2014
10:00 AM
BY: DONNA KAY McINNEY
Deputy Clerk, Bexar County, Texas

7820533002 001



JUDGE'S NOTES



CAUSE NO.: 2010CI10977

COURT: 225

DATE/TIME: 03/06/2014 09:00AM

SETTING COURT: 109

STYLE: JOHN K MEYER
VS. JP MORGAN CHASE BANK N A ET AL

DISCOVERY LEVEL: 2

ATTORNEY(S) FOR CASE:

GEORGE SPENCER JR (r)
PATRICK SHEEHAN
JIM FLEGLE (✓)
JOHN MASSOPUST (D)
RUDY GARZA
DAVID WILLIAMS
RICHARD TINSMAN (r)
DAVID PRICHARD

MARK RANDOLPH
JAMES DROUGHT (r)
STEVEN BADGER
MATTHEW GOLLINGER
JOHN EICHMAN (D)
MARK JOSEPHS
FRED STUMPF

FILED
DONNA KAY MCKINNEY
DISTRICT CLERK
BEXAR COUNTY
14 MAR 17 PM 4:08
DEPUTY
By *Victoria L. Gonzalez*
DJW

THIS CASE HAS 15 OR MORE ATTORNEYS

TYPE OF MOTION OR APPLICATION:

NON-JURY SET ON MOTON TO EXCLUDE TESTIMONY

CONFERRING _____ ESTIMATE HEARING TIME _____
AGREED ORDER _____ ASSIGNED COURT _____
DROP _____ RECORD TAKEN _____
INTERPRETER _____ RESET DATE _____ TIME _____

Victoria L. Gonzalez
Official Reporter
150th District Court

DATE OF NOTES 3/6, 3/10 + 3/17

JUDGE INITIALS _____

WSP

M/E exclude - R. Lee - Denied as to opinion of prudent man.

mgr. ; Granted as opinion of 11/094

6/10 lease for damages

C Graham - Denied except damage calculation

based on 11/094 + 6/10 lease & Cullen lease

J. O'Connell - Denied App.

Document
scanned as filed.

1 DAY
JUDGE'S NOTES



CAUSE NO.: 2010CI10977

COURT: 225

DATE/TIME: 03/12/2014 08:30AM

SETTING COURT: 109

Trial 10/27/14

STYLE: JOHN K MEYER
VS. JP MORGAN CHASE BANK N A ET AL

DISCOVERY LEVEL: 2

ATTORNEY(S) FOR CASE:

GEORGE SPENCER JR
PATRICK SHEEHAN
JIM FLEGLE
JOHN MASSOPUST
RUDY GARZA
DAVID WILLIAMS
RICHARD TINSMAN
DAVID PRICHARD

MARK RANDOLPH
JAMES DROUGHT
STEVEN BADGER
MATTHEW GOLLINGER
JOHN EICHMAN
MARK JOSEPHS
FRED STUMPF

THIS CASE HAS 15 OR MORE ATTORNEYS

TYPE OF MOTION OR APPLICATION:

NON-JURY RESET SETTING ON TRADITIONAL/NO EVIDENCE M/F SUMMARY JUDGMENT- NO

CONFERRING _____ ESTIMATE HEARING TIME _____
AGREED ORDER _____ ASSIGNED COURT _____
DROP _____ RECORD TAKEN _____
INTERPRETER _____ RESET DATE _____ TIME _____

DATE OF NOTES 3/12/14 - 3/13/14

M/S.J. -

Orders 1st part

FILED
DONNA KAY MCKINNEY
DISTRICT CLERK
BEXAR COUNTY
14 MAR 13 AM 11:26
DEPUTY
by Shilpa Devi Meyer

JUDGE INITIALS _____

Victoria L. Gonzalez
Official Reporter
150th District Court

Document
scanned as filed.

(Consolidated Under)
2010-CI-10977

JOHN K. MEYER, ET AL.	§	IN THE DISTRICT COURT
	§	
V.	§	
	§	
JP MORGAN 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

**PLAINTIFFS' MOTION FOR LEAVE TO SUPPLEMENT
SUMMARY JUDGMENT RESPONSE EVIDENCE**

NOW COMES, John K. Meyer, et al., Plaintiffs in the above referenced matter and files their Motion for Leave to Supplement Summary Judgment Response Evidence.

I.

Defendants' served their Traditional and No-Evidence Motions for Summary Judgment on February 13, 2014. Plaintiffs' response was due on February 27, 2014.

II.

On the day Plaintiffs' response was due, Wayman Gore, Defendants' expert, was deposed. During that deposition, Mr. Gore admitted that there had been a comparable transaction on the STS acreage that creates a fact issue as to whether JP Morgan obtained fair market value for the Petrohawk December lease bonuses. (Exhibit A, p. 35).

The deposition testimony reads:

Q. Are you aware that barely a month and a half after the

December leases that Pattie Ormond had given that BlackBrush and Whittier assigned an interest in that tract to Common Resources and Common Resources paid a thousand dollars per acre? Are you aware of that?

MR. BEITER: Objection, form.

A. I'm not aware that they paid a thousand dollars an acre. I think I'm aware that they paid -- *I think it was between five and \$600 an acre as the bonus.* Again, it goes back to my prior statement. You have to look at the breakdown of the transaction and make sure you're just talking about what the bonus was, and that there wasn't consideration paid for anything else. And my recollection was it was not a thousand dollars an acre.

Q. (BY MR. DROUGHT) Well, have you read the -- or reviewed the purchase and sale agreement between BlackBrush and Whittier and Common?

A. I don't recall.

Q. So -- but you're recalling it was a bonus of five or \$600 an acre?

A. Yeah, I went through the math, and I believe I came up with -- for some reason I think it was \$585 an acre.

Q. Well, that's a pretty good comparable, though, for the lease next door; right?

MR. BEITER: Objection, form.

A. *At that point in time, yes. I think it would be a reasonable comparable.* (Emphasis added.)

III.

Since the deposition was taken on February 27th, 2014, the day Plaintiffs' response was due, and since the parties did not receive the transcript until March 10, 2014, Plaintiffs' were incapable of appending their response with the deposition

transcript.

Plaintiffs' pray that the Court allow Plaintiffs' to supplement the evidence to their summary judgment response and grant all other relief as which they 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

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: _____



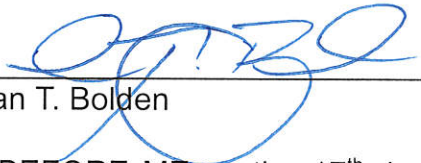
James L. Drought
State Bar No. 06135000
Ian T. Bolden
State Bar No. 24082699

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

VERIFICATION

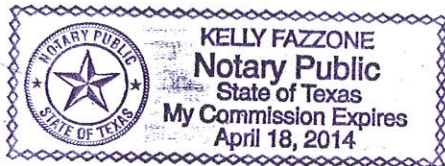
STATE OF TEXAS §
COUNTY OF BEXAR §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Ian T. Bolden, who being by me duly sworn on oath deposed and said that he has read the above Motion for Leave to Supplement Summary Judgment Evidence and every statement contained therein is within his personal knowledge and is true and correct.



Ian T. Bolden

SUBSCRIBED AND SWORN TO BEFORE ME on the 17th day of March, 2014, to certify which witness my hand and official seal.





Notary Public, State of 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. Charles Gall
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 17th day of March, 2014.



Ian T. Bolden

Transcript of the Testimony of
Wayman Gore

Date:

March 10, 2014

Case:

John K. Meyer, et al v. JP Morgan Chase Bank, et al

Kim Tindall and Associates, LLC

Phone: 210-697-3400

Fax: 210-697-3408

Email: ktindall@ktanda.com

Internet: www.kimtindallandassociates.com

Page 34

1 previously marked in this case. Do you see right in the
 2 middle the yellow kind of tract? Is that -- do you recall
 3 that as being the tract that was leased from JP Morgan to
 4 BlackBrush and Whittier.
 5 A. The yellow tract?
 6 Q. Well, it's the one right in the middle.
 7 A. Ten?
 8 Q. Yeah.
 9 A. I was actually thinking it was another one, but
 10 I'll take your word for it.
 11 Q. So your -- in all of the studying that you've done
 12 and all that -- you've got like four or five boxes over
 13 there. You're not familiar with the lease that was made --
 14 the 9400-acre lease right in the middle of the tract?
 15 MR. BEITER: Objection, form.
 16 A. I am generally familiar with it I believe is my
 17 answer. I have looked at it briefly.
 18 Q. (BY MR. DROUGHT) Okay. Based on your knowledge of
 19 the STS tract and everything you have done, would that tract
 20 be a pretty good comparable if you wanted to find out what
 21 the bonus was given in that tract versus the tract right
 22 next to it? Would that be a pretty good comparable?
 23 A. Again, you would have to look at that
 24 consideration. Was there anything else in there that would
 25 affect that bonus rate. Assuming there was not, then, yeah,

Page 35

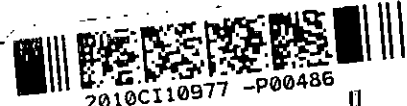
1 I think it would be a good comparable.
 2 Q. Are you aware that barely a month and a half after
 3 the December leases that Pattie Ormond had given that
 4 BlackBrush and Whittier assigned an interest in that tract
 5 to Common Resources and Common Resources paid a thousand
 6 dollars per acre? Are you aware of that?
 7 MR. BEITER: Objection, form.
 8 A. I'm not aware that they paid a thousand dollars an
 9 acre. I think I'm aware that they paid -- I think it was
 10 between five and \$600 an acre as the bonus. Again, it goes
 11 back to my prior statement. You have to look at the
 12 breakdown of the transaction and make sure you're just
 13 talking about what the bonus was, and that there wasn't
 14 consideration paid for anything else. And my recollection
 15 was it was not a thousand dollars an acre.
 16 Q. (BY MR. DROUGHT) Well, have you read the -- or
 17 reviewed the purchase and sale agreement between BlackBrush
 18 and Whittier and Common?
 19 A. I don't recall.
 20 Q. So -- but you're recalling it was a bonus of five
 21 or \$600 an acre?
 22 A. Yeah, I went through the math, and I believe I came
 23 up with -- for some reason I think it was \$585 an acre.
 24 Q. Well, that's a pretty good comparable, though, for
 25 the lease next door; right?

Page 36

1 MR. BEITER: Objection, form.
 2 A. At that point in time, yes. I think it would be a
 3 reasonable comparable.
 4 Q. (BY MR. DROUGHT) Okay. Are you aware that in 2008
 5 JP Morgan did not have a formal committee process to review
 6 lease proposals?
 7 A. My knowledge on that is strictly based on the
 8 deposition testimony --
 9 Q. Right.
 10 A. -- primarily of Ms. Ormond. My recollection is
 11 that there was no formal procedure, if you will, set out in
 12 writing that would accomplish that.
 13 Q. All right. And were you aware that Pattie Ormond
 14 was able to sign leases -- approximately 80,000-acre leases
 15 without supervisory approval?
 16 MR. BEITER: Objection, form.
 17 A. I do know -- and, again, my knowledge is strictly
 18 based on from reading the testimony that she was able to
 19 sign leases. My recollection is that she didn't do that
 20 necessarily on her own accord without any supervisory role
 21 from her management. I recall her -- the testimony as being
 22 that she did discuss leases with her peers and her bosses;
 23 and then after she had satisfied herself that she thought it
 24 was a reasonable offer, then she would then sign it. I
 25 wouldn't characterize it as -- without any sort of

Page 37

1 supervision whatsoever.
 2 Q. (BY MR. DROUGHT) Okay. Have you seen any e-mails
 3 in this case from any so-called supervisor to Pattie giving
 4 any kind of advice about how or when to lease the Eagle Ford
 5 land?
 6 A. Again, I've seen so many documents. I couldn't
 7 tell you as I sit here what I've specifically seen or not
 8 seen.
 9 Q. How many times have you served as an expert
 10 witness?
 11 A. I believe attached my listing or my summary to my
 12 report, and it was 50 some odd times, and that would cover a
 13 time span of approximately 30 years.
 14 Q. And how many times has JP Morgan hired you to
 15 testify?
 16 MR. BEITER: Objection, form.
 17 A. Well, they've never hired me to testify. They've
 18 hired me to do a study; and if that resulted in testimony,
 19 then sobeit. But my recollection is I have been retained by
 20 JP Morgan on three other occasions.
 21 Q. (BY MR. DROUGHT) This is the fourth?
 22 A. I believe so, yes.
 23 Q. Okay. And how much has JP Morgan paid you on these
 24 four occasions?
 25 A. I would have no idea. One of them I know is zero



NO. 2010-CI-10977

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

2)
3 Plaintiff(s),)

4 VS.)

) BEXAR COUNTY, TEXAS

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

10 Defendant(s).)

) 225TH JUDICIAL DISTRICT

FILED
DONNA KAY REKINNEY
DISTRICT CLERK
BEXAR COUNTY
2014 MAR 12 PM 2:51
RECEIVED
DEPUTY
251

Barbara A Griffin

11 REPORTER'S CERTIFICATION
12 DEPOSITION OF ADDISON PIPER
13 JANUARY 30, 2014

[Handwritten signature]

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

17 That the witness, ADDISON PIPER, was duly sworn by
18 the officer and that the transcript of the oral deposition
19 is a true record of the testimony given by the witness;

20 That the deposition transcript was submitted on
21 2-06-14 to the attorney for Plaintiffs for
22 examination, signature, and return to me by

23 3-03-14;

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

Stephanie L. Curette - 02:32

That pursuant to information given to the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:

Matt Gollinger and Richard Tinsman,
Attorneys for Plaintiff(s)

Stephanie L. Curette and David Jed Williams,
Attorneys 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 5 day of February, 2014.

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



Kim Tindall and Associates, LLC
210-697-3400

645 Lockhill Selma, Suite 200

San Antonio, Texas 78216
210-697-3408

Electronically signed by Barbara Griffin (301-176-817-0609)
Electronically signed by Barbara Griffin (301-176-817-0609)
Electronically signed by Barbara Griffin (301-176-817-0609)

98478dea-71a2-46e1-bc6a-a74c31cdb8d6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was was not returned to the deposition officer on 3-03-14;


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

If returned, the original deposition was delivered to STEPHANIE L. CURETTE, Custodial Attorney;

That \$ 689.00 is the deposition officer's charges to the Defendants for preparing the original deposition transcript and any copies of exhibits;

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

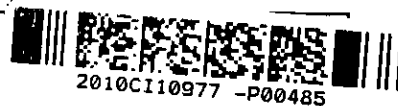
Certified to by me this 7th day of March, 2014.


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

Kim Tindall and Associates, LLC
210-697-3400

645 Lockhill Selma, Suite 200

San Antonio, Texas 78216
210-697-3408



1 CAUSE NO. 2010-CI-10977

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

3 vs.) BEXAR COUNTY, TEXAS

4 JP MORGAN CHASE BANK, N.A.)

5 INDIVIDUALLY/CORPORATELY)

6 AND AS TRUSTEE OF THE)

7 SOUTH TEXAS SYNDICATE)

8 TRUST and GARY P. AYMES) 225TH JUDICIAL DISTRICT

Handwritten signature/initials

RECEIVED
DEPUTY CLERK
BEXAR COUNTY

FILED
DORRIS KAY MCKINNEY
DISTRICT CLERK
BEXAR COUNTY

2014 MAR 12 PM 2:51

9 REPORTER'S CERTIFICATE

10 ORAL VIDEOTAPED DEPOSITION OF DAVID

11 February 19, 2014

12 I, Shauna Foreman, Certified Shorthand Reporter

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

14 following:

15 That the witness, DAVID CECIL, was duly sworn

16 and that the transcript of the deposition is a true

17 record of the testimony given by the witness;

18 That examination and signature of the witness to

19 the deposition transcript was waived by the witness

20 with the agreement of the parties at the time of the

21 deposition;

22 That the original deposition was delivered to

23 James Flegle, Custodial Attorney.

24 \$~~1045.00~~ is the deposition officer's charges to

25 the Plaintiff for preparing the original deposition

1 and any copies of exhibits;

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

7 James Flegle (2h21m)
Attorney for Plaintiff
8 Kevin Beiter (1h39m)
Attorney for Defendant
9

10 That a copy of this certificate was served on
11 all parties shown herein on 3-07-14
12 and filed with the Clerk pursuant to Rule 203.3.

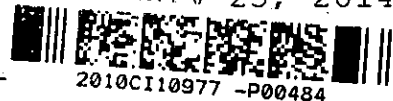
13 I further certify that I am neither counsel for,
14 related to, nor employed by any of the parties in the
15 action in which this proceeding was taken, and
16 further that I am not financially or otherwise
17 interested in the outcome of this action.

18 Certified to by me on this 19th day of February,
19 2014.



20
21 *Shauna Foreman*

22 Shauna Foreman, CSR
Texas CSR 3786
Expiration: 12/31/2014
Kim Tindall & Associates
23 645 Lockhill Selma, Suite 200
24 San Antonio, Texas 78216
25 (210) 697-3400



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CAUSE NO. 2010-CI-10977

JOHN K. MEYER, ET AL) IN THE DISTRICT COURT
)
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) 225TH JUDICIAL DISTRICT

REPORTER'S CERTIFICATE

ORAL VIDEOTAPED DEPOSITION OF MICHAEL F. STELL

January 23, 2014

I, Shauna Foreman, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, MICHAEL F. STELL, was duly
sworn and that the transcript of the deposition is a
true record of the testimony given by the witness;

That the deposition transcript was duly
submitted on 1-29-14 to the witness or to
the attorney for the witness for examination,
signature, and return to me by

2-24-14

That pursuant to information given to the
deposition officer at the time said testimony was

FILED
DOMINA MAY HESKINNEY
DISTRICT CLERK
BEXAR COUNTY
2014 MAR 12 PM 2:50
RECEIVED
Deputy
DEPUTY

1 taken, the following includes all parties of record
 2 and the amount of time used by each party at the time
 3 of the deposition:

4 Jim L. Flegle (2h19m)
 Attorney for Plaintiff
 5 David Jed Williams (0h49m)
 Attorney for Defendant
 6

7 That a copy of this certificate was served on -
 8 all parties shown herein on 3-07-14
 9 and filed with the Clerk.

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

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

18 Certified to by me on this 23rd day of
 19 January, 2014.



20
 21 Shauna Foreman

22 Shauna Foreman, CSR
 Texas CSR 3786
 Expiration: 12/31/2014
 Kim Tindall & Associates
 645 Lockhill Selma, Suite 200
 San Antonio, Texas 78216
 (210) 697-3400
 23
 24
 25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FURTHER CERTIFICATION UNDER TRCP RULE 203

The original deposition ~~was~~ was not returned to the deposition officer on 2-24-14.

If returned, the attached Changes and Signature page(s) contain(s) any changes and the reasons therefor.

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

~~\$160.50~~ the deposition officer's charges to the Plaintiff for preparing the original deposition and any copies of exhibits;

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

Certified to by me on this 7th day of March, 2014.

Shauna Foreman By BW

Shauna Foreman, CSR
Texas CSR 3786
Expiration: 12/31/2014
Kim Tindall & Associates
645 Lockhill Selma, Suite 200
San Antonio, Texas 78216
(210) 697-3400

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHANGES AND SIGNATURE

PAGE LINE CHANGE

REASON

17 ~~various~~^{4,13,14} UniCal to Unocal misspelled

56 2,4 Almos to Olmos misspelled

62 ~~67~~ ~~various~~ Ph.D. Win to PHDWin misspelled

90 2

98 25

99 6

106 10

106 14

97 14 sum^{to} sunk wrong word

106 9 Delete "I guess -- yeah" Not necessary

112 8 Delete "I'm --" Not necessary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

Michael F. Stell

MICHAEL F. STELL

THE STATE OF Texas)
COUNTY OF Harris)

Before me, IRMA M. MARSH, on this day personally appeared MICHAEL F. STELL, known to me or proved to me on the oath of _____ or through TEXAS DRIVER'S LICENSE (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

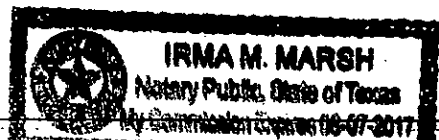
Given under my hand and seal of office on this 24th day of February 2014.

Irma M. Marsh

NOTARY PUBLIC IN AND FOR

THE STATE OF TEXAS

My Commission Expires: 8/7/17



225TH



rec-index-7

From: rec-index-7
Sent: Tuesday, March 11, 2014 4:10 PM
To: 'pdanner@express-news.net'
Subject: Documents requested for cause number 2010CI10977
Attachments: 2010CI10977-A.pdf; 2010CI10977-B.pdf; 2010CI10977-B-E1.pdf; 2010CI10977-B-E2.pdf; 2010CI10977C.pdf; 2010CI10977D.pdf

CRT *SD*

Hi, Patrick

Attached are the documents you requested from the following cause number:

03/11/2014 - Proceeding Information - 15:52:41
 Jury fee Paid JT: 03/24/2014 Case 2010CI10977
 Selection: __ Case Nbr: 2010CI10977__ Qualifier _____
 Style: JOHN K MEYER vs JP MORGAN CHASE BANK N A ET AL
 Court: 225 Docket Type: DAMAGES Status: PENDING

Thank You.

Stephanie Dreyer
 Recording Clerk
 Paul Elizondo Tower
 101 W Nueva St Ste217
 San Antonio Tx 78205
 (210)335-2674



CRT *fw*

2016CI10977

John K. Meyer v. JP MORGAN CHASE

225 TH

P00437 SIXTH AMENDED PETITION (41 PAGES)

P00472 MOTION FOR CONTINUANCE (3 PAGES)

P00261 RESPONSE TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT (45 PAGES) ^(including exhibits)

P00212 Plaintiff's motion for partial summary judgment (23 PAGES - no exhibits)

2014CI01233

MEYER V. JP MORGAN

00001

ORDER OF SEVERANCE (5 PAGES)

FILED

O'CLOCK M

MAR 11 2014

DONNA KAY M'KINNEY
District Clerk, Bexar County, Texas

Stephane [Signature]
DEPUTY

Patrick Danner
Business writer
San Antonio Express-News
P.O. Box 2171
San Antonio, TX 78297
210.250.3311
mySA.com

REQUESTED DOCUMENTS
FROM 2 CAUSE NUMBERS
BE EMAILED ON
3-11-14
SD



DROUGHT DROUGHT & BOBBITT LLP

ATTORNEYS AT LAW

March 11, 2014

Ms. Donna Kay McKinney
Bexar County District Clerk
Paul Elizondo Tower
101 W Nueva, Suite 217
San Antonio, TX 78205-3411

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

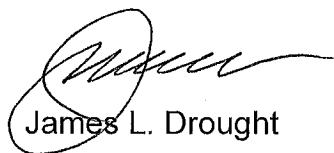
Dear Ms. McKinney:

Please be advised that I will be on vacation from April 9, 2014 through April 18, 2014. I request that the court not set this case for hearings or trial during that time frame.

Thank you for your attention to this matter.

With best regards.

Sincerely,



James L. Drought

JLD:beb

HORNBERGER SHEEHAN FULLER BEITER
WITTENBERG & GARZA
INCORPORATED

March 11, 2014

District Clerk
District Clerk's Office
Bexar County Courthouse
San Antonio, Texas 78205

Jury Setting Clerk
District Clerk's Office
Bexar County Courthouse
San Antonio, Texas 78205

Non-Jury Setting Clerk
District Clerk's Office
Bexar County Courthouse
San Antonio, Texas 78205

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

Dear Sir or Madam:

Please be advised that I will be on vacation in Africa from **September 1, 2014 through September 30, 2014.**

Therefore, please do not schedule me for any hearings or trials during that period of time.

Thank you for your consideration.

Sincerely,



Patrick K. Sheehan
State Bar No. 18175500

PKS:rmc



VIA EMAIL

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

VIA EMAIL

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

VIA EMAIL

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

VIA EMAIL

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

VIA EMAIL

Mr. Fred W. Stumpf
Glast, Phillips & Murray
Nine Greenway Plaza
Suite 3100
Houston, Texas 77046

VIA EMAIL

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

VIA EMAIL

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

VIA EMAIL

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

VIA EMAIL

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

