

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. )

**ORDER REGARDING PROPOSED EXPERT WITNESS JOHN C. DUNN**

Plaintiffs appear by and through their counsel Gregory J. Stucky, Thomas D. Kitch, and David G. Seely of Fleeson, Goering, Coulson & Kitch, L.L.C. and by Erick E. Nordling of Kramer, Nordling & Nordling, LLC. Defendant appears by and through their counsel Jim H. Goering of Foulston & Siefkin L.L.P. The Court has reviewed the "Motion by Defendant Pioneer Requested a Ruling that John C. Dunn Should Not be Disqualified as an Expert Witness"; Plaintiffs' Response, and a "Supplemental Affidavit of John C. Dunn" recently filed of record. The Court is advised that with the filing of the Supplemental Affidavit by John C. Dunn, the parties have agreed that John C. Dunn should be permitted to testify as an expert witness in these proceedings.

The Court agrees, and rules that John C. Dunn shall be permitted to testify as an expert witness in this matter. The Court finds that Mr. Dunn's work in *Robert Larrabee et al., v. Mesa Petroleum Company* (Case No. 4950, Stevens County, Kansas), was limited to a specific topic -- "rate of return" -- and that he did not learn anything from his work in that case about the intent of the parties to the settlement agreement therein. The Court further finds that in the Expert's Report submitted in these proceedings (attached as an Exhibit to Defendant Pioneer's Motion/Brief), Mr. Dunn did not rely on information of any kind (whether written, oral, demonstrative or otherwise) from his work or role in *Robert Larrabee et al., v. Mesa Petroleum Company* (Case No. 4950, Stevens County, Kansas). The sole basis for Mr. Dunn's testimony in these proceedings shall be as described in his Expert Report and in his response to an inquiry from Plaintiffs' counsel, which accompanied a letter from Jim H. Goering to Gregory J. Stucky dated April 18, 2001. With that caveat, the Court finds that John C. Dunn shall be permitted to testify as an expert witness in these proceedings.

IT IS SO ORDERED on this \_\_\_\_\_ day of May, 2001.

\_\_\_\_\_  
Tom R. Smith  
District Judge

Approvals:

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Gregory J. Stucky  
Attorneys for Plaintiffs

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Jim H. Goering  
Attorneys for Defendant