

IN THE SUPREME COURT OF THE STATE OF KANSAS

WILLIE JEAN FARRAR and KEITH FARRAR,)
as Co-Trustees of the Keith Farrar Revocable)
Trust, dated October 22, 1999; JOHN ELDON)
GREGG and KEITH THOMAS GREGG, as)
Co-Trustees of the Marie Gregg Trust u/a, dated)
April 26, 1979, as amended; THOMAS L. and)
PATRICIA A. LAHEY, individually and jointly,)

Plaintiffs/Appellees.)

vs.)

Case No. 09-103009-A)

MOBIL OIL CORPORATION,)

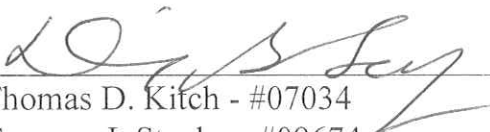
Defendant/Appellant.)

**APPELLEES' NOTICE OF INTENT TO NOT
FILE RESPONSE TO PETITION FOR REVIEW**

Having fully reviewed and considered the arguments contained in appellant's Petition for Review, appellees have determined that a response is not necessary. Appellees rely upon the sound opinion of the Court of Appeals, which found that Mobil's positions "border[] on disingenous" and "ha[ve] simply never been the law or practice in Kansas," as grounds for denying review of that decision. In addition to the authorities cited therein, the opinion is also consistent with the previous observation by this Court that "it would be difficult to imagine a more manageable class action" than one, such as the one at hand, where a lessee-producer, such as defendant, has treated all of its royalty owners the same way, regardless of any variations in lease language. *See Shutts v. Phillips Petroleum Co.*, 222 Kan. 527, 557, 567 P.2d 1297 (1977), *cert. denied*, 434 U.S. 1068 (1978).

Appellees urge the Court to give expedited consideration to the Petition for Review. This action was filed in 2001. After initial discovery, the action was stayed. After the stay was lifted, it then became the subject of appellant's unsuccessful removal attempt to federal court. After further discovery and proceedings, which culminated in the district court's certification order, the Court of Appeals stayed the district court proceedings pending the resolution of this interlocutory review. In order to avoid further delay, appellees respectfully request that the Court promptly deny appellant's petition and remand the matter to the district court for proceedings on the merits.

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

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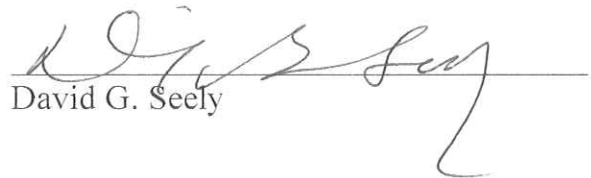
Attorneys for Plaintiffs/Appellees

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th of July, 2010, a true and correct copy of the above and foregoing Motion was mailed, postage prepaid, to the following counsel for defendant/appellant:

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