

EXHIBIT “D”

NO. D000298-C

EUNICE R. BENCKENSTEIN,
WALTER G. RIEDEL III, AND ROY
WINGATE, INDEPENDENT CO-
EXECUTORS OF THE ESTATE OF

NELDA C. STARK, DECEASED,
AND WALTER G. RIEDEL III,
GENERAL MANAGER OF THE
NELDA C. AND H.J. LUTCHER
STARK FOUNDATION

VS

IDA MARIE STARK, INDIVIDUALLY
AND AS INDEPENDENT EXECUTOR
OF THE ESTATE OF W.H. STARK II,
DECEASED, ET AL

§ IN THE DISTRICT COURT
§
§
§ OF ORANGE COUNTY, TEXAS
§
§
§ 260TH JUDICIAL DISTRICT
§
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§
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§

**DEFENDANT IDA MARIE STARK'S RESPONSE TO REQUESTS FOR
ADMISSION**

Please admit or deny the following:

1. You were one of the plaintiffs in a litigation matter styled *Ida Marie Stark, Individually and as independent Executor of the Estate of W. H. Stark II, et al. v. Nelda C. Stark, et al.*, which was Cause No. D-880162C in the 260th Judicial District Court of Orange County, Texas.

Answer: Admitted.

2. You were represented by legal counsel in the prior litigation matter.

Answer: Admitted.

3. In the prior litigation matter, the plaintiffs alleged mismanagement and fraudulent concealment regarding the assets of the Estate of Nita Hill Stark and the assets of the Estate of H. J. Lutcher Stark.

Answer: Admitted.

4. You, together with the other parties in the prior litigation matter ultimately negotiated a settlement with the Released Parties.

Answer: Admitted.

5. As part of the settlement of the prior litigation matter, you executed the Full, Final and Complete Release attached as Exhibit A to the Original Petition for Declaratory Relief filed herein.

Answer: Admitted.

6. As stated in the Release, the Releasing Parties consisted of you, in your individual capacity and as the Independent Executrix of and acting on behalf of the Estate of W. H. Stark II, Deceased; William Henry Stark III; Randall Hill Stark; and Linda Marie Stark.

Answer: Admitted.

7. As stated in the Release, you, as a Releasing Party, were acting for and on behalf of and intending to bind yourself, the Estate of W. H. Stark II, Deceased, your heirs, beneficiaries and assigns.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

8. As stated in the Release, you released all claims, demands and causes of action alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

9. As stated in the Release, you released all claims, demands and causes of action, known or unknown, which could have been alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

10. As stated in the Release, you released all claims, demands and causes of action, known or unknown, arising out of or connected with any actions or omissions by H. J. Latcher Stark either as an individual or as executor of the Estate of Nita Hill Stark, Deceased, or as tutor or guardian of W. H. Stark II and/or Homer B. H. Stark, or as any

corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during his lifetime.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

11. As stated in the Release, you released all claims, demands, causes of action, known or unknown, arising out of or connected with any actions or omissions by Nelda Childers Stark either as an individual or as executrix of the Estate of H. J. Luther Stark, Deceased, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during her lifetime until the date of the execution of the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

12. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in any way connected with the Estate of Nita Hill Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

13. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the Estate of H. J. Lucher Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

14. As stated in the Release, you released any claims, demands or causes of action, known or unknown, arising out of heirship, forced heirship, or other inheritance relationships of Homer B. H. Stark and W. H. Stark II, to Nita Hill Stark, H. J. Lucher Stark, or Nelda Childers Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

15. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the operation or activities of the

Nelda C. and H. J. Lutch Stark Foundation or any other foundation or charity principally supported by Nelda C. Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

16. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in connection with the operation or activities of any corporation or partnership or business entity in which H. J. Lutch Stark or Nelda Childers Stark has or had a controlling interest.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

17. As stated in the Release, you released Nelda Childers Stark, individually, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

18. As stated in the Release, you released Nelda Childers Stark, as Independent Executrix of the Estate of H. J. Lutch Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

19. As stated in the Release, you released the Estate of H. J. Lutch Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

20. As stated in the Release, you released the Nelda C. and H. J. Lutch Stark Foundation from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

21. As stated in the Release, you released all officers, directors and employees of either the Nelda C. and H. J. Lutcher Stark Foundation or Nelda Childers Stark from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

22. As stated in the Release, you released any individual, corporation, organization, foundation or other entity at the time of the prior litigation matter, in the past or in the future to be owners or possessors of or participants in any transaction involving and property alleged to have properly belonged to but withheld from or misappropriated in the Estate of Nita Hill Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

23. As stated in the Release, the Releasing Parties acknowledged receipt of cash in the amount of \$2,500,000.00 as consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

24. As stated in the Release, you acknowledged your receipt of, anticipated receipt of or interest or expectancy in the \$2,500,000.00 payment so as to represent valid consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

25. You are a member of the W. H. Stark II family.

Answer: Admitted.

26. You were paid a cash consideration as part of the settlement of the prior litigation matter.

Answer: Admitted.

27. You accepted a cash consideration in settlement of the prior litigation matter.

Answer: Admitted.

28. As of the date of your response hereto, you have not refunded the cash consideration paid to you in settlement of the prior litigation matter.

Answer: Admitted.

29. As stated in the Release, you entered the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

30. As stated in the Release, you entered the Released in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

31. As stated in the Release, you executed the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

32. As stated in the Release, you executed the Release in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

33. As stated in the Release, you agreed that no representation, promise or agreement other than the payment of \$2,500,000.00 was made by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

34. As stated in the Release, you agreed that the entering into the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

35. As stated in the Release, you agreed that the execution of the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

36. Your signature to the Release in authentic.

Answer: Admitted.

37. You did not sign the Release under duress.

Answer: Admitted.

38. You signed the Release on your own volition.

Answer: Admitted.

39. You did not rely on any representations of the Released Parties in your execution of the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

40. The Release bars any further claims, demands or cause of action by you against one or more of the Released Parties based on the cause of action released.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content and this request asks a party to admit a proposition of law.

Respectfully submitted,

By: *Louis Dugas*
LOUIS DUGAS
Texas Bar No. 06173000
1804 16th Street
Orange, TX, 77630
Telephone: (409) 883-3506

**ATTORNEY FOR DEFENDANTS,
IDA MARIE STARK, Individually
and as Independent Executrix of
the ESTATE OF
W.H. STARK II, DECEASED, ET AL**

NO. D000298-C

EUNICE R. BENCKENSTEIN,
WALTER G. RIEDEL III. AND ROY
WINGATE, INDEPENDENT CO-
EXECUTORS OF THE ESTATE OF
TEXAS

NELDA C. STARK, DECEASED,
AND WALTER G. RIEDEL III.,
GENERAL MANAGER OF THE
NELDA C. AND H.J. LUTCHER
STARK FOUNDATION

VS

IDA MARIE STARK, INDIVIDUALLY
AND AS INDEPENDENT EXECUTOR
OF THE ESTATE OF W.H. STARK II.
DECEASED. ET AL

IN THE DISTRICT COURT
OF ORANGE COUNTY.

260TH JUDICIAL DISTRICT

**DEFENDANT IDA MARIE STARK'S RESPONSE TO REQUESTS FOR
ADMISSION**

Please admit or deny the following:

1. You were one of the plaintiffs in a litigation matter styled *Ida Marie Stark, Individually and as independent Executor of the Estate of W. H. Stark II. et al. v. Nelda C. Stark, et al.*, which was Cause No. D-880162C in the 260th Judicial District Court of Orange County, Texas.

Answer: Admitted.

2. You were represented by legal counsel in the prior litigation matter.

Answer: Admitted.

3. In the prior litigation matter, the plaintiffs alleged mismanagement and fraudulent concealment regarding the assets of the Estate of Nita Hill Stark and the assets of the Estate of H. J. Lutcher Stark.

Answer: Defendant objects as the pleadings are the best evidence of the allegations in the previous suit. Defendant further objects because the request asks that he or she admit a proposition of law.

4. You, together with the other parties in the prior litigation matter ultimately negotiated a settlement with the Released Parties.

Answer: Admitted.

5. As part of the settlement of the prior litigation matter, you executed the Full, Final and Complete Release attached as Exhibit A to the Original Petition for Declaratory Relief filed herein.

Answer: Admitted.

6. As stated in the Release, the Releasing Parties consisted of you, in your individual capacity and as the Independent Executrix of and acting on behalf of the Estate of W. H. Stark II, Deceased; William Henry Stark III; Randall Hill Stark; and Linda Marie Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

7. As stated in the Release, you, as a Releasing Party, were acting for and on behalf of and intending to bind yourself, the Estate of W. H. Stark II, Deceased, your heirs, beneficiaries and assigns.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

8. As stated in the Release, you released all claims, demands and causes of action alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

9. As stated in the Release, you released all claims, demands and causes of action, known or unknown, which could have been alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

10. As stated in the Release, you released all claims, demands and causes of action, known or unknown, arising out of or connected with any actions or omissions by H. J. Lutchter Stark either as an individual or as executor of the Estate of Nita Hill Stark, Deceased, or as tutor or guardian of W. H. Stark II and/or Homer B. H. Stark, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during his lifetime.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

11. As stated in the Release, you released all claims, demands, causes of action, known or unknown, arising out of or connected with any actions or omissions by Nelda Childers Stark either as an individual or as executrix of the Estate of H. J. Luther Stark, Deceased, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during her lifetime until the date of the execution of the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

12. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in any way connected with the Estate of Nita Hill Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

13. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the Estate of H. J. Lutchter Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

14. As stated in the Release, you released any claims, demands or causes of action, known or unknown, arising out of heirship, forced heirship, or other inheritance relationships of Homer B. H. Stark and W. H. Stark II, to Nita Hill Stark, H. J. Lutchter Stark, or Nelda Childers Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

15. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the operation or activities of the Nelda C. and H. J. Lutcher Stark Foundation or any other foundation or charity principally supported by Nelda C. Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

16. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in connection with the operation or activities of any corporation or partnership or business entity in which H. J. Lutcher Stark or Nelda Childers Stark has or had a controlling interest.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

17. As stated in the Release, you released Nelda Childers Stark, individually, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

18. As stated in the Release, you released Nelda Childers Stark, as Independent Executrix of the Estate of H. J. Lutcher Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

19. As stated in the Release, you released the Estate of H. J. Lutcher Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

20. As stated in the Release, you released the Nelda C. and H. J. Lucher Stark Foundation from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

21. As stated in the Release, you released all officers, directors and employees of either the Nelda C. and H. J. Lucher Stark Foundation or Nelda Childers Stark from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

22. As stated in the Release, you released any individual, corporation, organization, foundation or other entity at the time of the prior litigation matter, in the past or in the future to be owners or possessors of or participants in any transaction involving and property alleged to have properly belonged to but withheld from or misappropriated in the Estate of Nita Hill Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

23. As stated in the Release, the Releasing Parties acknowledged receipt of cash in the amount of \$2,500,000.00 as consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

24. As stated in the Release, you acknowledged your receipt of, anticipated receipt of or interest or expectancy in the \$2,500,000.00 payment so as to represent valid consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

25. You are a member of the W. H. Stark II family.

Answer: Admitted.

26. You were paid a cash consideration as part of the settlement of the prior litigation matter.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

27. You accepted a cash consideration in settlement of the prior litigation matter.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

28. As of the date of your response hereto, you have not refunded the cash consideration paid to you in settlement of the prior litigation matter.

Answer: Admitted.

29. As stated in the Release, you entered the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

30. As stated in the Release, you entered the Released in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

31. As stated in the Release, you executed the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

32. As stated in the Release, you executed the Release in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

33. As stated in the Release, you agreed that no representation, promise or agreement other than the payment of \$2,500,000.00 was made by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

34. As stated in the Release, you agreed that the entering into the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

35. As stated in the Release, you agreed that the execution of the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

36. Your signature to the Release is authentic.

Answer: Admitted.

37. You did not sign the Release under duress.

Answer: Admitted.

38. You signed the Release on your own volition.

Answer: Admitted.

39. You did not rely on any representations of the Released Parties in your execution of the Release.

Answer: Denied. Defendant further objects because the request asks that he or she admit a proposition of law.

40. The Release bars any further claims, demands or cause of action by you against one or more of the Released Parties based on the cause of action released.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

L. CLAYTON BURGESS, A P.L.C.
405 West Convent Street
Post Office Drawer 5250
Lafayette, Louisiana 70502-5250
Telephone: (318) 234-7573

L. CLAYTON BURGESS (22979)

Attorney for Defendant

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing has this date been forwarded to all known counsel of record by depositing a copy of same in the United States Mail, postage prepaid and properly addressed.

Lafayette, Louisiana, this 25 day of September, 2000.

L. CLAYTON BURGESS

NO. D000298-C

EUNICE R. BENCKENSTEIN,
WALTER G. RIEDEL III. AND ROY
WINGATE. INDEPENDENT CO-
EXECUTORS OF THE ESTATE OF
TEXAS

NELDA C. STARK. DECEASED.
AND WALTER G. RIEDEL III.
GENERAL MANAGER OF THE
NELDA C. AND H.J. LUTCHER
STARK FOUNDATION

IN THE DISTRICT COURT
OF ORANGE COUNTY.

260TH JUDICIAL DISTRICT

VS

IDA MARIE STARK. INDIVIDUALLY
AND AS INDEPENDENT EXECUTOR
OF THE ESTATE OF W.H. STARK II.
DECEASED. ET AL

**DEFENDANT WILLIAM HENRY STARK'S RESPONSE TO REQUESTS FOR
ADMISSION**

Please admit or deny the following:

1. You were one of the plaintiffs in a litigation matter styled *Ida Marie Stark, Individually and as independent Executor of the Estate of W. H. Stark II, et al. v. Nelda C. Stark, et al.*, which was Cause No. D-880162C in the 260th Judicial District Court of Orange County, Texas.

Answer: Admitted.

2. You were represented by legal counsel in the prior litigation matter.

Answer: Admitted.

3. In the prior litigation matter, the plaintiffs alleged mismanagement and fraudulent concealment regarding the assets of the Estate of Nita Hill Stark and the assets of the Estate of H. J. Lutcher Stark.

Answer: Defendant objects as the pleadings are the best evidence of the allegations in the previous suit. Defendant further objects because the request asks that he or she admit a proposition of law.

4. You, together with the other parties in the prior litigation matter ultimately negotiated a settlement with the Released Parties.

Answer: Admitted.

5. As part of the settlement of the prior litigation matter, you executed the Full, Final and Complete Release attached as Exhibit A to the Original Petition for Declaratory Relief filed herein.

Answer: Admitted.

6. As stated in the Release, the Releasing Parties consisted of you, in your individual capacity and as the Independent Executrix of and acting on behalf of the Estate of W. H. Stark II, Deceased; William Henry Stark III; Randall Hill Stark; and Linda Marie Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

7. As stated in the Release, you, as a Releasing Party, were acting for and on behalf of and intending to bind yourself, the Estate of W. H. Stark II, Deceased, your heirs, beneficiaries and assigns.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

8. As stated in the Release, you released all claims, demands and causes of action alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

9. As stated in the Release, you released all claims, demands and causes of action, known or unknown, which could have been alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

10. As stated in the Release, you released all claims, demands and causes of action, known or unknown, arising out of or connected with any actions or omissions by H. J. Lutch Stark either as an individual or as executor of the Estate of Nita Hill Stark, Deceased, or as tutor or guardian of W. H. Stark II and/or Homer B. H. Stark, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during his lifetime.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

11. As stated in the Release, you released all claims, demands, causes of action, known or unknown, arising out of or connected with any actions or omissions by Nelda Childers Stark either as an individual or as executrix of the Estate of H. J. Luther Stark, Deceased, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during her lifetime until the date of the execution of the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

12. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in any way connected with the Estate of Nita Hill Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

13. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the Estate of H. J. Lutch Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

14. As stated in the Release, you released any claims, demands or causes of action, known or unknown, arising out of heirship, forced heirship, or other inheritance relationships of Homer B. H. Stark and W. H. Stark II, to Nita Hill Stark, H. J. Lutch Stark, or Nelda Childers Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

15. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the operation or activities of the Nelda C. and H. J. Lucher Stark Foundation or any other foundation or charity principally supported by Nelda C. Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

16. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in connection with the operation or activities of any corporation or partnership or business entity in which H. J. Lucher Stark or Nelda Childers Stark has or had a controlling interest.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

17. As stated in the Release, you released Nelda Childers Stark, individually, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

18. As stated in the Release, you released Nelda Childers Stark, as Independent Executrix of the Estate of H. J. Lucher Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

19. As stated in the Release, you released the Estate of H. J. Lucher Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

20. As stated in the Release, you released the Nelda C. and H. J. Lutchter Stark Foundation from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

21. As stated in the Release, you released all officers, directors and employees of either the Nelda C. and H. J. Lutchter Stark Foundation or Nelda Childers Stark from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

22. As stated in the Release, you released any individual, corporation, organization, foundation or other entity at the time of the prior litigation matter, in the past or in the future to be owners or possessors of or participants in any transaction involving and property alleged to have properly belonged to but withheld from or misappropriated in the Estate of Nita Hill Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

23. As stated in the Release, the Releasing Parties acknowledged receipt of cash in the amount of \$2,500,000.00 as consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

24. As stated in the Release, you acknowledged your receipt of, anticipated receipt of or interest or expectancy in the \$2,500,000.00 payment so as to represent valid consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

25. You are a member of the W. H. Stark II family.

Answer: Admitted.

26. You were paid a cash consideration as part of the settlement of the prior litigation matter.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

27. You accepted a cash consideration in settlement of the prior litigation matter.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

28. As of the date of your response hereto, you have not refunded the cash consideration paid to you in settlement of the prior litigation matter.

Answer: Admitted.

29. As stated in the Release, you entered the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

30. As stated in the Release, you entered the Released in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

31. As stated in the Release, you executed the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

32. As stated in the Release, you executed the Release in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

33. As stated in the Release, you agreed that no representation, promise or agreement other than the payment of \$2,500,000.00 was made by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

34. As stated in the Release, you agreed that the entering into the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

35. As stated in the Release, you agreed that the execution of the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

36. Your signature to the Release is authentic.

Answer: Admitted.

37. You did not sign the Release under duress.

Answer: Admitted.

38. You signed the Release on your own volition.

Answer: Admitted.

39. You did not rely on any representations of the Released Parties in your execution of the Release.

Answer: Denied. Defendant further objects because the request asks that he or she admit a proposition of law.

40. The Release bars any further claims, demands or cause of action by you against one or more of the Released Parties based on the cause of action released.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

L. CLAYTON BURGESS, A P.L.C.
405 West Convent Street
Post Office Drawer 5250
Lafayette, Louisiana 70502-5250
Telephone: (318) 234-7573



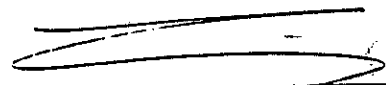
L. CLAYTON BURGESS (22978)

Attorney for Defendant

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing has this date been forwarded to all known counsel of record by depositing a copy of same in the United States Mail, postage prepaid and properly addressed.

Lafayette, Louisiana, this 25 day of September, 2000.



L. CLAYTON BURGESS

NO. D000298-C

EUNICE R. BENCKENSTEIN,
WALTER G. RIEDEL III. AND ROY
WINGATE. INDEPENDENT CO-
EXECUTORS OF THE ESTATE OF
TEXAS

NELDA C. STARK. DECEASED.
AND WALTER G. RIEDEL III.
GENERAL MANAGER OF THE
NELDA C. AND H.J. LUTCHER
STARK FOUNDATION

VS

IDA MARIE STARK. INDIVIDUALLY
AND AS INDEPENDENT EXECUTOR
OF THE ESTATE OF W.H. STARK II.
DECEASED. ET AL

IN THE DISTRICT COURT
OF ORANGE COUNTY.

260TH JUDICIAL DISTRICT

**DEFENDANT RANDALL HILL STARK'S RESPONSE TO REQUESTS FOR
ADMISSION**

Please admit or deny the following:

1. You were one of the plaintiffs in a litigation matter styled *Ida Marie Stark, Individually and as independent Executor of the Estate of W. H. Stark II, et al. v. Nelda C. Stark, et al.*, which was Cause No. D-880162C in the 260th Judicial District Court of Orange County, Texas.

Answer: Admitted.

2. You were represented by legal counsel in the prior litigation matter.

Answer: Admitted.

3. In the prior litigation matter, the plaintiffs alleged mismanagement and fraudulent concealment regarding the assets of the Estate of Nita Hill Stark and the assets of the Estate of H. J. Lutchter Stark.

Answer: Defendant objects as the pleadings are the best evidence of the allegations in the previous suit. Defendant further objects because the request asks that he or she admit a proposition of law.

4. You, together with the other parties in the prior litigation matter ultimately negotiated a settlement with the Released Parties.

Answer: Admitted.

5. As part of the settlement of the prior litigation matter, you executed the Full, Final and Complete Release attached as Exhibit A to the Original Petition for Declaratory Relief filed herein.

Answer: Admitted.

6. As stated in the Release, the Releasing Parties consisted of you, in your individual capacity and as the Independent Executrix of and acting on behalf of the Estate of W. H. Stark II, Deceased; William Henry Stark III; Randall Hill Stark; and Linda Marie Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

7. As stated in the Release, you, as a Releasing Party, were acting for and on behalf of and intending to bind yourself, the Estate of W. H. Stark II, Deceased, your heirs, beneficiaries and assigns.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

8. As stated in the Release, you released all claims, demands and causes of action alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

9. As stated in the Release, you released all claims, demands and causes of action, known or unknown, which could have been alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

10. As stated in the Release, you released all claims, demands and causes of action, known or unknown, arising out of or connected with any actions or omissions by H. J. Lutchter Stark either as an individual or as executor of the Estate of Nita Hill Stark, Deceased, or as tutor or guardian of W. H. Stark II and/or Homer B. H. Stark, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during his lifetime.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

11. As stated in the Release, you released all claims, demands, causes of action, known or unknown, arising out of or connected with any actions or omissions by Nelda Childers Stark either as an individual or as executrix of the Estate of H. J. Luther Stark, Deceased, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during her lifetime until the date of the execution of the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

12. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in any way connected with the Estate of Nita Hill Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

13. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the Estate of H. J. Lutchter Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

14. As stated in the Release, you released any claims, demands or causes of action, known or unknown, arising out of heirship, forced heirship, or other inheritance relationships of Homer B. H. Stark and W. H. Stark II, to Nita Hill Stark, H. J. Lutchter Stark, or Nelda Childers Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

15. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the operation or activities of the Nelda C. and H. J. Lutcher Stark Foundation or any other foundation or charity principally supported by Nelda C. Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

16. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in connection with the operation or activities of any corporation or partnership or business entity in which H. J. Lutcher Stark or Nelda Childers Stark has or had a controlling interest.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

17. As stated in the Release, you released Nelda Childers Stark, individually, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

18. As stated in the Release, you released Nelda Childers Stark, as Independent Executrix of the Estate of H. J. Lutcher Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

19. As stated in the Release, you released the Estate of H. J. Lutcher Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

20. As stated in the Release, you released the Nelda C. and H. J. Lucher Stark Foundation from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

21. As stated in the Release, you released all officers, directors and employees of either the Nelda C. and H. J. Lucher Stark Foundation or Nelda Childers Stark from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

22. As stated in the Release, you released any individual, corporation, organization, foundation or other entity at the time of the prior litigation matter, in the past or in the future to be owners or possessors of or participants in any transaction involving and property alleged to have properly belonged to but withheld from or misappropriated in the Estate of Nita Hill Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

23. As stated in the Release, the Releasing Parties acknowledged receipt of cash in the amount of \$2,500,000.00 as consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

24. As stated in the Release, you acknowledged your receipt of, anticipated receipt of or interest or expectancy in the \$2,500,000.00 payment so as to represent valid consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

25. You are a member of the W. H. Stark II family.

Answer: Admitted.

26. You were paid a cash consideration as part of the settlement of the prior litigation matter.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

27. You accepted a cash consideration in settlement of the prior litigation matter.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

28. As of the date of your response hereto, you have not refunded the cash consideration paid to you in settlement of the prior litigation matter.

Answer: Admitted.

29. As stated in the Release, you entered the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

30. As stated in the Release, you entered the Released in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

31. As stated in the Release, you executed the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

32. As stated in the Release, you executed the Release in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

33. As stated in the Release, you agreed that no representation, promise or agreement other than the payment of \$2,500,000.00 was made by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

34. As stated in the Release, you agreed that the entering into the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

35. As stated in the Release, you agreed that the execution of the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

36. Your signature to the Release is authentic.

Answer: Admitted.

37. You did not sign the Release under duress.

Answer: Admitted.

38. You signed the Release on your own volition.

Answer: Admitted.

39. You did not rely on any representations of the Released Parties in your execution of the Release.

Answer: Denied. Defendant further objects because the request asks that he or she admit a proposition of law.

40. The Release bars any further claims, demands or cause of action by you against one or more of the Released Parties based on the cause of action released.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

L. CLAYTON BURGESS, A P.L.C.
405 West Convent Street
Post Office Drawer 5250
Lafayette, Louisiana 70502-5250
Telephone: (318) 234-7573

L. CLAYTON BURGESS (22979)

Attorney for Defendant

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing has this date been forwarded to all known counsel of record by depositing a copy of same in the United States Mail, postage prepaid and properly addressed.

Lafayette, Louisiana, this 25 day of September, 2000.

L. CLAYTON BURGESS

EUNICE R. BENCKENSTEIN,
WALTER G. RIEDEL III. AND ROY
WINGATE. INDEPENDENT CO-
EXECUTORS OF THE ESTATE OF
TEXAS
NELDA C. STARK. DECEASED.
AND WALTER G. RIEDEL III.
GENERAL MANAGER OF THE
NELDA C. AND H.J. LUTCHER
STARK FOUNDATION

IN THE DISTRICT COURT

OF ORANGE COUNTY.

260TH JUDICIAL DISTRICT

VS

IDA MARIE STARK. INDIVIDUALLY
AND AS INDEPENDENT EXECUTOR
OF THE ESTATE OF W.H. STARK II.
DECEASED. ET AL

**DEFENDANT LINDA MARIE BARRAS' RESPONSE TO REQUESTS FOR
ADMISSION**

Please admit or deny the following:

1. You were one of the plaintiffs in a litigation matter styled *Ida Marie Stark, Individually and as independent Executor of the Estate of W. H. Stark II, et al. v. Nelda C. Stark, et al.*, which was Cause No. D-880162C in the 260th Judicial District Court of Orange County, Texas.

Answer: Admitted.

2. You were represented by legal counsel in the prior litigation matter.

Answer: Admitted.

3. In the prior litigation matter, the plaintiffs alleged mismanagement and fraudulent concealment regarding the assets of the Estate of Nita Hill Stark and the assets of the Estate of H. J. Lucher Stark.

Answer: Defendant objects as the pleadings are the best evidence of the allegations in the previous suit. Defendant further objects because the request asks that he or she admit a proposition of law.

4. You, together with the other parties in the prior litigation matter ultimately negotiated a settlement with the Released Parties.

Answer: Admitted.

5. As part of the settlement of the prior litigation matter, you executed the Full, Final and Complete Release attached as Exhibit A to the Original Petition for Declaratory Relief filed herein.

Answer: Admitted.

6. As stated in the Release, the Releasing Parties consisted of you, in your individual capacity and as the Independent Executrix of and acting on behalf of the Estate of W. H. Stark II, Deceased; William Henry Stark III; Randall Hill Stark; and Linda Marie Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

7. As stated in the Release, you, as a Releasing Party, were acting for and on behalf of and intending to bind yourself, the Estate of W. H. Stark II, Deceased, your heirs, beneficiaries and assigns.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

8. As stated in the Release, you released all claims, demands and causes of action alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

9. As stated in the Release, you released all claims, demands and causes of action, known or unknown, which could have been alleged in Plaintiffs' Original, First Amended and Second Amended Original Petitions filed in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

10. As stated in the Release, you released all claims, demands and causes of action, known or unknown, arising out of or connected with any actions or omissions by H. J. Lucher Stark either as an individual or as executor of the Estate of Nita Hill Stark, Deceased, or as tutor or guardian of W. H. Stark II and/or Homer B. H. Stark, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during his lifetime.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

11. As stated in the Release, you released all claims, demands, causes of action, known or unknown, arising out of or connected with any actions or omissions by Nelda Childers Stark either as an individual or as executrix of the Estate of H. J. Luther Stark, Deceased, or as any corporate officer or director of any corporation or as any officer or director of any foundation, arising at any time during her lifetime until the date of the execution of the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

12. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in any way connected with the Estate of Nita Hill Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

13. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the Estate of H. J. Lucher Stark, Deceased.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

14. As stated in the Release, you released any claims, demands or causes of action, known or unknown, arising out of heirship, forced heirship, or other inheritance relationships of Homer B. H. Stark and W. H. Stark II, to Nita Hill Stark, H. J. Lucher Stark, or Nelda Childers Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

15. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or connected with the operation or activities of the Nelda C. and H. J. Lutchter Stark Foundation or any other foundation or charity principally supported by Nelda C. Stark.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

16. As stated in the Release, you released any claims, demands, or causes of action, known or unknown, arising out of or in connection with the operation or activities of any corporation or partnership or business entity in which H. J. Lutchter Stark or Nelda Childers Stark has or had a controlling interest.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

17. As stated in the Release, you released Nelda Childers Stark, individually, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

18. As stated in the Release, you released Nelda Childers Stark, as Independent Executrix of the Estate of H. J. Lutchter Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

19. As stated in the Release, you released the Estate of H. J. Lutchter Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

20. As stated in the Release, you released the Nelda C. and H. J. Lutchter Stark Foundation from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

21. As stated in the Release, you released all officers, directors and employees of either the Nelda C. and H. J. Lucher Stark Foundation or Nelda Childers Stark from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

22. As stated in the Release, you released any individual, corporation, organization, foundation or other entity at the time of the prior litigation matter, in the past or in the future to be owners or possessors of or participants in any transaction involving and property alleged to have properly belonged to but withheld from or misappropriated in the Estate of Nita Hill Stark, Deceased, from all causes of action as set forth in the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

23. As stated in the Release, the Releasing Parties acknowledged receipt of cash in the amount of \$2,500,000.00 as consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

24. As stated in the Release, you acknowledged your receipt of, anticipated receipt of or interest or expectancy in the \$2,500,000.00 payment so as to represent valid consideration for the Release.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

25. You are a member of the W. H. Stark II family.

Answer: Admitted.

26. You were paid a cash consideration as part of the settlement of the prior litigation matter.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content.

27. You accepted a cash consideration in settlement of the prior litigation matter.

Answer: Defendant objects as this request calls for a legal conclusion. Defendant also objects as the Receipt and Release is the best evidence of its content.

28. As of the date of your response hereto, you have not refunded the cash consideration paid to you in settlement of the prior litigation matter.

Answer: Admitted.

29. As stated in the Release, you entered the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

30. As stated in the Release, you entered the Released in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

31. As stated in the Release, you executed the Release based upon your own free evaluation of the facts and circumstances surrounding the claims, demands and causes of action alleged in the prior litigation matter.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

32. As stated in the Release, you executed the Release in reliance upon the advice of your own attorneys.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

33. As stated in the Release, you agreed that no representation, promise or agreement other than the payment of \$2,500,000.00 was made by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

34. As stated in the Release, you agreed that the entering into the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

35. As stated in the Release, you agreed that the execution of the Release was in no way conditioned upon or in reliance upon any representations, promises, or other agreement may by any of the Released Parties.

Answer: Defendant objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

36. Your signature to the Release is authentic.

Answer: Admitted.

37. You did not sign the Release under duress.

Answer: Admitted.

38. You signed the Release on your own volition.

Answer: Admitted.

39. You did not rely on any representations of the Released Parties in your execution of the Release.


Answer: Denied. Defendant further objects because the request asks that he or she admit a proposition of law.

40. The Release bars any further claims, demands or cause of action by you against one or more of the Released Parties based on the cause of action released.

Answer: Defendant objects as this request calls for a legal conclusion.

Defendant also objects as the Receipt and Release is the best evidence of its content. Defendant further objects because the request asks that he or she admit a proposition of law.

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L. CLAYTON BURGESS (22979)

Attorney for Defendant

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing has this date been forwarded to all known counsel of record by depositing a copy of same in the United States Mail, postage prepaid and properly addressed.

Lafayette, Louisiana, this 25 day of September, 2000.



L. CLAYTON BURGESS