

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-16000**

**In the Matter of,**

**HOUSTON AMERICAN ENERGY CORP.,**  
**JOHN F. TERWILLIGER, JR.,**  
**UNDISCOVERED EQUITIES INC., and**  
**KEVIN T. McKNIGHT**

**Respondents.**

**REQUEST FOR THE ISSUANCE OF SUBPOENA BY RESPONDENTS HOUSTON**  
**AMERICAN ENERGY CORP. AND JOHN F. TERWILLIGER**

Pursuant to Rule 232 of the U.S. Securities and Exchange Commission Rules of Practice, 17 C.F.R. § 201.232, Respondents Houston American Energy Corp. (“Houston American”) and John F. Terwilliger (collectively, “Respondents”) respectfully request the issuance of the subpoena for production attached to this request as **Exhibit 1**. The subpoena is directed to Columbia Wanger Asset Management, LLC (“Columbia Wanger”).

Columbia Wanger was the largest investor in Houston American’s 2009 stock offering, purchasing 2.4 million shares of the approximately 3 million shares offered by Houston American. The subpoena seeks three categories of documents (1) thirteen documents already produced by Columbia Wanger to Respondents in the class action case pending in the Southern District of Texas, which includes substantially similar allegations as the ones made by the Division; (2) Columbia Wanger’s transaction history in Houston American securities with information about the prices at which Columbia Wanger transacted in Houston American securities; and (3) Columbia Wanger summary documents about other exploration and

production companies in which Columbia Wanger has invested or of which Columbia Wanger has analyzed that do business in Colombia.

There is no dispute that the documents requested by Request No. 1 are relevant to this proceeding. Columbia Wanger has admitted as much by producing them in the class action in response to the subpoena attached as **Exhibit A** to this request.

Additionally, the transaction history sought by Respondents in Request No. 2 is relevant. This case is about the purchase and sale of Houston American securities. The Division alleges that Columbia Wanger, among others, was misled when purchasing Houston American securities. It is hard to imagine anything that would be more relevant to that allegation than the actual record of Columbia Wanger's purchases and sales of Houston American securities. Indeed, Columbia Wanger has already produced one version of the ledger to Respondents in the class action case. That ledger clearly indicates that Columbia Wanger was not misled by Houston American and continued to purchase Houston American securities well into 2011. That ledger, however, does not indicate the prices at which Columbia Wanger transacted in Houston American securities, which is relevant to show that Columbia Wanger made a substantial profit on Houston American securities.

The documents sought by Request No. 3 are also relevant to this proceeding. Columbia Wanger was a sophisticated oil and gas investor that had many investments in exploration and production companies that did business in Colombia. The documents sought by Request No. 3 are summaries of those investments. This information is relevant here to understand the full range of information that Columbia Wanger considered when making its investment in Houston American.

Finally, the subpoena is not “unreasonable, oppressive, excessive in scope or unduly burdensome” because (1) the documents sought by Request No. 1 have *already been produced* to Respondents in the class action; (2) the document sought by Request No. 2 only requires Columbia Wanger to insert a price column to a document already produced to Respondents; and (3) Request No. 3 seeks, at most, eleven documents that would presumably only require someone to press print.


### **Conclusion**

For the reasons set forth above, Respondents respectfully request that the Hearing Officer issue the attached subpoena.

December 19, 2014

Respectfully submitted,

FULBRIGHT & JAWORSKI LLP

  
\_\_\_\_\_  
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*Attorneys for Respondents Houston American  
Energy Corp. and John F. Terwilliger*



# **EXHIBIT 1**

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-16000**

**In the Matter of**

**HOUSTON AMERICAN ENERGY CORP.,  
JOHN F. TERWILLIGER, JR.,  
UNDISCOVERED EQUITIES INC., and  
KEVIN T. McKNIGHT**

**SUBPOENA DUCES TECUM**

**Respondents.**

**TO: Custodian of Records**

[REDACTED]

**YOU MUST PRODUCE everything specified in the Attachment to this Subpoena to:**

[REDACTED]

**By the date of \_\_\_\_\_.**

**Dated: December \_\_, 2014**

**By: \_\_\_\_\_**  
**Honorable Jason S. Patil**  
**Administrative Law Judge**

**ATTACHMENT TO SUBPOENA TO COLUMBIA WANGER ASSET MANAGEMENT,  
LLC**

**Definitions**

1. “Columbia Wanger,” “you,” and “your” mean Columbia Wanger Asset Management, LLC and its former or current agents, employees, officers, directors, attorneys, shareholders, legal representatives, successors and assigns, and all companies, firms, funds, or entities affiliated with Columbia Wanger Asset Management, LLC and their former or current agents, employees, officers, directors, attorneys, shareholders, legal representatives, successors and assigns.

2. “Communication” means any oral, written, electronic, or other transfer of information, ideas, opinions, or thoughts by any means, from or to any person or thing.

3. “Document” and “documents” include, but are not limited to, any original written, recorded or graphic matter whatsoever and all non-identical copies thereof that are within your possession, custody or control (including any document or record to which you have a superior right to compel the production from a third party), including, but not limited to, papers, books, records, letters, photographs, correspondence, communications, electronic mail (“email”), telecopies, facsimiles, telegrams, cables, telex messages, memoranda, notations, workpapers, jottings, agendas, statistical records, desk calendars, appointment books, expense account vouchers, diaries, lists, tabulations, transcripts, minutes, reports, affidavits, statements, summaries, opinions, studies, analyses, evaluations, contracts, agreements, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, newspaper or magazine articles, schedules, price lists, client lists, journals, books, account records, invoices, statements of account, credit memoranda, records reflecting business operations, sound recordings, recordings by any means of exchange, conversations, interviews,

conferences or other meetings, computer printouts, data processing information, data processing input and output, microfilm, all records kept by electronic, photographic or mechanical means including all records stored on a network, home directory file, desktop or laptop hard drive, flash drive or a Personal Digital Assistant device (“PDA”), pleadings, motions, responses to discovery, any notes or drafts relating to any of the foregoing, and all things similar to any of the foregoing, however denominated by the parties.

4. “HUSA” means Houston American Energy Corp. or any of its subsidiaries, divisions, affiliates, predecessors, successors, any present or former officers, directors, employees, agents of its board of directors, its attorneys, accountants, auditors, advisors, and all other persons acting or purporting to act on its behalf.

5. “Person” means any natural person or any legal entity, including, without limitation, any business or governmental entity or association.

6. “Proceeding” means administrative law proceeding file no. 3-16000 styled *In re Houston American Energy Corp. et al.* pending in front of the Securities and Exchange Commission or any investigation related to or preceding that administrative law proceeding.

7. “Relate,” “refer,” “reflect,” “concern,” “relating,” “referring,” “reflecting” or “concerning” mean constituting or having some bearing on an indicated subject or mentioning the subject, even if only in passing, including, but not limited to, any document or communication that constitutes, evidences, contains, embodies, comprises, reflects, identifies, states, refers to, deals with, comments on, responds to, describes, involves, or is in any way pertinent to that subject.

8. “SEC” means the U.S. Securities and Exchange Commission and includes all of its subsidiary divisions and units as well as any current or former agents, servants, employees,



attorneys, commissioners, investigators, staff, independent contractors, and representatives.

9. “Security” or “Securities” mean any common stock, preferred stock, debenture, option, or other debt or equity interest, including any derivative interest and any direct, indirect, legal or beneficial interest in any limited partnership.

10. “Any” and “All” and “Each” are construed as encompassing any and all.

11. “And” and “Or” are construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

12. A plural noun shall be construed as a singular noun, and a singular noun shall be construed as a plural noun, whenever necessary to bring within the scope of the request information that might otherwise be construed to be outside of its scope.

#### **Instructions**

13. Unless otherwise specified, the requests seek documents from any period of time.

14. You are required to produce all of the requested documents in your possession, custody, or control, including, without limitation, documents in the possession, custody, or control of your agents, attorneys, investigators, independent contractors, and representatives and any other person acting on your behalf.

15. Produce documents as they have been kept in the usual course of business.

16. Provide a list of the documents you produce, indicating in each instance the request to which the document is responsive. Also, identify and generally describe all requested documents that you do not produce and indicate the location of each such document and your reason for not producing it.

17. If you claim any form of privilege, whether based on statute or otherwise, as a

ground for not answering a request, or any portion thereof, provide in a privilege log:

- a. the nature of the privilege (including work product) being claimed and, if the privilege is governed by state law, indicate the state's privilege rule being invoked;
- b. for documents:
  - i. the author(s) of the document;
  - ii. the addressee(s) and other recipient(s) of the document;
  - iii. where not apparent, the relationship of the author(s), addressee(s), and recipient(s) to each other;
  - iv. the type of document (e.g., letter or memorandum);
  - v. the general subject matter of the document;
  - vi. the date of the document; and
  - vii. such other information as is sufficient to identify the document;
- c. for oral communications:
  - i. name(s) of any person making the communication;
  - ii. name(s) of any person(s) present while the communication was made;
  - iii. where not apparent, the relationship of any person present to any person making the communication;
  - iv. the date and place of the communication; and
  - v. the general subject matter of the communication.

18. For any responsive ESI, produce the metadata, including the following fields as appropriate: (1) author(s), (2) recipient(s) (To, CC, and BCC), (3), subject, (4) document type, (5) custodian, (6) file creation date, (7) file modification date, (8) access time, (9) time last

saved, (10) file path, and (11) folder information.

### **Document Requests**

#### **REQUEST NO. 1:**

The following documents produced to Houston American Respondents by Columbia Wanger in response to the subpoena to Columbia Wanger issued by Defendants on September 18, 2014 in the action *In re Houston American Energy Corp. Sec. Litig.*, No. 4:12-cv-01332 (S.D. Tx.) (“Class Action”), attached hereto as Exhibit A:

1. Exhibit 127 to the December 4, 2014 Deposition of William Doyle – November 7, 2014 Columbia Wanger Database Document for Pacific Rubiales;
2. Exhibit 132 to the December 4, 2014 Deposition of William Doyle – August 28, 2008 email from Michael Olah to Ben Andrews and Peter Taylor;
3. Exhibit 133 to the December 4, 2014 Deposition of William Doyle – November 7, 2014 Columbia Wanger Database Document for Canacol;
4. Exhibit 137 to the December 4, 2014 Deposition of William Doyle – September 17, 2009 handwritten notes of William Doyle;
5. Exhibit 138 to the December 4, 2014 Deposition of William Doyle – September 28, 2009 handwritten notes of William Doyle;
6. Exhibit 139 to the December 4, 2014 Deposition of William Doyle – November 5, 2009 email from CanaccordAdams\_Research to Ben Andrews;
7. Exhibit 146 to the December 4, 2014 Deposition of William Doyle – August 13, 2009 email from William Doyle to Elizabeth Kline;
8. Exhibit 149 to the December 4, 2014 Deposition of William Doyle – January 7, 2008 email from Derek Ham to Ben Andrews;

9. Exhibit 150 to the December 4, 2014 Deposition of William Doyle – December 5, 2008 email from Andrew Fairbanks to William Doyle;
10. Exhibit 151 to the December 4, 2014 Deposition of William Doyle – June 22, 2009 email from Justin Oliver to William Doyle and Jeanette Ruvalcaba;
11. Exhibit 163 to the December 4, 2014 Deposition of William Doyle – Calendar metadata from November 25, 2009 calendar entry for call with John Terwilliger;
12. Exhibit 166 to the December 4, 2014 Deposition of William Doyle – Columbia Wanger’s transaction history in HUSA securities; and
13. Exhibit 168 to the December 4, 2014 Deposition of William Doyle – January 27, 2009 handwritten notes of William Doyle.

**REQUEST NO. 2:**

Columbia Wanger’s transaction history in HUSA securities, which includes the prices at which Columbia Wanger transacted in HUSA securities. The transaction history was previously produced in the Class Action and marked as Exhibit 166 at the December 4, 2014 Deposition of William Doyle but did not include the prices at which Columbia Wanger transacted in HUSA securities.

**REQUEST NO. 3:**

Document databases similar to those marked as Exhibits 127 and 133 at the December 4, 2014 Deposition of William Doyle for the following other exploration and production companies doing business in Colombia in which Columbia Wanger either owned securities or had a high level interest to invest: (1) Alange Energy Corp. and/or Petro-Magdalena Energy Corp.; (2) Cap-Link Ventures and/or Petrodorado Energy; (3) Petroamerica Oil Corp.; (4) Gran Tierra Energy, Inc.; (5) Petrolifera Petroleum; (6) Quetzal Energy and/or Santa Maria Petroleum; and (7)

Petrominerales.

# **EXHIBIT A**

UNITED STATES DISTRICT COURT

for the Southern District of Texas

Paul Spitzberg et al.

Plaintiff

v.

Houston American Energy Corp. et al.

Defendant

Civil Action No. 4:12-cv-01332

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Columbia Wanger Asset Management, LLC c/o CT Corporation System

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: The documents described in Exhibit 1.

Place: (To Be Picked Up) Date and Time: 10/03/2014 9:00 am

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 09/18/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Mark Oakes /g.g.z. Attorney's Signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Houston American Energy Corp. et al., who issues or requests this subpoena, are:

[Redacted]

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 4:12-cv-01332

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_

on *(date)* \_\_\_\_\_

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:



**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(e) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**EXHIBIT 1 TO SUBPOENA TO COLUMBIA WANGER ASSET MANAGEMENT, LLC**

**Definitions**

1. "Administrative Proceeding" means administrative law proceeding file no. 3-16000 styled *In re Houston American Energy Corp. et al.* pending in front of the Securities and Exchange Commission or any investigation related to or preceding that administrative law proceeding.

2. "Columbia Wanger," "you," and "your" mean Columbia Wanger Asset Management, LLC and its former or current agents, employees, officers, directors, attorneys, shareholders, legal representatives, successors and assigns, and all companies, firms, or entities affiliated with Columbia Wanger Asset Management, LLC and their former or current agents, employees, officers, directors, attorneys, shareholders, legal representatives, successors and assigns.

3. "Communication" means any oral, written, electronic, or other transfer of information, ideas, opinions, or thoughts by any means, from or to any person or thing.

4. "Complaint" means Plaintiffs' Consolidated Class Action Complaint, dated November 15, 2012.

5. "Document" and "documents" have the broadest meaning permitted under Rule 34 of the Federal Rules of Civil Procedure and include any original written, recorded or graphic matter whatsoever and all non-identical copies thereof that are within your possession, custody or control (including any document or record to which you have a superior right to compel the production from a third party), including, but not limited to, papers, books, records, letters, photographs, correspondence, communications, electronic mail ("email"), telecopies, facsimiles, telegrams, cables, telex messages, memoranda, notations, workpapers, jottings, agendas,

statistical records, desk calendars, appointment books, expense account vouchers, diaries, lists, tabulations, transcripts, minutes, reports, affidavits, statements, summaries, opinions, studies, analyses, evaluations, contracts, agreements, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, newspaper or magazine articles, schedules, price lists, client lists, journals, books, account records, invoices, statements of account, credit memoranda, records reflecting business operations, sound recordings, recordings by any means of exchange, conversations, interviews, conferences or other meetings, computer printouts, data processing information, data processing input and output, microfilm, all records kept by electronic, photographic or mechanical means including all records stored on a network, home directory file, desktop or laptop hard drive, flash drive or a Personal Digital Assistant device ("PDA"), pleadings, motions, responses to discovery, any notes or drafts relating to any of the foregoing, and all things similar to any of the foregoing, however denominated by the parties.

6. "HUSA" means Houston American Energy Corp. or any of its subsidiaries, divisions, affiliates, predecessors, successors, any present or former officers, directors, employees, agents of its board of directors, its attorneys, accountants, auditors, advisors, and all other persons acting or purporting to act on its behalf.

7. "Individual Defendants" mean John F. Terwilliger, Jay Jacobs, John Boylan, O. Lee Tawes III, and Stephen Hartzell.

8. "Lawsuit" refers to Civil Action No. 4:12-CV-01332 styled *In re Houston American Energy Corp. Securities Litigation*, pending in the United District Court for the Southern District of Texas, Houston Division, as well as the cases consolidated into the Lawsuit.

9. "Person" means any natural person or any legal entity, including, without limitation, any business or governmental entity or association.

10. "Plaintiffs" refer to lead plaintiffs Paul Spitzberg and Stephen Gerber, along with any additional plaintiffs identified in the Complaint and any assigns, investigators, independent contractors, representatives (in their individual or representative capacities), agents, or any person or entity acting on their behalf.

11. "Relate," "refer," "reflect," "concern," "relating," "referring," "reflecting" or "concerning" mean constituting or having some bearing on an indicated subject or mentioning the subject, even if only in passing, including, but not limited to, any document or communication that constitutes, evidences, contains, embodies, comprises, reflects, identifies, states, refers to, deals with, comments on, responds to, describes, involves, or is in any way pertinent to that subject.

12. "SEC" means the U.S. Securities and Exchange Commission and includes all of its subsidiary divisions and units as well as any current or former agents, servants, employees, attorneys, commissioners, investigators, staff, independent contractors, and representatives.

13. "Security" or "Securities" mean any common stock, preferred stock, debenture, option, or other debt or equity interest, including any derivative interest and any direct, indirect, legal or beneficial interest in any limited partnership.

14. "Any" and "All" and "Each" are construed as encompassing any and all.

15. "And" and "Or" are construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

16. A plural noun shall be construed as a singular noun, and a singular noun shall be construed as a plural noun, whenever necessary to bring within the scope of the request information that might otherwise be construed to be outside of its scope.

### **Instructions**

1. Unless otherwise specified, the requests seek documents from any period of time.
2. You are required to serve a written response responding separately to each item or category of items by a statement that you will comply with the particular demand for production or inspection and related activities, a representation that you lack the ability to comply with the demand for production or inspection of a particular item or category of items, or an objection to the particular demand. A statement that you will comply with a particular demand shall state that the production, inspection, and related activity demanded will be allowed either in whole or in part, and that all documents or things in the demanded category that are in your possession, custody, or control to which no objection is made will be included in the production. If you object to any request, your response must (a) identify with particularity any document or tangible thing falling within any category or item in the demand to which an objection is being made and (b) set forth clearly the extent of and specific ground for the objection.
3. You are required to produce all of the requested documents in your possession, custody, or control, including, without limitation, documents in the possession, custody, or control of your agents, attorneys, investigators, independent contractors, and representatives and any other person acting on your behalf.
4. Responsive documents shall be produced as they have been kept in the usual course of business or shall be organized and labeled to correspond with the categories in this request.
5. If you claim any form of privilege, whether based on statute or otherwise, as a ground for not answering a request, or any portion thereof, provide in a privilege log:
  - a. the nature of the privilege (including work product) being claimed and, if the

privilege is governed by state law, indicate the state's privilege rule being invoked;

b. for documents:

- i. the author(s) of the document;
- ii. the addressee(s) and other recipient(s) of the document;
- iii. where not apparent, the relationship of the author(s), addressee(s), and recipient(s) to each other;
- iv. the type of document (e.g., letter or memorandum);
- v. the general subject matter of the document;
- vi. the date of the document; and
- vii. such other information as is sufficient to identify the document;

c. for oral communications:

- i. name(s) of any person making the communication;
- ii. name(s) of any person(s) present while the communication was made;
- iii. where not apparent, the relationship of any person present to any person making the communication;
- iv. the date and place of the communication; and
- v. the general subject matter of the communication.

6. If any documents responsive to this document request were in your possession, custody, or control at some time in the past, but are no longer available, provide a list of such documents, indicating in each instance the request to which the document was responsive. Please provide the following information with respect to each such document: (a) the author(s); (b) the date the document was created; (c) each person who received a copy of the document or

was informed of its contents; (d) the person who now has the document or was last known to have it; (e) the general subject matter of the document; (f) a detailed description of the document; and (g) a detailed and complete explanation of why such document is no longer in your possession, custody, or control.

7. Provide all electronically stored information (“ESI”) in standard TIFF format with accompanying text extraction, searchable OCR, and metadata in a Concordance load file. Produce Excel, audio, audiovisual, and video files in their native format. For any responsive ESI, produce the metadata, including the following fields as appropriate: (1) author(s), (2) recipient(s) (To, CC, and BCC), (3), subject, (4) document type, (5) custodian, (6) file creation date, (7) file modification date, (8) access time, (9) time last saved, (10) file path, and (11) folder information.

### **Document Requests**

#### **REQUEST NO. 1:**

Documents that reflect or refer to your security holdings in HUSA at any point in time, including, but not limited to, documents sufficient to show all of your transactions in HUSA securities.

#### **REQUEST NO. 2:**

All documents and communications concerning or referring to HUSA or John Terwilliger or the CPO-4 oil field in the Llanos Basin of Colombia, including, but not limited to:

- all documents you reviewed before purchasing securities of HUSA;
- all documents discussing, showing, or describing research or due diligence concerning HUSA conducted by you or by anyone on your behalf;
- all documents discussing or showing your decisions, or decisions made on your

behalf to purchase, acquire, sell, transfer, or otherwise transact in, or hold HUSA securities;

- all documents relied on by you in deciding to purchase, acquire, sell, transfer, or otherwise transact in, or hold securities in HUSA;
- all documents discussing, showing, or constituting any oral or written representations that influenced or otherwise affected your decision to purchase, acquire, sell, transfer, or otherwise transact in, or hold HUSA securities;
- all documents discussing, showing, or describing the reason(s) for any purchase, sale, acquisition, transfer, or any other transaction, or holding of HUSA securities by you;
- all correspondence, notes, and other documents reflecting communications between you and any other person or entity with respect to the purchase, acquisition, sale, transfer, or any other transaction, or holding of securities in HUSA;
- all documents comprising any communications or correspondence between you and HUSA;
- all documents comprising or containing any communications, correspondence, statements, or disclosures by HUSA that you personally received from HUSA; and
- all documents comprising any stock analyst's letters or reports you reviewed related to HUSA.

**REQUEST NO. 3:**

All communications, documents, or reports sent to potential, current, or prior investors



concerning HUSA or the CPO-4 oil field in the Llanos Basin in Colombia.

**REQUEST NO. 4:**

All documents concerning your investments in companies other than HUSA doing business in the oil exploration and production industry in Colombia.

**REQUEST NO. 5:**

An inspection of the original versions of any notes reflecting communications with or concerning HUSA, including, but not limited to, an inspection of original versions of all notes produced to the SEC.

**REQUEST NO. 6:**

Any communications with the Plaintiffs regarding HUSA, the Individual Defendants, this Lawsuit, or the Administrative Proceeding.

**REQUEST NO. 7:**

Any communications with the SEC regarding HUSA, John Terwilliger, the Administrative Proceeding, or this Lawsuit.