

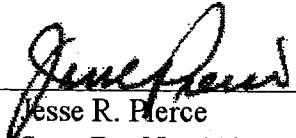
CAUSE NO. 07-12-14420CV

THE ENCINITOS RANCH, et al.,	§	IN THE DISTRICT COURT
	§	
VS.	§	79 TH JUDICIAL DISTRICT
	§	
EXXON MOBIL CORP., et al.,	§	BROOKS COUNTY, TEXAS

**CHEVRON U.S.A. INC.'S
FIRST REQUEST FOR PRODUCTION TO PLAINTIFFS**

Pursuant to Texas Rule of Civil Procedure 196, Chevron U.S.A. Inc. ("Chevron")
propounds the following First Set of Requests for Production of Documents on Plaintiffs.

JESSE R. PIERCE & ASSOCIATES, P.C.

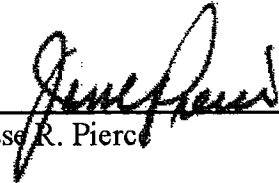
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ATTORNEYS FOR DEFENDANT
CHEVRON U.S.A. INC.

CERTIFICATE OF SERVICE

I certify that on February 24, 2009, a copy of the Chevron's First Set of Interrogatories to Plaintiffs were forwarded to all counsel of record via facsimile.



Jesse R. Pierce

DEFINITIONS

1. If a term is undefined, Plaintiffs shall ascribe the common, dictionary meaning to the term.
2. The plural shall include the singular and the singular the plural; one gender shall include the other gender; and the past tense shall include the present tense and the present the past.
3. The term “communication” includes conversations, discussions, meetings, telephone calls, letters, telecopies, e-mail, and all other forms of oral or written expression by which information may be conveyed.
4. “Defendant(s)” means a Defendant in this lawsuit.
5. The term “describe” or “identify” means:
 - (a) with respect to Persons, to give, to the extent known, the Person’s full name, present or last known address, and when referring to a natural Person, the present or last known place of employment.
 - (b) with respect to a company, to give, to the extent known, the name of the company, the place of incorporation of the company, and the address of the company’s principal place of business.
 - (c) with respect to Documents, to give, to the extent known, the (i) type of Document, (ii) general subject matter, (iii) date of the Document, and (iv) author(s), addressee(s) and recipient(s).
6. The term “document” as used herein has the full extent of the term “documents or tangible things” as set forth in Texas Rule of Civil Procedure 192.3 (b) and includes, but is not limited to, the original and each non-identical copy (whether different from the original by virtue of notes made or otherwise) and, if the original is not in existence or subject to your control, each non-identical copy, regardless of origin or location, including without limitation any printed, typewritten, or handwritten matter or reproduction thereof of whatever character, and any means of electronic storage of information, including without limitation, correspondence, papers, minutes, memoranda, notes, reports, diaries, messages, telegrams, books, letters, contracts, agreements, leases, invoices, logs, schedules, statements, ledgers, data sheets, publications, pamphlets, recordings (including wire, tape, disk, belt, or other types of recordings), samples, models, prototypes, devices, and any other visual communication of visual objects or things that are in

the possession, custody or control of Plaintiffs and their agents or representatives. All electronic or magnetic data should be produced in hard copy form.

7. The term "entity" shall include any public or private company, corporation, partnership, business, association, organization, enterprise, establishment, firm, city, municipal corporation, and their representatives.
8. "Name" means the full legal name of any person or entity, as well as any nickname(s), or other alias(es) the person or entity has ever used or been known as.
9. The term "person" means any natural individual in any capacity whatsoever or entity or organization, including, but not limited to a public or private corporation, partnership, joint venture, association, union, collective bargaining unit, trust, agency, commission, bureau, or department.
10. The term "Petition" refers to the Plaintiffs' Original Petition and any amended or supplemental petition filed in this matter.
11. The term "Property" relates to the Property at issue in this case, including the mineral interests, as defined by the Petition and any subsequent amending or supplemental Petition filed by Plaintiffs.
12. The term "relates to" means discusses, describes, explains, embodies, evidences, supports, comprises, concerns or pertains to the subject or thing. Likewise, the term "relating to" means discussing, describing, explaining, embodying, evidencing, supporting, comprising, concerning, or pertaining to.
13. "You," "your," and "yours" shall refer to each Plaintiff individually, as well as any of Plaintiff's present and former agents, attorneys, representatives, successors, predecessors, assigns, and all other persons or entities controlled by or acting on each Plaintiff's behalf.
14. "Chevron" includes Chevron U.S.A. Inc and any entity related to Chevron U.S.A. Inc. that you allege had any interest in or operations on the subject Property.

INSTRUCTIONS

1. You are required to respond to these Requests for Production, drawing upon all materials in your actual or constructive possession, ownership, custody or control, including materials that you have a right to secure from any other source. These sources include, but are not limited to, your agents, attorneys, accountants, consultants, and advisors.

2. If any document requested was, but no longer is, in your possession or subject to your control, whether actual or constructive, identify the document, state what disposition was made of the document, and the date or dates (or approximate date or dates) when such disposition was made.
3. If any document is withheld under a claim of privilege or confidentiality, state with respect to each document:
 - (a) the privilege or ground under which the document is being withheld;
 - (b) a general description of the subject matter of the document;
 - (c) the author of the document;
 - (d) all persons to whom the document is addressed and all persons to whom copies of the document were furnished;
 - (e) the date of the document;
 - (f) the present custodian and location of the document; and
 - (g) the number request to which the document is responsive.
4. If there are no documents responsive to a specific request, please so indicate in your written response to these Requests for Production.
5. With respect to any documents or information claimed to be privileged and therefore exempt from discovery, request is hereby made that you produce a privilege log in compliance with the Texas Rules of Civil Procedure within 15 days of service of your responses.
6. These Requests for Production shall be deemed to be continuing so as to require supplemental responses as necessary under Texas Rule of Civil Procedure 193.5.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Documents identified in or referred to in preparing your responses to Chevron's first set of interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents that support or relate to your allegations against Chevron in this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all photographs, videotapes, maps, and/or other visual representations that relate to this lawsuit and/or the Property at issue in this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all documents that support or relate to any damages you claim in this lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Produce all documents reviewed by, relied upon, or in the possession of any person named in your answer to Interrogatory No. 6 related to royalty payments to Plaintiffs, including, but not limited to, royalty check statements, invoices, spreadsheets, deposit slips, and check stubs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Produce all documents related to any designation of an agent to receive royalty payments in accordance with Oil and Gas Mining Lease dated May 15, 1934.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Produce a copy of all tax returns indicating:

- (a) All income received from the Property; and
- (b) The value of the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Produce all documents that relate to loans or other transactions where you have listed the Property or any portion of the Property as an asset.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Produce all documents that relate to any agreement, release, or settlement entered into in connection with your claims in this lawsuit or the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Produce all documents that relate to any agreement, release, or settlement entered into in connection with royalty payments involving the Property

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Produce all documents that relate to the Mary Dru McGill Burns Testamentary Trust, Stephen H. Burns Testamentary Trust, Anastasia Stewart Testamentary Trust, Laura Katherine Burns Trust, Kathleen McGill Enyart Trust, and the Linda Jane McGill Weakly Trust, including, but not limited to, meeting minutes, notes, court filings, and any accounting and/or disbursement records.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Produce all documents related to any meetings, discussions, correspondence, or other communications of partners and/or other employees of McGill Ranch, Ltd. regarding royalty payments or the alleged damage to the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Produce all documents related to the structure and/or management of McGill Ranch, Ltd., including, but not limited to, partnership agreements and certificate of formation.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Produce all documents that relate to any communications with or the involvement of any employee, agent, or representative of the Texas Railroad Commission or other local, state, or federal agency regarding your claims in this lawsuit, or the alleged contamination of your Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Produce all documents that relate, refer, or pertain to the activities of consultants or experts with respect to the Property or the subject matter of the above-captioned lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Produce each document, including, but not limited to, studies, reports, tests, or test results, that supports, relates, refers, or pertains in any manner to your contention that the Property has been damaged, contaminated, or polluted by any oil and gas exploration or production operations or activities, including any operations or activities of any of the defendants in this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Produce each document, including, but not limited to, studies, reports, tests, or test results, that supports, relates, refers, or pertains in any manner to your contention that Chevron failed to reasonably and prudently develop and explore the Property for oil, gas, and mineral reserves.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Produce each document that supports, relates, refers, or pertains in any manner to your contention that Chevron caused or contributed to alleged contamination, pollution, or damages to the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Produce all documents that relate, refer, or pertain to any activity of Chevron on the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Produce all documents that relate, refer, or pertain to any activity conducted on the Property by any other defendant or by persons not parties to the lawsuit.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Produce all documents you have obtained from any other party in this lawsuit through discovery or otherwise.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Produce all documents that establish, relate, refer, or pertain to your ownership or interest in the Property and/or how you obtained such ownership or interest, including, but not limited to, all deeds, assignments, acts of sale, abstracts, judgments, or succession proceedings.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Produce all surveys, appraisals, and/or valuations relating to the Property performed for any purpose, and produce all documents that relate, refer, or pertain to any survey, appraisal or valuation of all or part of the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Produce all documents that relate, refer, or pertain to any communications between you and Chevron that relate, refer, or pertain to the Property and/or to any operations or activities conducted thereon.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Produce all documents that relate, refer, or pertain to any royalty payments, rental payments, or any other type of compensation or payment received by you or your predecessors as a result of oil and gas operations or activities on the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Produce all documents that relate, refer, or pertain to any compensation or payments made to Plaintiff by any defendant or third party as a result of any activities on the Property other than oil and gas operations.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Produce all contracts, including any leases, right of way agreements, and/or joint operating agreements, between Plaintiffs or Plaintiffs' predecessors in title and any defendant or its predecessors that relate, refer, or pertain to the Property in any manner.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Produce all documents that relate, refer, or pertain to any surface lease, mineral lease, right of way, or any other agreement granting any person the right to use or occupy all or part of the Property for any purpose.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Produce all documents that relate, refer, or pertain to the acquisition of any interest by Chevron or its predecessors in or on the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Produce any documents that relate, refer, or pertain to any communications regarding alleged contamination, pollution, and/or damage to the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Produce any documents that relate, refer, or pertain to any communications regarding the alleged failure by Chevron to reasonably and prudently develop and explore the Property for oil, gas, and mineral reserves.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: Produce all documents that relate, refer, or pertain to any communications between the Plaintiffs or any of Plaintiffs' agents, attorneys, or representatives, and any other person, including any state or federal regulatory agency and consultants, regarding the condition of the Property and any issues relating to the claims asserted by the Plaintiffs.

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Produce all documents that relate to, describe, or discuss any chemicals, minerals, or other substances, including pesticides and fertilizers, applied to or used on the Property, used in connection with farming

activities on the Property, or used in connection with any other activities not directly associated with oil and gas exploration and production on the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 34: Produce every document relating to any inspection, testing, study, sampling, or analysis of the Property. This request includes, but is not limited to, any document, report, or correspondence received by or from any consultant or expert retained to assist you in this lawsuit and the following specific items:

- a. any geological or geophysical studies, research, data and/or analysis relative to the Property;
- b. any information regarding or referring to any oil, gas, and/or injection wells drilled anywhere on the Property;
- c. any information regarding alleged spills anywhere on the Property; and
- d. any documents containing or referring to any environmental assessments, audits, or other documents that relate in any way to environmental pollution on the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 35: Produce any and all photographs, including aerial photographs, of the Property. Describe the subject of the photograph, state the date the photograph was taken, and identify the person taking the photograph.

RESPONSE:

REQUEST FOR PRODUCTION NO. 36: Produce all photographs or other visual depictions demonstrating the existence, now and/or at any time in the past, of Chevron's activities on the Property, including any and all of Chevron's facilities on, in or under the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 37: Produce all documents containing, discussing, analyzing, or referring to any proposal, estimate, plan, or bid relating to cleaning up or remediating the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 38: Produce all documents that relate, refer, or pertain to any offer to sell or purchase the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 39: Produce all documents that the Plaintiff relied upon in concluding that the Property has been allegedly contaminated, polluted, or damaged from Chevron's activities.

RESPONSE:

REQUEST FOR PRODUCTION NO. 40: Produce all documents that relate to the date upon which you first allegedly discovered "significant damage to the surface of the property." (First Amended Petition at ¶ 20).

RESPONSE:

REQUEST FOR PRODUCTION NO. 41: Produce all documents that relate to each and every person you intend to call as a witness in this matter, including both fact and expert witnesses.

RESPONSE:

REQUEST FOR PRODUCTION NO. 42: Produce all documents regarding any negotiation or renegotiation of any mineral lease or other contract between you and/or your predecessors and Chevron and/or its predecessors relating to the Property.

RESPONSE:

REQUEST FOR PRODUCTION NO. 43: Produce all documents that relate to any claim, demand or lawsuit regarding the Property other than this claim.

RESPONSE:

REQUEST FOR PRODUCTION NO. 44: Produce all documents that relate to your allegation that “repeated requests for remediation, accountability, clean up, and environmental testing have gone largely unheeded.” (First Amended Petition at ¶ 21).

RESPONSE:

REQUEST FOR PRODUCTION NO. 45: Produce all documents that relate to your allegation that royalties have not been properly or timely paid. (First Amended Petition at ¶ 22).

RESPONSE:

REQUEST FOR PRODUCTION NO. 46: Produce all documents that relate to your allegation that Chevron “failed to reasonably and prudently develop and explore the property for oil, gas, and mineral reserves.” (First Amended Petition at ¶ 23).

RESPONSE:

REQUEST FOR PRODUCTION NO. 47: Produce all documents that relate to your allegation that “repeated requests by other oil companies and operators who proposed to reasonably and prudently develop the property were unreasonably ignored and rebuffed by then current lessees and operators under the applicable leases.” (First Amended Petition at ¶ 23).

RESPONSE:

REQUEST FOR PRODUCTION NO. 48: Produce all documents that relate to the “significant discovery wells” allegedly drilled on the property, including documents evidencing the location, production from such wells, and any communications regarding the drilling of and planning regarding such wells. (First Amended Petition at ¶ 23).

RESPONSE:

REQUEST FOR PRODUCTION NO. 49: Produce all documents that relate to your allegation that Chevron “committed various acts of omission and commission, which collectively and severally constitute negligence, which was a proximate harm of injuries and damages” to Plaintiffs. (First Amended Petition at ¶ 31).

RESPONSE:

REQUEST FOR PRODUCTION NO. 50: Produce all documents that relate to your allegation that the means and methods employed by Chevron for calculating the amount due for royalties has been “inconsistent, confusing, erroneous, and largely without explanation.” (First Amended Petition at ¶ 22).

RESPONSE:

REQUEST FOR PRODUCTION NO. 51: Produce all documents that relate to your allegation that Chevron was responsible for “poor surface operations, discarded equipment, and deteriorating infrastructure on the ranch.” (First Amended Petition at ¶ 27).

RESPONSE:

REQUEST FOR PRODUCTION NO. 52: Produce all documents that relate to the method for calculating damages in this case.

RESPONSE:

REQUEST FOR PRODUCTION NO. 53: Produce all documents that relate to your allegation that “operators and/or contractors have apparently begun wide-spread clean up operations at the Encinitos Ranch.” (Letter from Roger Braugh to all counsel, March 11, 2008).

RESPONSE:

REQUEST FOR PRODUCTION NO. 54: Produce all documents that relate to each and every piece of evidence that you have requested all defendants to preserve.

RESPONSE: