

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

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

Plaintiffs,

v.

ERIC L. OLIVER,

Defendant.

and

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

Counterclaim Plaintiffs,

v.

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

Counterclaim Defendants.

Case No. 3:19-CV-01224-B

**COUNTERCLAIM PLAINTIFFS' MOTION FOR A HEARING ON THEIR MOTION
FOR A DECLARATORY JUDGMENT AND PRELIMINARY INJUNCTION**

Counterclaim Plaintiffs Eric L. Oliver, SoftVest, L.P., Horizon Kinetics LLC, and ART-FGT Family Partners Limited have filed a Motion for a Declaratory Judgment and Preliminary Injunction ("Motion"). Under the Court's Individual Practice Rules I(I) and II(F), Counterclaim Plaintiffs respectfully move for a hearing on their Motion be held on August 5, 2019, or as soon thereafter as the Court is available. As explained in the accompanying memorandum of law filed

in support of this motion, the disputes at issue are ripe for prompt resolution because the key facts underlying the disputes are uncontroverted and because the incumbent trustees' ongoing illegal governance of the Texas Pacific Land Trust, a publicly traded entity with a market capitalization of over \$6 billion, warrants it.

Dated: June 25, 2019

Respectfully submitted,

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By: /s/ Robert C. Walters

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Family Partners Limited*

CERTIFICATE OF CONFERENCE

On June 25, 2019, a conference was held between Robert Walters (counsel for the Counterclaim Plaintiffs) and Yvette Ostolaza (counsel for the Counterclaim Defendants). Agreement could not be reached at the conference because Counterclaim Defendants oppose the relief sought by this motion.

/s/ Robert C. Walters
Robert C. Walters

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2019, a true and correct copy of the foregoing document was served through the Court's CM/ECF System on all counsel of record.

/s/ Robert C. Walters
Robert C. Walters

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Counterclaim Plaintiffs,

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Case No. 3:19-CV-01224-B

[PROPOSED] ORDER GRANTING COUNTERCLAIM PLAINTIFFS' REQUEST FOR A HEARING ON THEIR MOTION FOR A DECLARATORY JUDGMENT AND PRELIMINARY INJUNCTION

Before the Court is the request of Counterclaim Plaintiffs Eric Oliver, SoftVest, L.P., Horizon Kinetics LLC and Art-FGT Family Partners Limited that the Court hold a hearing on their motion for a declaratory judgment and preliminary injunction ("Motion") on August 5, 2019, or as soon thereafter as the Court is available. Having considered the Counterclaim

Plaintiffs' request, the arguments of the parties, and the submitted evidence, the Court finds that the Counterclaim Plaintiffs' request is well taken and should be and hereby is GRANTED.

IT IS HEREBY ORDERED that the Court will hold a hearing on Counterclaim Plaintiffs' Motion on August 5, 2019, or as soon thereafter as the Court is available, and Counterclaim Plaintiffs' requests for declaratory and injunctive relief in the Motion will both be heard at the same hearing.

IT IS SO ORDERED

DATED: _____

Hon. Jane J. Boyle
United States District Judge