

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

)	
In re:)	Chapter 11
)	
COBALT INTERNATIONAL ENERGY, INC., <i>et al.</i> , ¹)	Case No. 17-36709 (MI)
)	
Reorganized Debtors.)	(Jointly Administered)
)	
)	

NOTICE OF ERRATA
[Relates to Docket No. 1331]

PLEASE TAKE NOTICE THAT on May 27, 2020 Nader Tavakoli, solely in his capacity as the Plan Administrator of Cobalt International Energy, Inc., *et al.* (the “Plan Administrator”), filed his *Motion for Protective Order* [Docket No. 1331] (the “Motion”). The Motion, wherein the Plan Administrator seeks entry of a protective order by this Court, was filed in response to *Total E&P USA’S 30(b)(6) Notice of Deposition of The Corporate Representative of Cobalt International Energy, Inc.* (“Notice of Deposition”), which was served on the Plan Administrator on May 5, 2020.

PLEASE TAKE NOTICE THAT the Plan Administrator hereby supplements his Motion to include the Notice of Deposition, a true and correct copy of which is attached hereto as **Exhibit A**, as an exhibit to the Motion.

¹ The Reorganized Debtors in these chapter 11 cases, along with the last four digits of each Reorganized Debtor’s federal tax identification number, are: Cobalt International Energy, Inc. (1169); Cobalt International Energy GP, LLC (7374); Cobalt International Energy, L.P. (2411); Cobalt GOM LLC (7188); Cobalt GOM # 1 LLC (7262); and Cobalt GOM # 2 LLC (7316). The Reorganized Debtors’ service address is: 945 Bunker Hill Road, Suite 625, Houston, Texas 77024.



Dated: June 3, 2020.

GREENBERG TRAURIG, LLP

By: /s/ Shari L. Heyen

Shari L. Heyen

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Counsel for Nader Tavakoli, solely in his capacity as Lead Member and Chairman of the Plan Administrator Committee of Cobalt International Energy, Inc. et al.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 3, 2020, I caused a copy of the foregoing Notice to be served on all parties eligible to receive service through the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas by electronic mail.

By: /s/ Shari L. Heyen

Shari L. Heyen

EXHIBIT A

**Total E&P USA's 30(b)(6) Notice of Deposition of
The Corporate Representative of Cobalt International Energy, Inc.**

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re:	§	Chapter 11
	§	
COBALT INTERNATIONAL ENERGY, INC., et al	§	Case No. 17-36709 (MI)
	§	(Jointly Administered)
	§	
Debtor,	§	RE: D.I. 894, 925

**TOTAL E&P USA'S 30(b)(6) NOTICE OF DEPOSITION OF THE CORPORATE
REPRESENTATIVE OF COBALT INTERNATIONAL ENERGY, INC.**

TO: Cobalt International Energy, Inc, by and through its counsel of record, Shari L. Heyen of Greenberg Traurig, LLP, 1000 Louisiana Street, Suite 1700, Houston, Texas 77002.

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, on June 22, 2020, ***beginning at 10:00 a.m.*** at the office of Greenberg Traurig, LLP, 1000 Louisiana Street, Suite 1700, Houston, TX 77002, counsel for Total E&P USA. ("TEP USA") will take the videotaped deposition(s) of the designated representative(s) of Cobalt International Energy, Inc. best able to testify as to the matters set forth in Exhibit 1. Cobalt International Energy, Inc. has a duty to designate one or more officers, directors, managing agents, or other persons with sufficient knowledge to testify fully regarding the topics listed in Exhibit 1. The deposition will be transcribed by stenographic means and by videotape. The deposition will continue from day to day until completed.

Dated this 5th day of May, 2020.

**AHMAD, ZAVITSANOS, ANAIPAKOS,
ALAVI & MENSING PC**

/s/ Demetrios Anaipakos

Demetrios Anaipakos

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COUNSEL TO TOTAL E&P USA, INC.

CERTIFICATE OF SERVICE

I certify that on May 5, 2020, a true and correct copy of the above and foregoing has been served via electronic mail on all counsel of record.

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Attorneys for Cobalt International Energy, Inc.

/s/ Sammy Ford IV
Sammy Ford IV

EXHIBIT 1

DEFINITIONS

- A. Cobalt International Energy, Inc. The term “Cobalt International Energy, Inc.,” “Cobalt,” or “CIE” means Cobalt International Energy, Inc. and/or its bankruptcy estate, as well as any officer, principle, employee, representative, attorney, or agent acting on its behalf.
- B. You or Your. The terms “You” or “Your” shall refer to the Cobalt International Energy, Inc. and any agent, employee, contractor, elected official, attorney, or representative acting on the company’s behalf.
- C. Total E&P USA, Inc. The term “TEP USA” shall refer to Total E&P USA, Inc.
- D. Plan Administrator. The term “Plan Administrator” refers to Nader Tavakoli, the Lead Member and Chairman of the Plan Administrator Committee of Cobalt International Energy, Inc., or anyone acting on his behalf.
- E. Communication. The term “Communication” means any oral or written statement, dialogue, colloquy, discussion, correspondence, or conversation, and also means any transfer of thoughts or ideas between persons by means of documents and includes any transfer of data from one location to another by electronic or similar means. This term includes, but is not limited to, e-mail messages, text messages, and any message sent through a messaging application such as WhatsApp or Facebook Messenger.
- F. Concern, Concerning, Related. The terms “Concern”, “Concerning”, or “Related to” mean refer to, reflect, describe, relate to, pertain to, arise out of or in connection with, or in any way legally, logically, or factually be connected with the matter discussed, either directly or indirectly.
- G. Document(s). The term “Document” means the original or exact copies of any tangible written, typed or other form of recorded or graphic matter of every kind or description, however produced or reproduced, whether mechanically or electronically recorded, draft, finals, original, reproduction, signed or unsigned, regardless of whether approved, signed, sent, received, redrafted, or executed, and whether handwritten, typed, printed, photostatted, duplicated, carbon or otherwise copied or produced in any other manner

whatsoever. Without limiting the generality of the foregoing, the terms “Document” and “Documents” shall include correspondence, letters, text messages, e-mail, social media posts or communications, telegrams, telexes, mail-grams, memoranda, including interoffice and intra-office memoranda, memoranda for files, memoranda of telephone or other conversations, and including meetings, invoices, reports, receipts and statements of account, ledgers, notes or notations, booklets, books, drawings, graphs, telephone records, video cassettes, electronic tapes, discs or other recordings, computer programs, printouts, data cards, studies, analysis and other data compilations from which information can be obtained. Copies of documents which are not identical duplications of the originals or which contain additions to or deletions from the originals, or copies of documents which are identical duplications of the originals if the originals are not available, shall be considered to be separate documents.

- H. Person. The term “Person” means any person or entity, and includes individuals, corporations, partnerships, associations, joint ventures, and other business enterprises, or legal entities.
- I. Identify (with respect to persons). Unless otherwise specified, when referring to a person, to “identify” means to give, to the extent known, the person’s full name, present or last known address and telephone number, present or last known employer, and position or job title at the time of their last known employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.
- J. Identify (with respect to documents). When referring to documents, to “identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; (iv) author(s), addressee(s) and recipient(s); and (v) present location(s) and custodian(s) of the document. If a document is no longer in Your possession, custody or control, provide the name of its last known custodian, a description of the circumstances under which it passed from Your control to that person, and the names of each person having knowledge of such circumstances and/or the present location of the document.
- K. Number/Gender. The use of the singular form of any word includes the plural and vice versa. The use of the masculine form of any word includes the feminine and vice versa.

Rule 30(b)(6) Deposition Topics

1. All equipment or inventory in the possession or custody of CIE at the time it filed for bankruptcy.
2. The accounting treatment of all equipment or inventory in the possession or custody of CIE at the time it filed for bankruptcy.
3. CIE's accounting practices regarding equipment or inventory from 2007 to the present.
4. CIE's drilling program at the time it filed for bankruptcy.
5. CIE's drilling program for the North Platte leases from 2010 to the time CIE filed for bankruptcy.
6. CIE's drilling program for the Anchor leases from 2010 to the time CIE filed for bankruptcy.
7. CIE's drilling program for the Explo leases from 2010 to the time CIE filed for bankruptcy.
8. The marketing and sale of CIE leases and assets in connection with CIE's bankruptcy proceeding.
9. CIE's marketing and sale of the North Platte leases and related assets in connection with the bankruptcy proceeding.
10. CIE's marketing and sale of the Anchor leases and related assets in connection with the bankruptcy proceeding.
11. CIE's marketing and sale of the Explo leases and related assets in connection with the bankruptcy proceeding.
12. All representations made by CIE or its representatives to TEP USA regarding the sale of interests in the North Platte, Anchor, and Explo leases.
13. CIE's theories for ownership of equipment and inventory at the time CIE filed for bankruptcy.
14. The 2009 Simultaneous Exchange Agreement between CIE and TEP USA, as related to the ownership of leases, equipment, and inventory.
15. The ownership interest in equipment and inventory acquired by TEP USA in connection with the 2009 Simultaneous Exchange Agreement.

16. All audit letters sent to TEP USA regarding TEP USA's ownership interests in CIE's tangible equipment inventory.
17. The negotiation and execution of the Asset Purchase Agreement dated March 6, 2018, by and among Cobalt International Energy L.P. and Cobalt GOM #1, LLC, collectively as Seller, and Total E&P USA, Inc. as Buyer (the "Explo APA").
18. The negotiation and execution of the Asset Purchase Agreement dated March 12, 2018, by and among Cobalt International Energy L.P. as Seller and Total E&P USA, Inc. and Statoil Gulf of Mexico LLC collectively as Buyer (the "North Platte Joint APA").
19. CIE's auditing and record-keeping regarding TEP USA's ownership interests in CIE's tangible equipment inventory.
20. All equipment or inventory used or held for use in connection with the North Platte leases at the time CIE filed for bankruptcy.
21. All equipment or inventory used or held for use in connection with the Anchor leases at the time CIE filed for bankruptcy.
22. All equipment or inventory used or held for use in connection with the Explo leases at the time CIE filed for bankruptcy.
23. The sale of CIE equipment and inventory after CIE filed for bankruptcy.
24. The Plan Administrator's efforts to market and sell CIE equipment and inventory after CIE filed for bankruptcy.
25. The sale of any CIE equipment or inventory to any company at which a former executive of CIE now serves as an executive or director.
26. CIE's attempt to sell wellhead inventory slated for the NP5 well on or around March 29, 2018.
27. CIE's representations to TEP USA regarding which equipment or inventory was used or held for use in connection with the North Platte leases.
28. All expenses incurred by CIE after January 1, 2018, for which CIE seeks or has sought reimbursement from TEP USA.
29. All expenses incurred by CIE prior to January 1, 2018, for which CIE seeks or has sought reimbursement from TEP USA, as related to Purchase Price Adjustments under the North Platte APA.
30. All hourly wage charges incurred by CIE after January 1, 2018, for which CIE seeks or has sought reimbursement from TEP USA.

31. CIE's attempts to seek reimbursement from TEP USA for CIE's membership in HWCG.
32. The factual basis for CIE's attempts to seek reimbursement from TEP USA for expenses incurred by CIE after January 1, 2018.
33. The negotiation of a settlement agreement between CIE and TEP USA from September 1, 2018 to the present.
34. CIE's maintenance and segregation of proceeds from any sale of equipment or inventory since filing for bankruptcy.
35. CIE's payment of any rental payment for leases in the Gulf of Mexico since filing for bankruptcy.
36. CIE's determination whether to pay any rental payment for leases in the Gulf of Mexico since filing for bankruptcy.
37. CIE's efforts since filing for bankruptcy to market Net Operating Losses related to leases in the Gulf of Mexico.
38. CIE's efforts since filing for bankruptcy to market leases in the Gulf of Mexico.