



**RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

**Request for Production 1**

Please produce all documents and things which were identified, consulted, reviewed, and/or relied upon in Defendant's answers to Plaintiff's First Set of Interrogatories to Defendants.

**RESPONSE:** Defendants object to this request for production to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. Defendants further object to this request for production to the extent it seeks confidential and/or proprietary documents and things. Subject to the general objections set forth above, Defendants respond that to the extent they possesses non-privileged documents responsive to this request for production, such documents will be produced.

**Request for Production 2**

Please produce all documents and things which refer to Defendant's creation, consideration, design, development, selection or adoption of the "American Energy Partners" trade name and trademark.

**RESPONSE:** In addition to the general objections set forth above, Defendants object to this request for production based upon Plaintiff's definition of trade name and characterization of "American Energy Partners" as a trademark. Defendants further object to this request for production to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. Defendant Aubrey K. McClendon separately objects to this request for production on the grounds that he entered a special and limited appearance in this case for the purpose of contesting personal jurisdiction, and objects to responding to any request for production other than those related to the question of jurisdiction.

Subject to and without waiver of these and the general objections set forth above,

jurisdiction, and objects to responding to any request for production other than those related to the question of jurisdiction.

Subject to and without any waiver of these and the general objections set forth above, American Energy Partners responds that it possesses no documents responsive to this request.

**Request for Production 12**

Please produce all documents referring to Defendant's customers or potential customers.

**RESPONSE:** In addition to the general objections set forth above, Defendants object to this request for production as overbroad, vague, and ambiguous. Defendants further object to this request for production to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. Defendants further object to this request for production to the extent it seeks confidential and/or proprietary documents and things. Defendant Aubrey K. McClendon separately objects to this request for production on the grounds that he entered a special and limited appearance in this case for the purpose of contesting personal jurisdiction, and objects to responding to any request for production other than those related to the question of jurisdiction.

Subject to and without and waiver of these and the general objections set forth above, American Energy Partners responds that it possesses no documents responsive to this request.

things. Defendant Aubrey K. McClendon separately objects to this request for production on the grounds that he entered a special and limited appearance in this case for the purpose of contesting personal jurisdiction, and objects to responding to any request for production other than those related to the question of jurisdiction.

Subject to and without waiving the foregoing or general objections, American Energy Partners responds that it possesses no documents responsive to this request.

**Request for Production 16**

Please produce all documents and things that refer to the channels of trade through which Defendant offers or intends to offer products or services related to fossil fuels.

**RESPONSE:**In addition to the general objections set forth above, Defendants object to this request for production because it is overbroad, vague, and ambiguous. Defendants further object to this request for production to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. Defendants further object to this request for production to the extent it seeks confidential and/or proprietary documents and things. Defendant Aubrey K. McClendon separately objects to this request for production on the grounds that he entered a special and limited appearance in this case for the purpose of contesting personal jurisdiction, and objects to responding to any request for production other than those related to the question of jurisdiction.

Subject to and without waiving the foregoing or general objections, American Energy Partners responds that it possesses no documents responsive to this request.

**Request for Admission No. 9**

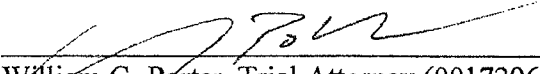
Admit that Defendant has signed an agreement to purchase over 20,000 acres of land in Ohio.

**RESPONSE:** In addition to the general objections set forth above, Defendants object to this request for admission's use of the words "Defendant" and "signed" are vague and ambiguous. Defendants interpret this request for admission as inquiring about whether Defendants have, themselves, entered into an agreement to purchase over 20,000 acres of land in Ohio.

Subject to and without waiving the foregoing and general objections, American Energy Partners denies this request for admission.

Subject to and without waiving the foregoing and general objections, Defendant Aubrey K. McClendon denies this request for admission.

Dated: November 7, 2013



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William G. Porter, Trial Attorney (0017296)  
Gerald P. Ferguson, Of counsel (0022765)  
William A. Sieck, Of counsel (0071813)  
Christopher C. Wager, Of counsel (0084324)  
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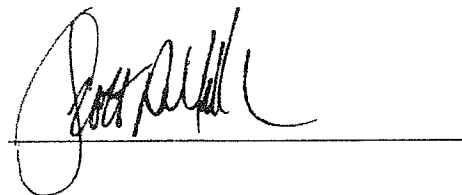
Matthew A. Taylor (PA 62098)  
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*Counsel to Defendants  
American Energy Partners, LP &  
Aubrey K. McClendon*

**VERIFICATION**

I, Scott R. Mueller, depose and say that I am the Chief Financial Officer of American Energy Partners, I.P, Defendant in the above-entitled action, and that I am authorized by American Energy Partners, LP to verify answers to the foregoing interrogatorics and that the answers thereto are true and correct to the best of my knowledge, information and belief, and I further state that some of the matters set forth therein are not within my personal knowledge, that the facts stated therein have been assembled by counsel for American Energy Partners, LP, and that I am informed and believe that the facts stated therein are true and correct.

A handwritten signature in black ink, appearing to read "Scott R. Mueller", is written over a horizontal line. The signature is cursive and somewhat stylized.

**VERIFICATION**

I, Aubrey K. McClendon, verify that the answers provided by me in the foregoing interrogatories are true and correct to the best of my knowledge, information and belief.

A handwritten signature in black ink, appearing to read "Aubrey K. McClendon", with a long horizontal line extending to the right.

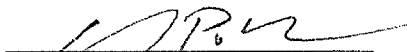


**CERTIFICATE OF SERVICE**

I certify that November 7, 2013 that the foregoing was served via first-class mail postage prepaid on the following:

John E. Jevicky  
Dinsmore & Sohl, LLP  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202

*Attorneys for Plaintiff*

  
\_\_\_\_\_  
Jeffrey S. Pollack



**RESPONSES TO INTERROGATORIES**

**Interrogatory 1**

Identify, by stating the name and address, any members, subsidiaries or affiliates of Defendant American Energy – Utica.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this request as vague and ambiguous seeking information regarding “affiliates,” which term is undefined. Subject to and without waiving the general objections, American Energy – Utica responds that its sole member is American Energy Ohio Holdings, LLC.

**Interrogatory 2**

Identify whether and when Defendant ever attempted to obtain qualification to do business in the State of Ohio, and the result of such attempt, and identify all documents relating to such attempt, including the names of the persons who acted for Defendant in connection therewith.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this interrogatory as overbroad and unduly burdensome. American Energy – Utica further objects to this interrogatory because it is not limited to a reasonable time period.

Subject to and without waiving the foregoing or general objections, American Energy – Utica responds that it registered to conduct business in Ohio as a foreign limited liability company.

**Interrogatory 8**

Identify and describe any contact that American Energy – Utica’s has had with Red Hill Development related to the development, production, extraction or sale of natural gas in Ohio, or related to the acquisition of land in Ohio.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this interrogatory because the terms “any contact” are vague and ambiguous. American Energy – Utica further objects to this interrogatory as overbroad and unduly burdensome and because it seeks information not in its possession custody or control. American Energy – Utica further objects to this interrogatory because it is not limited to a reasonable time period. American Energy – Utica further objects to this interrogatory to the extent it seeks confidential and/or proprietary documents and things. American Energy – Utica further objects to this interrogatory to the extent the possessive reference to “American Energy – Utica’s” suggests the interrogatory is missing an object and is therefore incomplete.

Subject to and without waiving the foregoing or general objections, American Energy – Utica responds that it has formed a joint venture with RHDK Oil and Gas, LLC of Dover to explore Utica shale deposits in Guernsey and Harrison counties.

**Interrogatory 9**

Identify all witnesses who you believe may have information or knowledge relevant to the claims and defenses to this litigation and describe what information or knowledge you believe each such witness may possess.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this interrogatory as overbroad, vague, and ambiguous. American Energy – Utica further objects to this interrogatory to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. American Energy – Utica further objects to this interrogatory to the extent it calls for a legal conclusion.

Subject to and without waiving the foregoing or general objections, American Energy – Utica refers Plaintiff to American Energy – Utica’s initial disclosures and the initial disclosures made by Defendants American Energy Partners, LP and Aubrey McClendon. American Energy – Utica further responds by identifying the following individuals: Annie Psencik, Director of Marketing for American Energy – Utica; Serena Evans, Land Director for American Energy – Utica.

**Interrogatory 10**

State the date, by month and year, when Defendant first adopted “American Energy – Utica” as part of a trade name or trademark.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this interrogatory based upon Plaintiff’s definition of trade name and characterization of “American Energy - Utica” as a trademark.

Subject to and without waiving the foregoing or general objections, American Energy – Utica responds that it does not use “American Energy - Utica” as a trademark. The American Energy – Utica, LLC name was selected on or about June 14, 2013.

**RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

**Request for Production 1**

Please produce all documents and things which were identified, consulted, reviewed, and/or relied upon in Defendant's answers to Plaintiff's First Set of Interrogatories to Defendant.

**RESPONSE:** American Energy – Utica objects to this request for production to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. American Energy – Utica further objects to this request for production to the extent it seeks confidential and/or proprietary documents and things.

Subject to the general objections set forth above, American Energy – Utica responds that to the extent it possesses non-privileged documents responsive to this request for production, such documents will be produced.

**Request for Production 2**

Please produce all documents and things which refer to Defendant's creation, consideration, design, development, selection or adoption of the "American Energy - Utica" name.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this request for production to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine.

Subject to and without waiver of these and the general objections set forth above, American Energy – Utica responds that it possesses no documents responsive to this request.

Subject to and without any waiver of these and the general objections set forth above, American Energy – Utica responds that it possesses no documents responsive to this request.

**Request for Production 12**

Please produce all documents referring to Defendant’s customers and/or customers or markets that American Energy - Utica intends to solicit for future businesses.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this request for production as overbroad, vague, and ambiguous. American Energy – Utica further objects to this request for production to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. American Energy – Utica further objects to this request for production to the extent it seeks confidential and/or proprietary documents and things.

Subject to and without waiver of these and the general objections set forth above, American Energy – Utica responds that to the extent it possesses non-privileged documents responsive to this request for production, they will be produced.

**Request for Production 13**

Please produce all documents or correspondence referring to Defendant’s vendors in Ohio or vendors that Defendant has considered using in the future in Ohio.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this request for production because the term “vendors,” which is not defined, is vague and ambiguous. American Energy – Utica further objects to this request for production as overbroad and

**Request for Production 16**

Please produce all documents and things that refer to the channels of trade through which Defendant offers or intends to offer products or services related to fossil fuels.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this request for production because it is overbroad, vague, and ambiguous. American Energy – Utica further objects to this request for production to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. American Energy – Utica further objects to this request for production to the extent it seeks confidential and/or proprietary documents and things.

Subject to and without waiver of these and the general objections set forth above, American Energy – Utica responds that to the extent it possesses non-privileged documents responsive to this request for production, they will be produced.

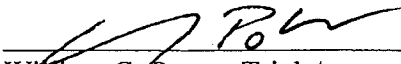
**Request for Production 17**

Please produce all documents and things that refer to any source of sponsorship, funding or other financial support for the creation, extraction, distribution, manufacturing, marketing, promotion, and/or sale of Defendant’s products and services, including to the extent possible, a breakdown of amounts spent and market share per product.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this request for production because it is overbroad, vague, and ambiguous. American Energy – Utica further objects to this request for production because its request for information regarding “any source of sponsorship, funding, or other financial support,” whatever that may refer to, has no bearing on this case, is not likely to lead to the discovery of admissible evidence. American



Dated: December 11, 2013

  
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*Counsel to Defendants*  
*American Energy Partners, LP,*  
*Aubrey K. McClendon, & American Energy – Utica, LLC*

**CERTIFICATE OF SERVICE**

I certify that December 11, 2013 the foregoing was served via e-mail and first-class mail postage prepaid on the following:

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255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202

*Attorneys for Plaintiff*

  
\_\_\_\_\_  
Jeffrey S. Pollack

**EXHIBIT C**  
**REDACTED**  
**(IN PART)**

**Material Designated Confidential  
Pursuant to Protective Order**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

AMERICAN ENERGY CORPORATION, :  
 : CASE NO. 2:13-CV-00886-GCS-MRA  
 :  
 :  
 Plaintiff, : Judge Edmund A. Sargus, Jr.  
 : Magistrate Judge Mark R. Abel  
 :  
 v. :  
 :  
 AMERICAN ENERGY PARTNERS, LP, :  
 et. al., :  
 :  
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 Defendants. :  
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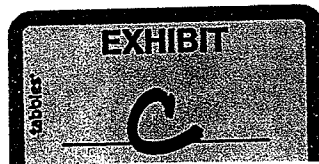
**DEFENDANTS' RESPONSES TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants American Energy Partners, LP, American Energy – Utica, LLC and Aubrey McClendon (“Defendants”) respond to the following requests for production (“Requests”).

Defendants’ responses to the Requests are subject to the following general objections:

**GENERAL OBJECTIONS**

1. Defendants object to Plaintiff’s Requests and the instructions and definitions to the Requests to the extent that they seek information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine.
2. Defendants object to Plaintiff’s Requests and the instructions and definitions to the Requests to the extent that they call for confidential and/or proprietary documents and things.
3. Defendants object to Plaintiff’s Requests and the instructions and definitions to the Requests to the extent that they seek information, documents and things regarding matters not relevant



SPECIFIC OBJECTIONS

1. Please produce all documents, including documents created by American Energy Management Services or AEU Services, relating to employee recruiting efforts in Ohio from January 1, 2013 to the present. Such documents may include, but are not limited to, billboard copy, recruiting brochures, pamphlets, and advertisements.

**RESPONSE:**

In addition to the general objections set forth above, Defendants object to this Request because it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff has conceded that courts apply “the same analysis as that applied in assessing unfair competition under the federal statutes” to the claims Plaintiff is pursuing. Under that test, the Sixth Circuit has held, “the “ultimate question” is “whether relevant consumers are likely to believe that the products or services offered by the parties are affiliated in some way.” *Lucky's Detroit, LLC v. Double L, Inc.*, 533 Fed. Appx. 553, 555-556 (6th Cir. 2013). Accordingly, Plaintiff’s request for all documents relating to employee recruiting efforts is not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to this Request to the extent it seeks information and documents protected by the attorney client privilege, work product doctrine, or any other applicable privilege. Defendants further object to this Request to the extent it seeks confidential and/or proprietary documents and things, the disclosure of which, even if inadvertent, risks competitive harm to Defendants. Defendants further object to this request because it is cumulative and duplicative of discovery previously served and responded to in this case. Documents have already been produced sufficient to show advertisements directed to prospective employees in Ohio, including Utica00583-594.

14. Please produce all documents related to the sale or potential sale or transfer of Defendants' Ohio-produced or Southern Utica Shale products, including natural gas and liquefied natural gas, by Defendants or their affiliates to midstream operators, including American Energy – Midstream, LLC.

**RESPONSE:**

In addition to the general objections set forth above, Defendants object to this Request because it is vague, ambiguous, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to this Request to the extent it seeks confidential and/or proprietary documents and things, the disclosure of which, even if inadvertent, risks competitive harm to Defendants. Defendants further object to this Request to the extent it seeks the production of documents that Defendants are contractually prohibited from disclosing. Defendants further object to this Request to the extent it seeks the production of documents related to the business activities of non-parties that is not reasonably calculated to lead to the discovery of admissible evidence regarding Plaintiffs' claims against Defendants. Defendants further object to this Request to the extent it seeks information and documents protected by the attorney client privilege, work product doctrine, or any other applicable privilege. Defendants further object to this Request because it is cumulative and duplicative of discovery previously served and responded to in this case.

Subject to and without waiver of these objections, Defendants refer Plaintiff to the documents already produced in this case at Utica01854-1962. Defendants reserve the right to amend this response.

production of documents related to the business activities of non-parties that is not reasonably calculated to lead to the discovery of admissible evidence regarding Plaintiffs' claims against Defendants. Defendants further object to this Request to the extent it seeks confidential and/or proprietary documents and things, the disclosure of which, even if inadvertent, risks competitive harm to Defendants or third-parties. Defendants object to this Request to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine.

20. Please produce all documents relating to Defendants' plans to sale to and/or compete with midstream operators, including all documents showing actual, planned or proposed contact with natural gas customers by any of Defendants, Defendants' affiliates, American Energy – Midstream, LLC, or by The Energy & Minerals Group or their agents from January 1, 2013 to the present.

**RESPONSE:**

In addition to the general objections set forth above, Defendants object to this Request because it is overbroad and unduly burdensome. Defendants further object to this Request to the extent it seeks confidential and/or proprietary documents and things, the disclosure of which, even if inadvertent, risks competitive harm to Defendants. Defendants further object to this Request to the extent it seeks the production of documents related to the business activities of non-parties that is not reasonably calculated to lead to the discovery of admissible evidence regarding Plaintiffs' claims against Defendants. Defendants object to this Request to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. Defendants further object to this request because it is cumulative and duplicative of discovery previously served and responded to in this case.

Subject to and without waiver of these objections, Defendants respond that they are presently unaware of any documents responsive to this request.

21. Please produce all documents sufficient to identify any American Energy affiliate planned or considered for operation in Ohio and sufficient to disclose the business plan for any such entity.

**RESPONSE:**

In addition to the general objections set forth above, Defendants object to this Request because it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to this Request to the extent it seeks information and documents protected by the attorney client privilege, work product doctrine, or any other applicable privilege. Defendants further object to this Request to the extent it seeks the production of documents related to the business activities of non-parties that is not reasonably calculated to lead to the discovery of admissible evidence regarding Plaintiffs' claims against Defendants. Defendants further object to this Request to the extent it seeks confidential and/or proprietary documents and things, the disclosure of which, even if inadvertent, risks competitive harm to Defendants or third-parties. Defendants further object to this request because it is cumulative and duplicative of discovery previously served and responded to in this case.



22. Please produce all documents evidencing communications with midstream operators and regarding the manner of sale and distribution of Defendants' Ohio-produced or Southern Utica Shale products, including natural gas and liquefied natural gas, including contracts and draft contracts, presentation, letters, and either actual or proposed terms of the business relationship from January 1, 2013 to the present.

**RESPONSE:**

In addition to the general objections set forth above, Defendants object to this Request because it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, seeking all communications with midstream operators related to the sale and distribution of natural gas no matter the subject. All of Defendants' communications with midstream operators relate in some way to the future sale or distribution of natural gas or oil American Energy – Utica, LLC intends to produce (Defendants American Energy Partners, LP and Aubrey K. McClendon do not sell any products.). Defendants further object to this Request to the extent it seeks information and documents protected by the attorney client privilege, work product doctrine, or any other applicable privilege. Defendants further object to this Request to the extent it seeks confidential and/or proprietary documents and things, the disclosure of which, even if inadvertent, risks competitive harm to Defendants. Defendants further object to this request because it is cumulative and duplicative of discovery previously served and responded to in this case. Subject to Defendants' objections, contracts with midstream operators have already been produced at Utica01854-1962.

23. Please produce all documents relating to the utilities expected to use Defendants' and Defendants' affiliates' Southern Utica Shale natural gas and liquefied natural gas.

**RESPONSE:**

In addition to the general objections set forth above, Defendants object to this Request because it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. All of Defendants' communications with midstream operators relate in some way to the future sale or distribution of natural gas or oil American Energy – Utica, LLC intends to produce (Defendants American Energy Partners, LP and Aubrey K. McClendon do not sell any products). Defendants further object to this Request to the extent it seeks the production of documents related to the business activities of non-parties that is not reasonably calculated to lead to the discovery of admissible evidence regarding Plaintiffs' claims against Defendants. Defendants further object to this Request to the extent it seeks information and documents protected by the attorney client privilege, work product doctrine, or any other applicable privilege. Defendants further object to this Request to the extent it seeks confidential and/or proprietary documents and things, the disclosure of which, even if inadvertent, risks competitive harm to Defendants.

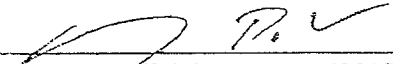
Subject to and without waiving these objections, Defendants will produce documents responsive to this Request in their possession, custody or control, if any.

33. Please produce all documents evidencing correspondence with MarkWest Energy Partners, L.P., [REDACTED], Access Midstream, Utica East Ohio Midstream, American Energy – Midstream, LLC, and Utica East Ohio (UEO) Buckeye regarding the planned or actual transport or sale of natural gas or liquefied natural gas from January 1, 2013 to the present.

**RESPONSE:**

In addition to the general objections set forth above, Defendants object to this Request because it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, seeking all communications with MarkWest Energy Partners, L.P., [REDACTED], Access Midstream, Utica East Ohio Midstream, American Energy – Midstream, LLC, and Utica East Ohio (UEO) Buckeye regarding the planned or actual transport or sale of natural gas or liquefied natural gas. All of Defendants' communications with midstream pipeline operators, to the extent there are any, relate in some way to the future transport or sale of natural American Energy -- Utica, LLC intends to produce (Defendants American Energy Partners, LP and Aubrey K. McClendon do not sell any products). Defendants further object to this Request to the extent it seeks information and documents protected by the attorney client privilege, work product doctrine, or any other applicable privilege. Defendants further object to this Request to the extent it seeks confidential and/or proprietary documents and things, the disclosure of which, even if inadvertent, risks competitive harm to Defendants. Defendants further object to this request because it is cumulative and duplicative of discovery previously served and responded to in this case. Subject to Defendants' objections, contracts with midstream operators have already been produced at Utica01854-1962.

Dated: 8/18/2014

  
William G. Porter, Trial Attorney (0017296)  
Gerald P. Ferguson, Of counsel (0022765)  
William A. Sieck, Of counsel (0071813)  
Christopher C. Wager, Of counsel (0084324)  
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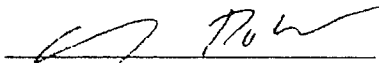
*Counsel to Defendants*  
*American Energy Partners, LP,*  
*Aubrey K. McClendon, & American Energy -- Utica, LLC*

CERTIFICATE OF SERVICE

I certify that on August 18, 2014 the foregoing was served via e-mail and first-class mail postage prepaid on the following:

Allison G. Davis  
Dinsmore & Shohl, LLP  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202

*Attorneys for Plaintiff*

  
\_\_\_\_\_  
Jeffrey S. Pollack

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

---

AMERICAN ENERGY CORPORATION	:	
	:	
PLAINTIFF,	:	Case No. 2:13-cv-00886-EAS-MRA
	:	
V.	:	Judge Edmund A. Sargus
	:	
AMERICAN ENERGY PARTNERS, LP, et al.,	:	Magistrate Judge Mark R. Abel
	:	
DEFENDANTS.	:	JURY TRIAL DEMANDED
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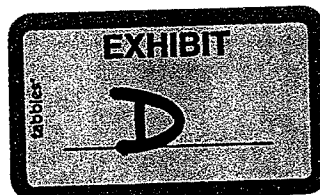
**DEFENDANT AMERICAN ENERGY – UTICA, LLC’S FIRST  
SUPPLEMENTAL INITIAL DISCLOSURES**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant American Energy – Utica, LLC (“American Energy – Utica”) submits the following initial disclosures to Plaintiff.

**RESERVATION OF RIGHTS**

These initial disclosures are based on information reasonably known and presently available to American Energy – Utica. American Energy – Utica’s investigation is ongoing and, accordingly, American Energy – Utica reserves the right to modify, amend, or otherwise supplement these initial disclosures pursuant to Fed. R. Civ. P. 26(e) as additional information becomes available during the course of this action.

American Energy – Utica’s initial disclosures are made without in any way waiving: (1) the right to object on the grounds of competency, privilege, relevancy, materiality, hearsay or any other proper ground; (2) the right to the use of any such information, for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; (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; and (4) the right to amend, modify, clarify or supplement the information contained herein in the event it obtains additional information, to the extent required by the Federal Rules of Civil Procedure.

**INITIAL DISCLOSURES**

- A. **Fed. R. Civ. P. 26(a)(1)(A)(i):** 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 subjects of the information:

American Energy – Utica identifies the following individuals who may be “likly to have discoverable information that they may use to support their claims or defenses” as presently pled. American Energy – Utica does not consent to or authorize communications by other parties with American Energy – Utica’s employees, officers, directors, attorneys, agents, or consultants, whether formerly or presently associated or employed by American Energy – Utica, and does not consent to or authorize any communication otherwise prohibited by applicable rules of professional conduct.

Name	Company or Location	Subject of Information
Aubrey K. McClendon	Mr. McClendon may be contacted through counsel at Duane Morris LLP	The selection and use of American Energy – Utica’s name and the business and marketing activities of American Energy – Utica
Ryan A. Turner	Mr. Turner may be contacted through counsel at Duane Morris LLP	The use of American Energy – Utica’s name and the business and marketing activities of American Energy – Utica
Scott R. Mueller	Mr. Mueller may be contacted through counsel at Duane Morris LLP	The selection and use of American Energy Partners, LP’s name and the business and marketing activities of American Energy Partners, LP and American Energy – Utica

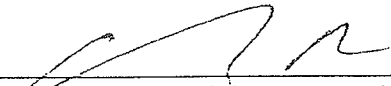
Name	Company or Location	Subject of Information
Annie Psencik	Ms. Psencik may be contacted through counsel at Duane Morris LLP	American Energy – Utica’s midstream and marketing activities
Adam Wilson	Mr. Wilson may be contacted through counsel at Duane Morris LLP	American Energy – Utica’s midstream and marketing activities
Brothers & Company	4860 S. Lewis Ave. Western Financial Center Tulsa, OK 74105	Employees of Brothers & Company may possess knowledge regarding the selection and design of a logo for American Energy – Utica
Michael O. McKown	American Energy Corporation – Century Mine 46226 National Road St. Clairsville, Ohio 43950	The matters alleged in American Energy Corporation – Century Mine’s August 23, 2013 letter and Complaint, including but not limited to American Energy Corporation – Century Mine’s use (or non-use) of its: (1) name; (2) the “American Energy” formative; and (3) the “Century Mine Design” as that term is defined in Defendants’ Motion to Dismiss or, in the Alternative, to Transfer the Case. Mr. McKown is also expected to be knowledgeable about the goods and services offered by American Energy Corporation – Century Mine, its marketing activities, channels of trade, customers, revenues, and profits.
Robert E. Murray	American Energy Corporation – Century Mine 46226 National Road St. Clairsville, Ohio 43950	The matters alleged in American Energy Corporation – Century Mine’s August 23, 2013 letter and Complaint, including but not limited to American Energy Corporation – Century Mine’s use (or non-use) of its: (1) name; (2) the “American Energy” formative; and (3) the “Century Mine Design” as that term is defined in Defendants’ Motion to Dismiss or, in the Alternative, to Transfer the Case. Mr. Murray is also expected to be knowledgeable about the goods and services offered



Name	Company or Location	Subject of Information
		by American Energy Corporation – Century Mine, its marketing activities, channels of trade, customers, revenues, and profits. Additionally, Mr. Murray is expected to be knowledgeable about the topics identified in American Energy Corporation – Century Mine’s Initial Disclosures.
All persons identified in American Energy Corporation – Century Mine’s Initial Disclosures	Unknown	At least the topics for which the individuals have been identified.
Other individuals who have been deposed in this case, whose depositions have been noticed, and who have been identified in depositions or other discovery	Various	The matters for which those individuals have been identified for or to which they have testified.

Dated: October 28, 2014

Respectfully submitted,




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William G. Porter, Trial Attorney (0017296)  
 Gerald P. Ferguson, Of counsel (0022765)  
 William A. Sieck, Of counsel (0071813)  
 Christopher C. Wager, Of counsel (0084324)  
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*Counsel to Defendants*  
*American Energy Partners, LP, American Energy –*  
*Utica, LLC & Aubrey K. McClendon*

CERTIFICATE OF SERVICE

I certify that October 28, 2014 that the foregoing was served via first-class mail postage prepaid on the following:

John E. Jevicky  
Dinsmore & Sohl, LLP  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202

*Attorneys for Plaintiff*

  
\_\_\_\_\_  
Jeffrey S. Pollack

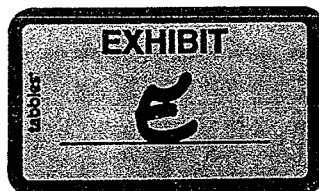
IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

AMERICAN ENERGY CORPORATION,	:	CASE NO. 2:13-CV-00886-GCS-MRA
	:	
Plaintiff,	:	Judge Edmund A. Sargus, Jr.
	:	
v.	:	
	:	
AMERICAN ENERGY PARTNERS, LP	:	
	:	
and	:	
	:	
AMERICAN ENERGY - UTICA, LLC,	:	
	:	
and	:	
	:	
AUBREY McCLENDON	:	
	:	
Defendants.	:	

**DEFENDANT AMERICAN ENERGY – UTICA, LLC’S SECOND SUPPLEMENTAL RESPONSES TO PLAINTIFF’S FIRST SET OF INTERROGATORIES (No. 9)**

Pursuant to Rules 26, 33, 34 and 36 of the Federal Rules of Civil Procedure, Defendant American Energy – Utica, LLC (“American Energy – Utica”) hereby answers the following interrogatories (collectively “Requests”).

American Energy – Utica’s responses to the Requests are subject to the following general objections:



**RESPONSES TO INTERROGATORIES**

**Interrogatory 9**

Identify all witnesses who you believe may have information or knowledge relevant to the claims and defenses to this litigation and describe what information or knowledge you believe each such witness may possess.

**RESPONSE:** In addition to the general objections set forth above, American Energy – Utica objects to this interrogatory as overbroad, vague, and ambiguous. American Energy – Utica further objects to this interrogatory to the extent it seeks information and documents protected by the Attorney/Client Privilege or the Attorney Work Product Doctrine. American Energy – Utica further objects to this interrogatory to the extent it calls for a legal conclusion.

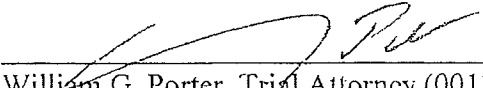
Subject to and without waiving the foregoing or general objections, American Energy – Utica refers Plaintiff to American Energy – Utica’s initial disclosures and the initial disclosures made by Defendants American Energy Partners, LP and Aubrey McClendon. American Energy – Utica further responds by identifying the following individuals: Annie Psencik, Director of Marketing for American Energy – Utica; Serena Evans, Land Director for American Energy – Utica.

**FIRST SUPPLEMENTAL RESPONSE:** Subject to and without waiving the foregoing or general objections, American Energy – Utica incorporates by reference its previous response and further refers Plaintiff to the individuals who have been deposed in this case, whose depositions have been noticed, and who have been identified in depositions or other discovery.

**SECOND SUPPLEMENTAL RESPONSE:** Subject to and without waiving the foregoing or general objections, American Energy – Utica incorporates by reference its previous response and further refers Plaintiff to the individuals who have been deposed in this case, whose depositions have

been noticed, and who have been identified in depositions or other discovery. American Energy – Utica further identifies Adam Wilson, Director – Midstream A & D and Commercial.

Dated: October 28, 2014

  
William G. Porter, Trial Attorney (0017296)  
Gerald P. Ferguson, Of counsel (0022765)  
William A. Sieck, Of counsel (0071813)  
Christopher C. Wager, Of counsel (0084324)  
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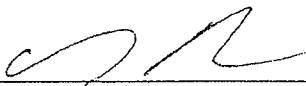
*Counsel to Defendants*  
*American Energy Partners, LP,*  
*Aubrey K. McClendon, & American Energy – Utica, LLC*

**CERTIFICATE OF SERVICE**

I certify that October 28, 2014 the foregoing was served via e-mail and first-class mail postage prepaid on the following:

John E. Jevicky  
Dinsmore & Shohl, LLP  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202

*Attorneys for Plaintiff*

  
\_\_\_\_\_  
Jeffrey S. Pollack

**EXHIBIT F**  
**REDACTED**

**Material Designated Confidential  
Pursuant to Protective Order**