

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 & 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, GOING, 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

2002 APR 15 PM 3:47

D  
DISTRICT COURT  
LA PLATA COUNTY, COLORADO

▲ COURT USE ONLY ▲

Case Number: 94CV105  
Div.:  
Ctrm.:

**PLAINTIFFS' WITHDRAWAL OF MOTION FOR PARTIAL SUMMARY  
JUDGMENT OBLIGATING AMOCO TO REFUND DEDUCTIONS  
(EXCEPT TAXES) TAKEN FROM ROYALTY PAYMENTS TO  
MEMBERS OF SUBCLASS 2 HOLDING "GROSS PROCEEDS" LEASES**


Plaintiffs hereby withdraw the Plaintiff's Motion for Partial Summary Judgment Obligating Amoco to Refund Deductions (Except Taxes) Taken From Royalty Payments to Members Of Subclass 2 Holding "Gross Proceeds" Leases, which was filed herein on or about November 6, 2001, and has been partially resolved by agreement of the parties. Such withdrawal is without prejudice to the right of plaintiffs to reassert such motion with regard to the portion thereof not so resolved.

**RESPECTFULLY SUBMITTED** this 15<sup>th</sup> day of April, 2002

FLEESON, GOOING, 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  
P.O. Box 1157  
Durango, CO 81032  
(970) 247-1113

By:   
G.R. Miller - #8406  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of day of April, 2002, I mailed a true and correct copy of the above and foregoing **PLAINTIFFS' WITHDRAWAL OF MOTION FOR PARTIAL SUMMARY JUDGMENT OBLIGATING AMOCO TO REFUND DEDUCTIONS (EXCEPT TAXES) TAKEN FROM ROYALTY PAYMENTS TO MEMBERS OF SUBCLASS 2 HOLDING "GROSS PROCEEDS" LEASES**, postage prepaid and properly addressed, to the following persons:

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, P.C.  
900 Main Avenue, Suite A  
Durango, CO 81301

  
\_\_\_\_\_