

CAUSE NO. 09-11288

VELMA ANN MYLES,

Plaintiff,

v.

XTO ENERGY INC., CHESEPEAKE EXPLORATION COMPANY, LLC, VANTAGE ENERGY, LLC, TITAN OPERATING, LLC, CHIEF OIL & GAS, LLC, QUICKSILVER RESOURCES, INC., KEYSTONE EXPLORATION, LTD., CARRIZO OIL & GAS, INC., TRINITY EAST ENERGY, LLC, PERMIAN LAND COMPANY, a Division of DEVONIAN ENTERPRISES, INC., FRED W. JONES, individually and/or d/b/a DEVONIAN ENTERPRISES, INC., DALE PROPERTY SERVICES, LLC, THE CAFFEY GROUP, LLC, FOUR SEVENS ENERGY CO, LLC, BRYSON KUBA, LP, LLANO OPERATING, CORP, and CHEAHA LAND SERVICES, LLC,

Defendants.

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

160TH JUDICIAL DISTRICT

THE STATE OF TEXAS

TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER PERSON AUTHORIZED TO SERVE AND EXECUTE SUBPOENAS AS PROVIDED IN TEXAS RULE OF CIVIL PROCEDURE 176 ----- GREETINGS:

You are hereby commanded to summon Jalise Middleton, individually and as representative and/or on behalf of SEACTX to appear at the offices of K&L Gates LLP, City Center Tower II, 301 Commerce, Suite 3000, Fort Worth, Texas 76102, on January 20, 2010 at 10:00 a.m. to produce and permit inspection and copying of designated documents or tangible things in your possession, custody or control as set forth in the attached Exhibit "A" in the above styled civil action pending before said Court in which Velma Ann Myles is Plaintiff and XTO Energy Inc., et al. are Defendants.

This subpoena is issued at the request of XTO Energy Inc., Permian Land Company, a Division of Devonian Enterprises, Inc., Fred W. Jones, individually and/or d/b/a Devonian Enterprises, Inc., and Bryson Kuba, LP by their attorneys, Jeffrey C. King and Christine A. Nowak of K&L Gates LLP, City Center II, 301 Commerce, Suite 3000, Fort Worth, Texas 76102.

FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUS

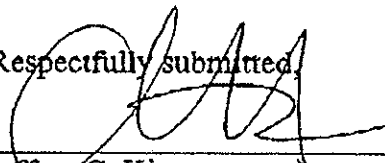


**SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.**

HEREIN FAIL NOT, but of this writ make due return showing how you have executed the same.

ISSUED ON this 31st day of December, 2009.

Respectfully submitted,



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Jeffrey C. King  
State Bar No. 11449280  
Christine A. Nowak  
State Bar No. 24050200

K&L Gates LLP  
City Center Tower II  
301 Commerce, Suite 3000  
Fort Worth, Texas 76102  
817.347.5270  
817.347.5299 (Fax)

**ATTORNEYS FOR DEFENDANTS  
XTO ENERGY INC., PERMIAN LAND  
COMPANY, a Division of DEVONIAN  
ENTERPRISES, INC., FRED W. JONES,  
individually and/or d/b/a DEVONIAN  
ENTERPRISES, INC., and BRYSON KUBA**



### DEFINITIONS AND INSTRUCTIONS

1. These Requests are addressed to Jalise Middleton, individually and as a representative of South East Arlington Coalition of Texas and/or the South East Arlington Communities of Texas. The terms "you," "your," or "SEACTX" as used in these Requests, refers to Jalise Middleton and SEACTX, her and/or its attorneys, participating members, representatives, agents, negotiators (lead or otherwise), committee members, or any other person acting in concert with her and/or it, on her and/or its behalf, or under her and/or its control, whether directly or indirectly.

2. The term "XTO," as used in these Requests, refers to Defendant XTO Energy Inc., its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

3. The term "Chesapeake," as used in these Requests, refers to Defendant Chesapeake Exploration Company, LLC, its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

4. The term "Vantage," as used in these Requests, refers to Defendant Vantage Energy, LLC, its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

5. The term "Titan," as used in these Requests, refers to Defendant Titan Operating, LLC, its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

6. The term "Quicksilver," as used in these Requests, refers to Defendant Quicksilver Resources, Inc., its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

7. The term "Keystone," as used in these Requests, refers to Defendant Keystone Exploration, Ltd., its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

8. The term "Carrizo," as used in these Requests, refers to Defendant Carrizo Oil & Gas, Inc., its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

9. The term "Trinity," as used in these Requests, refers to Defendant Trinity East Energy, LLC, its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

10. The term "Permian," as used in these Requests, refers to Defendant Permian Land Company, a Division of Devonian Enterprises, Inc., its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

11. The term "Jones," as used in these Requests, refers to Defendant Fred Jones individually and/or d/b/a Devonian Enterprises, Inc., his present and former attorneys, agents,

representatives, or any other person acting in concert with him, on his behalf, or under his control, whether directly or indirectly.

12. The term "Dale," as used in these Requests, refers to Defendant Dale Property Services, LLC, its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

13. The term "Caffey," as used in these Requests, refers to Defendant The Caffey Group, LLC, its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

14. The term "Four Sevens," as used in these Requests, refers to Defendant Four Sevens Energy Co., LLC, its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

15. The term "Bryson Kuba," as used in these Requests, refers to Defendant Bryson Kuba, LP, its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

16. The term "Llano Operating," as used in these Requests, refers to Defendant Llano Operating, Corp., its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

17. The term "Cheaha," as used in these Requests, refers to Defendant Cheaha Land Services, LLC, its successors, predecessors, divisions, subsidiaries, attorneys, agents, officers, employees, representatives, or any other person acting in concert with it, on its behalf, or under its control, whether directly or indirectly.

18. The term "Defendants," as used in these Requests, refers to XTO, Chesapeake, Vantage, Titan, Quicksilver, Keystone, Carrizo, Trinity, Permian, Jones, Dale, Caffey, Four Sevens, Bryson Kuba, Llano Operating and Cheaha.

19. "Plaintiff," as used in these Requests, refers to Plaintiff Velma Ann Myles, her present and former attorneys, agents, representatives, or any other person acting in concert with her, on her behalf, or under her control, whether directly or indirectly.

20. "Plaintiff's counsel," as used in these Requests, refers to Kip Petroff, Dean Riddle, Randal Mathis, and any other person employed by and/or associated with Petroff & Associates, 3838 Oak Lawn Avenue, Suite 1124, Dallas, Texas 75219; Riddle & Williams, P.C., 3710 Rawlins Street, Suite 1400 - Regency Plaza, Dallas, Texas, 75219; and, Mathis & Donheiser, 4600 Trammell Crow Center, 2001 Ross Avenue, Dallas, Texas 75201.

21. "Property," as used in these Requests, refers to that certain real property located in Tarrant County, Texas known as 6405 Jennie Ln., Arlington, Texas 76002-2996.

22. "Petition," as used in these Requests, shall mean Plaintiff Velma Ann Myles' Original Petition, Claim for Damages and Application for Injunctive Relief, Amended Application for Injunctive Relief, and any further subsequent supplement or amendment thereto, on file with the Court in this suit.

23. "Document" shall mean and include all "documents and tangible things" to the broadest extent included and described in Rule 192.3(b) of the Texas Rules of Civil Procedure.

A draft of a non-identical copy is a separate document within the meaning of this term. The term "document" also includes any computer tapes and diskettes or other portable media, computer-readable files and data stored on any hard drive or other installed devices, electronic calendars, and electronic communications including but not limited to electronic mail.

24. "Supporting," "relating to" and/or "regarding" means relating to, evidencing, or regarding in any way, and includes not only the subject of the immediate Request, but also all documents that memorialize, describe, substantiate, support, reflect or bear upon, either directly or indirectly, any meeting, conference, conversation or communication, whether oral or written, regarding the subject of the immediate Request.

25. "Communication" means or refers to any transmittal of information, including, but not limited to, any inquiry, e-mail, discussion, conversation, negotiation, agreement, undertaking, meeting, telephone conversation, letter, note, telegram, telex, advertisement or other form of verbal intercourse, whether in oral, written, or electronic form.

26. The conjunction "or," as used in these Requests, does not limit any part of said request but, whenever applicable, should be given the same meaning as the word "and." For purposes of these Requests, the singular includes the plural and the plural includes the singular. "Any" includes the word "all," and "all" includes the word "any."

27. These Requests require you to respond by providing all information which is within your actual or constructive knowledge, or that of any agent, employee or other person acting or purporting to act on your behalf.

28. Defendants ask that the requested documents and items be produced at the offices of its counsel, K&L Gates LLP, D.R. Horton Tower, 301 Commerce, Suite 3000, Fort Worth, Texas 76102 or such other place that is mutually agreed upon by the parties.

29. These Requests are continuing in nature and require supplemental answers. In the event that Jalise Middleton and/or SEACTX, or any person acting on her and/or its behalf, becomes aware of additional material that is responsive to any of the following Requests at any time after providing its initial answers, Jalise Middleton and/or SEACTX is required to furnish such information to counsel for Defendants reasonably promptly. Failure to do so may lead to a motion to continue in order to investigate newly discovered material or a motion to exclude such information at trial of this matter.

30. Unless otherwise specified in any Request, or unless the context suggests otherwise, the time period covered by these Requests is from January 1, 2007 until the time of trial in this matter, which time period may be referred to herein as "the relevant time period."

**REQUESTS FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:**

All documents relating to the formation and/or creation of SEACTX.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:**

Documents identifying the participating members of SEACTX.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 3:**

Documents identifying the negotiators, lead or otherwise, of SEACTX.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:**

A copy of any agreement entered into by or between you and Plaintiff.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:**

All documents reflecting or evidencing any agreement between you and Plaintiff.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:**

A copy of any agreement entered into by or between you and any of the Defendants.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:**

All documents reflecting or evidencing any agreement between you and any of the Defendants, including any alleged agreement for or concerning the development of oil, gas and other minerals.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 8:**

A copy of any agreement entered into by or between you and Plaintiff's counsel.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 9:**

All documents reflecting or evidencing any agreement between you and Plaintiff's counsel.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 10:**

A copy of each and every contract or agreement received by you relating to the sale, development, or purchase of any oil, gas, or mineral interests of any kind.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 11:**

All documents reflecting or containing any communications between Plaintiff and you.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 12:**

All documents reflecting or containing any communications between Plaintiff and you concerning the development of oil, gas and other minerals.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 13:**

All documents reflecting or concerning negotiations between Plaintiff and you.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 14:**

All documents reflecting or containing any communications between Defendants and you.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 15:**

All documents reflecting or containing any communications between Defendants and you concerning any agreement for the development of oil, gas and other minerals.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 16:**

All documents reflecting or concerning negotiations between Defendants and you.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 17:**

All documents reflecting or containing any communications between you and any oil and gas companies other than Defendants.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 18:**

All documents reflecting or containing any communications between you and any oil and gas companies other than Defendants, concerning any potential or possible agreement for the development of oil, gas and other minerals.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 19:**

All documents reflecting or concerning negotiations between you and any oil and gas companies other than Defendants.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 20:**

All documents reflecting or containing any communications between Plaintiff's counsel and you.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 21:**

All documents reflecting or concerning negotiations between Plaintiff's counsel and you.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 22:**

All correspondence, e-mails, memoranda or notes showing or reflecting any communications or conversations between you and Plaintiff.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 23:**

All correspondence, e-mails, memoranda or notes showing or reflecting any communications or conversations between you and Defendants.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 24:**

All correspondence, e-mails, memoranda or notes showing or reflecting any communications or conversations between you and any oil and gas companies other than Defendants.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 25:**

All correspondence, e-mails, memoranda or notes showing or reflecting any communications or conversations between you and Plaintiff's counsel.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 26:**

All correspondence, e-mails, memoranda or notes showing or reflecting any communications or conversations between you and any other individual acting as a SEACTX negotiator.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 27:**

All diaries, journals, day-timers, store logs, or calendars (including any that are on hard copy or electronically stored) reflecting any meetings, communications, correspondence or conversations between you and Plaintiff.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 28:**

A copy of any files or other records maintained by you relating to Plaintiff.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 29:**

All diaries, journals, day-timers, store logs, or calendars (including any that are on hard copy or electronically stored) reflecting any meetings, communications, correspondence or conversations between you and any of the Defendants.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 30:**

A copy of any files or other records maintained by you relating to Defendants.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 31:**

All diaries, journals, day-timers, store logs, or calendars (including any that are on hard copy or electronically stored) reflecting any meetings, communications, correspondence or conversations between you and Plaintiff's counsel.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 32:**

A copy of any files or other records maintained by you relating to Plaintiff's counsel.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 33:**

All transcripts, minutes, or recordings, including audio or video recordings, of any SEACTX community, committee or other meetings.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 34:**

All transcripts, minutes, or recordings, including audio or video recordings, of any conversations or discussions relating to Defendants.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 35:**

All documents reflecting that SEACTX advised each of its' member homeowners that it was their individual responsibility to read any oil and gas lease and decide if the lease agreement was right for their needs.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 36:**

A copy of any documents submitted or sent by you to Defendants.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 37:**

A copy of any documents submitted or sent by you to Plaintiff's counsel.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 38:**

A copy of any documents received by you from Plaintiff's counsel.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 39:**

All documents, including presentations, handouts, drawings, graphs, charts, photographs, tape or electronic recordings, and audio/video recordings that you provided and/or gave to your member homeowners.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 40:**

A copy of any documents that were provided and/or given to any persons attending any SEACTX meeting, including any documents provided and/or given by Plaintiff's counsel.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 41:**

A copy of any documents referred to as "secret documents" by Plaintiff's counsel that were shown, provided and/or given to you.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 42:**

A copy of the SEACTX engagement letter and fee agreement with Riddle & Williams, P.C., and/or Christopher A. Payne.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 43:**

A copy of any billing statements and/or invoices SEACTX received from Riddle & Williams, P.C., and/or Christopher A. Payne.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 44:**

A copy of any non-privileged documents submitted or sent by SEACTX to Riddle & Williams, P.C., and/or Christopher A. Payne.

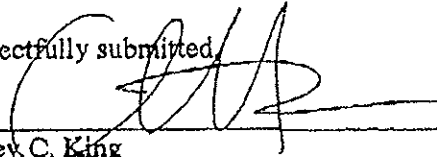
**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 45:**

A copy of any non-privileged documents received by SEACTX from Riddle & Williams, P.C., and/or Christopher A. Payne.

**RESPONSE:**

Respectfully submitted,



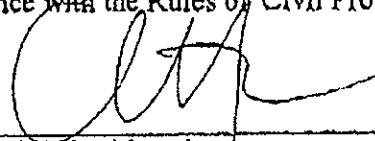
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**ATTORNEY FOR DEFENDANTS  
XTO ENERGY INC., PERMIAN LAND  
COMPANY, a Division of DEVONIAN  
ENTERPRISES, INC., FRED W. JONES,  
individually and/or d/b/a DEVONIAN  
ENTERPRISES, INC., and BRYSON KUBA**

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing was served upon all attorneys of record to the above cause in accordance with the Rules of Civil Procedure, on the 21<sup>st</sup> day of December, 2009.



Christine Nowak