Kate M. Fox Wyoming State Bar #5-2646 John C. McKinley Wyoming State Bar #5-2635 DAVIS & CANNON, LLP 422 W. 26th Street Post Office Box 43 Cheyenne, WY 82003 307-634-3210 307-778-7118 (Fax) Email: <u>kate@davisandcannonchey.com</u> john@davisandcannonchey.com STATE OF WYOMING IN THE DISTRICT COURT ) ss. COUNTY OF CAMPBELL SIXTH JUDICIAL DISTRICT KENNETH B. GEER, VS. CIVIL ACTION NO. 32940 ANADARKO E & P ONSHORE, LLC, Successor to Lance Oil & Gas Company, Inc., a Delaware corporation, Defendant.

## PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff Kenneth B. Geer, as representative of the class certified by this Court, submits this motion for partial summary judgment pursuant to WRCP 56. There are no genuine issues as to any material fact, and Plaintiff is entitled to a judgment as a matter of law. For the reasons stated in the accompanying Brief and attachments, this Court should enter judgment in favor of the class on all claims. Specifically, Plaintiff asks the Court to:

- 1. Declare that the two methods for deducting taxes from royalties identified by Plaintiff violate Lance's obligation to pay royalties found in each royalty owner's contract, and result in royalty underpayment in violation of the Wyoming Royalty Payment Act;
- 2. Grant injunctive relief ordering Lance to correct these methodologies going forward;
- 3. Find that Lance is liable to the class of Campbell County royalty owners for such royalty underpayments, plus interest at the rate of eighteen percent (18%); and
- 4. Find that Lance is liable to the class for payment of attorney's fees and costs of this action.
- 5. Only the quantification of damages is left for determination at trial.

Koto M. Fox

Kate M. Fox
Wyoming State Bar #5-2646
John C. McKinley
Wyoming State Bar #5-2635
DAVIS & CANNON, LLP
422 W. 26<sup>th</sup> Street
Post Office Box 43
Cheyenne, WY 82003

## **CERTIFICATE OF SERVICE**

I hereby certify that on this  $31^{\rm st}$  day of July, 2013, the foregoing was served via U.S. Postal Mail to the following:

Mark R. Ruppert, P.C. Holland & Hart, LLP 2515 Warren Avenue, Suite 450 P.O. Box 1347 Cheyenne, WY 82003-1347 Jere C. Overdyke, III Holland & Hart, LLP 25 South Willow Street, Suite 200 P.O. Box 68 Jackson, WY 83001

Cathleen D. Parker Senior Assistant Attorney General Wyoming Attorney General's Office 123 State Capitol Building Cheyenne, WY 82002

Kate M. Fox