

SEP - 5 2006

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FILED

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KOLEEN HOSEKABEL
CLERK OF THE DIST. COURT

STEVENS CO. KS

IN THE TWENTY-SIXTH JUDICIAL DISTRICT
DISTRICT COURT, STEVENS COUNTY, KANSAS
CIVIL DEPARTMENT

JOHN STEPHEN ALFORD and)
ROBERT LARRABEE, individually and on)
behalf of Plaintiff Class as more fully)
described in the First Amended Petition,)
Plaintiffs,)

vs.)

Case No. 93 CV 37

PIONEER NATURAL RESOURCES)
USA., INC.,)
Defendant.)

MOTION TO SUBSTITUTE CLASS REPRESENTATIVE

Representative Plaintiff John Stephan Alford, by and through his counsel and counsel for the Plaintiff Class herein, Fleeson, Gooing, Coulson & Kitch LLC and Kramer, Nordling & Nordling L.L.C., moves for an order substituting Joe Larrabee for Robert Larrabee as Representative Plaintiff of the Plaintiff Class herein. In support of this Motion, Representative Plaintiff states:

1. By Order on Class Certification, dated October 3, 2000, the Court certified this action as a class action under K.S.A. 60-223 and designated John Stephan Alford and Robert Larrabee as Representative Plaintiffs of the Plaintiff Class certified by that Order.
2. On December 24, 2005, Robert Larrabee died.

3. For several years before Robert Larrabee's death, his son, Joe Larrabee, assisted his father in discharging his responsibilities as Class Representative and thereby became knowledgeable about this action.

4. After Robert Larrabee's death, Joe Larrabee deepened his involvement in the this action by further acquainting himself with the various claims and defenses in this action, participating in settlement negotiations, and assisting counsel in evaluating and presenting settlement offers.

5. Joe Larrabee is a member of the Plaintiff Class.

6. Joe Larrabee meets all the requirements of a Representative Plaintiff under K.S.A. 60-223, including that his claims are typical of the claims of the Plaintiff Class and that his ability and willingness to fairly and adequately protect the interests of the Plaintiff Class.

WHEREFORE, Representative Plaintiff John Stephan Alford moves for an order substituting Joe Larrabee for Robert Larrabee as Representative Plaintiff of the Plaintiff Class herein.

Respectfully submitted this 29th day of August, 2006.

FLEESON, GOOING, COULSON & KITCH, LLC

By _____

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-and-

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Attorneys for Plaintiffs and Plaintiff Class

CERTIFICATE OF SERVICE

I certify that on this 29th day of August, 2006, a copy of the foregoing **Motion to Substitute Class Representative** was hand-delivered to:

Jim H. Goering, Esq.
FOULSTON & SIEFKIN, L.L.P.
Commerce Bank Center
1551 N. Waterfront Parkway, Ste. 100
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Gregory J. Stucky