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**FILED**

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KOLEEN MCGEHEE  
CLERK OF DISTRICT COURT

*Jng*  
STEVENS COUNTY, KS

*Wep*

**IN THE TWENTY-SIXTH JUDICIAL DISTRICT  
DISTRICT COURT, STEVENS COUNTY, KANSAS  
CIVIL DEPARTMENT**

**OPAL LITTELL and CHERRY RIDER,** )  
co-trustees of the Opal Littell Family )  
Trust, and **BONNIE BEELMAN,** )  
individually and as representative )  
plaintiffs on behalf of persons or concerns )  
similarly situated, )  
)  
**Plaintiffs,** )

vs. )

**OXY USA INC.,** )  
)  
**Defendant.** )

Case No. 98-CV-51

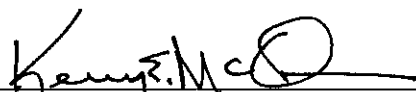
**MOTION TO DECERTIFY CLASS**

OXY USA INC. ("OXY"), pursuant to Kan. Stat. Ann. § 60-223, respectfully submits this Motion to Decertify Class in that the issuance of new controlling law from the Kansas Supreme Court in the case of Smith v. Amoco Production Co., \_\_\_ Kan. \_\_\_, 31 P.3d 255

(2001), precludes Plaintiffs from now demonstrating the requirements of commonality, predominance and typicality as required by Section 223. In support of its motion, OXY also respectfully submits herewith its Brief in Support of Motion to Decertify Class.

Respectfully submitted,

**SHARP, MCQUEEN, MCKINLEY,  
DREILING & TATE, P.A.**

By:   
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**ATTORNEYS FOR DEFENDANT  
OXY USA INC.**

CERTIFICATE OF SERVICE

I, Kerry McQueen, hereby certify that I mailed on this 31st day of January, 2002, a true and correct copy of the above and foregoing by depositing the same in the United States Mail, properly addressed and postage prepaid to:

Thomas D. Kitch  
Gregory J. Stucky  
Charles E. Millsap  
David G. Seely  
FLEESON, GOOING, COULSON & KITCH, L.L.C.  
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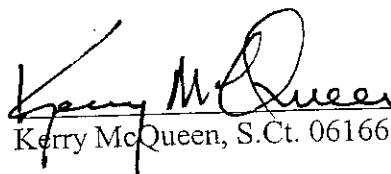
Bernard E. Nordling  
Erick E. Nordling  
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209 East Sixth Street  
Hugoton, Kansas 67951

that the original of the above and foregoing was hand-delivered on this 31st day of January, 2002, to:

Clerk of the District Court  
Stevens County Courthouse  
200 East Sixth Street  
Hugoton, Kansas 67951

and a chamber copy was hand-delivered on this 31st day of January, 2002, to:

Honorable Tom R. Smith  
Stevens County Courthouse  
200 East Sixth Street  
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Kerry McQueen, S.Ct. 06166