

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
PIKEVILLE

APPALACHIAN LAND COMPANY, )  
on behalf of itself and all others similarly )  
situated, )  
Plaintiffs, )  
v. )  
EQT PRODUCTION COMPANY, )  
f/k/a EQUITABLE PRODUCTION )  
COMPANY, )  
Defendant. )

CIVIL ACTION NO. 7:08-139-KKC

AGREED ORDER

\*\*\* \*\*

Whereas, the Court entered an Order dated on June 22, 2018 (Doc. #121) defining the Certified Class in this matter and re-stated that definition as the defined Settlement Class in the Court’s Order dated August 22, 2019 (Doc. #144);

Whereas, the parties agree that the Certified and Settlement Class definitions mistakenly track the definition set forth in the Complaint as opposed to the class definition set forth in Plaintiff’s Motion for Class Certification (Doc. #116), and that based upon previous rulings in this case the definition is overbroad as applied to this case to the extent the Settlement Class is defined to include persons and entities with leases that do not authorize the deduction of “other costs, and/or expense incurred to market such gas after it is severed from the well head” because those issues were summarily resolved by previous orders of this Court;

Whereas, the parties agree that the Certified and Settlement Class definitions

Complaint was filed;

Whereas, the parties' negotiations contemplated the class definition as proposed in Plaintiff's Motion for Class Certification;

Whereas, modifying the class definition will be in accordance with the prior rulings in this case, the parties' settlement intentions, the preliminary approval paperwork, the notice procedure, and will not prejudice members of the certified class;

Whereas, the parties also further agree that Paragraph 8(g) of the Court's August 22, 2019 (Doc. #144) should be amended to reflect that the obligation to "provide awards to Class Members" is not upon Defendant, but upon the Claims Administrator from the Settlement Funds.

Wherefore, based upon the agreement of the parties and the record, IT IS HEREBY **ORDERED** as follows:

- 1) The Class definitions set forth in the Court's June 22, 2018 (Doc. # 131, p. 20) and August 22, 2019 (Doc. #144, p. 1) Orders shall be amended and modified to conform with the prior Orders of this Court as follows:

All persons and entities that, during the period of January 1, 1995 through July 31, 2016, were lessors on Oil and Gas Leases with Equitable, or its predecessors in title, covering lands in Kentucky, which obligate the lessee to pay royalties on gas produced from wells at a rate of one-eighth of the market price received at the wellhead and which leases do not authorize the deduction of severance taxes ~~or other costs, and/or expense incurred to market such gas after it is severed from the wellhead.~~ The defined class excludes: the United States of America; (2) any Judge or Magistrate presiding over this action and members of their families; (3) Equitable, its affiliates, its predecessors-in-title, and its respective employees, officers and directors; and (4) potential members of the class who have been paid

- 2) Paragraph 8(g) of the Court's August 22, 2019 Order (Doc. # 144) is hereby amended to state that the "Settlement Administrator shall provide awards to Class Members either **60 days** after the Claims Deadline or Final Approval, whichever is later."

Dated: September 9, 2019



*Karen K. Caldwell*

KAREN K. CALDWELL  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF KENTUCKY

**HAVE SEEN AND AGREED TO:**

/s/ John C. Whitfield  
*Attorney for Plaintiff*  
*Appalachian Land Company*

/s/ Leigh Gross Latherow  
*Leigh Gross Latherow*  
*Attorney for Defendant*  
*EQT Production Company*