

DISTRICT COURT, LA PLATA COUNTY,
COLORADO
Court Address: 1060 E. 2nd Ave., Durango, CO 81301
Phone Number: (970)247-2304

Plaintiff(s): RICHARD PARRY, LINDA PARRY,
EVELYN L. PAYNE, and DAVID G. GROBLEBE,
individually and as representative Plaintiffs on behalf of
persons similarly situated, (94CV111)

(Consolidated with other cases as 94CV105)

v.

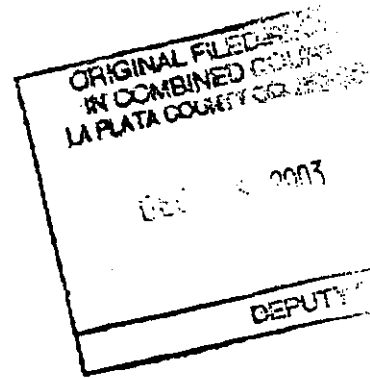
Defendant(s): AMOCO PRODUCTION COMPANY, a
Delaware corporation

Attorney or Party Without Attorney:

G.R. Miller
MCDANIEL, BATY, MILLER, AGRO, WALES &
ROBBINS, LLC
1040 Main Avenue
P.O. Box 1157
Durango, CO 81302

and of counsel:

Thomas D. Kitch
Gregory J. Stucky
David G. Seely
FLEESON, GOOING, COULSON & KITCH, LLC
125 N. Market, Suite 1600
P.O. Box 997
Wichita, KS 67201-0997
Phone Number: (970)247-1113
Fax Number: (970)259-2690
E-mail: miller@mcdaniel-law.com
Atty. Reg. #: 8406



▲ COURT USE ONLY ▲

Case Number: 94CV105

Div.:

Ctrm.:

**PLAINTIFFS' MOTION FOR RECONSIDERATION OR AMENDMENT OF
ORDER ON MARKETABILITY AND REASONABLENESS OF COSTS**

COME NOW the Plaintiffs, and move the Court, pursuant to C.R.C.P. 59, for its Order
reconsidering and amending the Court's October 6, 2003 Order on Marketability and
Reasonableness of Costs as follows:

A. Amending that Order to hold, with respect to Subclass 1, that it is unreasonable to charge royalty owners costs incurred to remove CO₂ from the gas stream when the gas does not require such treatment to meet pipeline specifications; and

B. Amending that Order to hold, with respect to Subclass 1, that Amoco must recover its capital costs on the basis of plant capacity (as opposed to throughput).

In support of their motion, plaintiffs submit herewith a memorandum.

Respectfully submitted,

FLEESON, GOONG, COULSON & KITCH, L.L.C.

Thomas D. Kitch

Gregory J. Stucky

David G. Seely

P.O. Box 997

Wichita, KS 67201-0997

(316) 267-7361

-and-

McDANIEL, BATY, MILLER, AGRO, WALES &

ROBBINS, LLC

P.O. Box 1157

Durango, CO 81032

(970) 247-1113

By: _____



G.R. Miller - #8406

Attorneys for Plaintiffs and Plaintiff Class

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2003, I mailed a true and correct copy of the above and foregoing **PLAINTIFFS' MOTION FOR RECONSIDERATION OR AMENDMENT OF ORDER ON MARKETABILITY AND REASONABLENESS OF COSTS** postage prepaid and properly addressed, to the following persons:

John R. Cooney
Charles A. Armgardt
MODRALL, SPERLING, ROEHL,
HARRIS & SISK, P.A.
P.O. Box 2168
Bank of America Centre, Suite 1000
500 Fourth Street, N.W.
Albuquerque, NM 87103-2168

Michael R. Homeyer
BP AMOCO
Post Office Box 3092
Houston, TX 77253-3092

Thomas P. Dugan
DUGAN & ASSOCIATES
900 Main Avenue, Suite A
Durango, CO 81301

Barbara Snow