

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TEXAS PACIFIC LAND TRUST and, solely in §
their respective capacities as trustees for Texas §
Pacific Land Trust, DAVID E. BARRY and JOHN §
R. NORRIS III, §

Plaintiffs, §

– against – §

ERIC L. OLIVER, §

Defendant, §

and §

ERIC L. OLIVER, SOFTVEST, L.P., HORIZON §
KINETICS LLC, and ART-FGT FAMILY §
PARTNERS LIMITED, §

Counter-Plaintiffs, §

– against – §

DAVID E. BARRY and JOHN R. NORRIS III, in §
their individual capacities and in their capacities as §
trustees for the Texas Pacific Land Trust, §

Counter-Defendants. §

CASE NO. 3:19-cv-01224-B

**PLAINTIFFS’ EXPEDITED MOTION FOR LIMITED DISCOVERY RELATED TO
COUNTER-PLAINTIFFS’ DECLARATORY JUDGMENT
AND PRELIMINARY INJUNCTION MOTION**

Plaintiffs Texas Pacific Land Trust and, solely in their respective capacities as trustees for TPL, David E. Barry and John R. Norris (collectively, “Plaintiffs”), respectfully move for entry of an order granting them limited discovery for the discrete purpose of seeking discovery related to the Motion for a Declaratory Judgment and Preliminary Injunction Motion [Dkt. 36–38] (the “Declaratory Judgment/PI Motion”) filed by Counter-Plaintiffs Eric L. Oliver, SoftVest, L.P.,

Horizon Kinetics LLC, and ART-FGT Family Partners Limited (collectively, “Counter-Plaintiffs”). To the extent necessary to facilitate this limited discovery, Plaintiffs also request limited relief from the discovery stay pursuant to 15 U.S.C. § 78u-4(b)(3).

As explained in the accompanying memorandum of law, this discovery is needed to prevent undue prejudice to Plaintiffs in light of the pending Declaratory Judgment/PI Motion. The Declaratory Judgment/PI Motion involves disputed issues of facts and issues which are determinative of Plaintiffs’ merits arguments. While the Parties have negotiated and agreed to a limited exchange of discovery, there are additional particularized categories of discovery that are necessary for Plaintiffs to defend themselves against Counter-Plaintiffs’ Declaratory Judgment/PI Motion.

Given the accelerated timetable of the Parties’ agreed briefing schedule, Plaintiffs respectfully request expedited consideration of these matters. A proposed order for entry is attached to this motion.

Respectfully submitted on July 18, 2019 SIDLEY AUSTIN LLP

s/ Yolanda C. Garcia

Yvette Ostolaza
Texas Bar No. 00784703
Yvette.ostolaza@sidley.com
Yolanda C. Garcia
Texas Bar No. 24012457
ygarcia@sidley.com
Tiffany N. Limbrick
Texas Bar No. 24087928
tlimbrick@sidley.com
SIDLEY AUSTIN LLP
2021 McKinney Avenue, Suite 2000
Dallas, TX 75201
Tel.: 214-981-3300
Fax: 214-981-3400

Andrew W. Stern
NY Bar No. 2480465 (*admitted pro hac vice*)
astern@sidley.com
Alex J. Kaplan
NY Bar No. 4160370 (*admitted pro hac vice*)
ajkaplan@sidley.com
Jon W. Muenz
NY Bar No. 4705968 (*admitted pro hac vice*)
jmuenz@sidley.com
SIDLEY AUSTIN LLP
787 7th Avenue
New York, NY 10019
Tel.: 212-839-5300
Fax: 212-839-5599

Attorneys for Plaintiffs

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(a), I hereby certify that between June 26 and July 15, 2019, Sidley Austin LLP conferred with counsel for Counter-Plaintiffs by email, telephone, and in person regarding the relief sought in this Expedited Motion for Limited Discovery Related to Counter-Plaintiffs' Declaratory Judgment and Preliminary Injunction Motion, and the Parties were unable to reach agreement as to the issues involved.

SIDLEY AUSTIN LLP

s/ Tiffanie N. Limbrick

Tiffanie N. Limbrick
SIDLEY AUSTIN LLP

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on this day, July 18, 2019, I caused the Expedited Motion for Limited Discovery Related to Counter-Plaintiffs' Declaratory Judgment and Preliminary Injunction Motion filed on behalf of Plaintiffs Texas Pacific Land Trust and, solely in their respective capacities as trustees for Texas Pacific Land Trust, David E. Barry and John R. Norris, III, to be electronically served via the Court's CM/ECF system on the following parties:

Robert C. Walters
rwalters@gibsondunn.com
Russell H. Falconer
rfalconer@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, TX 75201

Adam H. Offenhardt (admitted *pro hac vice*)
aoffenhardt@gibsondunn.com
Aric H. Wu (admitted *pro hac vice*)
awu@gibsondunn.com
Peter M. Wade (admitted *pro hac vice*)
pwade@gibsondunn.com
Luke A. Dougherty (admitted *pro hac vice*)
ldougherty@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166

Tyler H. Amass (admitted *pro hac vice*)
tamass@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1801 California Street, Suite 4200
Denver, CO 80202

*Attorneys for Defendant/Counter-Plaintiff
Eric L. Oliver and Counter-Plaintiffs
SoftVest, L.P., Horizon Kinetics LLC, and
ART-FGT Family Partners Limited*

s/ Tiffanie N. Limbrick

Tiffanie N. Limbrick