

FILED



8:40 am, 5/20/22

Margaret Botkins
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

Anita C. Deselms, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 19-CV-243-F
)	
Occidental Petroleum Corporation, et al.,)	
)	
Defendants.)	

ORDER CERTIFYING CLASS PURSUANT TO FED. R. CIV. P. RULE 23(c)(4)

In accordance with the findings and conclusions contained in the Opinion Granting in Part and Denying in Part Plaintiffs' Motion for Class Certification, it is ORDERED:

1. Class Certification. Pursuant to Fed. R. Civ. P., Rule 23(c)(4), the above-captioned civil case shall be maintained as a class action for liability purposes only against Occidental Petroleum Corporation, Anadarko Petroleum Corporation, Anadarko E&P Onshore LLC, Anadarko Land Corp., Anadarko Oil & Gas 5 LLC ("Defendants") on behalf of the following Class of Plaintiffs:

All persons, including individuals, estates, trusts, corporations, partnerships, and other business entities, having ownership of Class Minerals during the Class Period subject to those exclusions detailed below.

Class Minerals is defined as:

Oil and gas minerals, as shown by the public records of the Clerk and Recorder of Laramie County, Wyoming, that were:

- (a) Not under an oil and gas lease to drill and operate wells during the Class Period;
- (b) Located in the Niobrara and/or Codell geologic formations in Laramie County, Wyoming, east of the eastern boundary of Range 67W having oil and gas pools that could be reasonably produced as demonstrated by industry's filing of drilling spacing applications

or applications for drilling permits in at least 50% of the sections in the relevant township; and

(c) Located either:

- a. Within a section that had a 30% royalty Intracompany Lease covering at least 50% of the oil and gas minerals provided the lease or memorandum of the lease was filed in the Laramie County public records disclosing the royalty rate, or
- b. In a section (or a part thereof) immediately bounded to the north, south, or both by a section in which Defendants had a 30% royalty Intracompany Lease as set forth in subparagraph a.

Class Period is defined as the time between November 1, 2017 and continuing through October 19, 2020.

Excluded from the Class is any owner who:

- a. Is a Defendant;
- b. Is an officer, director, or employee of a Defendant;
- c. Is an entity in which Defendant has a controlling interest or is an affiliate;
- d. Is an entity controlled by a buyer of Defendants' leases or minerals, including Cowboy Land LLC, Sweetwater Trona HoldCo LLC, and any other affiliate of Orion Mine Finance Group;
- e. Has given a valid release concerning the claims asserted in this lawsuit;
- f. Was a lessee of Class Minerals during the Class Period; or
- g. Is an affiliate of the Court.

2. Class Representatives; Class Counsel. Subject to further order of the Court, named Plaintiffs Anita C. Deselms, John C. Eklund, Jr., Justin W. Miller, Brandi J. Miller, Ron Rabou, and Russell I. Williams, Jr. are designated as class representatives. Also subject to further order of the Court, Robert P. Schuster of Robert P. Schuster, P.C. is appointed as lead counsel for the Class. Mr. Schuster is responsible for coordinating appropriate staffing, including leadership in


assignments to participating class counsel, and compiling, maintaining and submitting unified time records on a monthly basis consistent with this Court's Attorney Time and Expense Records Order providing guidelines for attorney time and expenses. Counsel for the class is hereby advised that any agreement on fees is not binding on the Court as to any fee award request. By separate Orders, the Court will establish the responsibilities of designated lead class counsel including the regular submittal of a single, consolidated set of time and expense records. The Court will also provide specific guidelines concerning staffing, hourly rates, reimbursable expenses, and required documentation.

3. Notice. Subject to further Order by the Court, class counsel shall by May 27, 2022, implement the Notice Plan to inform putative class members about the proposed class action litigation and their options. For illustrative examples of the form of notices, see the Federal Judicial Center's Web site (www.fjc.gov) and go to the "Class Action Notices" page.

4. Exclusion. The notice to class members must inform them as to how they may exclude themselves from the class.

5. List of Class Members. Class counsel shall file with the clerk by September 9, 2022, an affidavit identifying the persons subject to the Notice Plan, which shall include any alternative techniques for providing notice which may not be specifically identified in the Notice Plan. The affidavit shall also include a list of all persons who have not timely requested exclusion.

Dated this 19th day of May, 2022


NANCY D. FREUDENTHAL
UNITED STATES DISTRICT COURT JUDGE