

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
SEMCRUDE, L.P., <i>et al.</i> ,	:	Case No. 08-11525 (BLS)
	:	(Jointly Administered)
Debtors.	:	
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VESS OIL CORPORATION,	:	
	:	
Plaintiff,	:	Adv. Proc. No. 08-51142 (BLS)
	:	
v.	:	
	:	
SEMGROUP, L.P and EAGLWING, L.P.,	:	
	:	
Defendants.	:	

**PLAINTIFF VESS OIL CORPORATION'S  
INITIAL DISCLOSURES**

Pursuant to Rule 7026 of the Federal Rules of Bankruptcy Procedure, and Rule 26(a)(1) of the Federal Rules of Civil Procedure, plaintiff Vess Oil Corporation (“Vess”) makes the following Initial Disclosures (“Initial Disclosures”) to defendants, SemGroup, L.P. and Eaglwing, L.P. (“Defendants”), two of the above-captioned debtors (“Debtors”). The Initial Disclosures are based on information reasonably available to Vess as of the date hereof. Vess reserves the right to supplement the Initial Disclosures as circumstances may warrant.

By making the Initial Disclosures, Vess does not represent that it is identifying every document, tangible thing, or witness possibly relevant to this adversary proceeding. Nor does Vess waive its right to object to production of any document or tangible thing disclosed on the basis of any privilege, the work product doctrine, relevancy, undue burden or any other valid objection. The Initial Disclosures represent a good faith effort to identify information Vess reasonably believes is required by Rule 26(a)(1) of the Federal Rules of Civil Procedure.

Vess makes the Initial Disclosures without in any way waiving: (1) the right to object on the ground of competency, privilege, relevancy and materiality, hearsay, or any other proper ground; (2) the right to object to the use of any such information, for any purpose, in whole or in part, in any subsequent proceeding in these actions or any other action; and (3) the right to object on any and all grounds, at any time, to any other discovery request or proceeding involving or relating to the subject matter of these disclosures.

The disclosures set forth below are made subject to the above objections and qualifications.

**Rule 26(a)(1)(A): provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subject matter of the information:**

1. The following individuals are the people most likely to have discoverable information regarding this adversary proceeding:

- a. J. Michael Vess  
President  
Vess Oil Corporation  
1700 Waterfront Parkway, Building 500  
Wichita, KS 67206  
(316) 682-1537  
(contact through undersigned counsel only)
- b. W. R. Horigan  
Vice President  
Vess Oil Corporation  
1700 Waterfront Parkway, Building 500  
Wichita, KS 67206  
(316) 682-1537  
(contact through undersigned counsel only)

- c. Tammy Mayfield  
Controller  
Vess Oil Corporation  
1700 Waterfront Parkway, Building 500  
Wichita, KS 67206  
(316) 682-1537  
(contact through undersigned counsel only)
  
- d. C. J. Lett, III  
Vess Oil Corporation  
1700 Waterfront Parkway, Building 500  
Wichita, KS 67206  
(316) 682-1537  
(contact through undersigned counsel only)
  
- e. Carl Halik  
Iberia Management Systems  
One Greenway Plaza, Suite 700  
Houston, TX 77046  
(713) 629-4490
  
- f. Kathy Luellen  
SemGroup, LP  
Two Warren Place  
6120 South Yale Avenue  
Tulsa, OK 74136  
(918) 388-8107
  
- g. Kevin Foxx  
Sem Group Energy Partners, LP  
Two Warren Place  
6120 South Yale Avenue, Suite 500  
Tulsa, OK 74136  
(918) 524-7457
  
- h. Debi J. Reddick  
Manager, Supply and Marketing Accounting  
Teppco Crude Oil, LLC  
210 Park Avenue, #1600  
Oklahoma City, OK 73102-5630  
(405) 239-5700

The listing of these parties is neither a representation that these potential witnesses necessarily have information, nor is this listing intended to be a limitation on the matters upon which these parties may give testimony. Vess expressly reserves the right to identify and call as witnesses

additional persons if, during the course of discovery and investigation relating to this case, Vess learns that such additional persons have knowledge of relevant matters.

**Rule 26(a)(1)(B): provide a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.**

2. The categories of documents that are in the possession of Vess at 1700 Waterfront Parkway, Building 500, Wichita, KS 67206, and that Vess may use to support its claims and/or defenses are as follows:

- a. Bank wire instructions, templates and confirmations;
- b. Invoices and other accounting information;
- c. Crude Oil Run statements and Produced gas statements; and
- d. Crude oil and gas volume and dollar allocation worksheets.

By giving the foregoing description of documents pursuant to Rule 26(a)(1)(B) of the Federal Rules of Civil Procedure, Vess does not waive its right to refrain from the production of any document in its possession which is subject to protection under the attorney-client privilege, the work-product doctrine, or any other immunity doctrine, or which Vess is prohibited from producing under a legitimate confidentiality agreement, or where production of such a document would be otherwise unlawful.

Vess will produce or make available for inspection or copying these documents at a time and place mutually agreed upon between counsel for the Defendants and Vess.

**Rule 26(a)(1)(C): provide a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:**

3. Attached to these Initial Disclosures is a revised computation of damages/Funds referenced in the *Complaint for (i) Declaratory Relief and (ii) an Order Directing Turnover of Non-Estate Property* (“Complaint”) filed by Vess in the above-captioned adversary proceeding on August 6, 2008.<sup>1</sup> The difference in the amount of damages/Funds referenced in the Complaint and the amount of damages/Funds referenced in the revised computation is due to the deletion of certain payments that were made that relate to non-Kurten Field<sup>2</sup> leases.

**Rule 26(a)(1)(D): provide for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy a judgment:**

4. Vess is unaware of any pertinent insurance agreements.

Dated: October 10, 2008

CONNOLLY BOVE LODGE & HUTZ LLP



Karen C. Bifferato (DE 3279)

Marc J. Phillips (DE 4445)

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P.O. Box 2207

Wilmington, DE 19801

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*Counsel for Vess Oil Corporation*

#639848v1

<sup>1</sup> Vess has additional claims against the Debtors that are not related to this adversary proceeding, which include, but are not limited to: (a) reclamation claims (*See* Docket No. 286); (b) administrative claims pursuant to 11 U.S.C. § 503(b)(9); (c) statutory lien claims pursuant to Kansas law (*See* Kansas Producer Statutory Lien Complaint at Adv. Proc. No. 08-51446); and (d) any and all other claims that Vess may have against the Debtors.

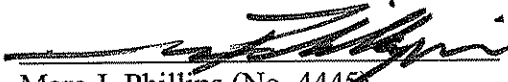
<sup>2</sup> As defined in the Complaint.

**VESS OIL CORPORATION  
EAGLWING COMPLAINT**

LEASE NAME	NET VALUE	
Feather Crest farms	\$ 23,537.65	
Gilpin Unit	\$ 45,543.35	
Kurten Woodbine Unit	\$ 2,091,977.64	
James Lang 1,2,3	\$ 44,941.00	
James Lang A-1	\$ 23,636.06	
Kurten Field Total	\$ 2,229,635.70	(B)
Crude Oil Statement Total	\$ 2,647,892.83	
Difference	\$ 418,257.13	(A)
<b>(A)</b>		
The difference represents payments due to Non-Kurten Field leases where the proceeds were not sent to Eaglwing for distribution.		
<b>(B)</b>		
Agrees to Teppco wire transfer to Eaglwing for distribution of Kurten Field proceeds		
Gas proceeds sent to Eaglwing for distribution by Vess Oil Corporation	\$ 212,689.95	
Total Proceeds sent to Eaglwing for distribution	\$ 2,442,325.65	
Corrected Complaint Amount	\$ 2,442,325.65	

**CERTIFICATE OF SERVICE**

I, Marc J. Phillips, hereby certify that on this 10<sup>th</sup> day of October, 2008, a copy of the foregoing **Plaintiff Vess Oil Corporation's Initial Disclosures** was served upon the persons listed below in the manner indicated below:

  
Marc J. Phillips (No. 4445)

**VIA HAND DELIVERY**

John H. Knight, Esquire  
L. Catherine Good, Esquire  
Richards, Layton & Finger, P.A.  
One Rodney Square  
Wilmington, DE 19801

**VIA FACSIMILE AND FIRST CLASS U.S. MAIL**

Martin A. Sosland, Esquire  
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Ryan P. Poscablo, Esquire  
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767 Fifth Avenue  
New York, NY 10153