

**IN THE UNITED STATES DISTRICT COURT
OF THE DISTRICT OF WYOMING**

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

**DEFENDANTS’ NOTICE OF FILING DECLARATION
REGARDING COMPLIANCE WITH 28 U.S.C. § 1715**

Pursuant to the Court’s Order Granting Class Representatives’ Unopposed Motion to Preliminarily Approve Class Action Settlement, Certify the Class for Settlement Purposes, Approve Form and Manner of Notice, Appoint Settlement Class Representatives and Settlement Class Counsel, Appoint the Deposit Escrow Agent and Distribution Escrow Agent, and Set Date for Final Fairness Hearing as well as the Settlement Agreement between Class Representatives and Defendants Occidental Petroleum Corporation, Anadarko Petroleum Corporation, Anadarko E&P Onshore, LLC, Anadarko Oil & Gas 5 LLC, and Anadarko Land Corp. (“Defendants”), Defendants respectfully submit the attached Declaration of Ross MacDonald confirming that Defendants have complied with the Class Action Fairness Act’s notice requirement under 28 U.S.C. § 1715.

Dated: October 25, 2024

Respectfully submitted,

/s/ Kathy Patrick

Kathy Patrick
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Ross MacDonald
Michael Davis
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that this document was served on all counsel of record on October 25, 2024, via electronic filing.

/s/ Ross MacDonald

Ross MacDonald

**IN THE UNITED STATES DISTRICT COURT
OF THE DISTRICT OF WYOMING**

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Plaintiffs,)	
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Occidental Petroleum Corporation, et al.,)	
)	
Defendants.)	

**DECLARATION OF ROSS MACDONALD ON IMPLEMENTATION OF
CLASS ACTION FAIRNESS ACT NOTICE**

I, Ross M. MacDonald, hereby declare and state as follows:

1. My name is Ross Michael MacDonald. I am over the age of 25 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a Partner at the law firm of Gibbs & Bruns LLP, which represents the Defendants in the above-captioned matter.

3. On October 11, 2024, Gibbs & Bruns sent out Class Action Fairness Act notice packages (“Notice Packages”) to the appropriate federal and state officials, including the state Attorney Generals for all 50 states, the District of Columbia, Puerto Rico, and other U.S. Territories, as well as the Attorney General of the United States, and the Commissioner of the Wyoming Oil & Gas Commission. These Notice Packages were sent by USPS Certified Mail or, where directed by state officials, via email.

4. The materials sent to the State and Federal Officials included a Cover Letter, which provided notice of the proposed settlement of the above-captioned case. The Cover Letter is

included as **Exhibit A**. Attached to the Cover Letter is the CAFA Notice Service List with the addresses and identities of the federal and state officials who were sent the Notice Packages.

5. As explained in the Cover Letter, the Parties structured the timeline for the Motion for Preliminary Approval, the provision of notice to Settlement Class Members, and the Final Fairness Hearing, to allow Class Plaintiffs' Counsel's retained landmen to conduct additional title work to finalize the identities and addresses of the Settlement Class Members.

6. Therefore, as of the time that the Notice Packages were sent out (as required by 28 U.S.C. § 1715(b)), the Defendants did not have an exact list of the proposed Settlement Class Members, and instead relied on the list of those provided notice of the previously certified Liability-Only Class (*see* ECF 227, 321), which likely substantially overlaps with, but which may slightly differ from, the ultimate list of members determined by the landmen to be included in the Settlement Class. Because of this uncertainty, while there were no putative members of the Liability-Only Class located in a number of States, including Maine, Maryland, New Hampshire, New Jersey, Rhode Island, and Vermont (and also Puerto Rico and other U.S. Territories), Defendants nevertheless provided CAFA Notice to the appropriate officials of those states out of an abundance of caution, in case residents of those states are subsequently identified as Settlement Class Members by the Class Plaintiffs' landmen.

7. Each Cover Letter was accompanied by a flash drive (or, where emailed, by a file transfer protocol link), comprising the Notice Package, which included copies of the following:

- Plaintiff's Original Complaint, First Amended Complaint, and operative Second Amended Complaint (ECF Nos. 1, 43, and 78-1);
- Class Representatives' Unopposed Motion to Certify the Settlement Class for Settlement Purposes (ECF. No. 433);

- This Court's Order Granting Class Representatives' Unopposed Motion to Preliminarily Approve Class Action Settlement (ECF No. 435);
- The Settlement Agreement between Class Representatives and Defendants (ECF No. 434-1), including the proposed Notice of Class Settlement included as Exhibit 3 to that Settlement Agreement, the proposed Supplementary Notice included as Exhibit 4 to that Settlement Agreement, and the proposed notice for newspaper publication included as Exhibit 5 to that Settlement Agreement.
- The Notice List for Potential Members of the Liability-Only Class, referenced above.

8. The Cover Letter offered to provide any state or federal officials supplementary notice, upon request, once Class Plaintiffs have finalized the list of Settlement Class Members. To the extent any state or federal officials so request, Defendants will update the Court with any additional notice efforts.

9. I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 25, 2024.

A handwritten signature in blue ink, appearing to read "Ross MacDonald", written over a horizontal line.

Ross MacDonald

EXHIBIT A



Ross M. MacDonald
Partner
rmacdonald@gibbsbruns.com
713.751.5231

October 10, 2024

***Via Certified Mail
Return Receipt Requested***

Attorney General or Commissioner on the Enclosed Service List

Re: Notice of Proposed Class Action Settlement *DeSelms et al., v. Occidental Petroleum Corporation, et al.*, Civil Action No. 19-CV-243-KHR (D. Wyo.)

Dear Attorneys General:

I write on behalf of Occidental Petroleum Corporation, Anadarko Petroleum Corporation, Anadarko E&P Onshore, LLC, Anadarko Oil & Gas 5 LLC, and Anadarko Land Corp (together, “Anadarko”) in the matter of *DeSelms et al., v. Occidental Petroleum Corporation, et al.*, Civil Action No. 19-CV-243-KHR (D. Wyo.), pending in the United States District Court for the District of Wyoming before the Honorable Kelly H. Rankin.

In compliance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”), Anadarko hereby serves upon you notice that a proposed class action settlement between Anadarko and the Class Plaintiffs was filed with the Court on October 4, 2024. Pursuant to the CAFA, please find on the enclosed thumb drive copies of the materials referenced below relating to this proposed settlement:

1. Copy of the complaint, all materials filed with the complaint, and any amended complaints (28 U.S.C. § 1715(b)(1)).

The Class Plaintiffs’ original Complaint (ECF No. 1), First Amended Complaint (ECF No. 43), and their operative Second Amended Complaint (ECF No. 78-1) are enclosed in the electronic folder titled “Complaints.”

2. Notice of any scheduled judicial hearings (28 U.S.C. § 1715(b)(2)).

The Class Plaintiffs’ *Unopposed Motion to Preliminarily Approve Class Action Settlement, Certify the Class for Settlement Purposes, Approve Form and Manner of Notice, Appoint Settlement Class Representatives and Settlement Class Counsel, Appoint the Deposit Escrow Agent and Distribution Escrow Agent, and Set Date for Final Fairness Hearing* (“Motion for Preliminary Approval”) (ECF No. 433) was filed on October 4, 2024. This motion and the Class Plaintiffs’ Brief in Support (ECF No. 434), as well as all accompanying exhibits, are enclosed in the electronic folder titled “Motion to Preliminarily Approve & Exhibits.” The Court granted the motion on October 7, 2024, entering an order preliminarily approving the settlement. This order is enclosed in the electronic folder “Order Granting Motion to Preliminarily Approve.” The Final Fairness Hearing has been scheduled by the Court for May 15, 2025.

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3. Any proposed or final notification to class members (28 U.S.C. § 1715(b)(3)).

Copies of the proposed notifications to class members are included as Exhibits 3, 4, and 5 to the Settlement Agreement, which was included, with its exhibits, as Exhibit 1 to the Brief in Support of the Motion for Preliminary Approval (ECF No. 434-1) and are enclosed in the electronic folder “Settlement Agreement.”

4. Any proposed or final class action settlement (28 U.S.C. § 1715(b)(4)).

A copy of the executed Settlement Agreement between the Class Plaintiffs and Anadarko is enclosed as in the electronic folder “Settlement Agreement” and was filed at ECF No. 434-1.

The Settlement Agreement includes the following exhibits:

- Exhibit 1: Proposed Preliminary Approval Order
- Exhibit 2: Proposed Final Judgment
- Exhibit 3: Proposed Class Notice
- Exhibit 4: Proposed Supplementary Class Notice
- Exhibit 5: Proposed Newspaper Publication Notice
- Exhibit 6: Sections in Which Class Minerals Are Located

5. Any settlement or other agreement contemporaneously made between class counsel and counsel for Anadarko (28 U.S.C. § 1715(b)(5)).

None other than the Settlement Agreement referenced above. No other settlements or other agreements were contemporaneously made between Class Counsel and Anadarko’s counsel.

6. Any final judgment or notice of dismissal (28 U.S.C. § 1715(b)(6)).

There has been no final judgment or notice of dismissal. Accordingly, no such document is presently available. A copy of the final judgment has not yet been entered as of the date of this notice.

7. Reasonable estimate of the number of class members residing in each state and the estimated proportionate share of the claims of such members to the entire settlement (28 U.S.C. § 1715(b)(7)(B)).

The CAFA requires Anadarko to provide, “if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official.” 28 U.S.C. §1715(b)(7)(A). If it is not feasible to provide such information, then CAFA requires Anadarko to provide a “reasonable estimate of the number of class members residing in each State” with the estimated proportionate share of such claims. *Id.* § 1715(b)(7)(B).

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Due to the nature of the class, it is not feasible (or possible at this time) to provide the names of the class members and the estimated proportionate share of the claims of such members. The Court originally certified a liability-only class but declined to certify a damages class. *See* ECF 227. Subsequently, the Class Plaintiffs provided notice to potential members of the liability class (*see* ECF 321) but did not attempt to do the extensive title work necessary to identify all members of a potential damages or settlement class and their proportionate ownership of Class Minerals. The Class Plaintiffs have instead built into the Settlement Agreement a period of 120 days to allow certified landmen retained by Plaintiffs' counsel to complete and finalize the necessary title work to determine precise mineral ownership for participation in the Settlement Class. *See* Settlement Agreement at Section 3.1 ("As the number of Putative Settlement Class Members and net minerals within the Settlement Class Minerals may change, the Parties agree that one-hundred twenty (120) days after the date of entry of the Preliminary Approval Order will be set aside in order for Settlement Class Counsel's expert landmen to determine the Settlement Class Minerals as well as to update and check their previous findings. Upon completion of that review, Settlement Class Counsel shall prepare the final list of Putative Settlement Class Members and provide it to Defendants' Counsel."). Therefore, the exact identities of Settlement Class Members and their expected recoveries will not be available until the Class Plaintiffs have finished with this title work.

Instead, at this time, Anadarko is able to disclose that the Settlement Agreement provides for a payment of \$12,000,000, which, after deducting fees, expenses, and any case contribution awards approved by the Court, will be distributed pro rata to non-excluded Settlement Class Members based on their net mineral ownership of the slightly more than 60,000 Settlement Class Mineral acres. *See* Settlement Agreement at Section 1.21 at ("Gross Settlement Fund" and "Per Net Mineral Acre Payment Amount"). Anadarko is further able to identify the individuals or entities with mailing addresses in each State who received notice as part of the proposed liability-only Class that was certified by the Court. That list is enclosed electronically in the folder labeled "Putative Liability Class Member List." As mentioned above, it is not feasible at this time to identify any differences, if there are such differences, between potential members in the liability class and the proposed Settlement Class. Class Counsel, at this time, believes there will likely be small differences between the final list of Putative Settlement Class Members and the list of Putative Liability Class Members discovered as a result of the additional title work. The additional title work is also necessary to identify the exact net mineral acreage owned by such putative class members, and therefore, the exact pro rata recovery those individuals or entities would receive as part of the Settlement.

If so requested, Anadarko will be happy to supplement this notice upon Class Plaintiffs' completion of the title work, expected to be finished in or around early February 2025, with further information regarding the exact identifies of the proposed Settlement Class and the proposed recoveries of such members.

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8. Any Written Judicial Opinion Relating to the Settlement (28 U.S.C. § 1715(b)(8)).

None. As noted above, however, the Court has granted Plaintiffs' unopposed motion to preliminarily approve the settlement, which order is enclosed in the electronic folder "Order Granting Motion to Preliminarily Approve."

Anadarko submits this notice in a good faith effort to comply with any obligations it may have pursuant to 28 U.S.C. § 1715. In accordance with 28 U.S.C. § 1715(b), this notice has been served not later than 10 days after the proposed settlement was filed with the Court. And, in accordance with 28 U.S.C. § 1715(d), the Court will not issue an order giving final approval of the proposed settlement until at least 90 days after service of this notice. If you have any questions or believe that additional information is required regarding this class action settlement, please contact the undersigned counsel with your specific questions or requests.

Sincerely,



Ross MacDonald
Gibbs & Bruns LLP
Counsel for Defendants

cc: See attached Service List

CAFA Notice Service List
USPS Certified Mail Delivery

Appropriate Official	Full Name	Address 1	Address 2	City	St	Zip
Office of the Attorney General	Treg Taylor	1031 W. 4th Avenue, Suite 200		Anchorage	AK	99501
Office of the Attorney General	Steve Marshall	501 Washington Ave.		Montgomery	AL	36104
Office of the Attorney General	Tim Griffin	323 Center St., Suite 200		Little Rock	AR	72201
Office of the Attorney General	Kris Mayes	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway FL 10	Denver	CO	80203
Office of the Attorney General	Brian Schwab	400th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Anne E Lopez	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Brenna Bird	Hoover State Office Building	1305 E Walnut St	Des Moines	IA	50319
Office of the Attorney General	Raul Labrado	700 W. Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Office of the Indiana Attorney General	Todd Rokita	Indiana Government Center South	302 W Washington St Rm 5	Indianapolis	IN	46204
Office of the Attorney General	Kris Kobach	120 SW W 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Russell Coleman	700 Capitol Ave Suite 118		Frankfort	KY	40601
Office of the Attorney General	Liz Murrill	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Andrea Campbell	1 Ashburton Pl 20th Fl		Boston	MA	2108
Office of the Attorney General	Anthony G. Grown	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	4333
Dsepartment of Attorney General	Dana Nessel	PO Box 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St Ste 1400		St Paul	MN	55101
Missouri Attorney General's Office	Andrew Bailey	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	PO Box 220		Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders 3rd Fl	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H Wrigley	600 E Boulevard Ave Dept 125		Bismarck	ND	58505
Nebraska Attorney General	Mike Hilgers	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	3301
Office of the Attorney General	Matthew J Platkin	25 Market Street	PO Box 080	Trenton	NJ	8625
Office of the Attorney General	Raul Torrez	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	CAFA Coordinator	28 Liberty Street 15th Floor		New York	NY	10005
Office of the Attorney General	Dave Yost	30 E Broad St Fl 14		Columbus	OH	43215
Office of the Attorney General	Gentner Drummond	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F. Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Michelle A Henry	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F. Neronha	150 S Main St		Providence	RI	2903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Marty Jackley	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Jonathan Skrmetti	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	PO Box 12548		Austin	TX	78711
Office of the Attorney General	Sean D Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S Miyares	202 N 9th St		Richmond	VA	23219
Office of the Attorney General	Charity R Clark	109 State St		Montpelier	VT	5609
Office of the Attorney General	Bob Ferguson	800 5th Ave Ste 2000		Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrisey	State Capitol Complex Bldg 1 Room E 26	1900 Kanawha Blvd E	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Wyoming Oil and Gas Conservation Com	Honorable Mark Gordon	State Capitol	200 West 24th St	Cheyenne	WY	82002
Department of Legal Affairs	Fainu'ulei Fatefatu Ala'ilima-Utu	American Samoa Gov't Exec Ofc Bldg Utulei	Territory of American Samoa	Pago Pago	AS	96799
Attorney General Office of Guam	Douglas Moylan	Administrative Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of Attorney General	Edward Manibusan	Administration Bldg	PO Box 10007	Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernandez	PO Box 9020192		San Juan	PR	00902
Department of Justice	Gordon C. Rhea	3438 Kronprindsens Gade Ste 2	GERS BLDG	St Thomas	VI	00802
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC	

CAFA Notice Service List
Email

Appropriate Official	Contract Format	State				
Office of the Attorney General for Connecticut	All documents sent to their dedicated CAFA email inbox	CT				
Office of the Attorney General for Nevada	All documents sent to their dedicated CAFA email inbox	NV				