

IN THE DISTRICT COURT OF STEVENS COUNTY, KANSAS

Opal Littell and Jerry Rider, co-trustees )  
of the Opal Little Family Trust, and )  
Bonnie Beelman, individually and as representative )  
Plaintiffs on behalf of persons or concerns )  
similarly situated, )

Plaintiffs, )

v. )

Case No. 98-CV-51

Oxy USA, Inc., )

Defendant. )

v. )

Wallace B. Roderick Revocable Living Trust, )  
Trustee Wallace B. Roderick, on behalf of itself )  
and all others similarly situated, )

Intervenor. )

(Pursuant to Chapter 60)

INTERVENOR'S CLASS ACTION PETITION FOR THE  
NON-GATHERING DEDUCTION CLAIMS ONLY

Intervenor brings this class action for the Non-Gathering Deduction claims against Defendant and would show the Court as follows:

1. Intervenor is The Wallace B. Roderick Revocable Living Trust, with trustee of Wallace B. Roderick ("Trust") which as of the June 25, 2006 Oil and Gas Revenue Detail from OXY USA, Inc. was a royalty owner (Owner No. 084275) on the Weber UT Natural Gas No. 2 well in Kearny County, KS which had Gathering Deductions taken. The Trust address is 1255 SE Third St., Cedaredge, CO 81413, and at all material times prior to that the royalty interest was owned by Wallace B. Roderick, individually, who also joins in this objection/intervention. The Trust is a member of the Gathering Deduction Class

certified in this case and a member of the proposed settlement class under consideration in this case.

2. Defendant OXY USA, Inc. has been previously served in this case.

3. Plaintiff and Plaintiff Class is a class that has been previously certified on a contested basis to recover Gathering Deductions only.

4. Plaintiff and Plaintiff Class Counsel have conducted merits discovery and a trial with respect to gathering deduction claims and have determined OXY's exposure with respect thereto and a reasonable settlement value with respect to the Gathering Deduction claims.

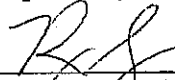
5. There has been no investigation, discovery, valuation, or legal assessment of the Non-Gathering claims, so Intervenor seeks to intervene in this case to do so.

6. The Amendment and Supplement to Petition, para. 1, reflects that it relates back and is deemed filed as of November 13, 1998, when the original Petition was filed.

7. Intervenor does not seek to re-litigate the Gathering Deduction Class trial set forth in para. 1.a. of the Amendment and Supplement to Petition.

8. Intervenor does seek to intervene as class representative and class counsel to certify a class and conduct merits discovery for the purposes of trial or settlement on the new claims set forth in paras. 1.b, c, d, e, f, g, h, i, ("the Non-Gathering Deduction claims") and otherwise adopts and incorporates the Amendment and Supplement to Petition and the originally filed Petition dated November 13, 1998.

Respectfully submitted,



---

Rex A. Sharp #12350

Barbara C. Frankland #14198

Gunderson, Sharp & Walke, L.L.P.

5301 W. 75<sup>th</sup> Street

Prairie Village, KS 66208

(913) 901-0500

(913) 901-0419 Fax

Counsel for Intervenor and Intervenor Class on  
Non-Gathering Deduction Claims

Certificate of Service

I hereby certify that I mailed, faxed or e-mailed the above and foregoing to:

Thomas D. Kitch  
Gregory J. Stucky  
David G. Seely  
Fleeson, Gooing, Coulson & Kitch, LLC  
PO Box 997  
301 N. Main, Ste. 1900  
Wichita, KS 67202

Erick E. Nordling  
Kramer Norlding & Norling, LLC  
209 East Sixth Street  
Hugoton, KS 67951

Attorneys for Plaintiff

Kerry McQueen  
Sharp McQueen  
419 N. Kansas  
PO Box 2619  
Liberal, KS 67905

James C.T. Hardwick  
T. Lane Wilson  
Hall, Estill, Hardwick, Gable,  
Golden & Nelson, PC  
320 South Boston Bldg., Ste. 400  
Tulsa, OK 74103

Attorneys for Defendant

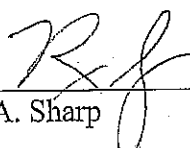
the original to:

Koleen Nosekabel  
Clerk of the District Court  
Stevens County Courthouse  
200 E. Sixth St.  
Hugoton, KS 67951

courtesy copy to:

Honorable Tom R. Smith  
District Judge  
200 E. 6<sup>th</sup> St.  
Hugoton, KS 67951

on this 25<sup>th</sup> day of February, 2008.

  
\_\_\_\_\_  
Rex A. Sharp