

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BRANDON W. OWENS,

Individually And On Behalf Of All
Others Similarly Situated,
Plaintiffs,

USDC Case No: 12-4157-JAR

v.

Wilson County District Court
Case No. 2012-CV-68

DART CHEROKEE BASIN OPERATING
CO., LLC and CHEROKEE BASIN PIPELINE,
LLC,
Defendants.

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§1441(a) and 1446 and D.Kan. Rule 81.1, Defendants Dart Cherokee Basin Operating, Company LLC ("DCBO") and Cherokee Basin Pipeline, LLC ("CBPL") hereby remove to this Court the state court action described below.

1. On October 30, 2012, an action was commenced in the Thirty-First Judicial District, the District Court of Wilson County, Kansas, at Fredonia, captioned *Brandon w. Owens, Individually and on Behalf of all Others Similarly Situated, v. Dart Cherokee Basin Operating, Co. LLC and Cherokee Basin Pipeline, LLC*, bearing Case No. 2012-CV-68.

2. On November 5, 2012, DCBO was served with Summons and a copy of Plaintiff's Petition by process server on The Corporation Company, Inc., its agent for service of process, 112 S.W. 7th Street, Suite 3C, Topeka, KS 66603. A copy of the Petition served upon

Corporation Service Company in the state court action and a copy of the summons filed therein are attached hereto as Exhibit A.

3. On November 5, 2012, CBPL was also served with Summons and a copy of Plaintiff's Petition by process server on The Corporation Company, Inc., its agent for service of process, 112 S.W. 7th Street, Suite 3C, Topeka, KS 66603. A copy of the Petition served upon Corporation Service Company in the state court action and a copy of the summons filed therein are attached hereto as Exhibit B.

4. The Clerk of the District Court of Wilson County, Kansas, has entered an Order extending the time within which Defendants may answer or otherwise plead to the Petition. A copy of said Order is attached hereto as Exhibit C.

5. This is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332(d), and it is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §1441.

6. Plaintiff Brandon W. Owens is a citizen and resident of the State of Kansas. Petition, ¶ 2.

7. Defendant DCBO is a limited liability company organized under the laws of the state of Delaware, with its principal place of business in Michigan. DCBO's sole member is Dart Oil & Gas Corporation, a Michigan corporation with its principal office in Michigan.

8. Defendant CBPL is a limited liability company organized under the laws of the state of Delaware, with its principal place of business in Michigan. CBPL has two members: Dart Oil & Gas Corporation, a Michigan corporation with its principal office in Michigan and Gas Authority Supplies LLC (GAS), a Georgia limited liability company. GAS's sole member is the Municipal Gas Authority of Georgia, a Georgia Public Corporation created pursuant to act of

the Georgia General Assembly. Both GAS and MGAG have their principal places of business in Georgia.

9. Plaintiff's Petition does not state a specific amount as damages. It does, however, pray for payment of royalties and interest claimed to be due to royalty owners who were paid royalties with regard to gas produced from wells located in Kansas in which DCBO has owned any working interest, for the period from January 1, 2002 to the present.

10. This matter involves approximately 700 wells that DCBO currently operates in Kansas. The purported class consists of royalty owners that own an interest in the wells in which DCBO has a working interest in Kansas. There are approximately 400 royalty owners with interests in the 700 wells at issue.

11. Plaintiff is a citizen of Kansas, Defendants are citizens of Delaware, Michigan, and/or Georgia for diversity purposes. The class includes hundreds of citizens of Kansas and citizens of states other than Delaware, Michigan, and Georgia. There is the minimal diversity of citizenship required under 28 U.S.C. 1332(d).

12. Plaintiff claims that DCBO owes additional royalties because, among other things, DCBO (a) pays royalties based upon a below market price; (b) improperly deducts charges from the sales price for costs associated with gathering, compression, dehydration, and/or treatment before computing royalties; and (c) improperly shifts a portion of the conservation fee to royalty owners.

13. Plaintiff seeks to recover on behalf of a class of any royalty owner in any well located in Kansas in which DCBO has owned any working interest from January 1, 2002 to the present.

14. DCBO has undertaken to quantify the amount of additional royalties that would be owed if all or substantially all of the adjustments to royalties advanced by Plaintiff were found to be required to be made.

15. Based upon this calculation of Plaintiff's putative class claims, the amount of additional royalty sought is in excess of \$8.2 million.

16. Defendants first received a copy of this Petition on November 5, 2012, when each was received by Defendants' statutory agents for service of process. This Notice is filed within 30 days of that date.

17. According to 28 U.S.C. § 1446(d), copies of this Notice have been served on counsel for plaintiff and filed with the Clerk of the District Court Wilson County, Kansas. In addition, according to Local Rule 81.1, a copy of all pleadings filed in the State Court action are filed herewith.

WHEREFORE, Defendants pray that this action be removed to the United States District Court for the District of Kansas.

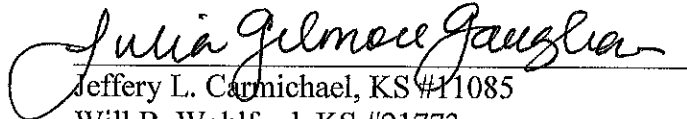
DESIGNATION OF TRIAL

COME NOW Defendants and designate the place of trial as Wichita, Kansas.

Date: December 5, 2012

Respectfully submitted by:

Morris, Laing, Evans, Brock & Kennedy, Chtd.


Jeffery L. Carmichael, KS #11085

Will B. Wohlford, KS #21773

300 N. Mead, Suite 200

Wichita, KS 67202

(316) 262-2671

jcarmichael@morrislaing.com

wwohlford@morrislaing.com

and

Julia Gilmore Gaughan, KS #23919
800 SW Jackson St., Suite 1310
Topeka, KS 66612-1216
(785) 232-2662 Fax: (785) 232-9983
jgaughan@morrislaing.com

*Attorneys for Dart Cherokee Basin Operating
Co., LLC and Cherokee Basin Pipeline, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December 2012, I electronically filed the foregoing **Notice of Removal** with the Clerk of the Court by using the CM/ECF system, which will send notice of electronic filing to all counsel who have registered for receipt of documents filed in this matter.

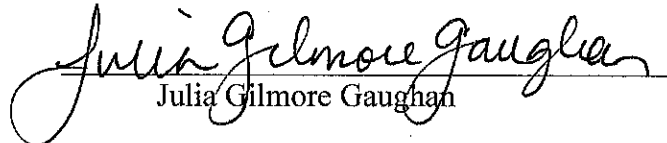
I Further hereby certify that a true and correct copy of the above and foregoing was mailed this 5th day of December, 2012, via United States mail, postage prepaid, to:

John F. Edgar
Edgar law Firm, LLC
1032 Pennsylvania Ave.
Kansas City, MO 64105

Rex A. Sharp
Barbara C. Frankland
Gunderson, Sharp & Walke, LLP
5301 W. 75th St.
Prairie Village, KS 66208

Grady Young
714 Walnut
Coffeyville, KS 67337

Attorneys for Plaintiffs


Julia Gilmore Gaughan


**Service of Process
Transmittal**

11/05/2012

CT Log Number 521538631

TO: CHARLES E HENDERSON
Dart Energy Corporation
600 DART RD
MASON, MI 48854-

RE: Process Served in Kansas

FOR: DART CHEROKEE BASIN OPERATING COMPANY, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Brandon W. Owens, individually and on behalf of all others similarly situated, Pltf. vs. Dart Cherokee Basin Operating Co., LLC and Cherokee Basin Pipeline, LLC, Dfts.

DOCUMENT(S) SERVED: Summons, Petition, Return, Certification, Affidavit

COURT/AGENCY: Wilson County District Court, KS
Case # 2012CV68

NATURE OF ACTION: Class Action - Defendant's failed to pay or underpaid royalty owners by taking numerous deductions before the gas products were in marketable condition

ON WHOM PROCESS WAS SERVED: The Corporation Company, Inc., Topeka, KS

DATE AND HOUR OF SERVICE: By Process Server on 11/05/2012 at 10:36

JURISDICTION SERVED : Kansas

APPEARANCE OR ANSWER DUE: Within 21 days after service, not counting the day received

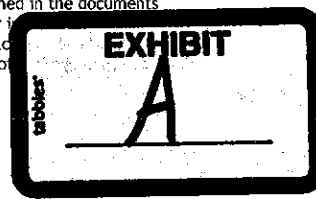
ATTORNEY(S) / SENDER(S): Joh F. Edgar
Edgar Law Firm LLC
1032 Pennsylvania Ave
Kansas City, MO 64105
816-531-0033

ACTION ITEMS: CT has retained the current log, Retain Date: 11/05/2012, Expected Purge Date: 11/10/2012
Image SOP
Email Notification, Susan Ward sward@dartenergy.com
Email Notification, CHARLES E HENDERSON chenderson@dartenergy.com

SIGNED: The Corporation Company, Inc.
PER: Amy McLaren
ADDRESS: 112 S.W. 7th Street
Suite 3C
Topeka, KS 66603
TELEPHONE: 800-592-9023

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Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for reviewing the documents and for taking appropriate action. Certified mail receipts confirm receipt of contents.



10/30/2012 13:02

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**IN THE DISTRICT COURT OF WILSON COUNTY, KANSAS
SITTING IN FREDONIA**

BRANDON W. OWENS,)

Individually And On Behalf Of All)
Others Similarly Situated,)

Plaintiffs,)

v.)

DART CHEROKEE BASIN)
OPERATING CO. LLC,)Serve:)The Corporation Company, Inc.)
112 SW 7th St, Suite 3C)
Topeka, KS 66603)

and)

CHEROKEE BASIN PIPELINE, LLC,)

Serve:)The Corporation Company, Inc.)
112 SW 7th St, Suite 3C)
Topeka, KS 66603)

Defendants.)

COPY FOR SERVICE

Case No. 2012-CV-68

SUMMONS

TO: DART CHEROKEE BASIN OPERATING CO. LLC
c/o Registered Agent: The Corporation Company, Inc.
112 SW 7th Street, Suite 3C, Topeka, KS 66603

A lawsuit has been filed against you.

10/30/2012 13:02

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Within twenty one (21) days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached petition or a motion under K.S.A. 60-212. The answer or motion must be served on the plaintiff's attorney, or the plaintiff if plaintiff has no attorney, at the following address:

John F. Edgar
EDGAR LAW FIRM LLC
1032 Pennsylvania Ave.
Kansas City, MO 64105
Telephone:(816) 531-0033
Facsimile:(816) 531-3322
Email: jfe@edgarlawfirm.com
ATTORNEYS FOR PLAINTIFFS

If you fail to file an answer or motion as described above, judgment by default will be entered against you for the relief demanded in the petition. You also must file your answer or motion with the court.

If you file an answer, any related claim which you may have against the plaintiff must be stated as a counterclaim in your answer. If you fail to do so you will thereafter be barred from making such claim in any other action.

Date

10/30/2012

Clerk's Seal



Clerk of the District Court.

By Deputy

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WILSON COUNTY
DISTRICT COURT
FILED BY FAX

THE DISTRICT COURT OF WILSON COUNTY, KANSAS
SITTING IN FREDONIA

BRANDON W. OWENS,

Individually And On Behalf Of All
Others Similarly Situated,

Plaintiffs,

v.

Case No. 2012-CV-68

DART CHEROKEE BASIN
OPERATING CO. LLC,

Serve:

The Corporation Company, Inc.
112 SW 7th St, Suite 3C
Topeka, KS 66603

and

CHEROKEE BASIN PIPELINE, LLC,

Serve:

The Corporation Company, Inc.
112 SW 7th St, Suite 3C
Topeka, KS 66603

Defendants.

CLASS ACTION PETITION PURSUANT TO K.S.A. CHAPTER 60

COMES NOW Plaintiff, Brandon W. Owens, on behalf of himself and all other similarly situated royalty owners, sues Defendants Dart Cherokee Basin Operating Co., LLC, and Cherokee Basin Pipeline, LLC for underpayment of royalties and alleges as follows:

1. This action is brought pursuant to Chapter 60 of the Kansas Statutes Annotated.

PARTIES

2. Plaintiff Brandon W. Owens is a citizen and resident of the State of Kansas, residing at 2334 Co. Rd. 2800, Independence, Kansas 67301. Plaintiff is a royalty owner of Dart Cherokee Basin Operating Co., LLC who operated or paid royalty from working interest production in wells known as the Owens 2-30 and Melander-Owens 2 wells.

3. Defendant Dart Cherokee Basin Operating Co., LLC ("Dart") is believed to be a Delaware corporation with its principal place of business in Michigan. Dart conducts regular and systematic business throughout the State of Kansas, as well as in Wilson County and Montgomery County, Kansas.

4. Cherokee Basin Pipeline, LLC ("Cherokee Pipeline") is believed to be a Delaware corporation with its principal place of business in Kansas. Cherokee Pipeline is a wholly owned subsidiary of Dart, and the entity through which Dart pays royalties to Plaintiff and the Class of royalty owners defined herein. At all times relevant, and for all relevant purposes, Cherokee Pipeline acted as an agent for Dart.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this claim pursuant to K.S.A. § 60-308(b)(A), (C), (E), and/or (F), because Defendants' acts giving rise to this suit were committed in the State of Kansas as more fully described above and below.

6. Venue is proper in this Court pursuant to K.S.A. §§ 60-603 and 60-604 because the cause of action arose in this County and Defendants conduct regular and systematic business in this County.

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FACTS COMMON TO ALL COUNTS

7. Defendants underpaid royalty owners by taking numerous deductions (via fees or in-kind volumetric) before the gas products were in marketable condition.

8. The above-referenced deductions include, but are not limited to gathering, compression, dehydration, and/or treatment deductions.

9. These deductions were hidden from royalty owners, including the Plaintiff and Class, in that they were not revealed on their check stubs, and the deduction information arises from confidential gas contracts and accounting processes.

10. Defendants also deducted from payments to Plaintiff and the Class a conservation fee deduction. Such deductions were improper. Indeed, although they were not a tax, conservation fee deductions were deceptively lumped in as "taxes" on the check stubs of Plaintiff and the Class.

11. As a direct and proximate result of Defendants acts and/or omissions, Plaintiff and the Class have been injured/damaged.

CLASS ACTION ALLEGATIONS

12. Plaintiff brings this class action lawsuit on behalf of himself and the following similarly situated Class:

All royalty owners who were paid royalties from Dart Cherokee Basin Operating Co., LLC or Cherokee Basin Pipeline, LLC working interest Kansas wells from January 1, 2002 to the date of Class Notice.

Excluded from the Class are: (1) the Mineral Management Service (Indian tribes and the United States); (2) Defendants, their affiliates, predecessors, and employees, officers, and directors; and (3) any NYSE or NASDAQ listed company (and its subsidiaries) engaged in oil and gas exploration, gathering, processing, or marketing.

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13. This lawsuit is brought pursuant to K.S.A. § 60-223.

14. The prerequisites of K.S.A. § 60-223, including numerosity, commonality, typicality, adequacy, predominance and/or superiority are satisfied.

15. Members of the Class are so numerous that joinder of all members is impracticable. Defendants operate over 500 wells in Kansas with one or more royalty owners for each well.

16. There are questions of law and fact common to the Class which predominate over questions affecting only individual members. These questions include, but are not limited to, the following:

- a. Whether Plaintiff and the Class members are the beneficiaries of an implied covenant obligating Defendants to place the gas from class wells into marketable condition;
- b. Whether Defendants are solely responsible for all costs necessary to render commercially marketable the gas produced under the oil and gas leases;
- c. Determining the point at which the gas that Defendants produce becomes commercially marketable;
- d. Whether Defendants deducted or allowed third parties to deduct (in cash or in kind) amounts for placing the gas into marketable condition before paying royalty to Plaintiff and the Class members;
- e. Whether Defendants paid royalty to Plaintiff and the Class members based on a starting price below what Defendants received in arm's-length sales transactions for products in marketable condition;

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- f. Whether Defendants calculated the royalty paid to Plaintiff and the Class according to the internal accounting, royalty payment formulas, and record-keeping operations of Defendants which are not known or knowable by the members of the Class;
- g. Whether the check stubs Defendants used in paying royalty to Plaintiff and the Class members misrepresented or fraudulently concealed, by omission, commission or both, the true facts about Defendants' calculation of royalty owed;
- h. Whether Defendants' payment of royalty to Plaintiff and the Class members on a monthly basis is an open account; and
- i. Whether Defendants deducted a conservation fee from Plaintiff and the Class members that it was not legally entitled to deduct.

17. The claims of the named Plaintiff are typical of the claims of the Class. All royalty owners faced the same type of accounting deductions and sales starting point regardless of lease types or gas composition from their wells.

18. Plaintiffs will fairly and adequately protect the interests of the Class. They have already retained Class counsel who are experienced and qualified in prosecuting class actions and other forms of complex civil litigation.

19. A class action under K.S.A. § 60-223 is superior to other available methods for the fair and efficient adjudication of this controversy because:

- a. Plaintiff has the same interests as other members of the Class, is financially able to, and will, vigorously prosecute this action on behalf of the Class;

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- b. It is desirable to concentrate the litigation involving claims of Kansas residents in this one forum because the expense and burden of the individual litigation make it impracticable for individual Class members to pursue separate litigation; and
- c. No difficulties are likely to be encountered in the management of this litigation as a class action.

COUNT I

(Breach of Lease and Implied Covenant to Market)

- 20. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
- 21. As a result of the above-referenced conduct, Defendants have breached the lease, including the implied covenant to market imposed on each lease, to each member of the Class to produce and market at its sole cost the gas by placing the gas in a marketable condition.
- 22. Defendants have caused damages to Plaintiff and the Class in the amount of the improper deductions.

WHEREFORE, Plaintiff and the Class pray for judgment in their favor and against Defendants in a fair and reasonable amount to compensate them for damages they have suffered and will suffer up to the time of trial, for their costs in this action, and for such other and further relief as this Court deems just and proper.

COUNT II

(Unjust Enrichment)

- 23. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
- 24. Plaintiff and the Class are royalty owners of certain oil/gas wells.

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25. Defendants were to pay Plaintiff and the Class royalties for the oil/gas retained by Defendants from the Plaintiff's and the Class' wells, such as fuel and lost and unaccounted for gas ("FL&U").

26. Defendants retained significant sums of money from Plaintiff and the Class through the above-referenced fees and deductions.

27. The above-referenced fees and deductions were unlawful, inequitable, and unauthorized by Plaintiff and the Class.

28. As a direct result of the misconduct alleged herein, Defendants have been unjustly enriched and have obtained a substantial monetary benefit which, in fairness and equity, Defendants were not entitled to receive or retain.

29. It would be unfair and inequitable to allow Defendants to retain the benefits derived from the above-referenced fees and deductions retained from Plaintiff and the Class and, therefore, Plaintiff and Class members are entitled to be paid and to receive those benefits.

WHEREFORE, Plaintiff prays for judgment in their favor and against Defendants in a fair and reasonable amount to compensate them for damages they have suffered and will suffer up to the time of trial, for their costs, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,



John F. Edgar KS# 18080
EDGAR LAW FIRM LLC
1032 Pennsylvania Ave.
Kansas City, MO 64105
Telephone: (816) 531-0033
Facsimile: (816) 531-3322
Email: jfe@edgarlawfirm.com

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Rex A. Sharp KS# 12350
Barbara C. Frankland KS# 14198
Gunderson, Sharp & Walke, LLP
5301 W. 75th Street
Prairie Village, KS 66208
Telephone: (913) 901-0500
Facsimile: (913) 901-0419
Email: rsharp@midwest-law.com

Grady Young KS# 9000
714 Walnut
Coffeyville, KS 67337
Telephone: (620) 251-9000
Email: seklaw@seklaw.org

ATTORNEYS FOR PLAINTIFFS



RETURN OF SERVICE OF SUMMONS ON AN INDIVIDUAL

I hereby certify that I served a copy of this summons and a copy of the petition
_____ on _____ in the
following manner:

(1) **Personal Service** - on the _____ day of _____, by
delivering or offering to deliver the documents to the above-named person;

(2) **Residence Service** - on the _____ day of _____, by
leaving the documents at the dwelling or usual place of abode of the above named
person, with some person of suitable age and discretion who resides
there;

(3) **Residence Service** - on the _____ day of _____ by
leaving a copy of the documents at the dwelling or usual place of abode of
the above-named person and mailing to that person by first-class mail a
notice that the copy has been left at the individual's dwelling or place of
abode;

(4) **Return Receipt Delivery** - by causing to be delivered on the _____ day of _____,
the documents by return receipt delivery to the above-named person at the following
address: _____ with delivery being made by the following
person or entity: _____.

A copy of the return receipt evidencing delivery is attached to this Return of
Service.

(5) **Return Receipt Delivery Refused** - by mailing on the _____ day of _____
the documents by first-class, postage prepaid, to the above-named person at the
following address: _____.

(6) **Other Method of Service** - (Describe other method of service allowed
by law). _____.

(7) **No Service**. The above-named person was not served for the following
reason(s) _____.

**CERTIFICATION OF
RETURN ON SERVICE OF SUMMONS**

**Service by
Law Enforcement Officer**

**I declare under penalty of perjury, as provided in K.S.A. 21-3805, that the
foregoing Return on Service of Summons is true and correct.**

Executed on _____,

(Signature and Title of Officer)

**Service Outside State
Affidavit of Service**

**STATE OF _____) ss.
COUNTY OF _____)**

I, _____, am authorized to serve process in civil actions in the state of

**_____
I declare under penalty of perjury under the laws of the state of Kansas that the
foregoing Return on Service of Summons is true and correct.**

**Executed on _____,
(Signature and Title of Officer)**

Subscribed and sworn to before me this day of _____,

**(Signature of person authorized to administer
oaths)**

Service by a Person other than a Law Enforcement Officer in Kansas

Affidavit of Service

STATE OF KANSAS) ss.
COUNTY OF)

I, _____ swear or affirm that the foregoing Return on Service of Summons is true and correct.

Executed on _____
(Signature of Person serving process)

Subscribed and sworn to before me this _____ day of _____
_____.

(Signature of person authorized to administer oaths)

Authority

K.S.A. 60-302, 60-213(a), 60-303, 60-308, and 60-312.

Notes on Use

The summons must be signed by the clerk or deputy, dated the day it is issued, and bear the court's seal.
K.S.A. 60-302.

The time within which an Answer or other responsive pleading is to be filed by a party served with process is:

- 21 days for a defendant served in-state, K.S.A. 60-212;
- 30 days for a defendant served out-of-state K.S.A. 60-308;
- 40 days for an insurance company when service is made on the commissioner of insurance under K.S.A. 40-218;

unless otherwise provided by law. The times within which a responsive pleading must be filed are exclusive of the date of service of process.

The sheriff of the county in which the action is filed must serve any process by any method authorized by K.S.A. 60-303, or as otherwise provided by law, unless a party, either personally or through an attorney, notifies the clerk that the party elects to undertake responsibility for service. K.S.A. 60-303(b).

The sheriff shall endorse upon every summons, order of arrest, or for the delivery of property, or of attachment, injunction execution or order of sale, the day and hour it was received by him or her. The sheriff shall execute every summons, order or other process and return the same as required by law. K.S.A. 60-2602.

Methods of service of process within this state are described in K.S.A. 60-303. Methods of service of process outside the state are described in K.S.A. 60-308. Persons to be served are set forth in K.S.A. 60-304. Methods of service described in K.S.A. 60-303 are service by return receipt delivery [K.S.A 60-303(c)], and personal and residence service [K.S.A 60-303(d)]. Service by publication is authorized by K.S.A. 60-307. Additional methods of serving garnishment process include service by first-class mail, telefacsimile, and internet

electronic mail [K.S.A. 60-303(f)].

An acknowledgment of service on the summons is equivalent to service. The voluntary appearance by

a defendant is equivalent to service as of the date of appearance. K.S.A. 60-303(e).

K.S.A. 60-308 provides that service of process may be made upon any party outside the state. If service of process is made upon a person domiciled in this state or upon a person who has submitted to the jurisdiction of the courts of this state, it shall have the force and effect of service of process within this state; otherwise it shall have the force and effect of service by publication.

Service of process outside the state shall be made (A) in the same manner as service within this state, by an officer authorized to serve process in this state or in the state where the party is served or (B) by service by return receipt delivery. No order of a court is required.

Pursuant to K.S.A. 60-203 a civil action is commenced at the time a petition is filed with the court if service of process is obtained or the first publication is made for service by publication within 90 days after the petition is filed, except that the court may extend that time an additional 30 days upon a showing of good cause by the plaintiff. If service of process or first publication is not made within the 90 day time period, or within the 30-day extension of time for service, the action is deemed commenced as of the date of service of process or first publication.

An officer or other person receiving a summons or other process must file a return of service not later than 14 days after the service is effected. If the process cannot be served it must be returned to the court within 30 days after the date issued with a statement of the reason for the failure to serve it, except the court may extend the time for service up to 90 days after the date issued. Upon receipt of the return on any summons or other process, the clerk must serve a copy of the return on the attorney for the party requesting issuance of the summons or other process or, if the party has no attorney, on the requesting party. K.S.A. 60-312(d).

K.S.A. 60-303 provides for service of process by return receipt delivery which is effected by certified mail, priority mail, commercial courier service, overnight delivery service, or other reliable personal delivery service to the party addressed, in each instance evidenced by a written or electronic receipt showing to whom delivered, the date of delivery, the address where delivered, and the person or entity effecting delivery. K.S.A. 60-303(c)(1).

After service and return of the return receipt, the sheriff, party, or party's attorney must execute and file a return of service. The return of service must state the nature of the process, to whom delivered, the date of delivery, the address where delivered, and the person or entity effecting delivery. It must include a copy of the return receipt evidencing delivery. K.S.A. 60-303(c)(4).

If the sealed envelope is returned with an endorsement showing refusal to accept delivery, the sheriff, party, or the party's attorney may send a copy of the process and petition or other document by first-class mail, postage prepaid, addressed to the party to be served, or may elect other methods of service. If mailed, service is considered to be obtained three days after the mailing. Mailing must be evidenced by a certificate filed with the clerk. If the unopened envelope sent by first-class mail is returned as undelivered for any reason, service is not obtained and the sheriff, party, or party's attorney must file an amended certificate with the clerk indicating nondelivery. Mere failure to claim the sealed envelope sent by return receipt delivery is not refusal of service within the meaning of this subsection. K.S.A. 60-303(c)(5).

Proof of personal and residence service must be filed with the court and made as follows:

(1) Every officer to whom summons or other process is delivered for service must make a statement subject to penalty of perjury as provided in K.S.A. 21-3805, and amendments thereto, as to the time, place, and manner of service. K.S.A. 60-312(a)(1).

(2) If process is delivered to a person, other than an officer, for service, the person must make an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments thereto, showing as to the time, place, and manner of service. K.S.A. 60-312 (a)(2).

When service is made outside this state, the server must file an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments thereto, or any other competent proof, stating the time, manner, and place of service. The court may consider the affidavit or declaration or any other competent proof in determining whether service has been properly made. K.S.A. 60-308(a)(2).


**Service of Process
Transmittal**

11/05/2012

CT Log Number 521538909

TO: CHARLES E HENDERSON
Dart Energy Corporation
600 DART RD
MASON, MI 48854-

RE: Process Served in Kansas

FOR: CHEROKEE BASIN PIPELINE, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Brandon W. Owens, individually and on behalf of all others similarly situated, Pltf. vs. Dart Cherokee Basin Operating Co., LLC and Cherokee Basin Pipeline, LLC, Dfts.

DOCUMENT(S) SERVED: Summons, Petition, Return, Certification, Affidavit

COURT/AGENCY: Wilson County District Court, KS
Case # 2012CV68

NATURE OF ACTION: Class Action - Defendant's failed to pay or underpaid royalty owners by taking numerous deductions before the gas products were in marketable condition

ON WHOM PROCESS WAS SERVED: The Corporation Company, Inc., Topeka, KS

DATE AND HOUR OF SERVICE: By Process Server on 11/05/2012 at 10:36

JURISDICTION SERVED: Kansas

APPEARANCE OR ANSWER DUE: Within 21 days after service, not counting the day received

ATTORNEY(S) / SENDER(S): John F. Edgar
Edgar Law Firm LLC
1032 Pennsylvania Ave.
Kansas City, MO 64105
816-531-0033

ACTION ITEMS: CT has retained the current log, Retain Date: 11/05/2012, Expected Purge Date: 11/10/2012
Image SOP
Email Notification, Susan Ward sward@dartenergy.com
Email Notification, CHARLES E HENDERSON chenderson@dartenergy.com

SIGNED: The Corporation Company, Inc.
PER: Amy McLaren
ADDRESS: 112 S.W. 7th Street
Suite 3C
Topeka, KS 66603
TELEPHONE: 800-592-9023

Page 1 of 1 / RK

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of contents.

EXHIBIT
B

10/30/2012 13:02 8165313322

EDGAR LAW FIRM LLC

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IN THE DISTRICT COURT OF WILSON COUNTY, KANSAS
SITTING IN FREDONIA

BRANDON W. OWENS,

Individually And On Behalf Of All
Others Similarly Situated,

Plaintiffs,

v.

DART CHEROKEE BASIN
OPERATING CO. LLC,

Serve:

The Corporation Company, Inc.)
112 SW 7th St, Suite 3C
Topeka, KS 66603

and

CHEROKEE BASIN PIPELINE, LLC,

Serve:

The Corporation Company, Inc.)
112 SW 7th St, Suite 3C
Topeka, KS 66603

Defendants.

) COPY FOR SERVICE

Case No. 2012-CV-68

SUMMONS

TO: CHEROKEE BASIN PIPELINE, LLC
c/o Registered Agent: The Corporation Company, Inc.
112 SW 7th Street, Suite 3C, Topeka, KS 66603

A lawsuit has been filed against you.

10/30/2012 13:02

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Within twenty one (21) days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached petition or a motion under K.S.A. 60-212. The answer or motion must be served on the plaintiff's attorney, or the plaintiff if plaintiff has no attorney, at the following address:

John F. Edgar
EDGAR LAW FIRM LLC
1032 Pennsylvania Ave.
Kansas City, MO 64105
Telephone: (816) 531-0033
Facsimile: (816) 531-3322
Email: jfe@edgarlawfirm.com
ATTORNEYS FOR PLAINTIFFS

If you fail to file an answer or motion as described above, judgment by default will be entered against you for the relief demanded in the petition. You also must file your answer or motion with the court.

If you file an answer, any related claim which you may have against the plaintiff must be stated as a counterclaim in your answer. If you fail to do so you will thereafter be barred from making such claim in any other action.

Date 10/30/2012

Clerk's Seal

Clerk of the District Court.

By Deputy

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WILSON COUNTY
DISTRICT COURT
FILED BY FAX

THE DISTRICT COURT OF WILSON COUNTY, KANSAS
SITTING IN FREDONIA

BRANDON W. OWENS,

Individually And On Behalf Of All
Others Similarly Situated,

Plaintiffs,

v.

Case No. 2012-CV-68

DART CHEROKEE BASIN
OPERATING CO. LLC,

Serve:

The Corporation Company, Inc.
112 SW 7th St, Suite 3C
Topeka, KS 66603

and

CHEROKEE BASIN PIPELINE, LLC,

Serve:

The Corporation Company, Inc.
112 SW 7th St, Suite 3C
Topeka, KS 66603

Defendants.

CLASS ACTION PETITION PURSUANT TO K.S.A. CHAPTER 60

COMES NOW Plaintiff, Brandon W. Owens, on behalf of himself and all other similarly situated royalty owners, sues Defendants Dart Cherokee Basin Operating Co., LLC, and Cherokee Basin Pipeline, LLC for underpayment of royalties and alleges as follows:

1. This action is brought pursuant to Chapter 60 of the Kansas Statutes Annotated.

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PARTIES

2. Plaintiff Brandon W. Owens is a citizen and resident of the State of Kansas, residing at 2334 Co. Rd. 2800, Independence, Kansas 67301. Plaintiff is a royalty owner of Dart Cherokee Basin Operating Co., LLC who operated or paid royalty from working interest production in wells known as the Owens 2-30 and Melander-Owens 2 wells.

3. Defendant Dart Cherokee Basin Operating Co., LLC ("Dart") is believed to be a Delaware corporation with its principal place of business in Michigan. Dart conducts regular and systematic business throughout the State of Kansas, as well as in Wilson County and Montgomery County, Kansas.

4. Cherokee Basin Pipeline, LLC ("Cherokee Pipeline") is believed to be a Delaware corporation with its principal place of business in Kansas. Cherokee Pipeline is a wholly owned subsidiary of Dart, and the entity through which Dart pays royalties to Plaintiff and the Class of royalty owners defined herein. At all times relevant, and for all relevant purposes, Cherokee Pipeline acted as an agent for Dart.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this claim pursuant to K.S.A. § 60-308(b)(A), (C), (E), and/or (F), because Defendants' acts giving rise to this suit were committed in the State of Kansas as more fully described above and below.

6. Venue is proper in this Court pursuant to K.S.A. §§ 60-603 and 60-604 because the cause of action arose in this County and Defendants conduct regular and systematic business in this County.

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FACTS COMMON TO ALL COUNTS

7. Defendants underpaid royalty owners by taking numerous deductions (via fees or in-kind volumetric) before the gas products were in marketable condition.
8. The above-referenced deductions include, but are not limited to gathering, compression, dehydration, and/or treatment deductions.
9. These deductions were hidden from royalty owners, including the Plaintiff and Class, in that they were not revealed on their check stubs, and the deduction information arises from confidential gas contracts and accounting processes.
10. Defendants also deducted from payments to Plaintiff and the Class a conservation fee deduction. Such deductions were improper. Indeed, although they were not a tax, conservation fee deductions were deceptively lumped in as "taxes" on the check stubs of Plaintiff and the Class.
11. As a direct and proximate result of Defendants acts and/or omissions, Plaintiff and the Class have been injured/damaged.

CLASS ACTION ALLEGATIONS

12. Plaintiff brings this class action lawsuit on behalf of himself and the following similarly situated Class:

All royalty owners who were paid royalties from Dart Cherokee Basin Operating Co., LLC or Cherokee Basin Pipeline, LLC working interest Kansas wells from January 1, 2002 to the date of Class Notice.

Excluded from the Class are: (1) the Mineral Management Service (Indian tribes and the United States); (2) Defendants, their affiliates, predecessors, and employees, officers, and directors; and (3) any NYSE or NASDAQ listed company (and its subsidiaries) engaged in oil and gas exploration, gathering, processing, or marketing.

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13. This lawsuit is brought pursuant to K.S.A. § 60-223.
14. The prerequisites of K.S.A. § 60-223, including numerosity, commonality, typicality, adequacy, predominance and/or superiority are satisfied.
15. Members of the Class are so numerous that joinder of all members is impracticable. Defendants operate over 500 wells in Kansas with one or more royalty owners for each well.
16. There are questions of law and fact common to the Class which predominate over questions affecting only individual members. These questions include, but are not limited to, the following:
 - a. Whether Plaintiff and the Class members are the beneficiaries of an implied covenant obligating Defendants to place the gas from class wells into marketable condition;
 - b. Whether Defendants are solely responsible for all costs necessary to render commercially marketable the gas produced under the oil and gas leases;
 - c. Determining the point at which the gas that Defendants produce becomes commercially marketable;
 - d. Whether Defendants deducted or allowed third parties to deduct (in cash or in kind) amounts for placing the gas into marketable condition before paying royalty to Plaintiff and the Class members;
 - e. Whether Defendants paid royalty to Plaintiff and the Class members based on a starting price below what Defendants received in arm's-length sales transactions for products in marketable condition;

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- f. Whether Defendants calculated the royalty paid to Plaintiff and the Class according to the internal accounting, royalty payment formulas, and record-keeping operations of Defendants which are not known or knowable by the members of the Class;
- g. Whether the check stubs Defendants used in paying royalty to Plaintiff and the Class members misrepresented or fraudulently concealed, by omission, commission or both, the true facts about Defendants' calculation of royalty owed;
- h. Whether Defendants' payment of royalty to Plaintiff and the Class members on a monthly basis is an open account; and
- i. Whether Defendants deducted a conservation fee from Plaintiff and the Class members that it was not legally entitled to deduct.

17. The claims of the named Plaintiff are typical of the claims of the Class. All royalty owners faced the same type of accounting deductions and sales starting point regardless of lease types or gas composition from their wells.

18. Plaintiffs will fairly and adequately protect the interests of the Class. They have already retained Class counsel who are experienced and qualified in prosecuting class actions and other forms of complex civil litigation.

19. A class action under K.S.A. § 60-223 is superior to other available methods for the fair and efficient adjudication of this controversy because:

- a. Plaintiff has the same interests as other members of the Class, is financially able to, and will, vigorously prosecute this action on behalf of the Class;

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- b. It is desirable to concentrate the litigation involving claims of Kansas residents in this one forum because the expense and burden of the individual litigation make it impracticable for individual Class members to pursue separate litigation; and
- c. No difficulties are likely to be encountered in the management of this litigation as a class action.

COUNT I

(Breach of Lease and Implied Covenant to Market)

- 20. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
- 21. As a result of the above-referenced conduct, Defendants have breached the lease, including the implied covenant to market imposed on each lease, to each member of the Class to produce and market at its sole cost the gas by placing the gas in a marketable condition.
- 22. Defendants have caused damages to Plaintiff and the Class in the amount of the improper deductions.

WHEREFORE, Plaintiff and the Class pray for judgment in their favor and against Defendants in a fair and reasonable amount to compensate them for damages they have suffered and will suffer up to the time of trial, for their costs in this action, and for such other and further relief as this Court deems just and proper.

COUNT II

(Unjust Enrichment)

- 23. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.
- 24. Plaintiff and the Class are royalty owners of certain oil/gas wells.

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25. Defendants were to pay Plaintiff and the Class royalties for the oil/gas retained by Defendants from the Plaintiff's and the Class' wells, such as fuel and lost and unaccounted for gas ("FL&U").

26. Defendants retained significant sums of money from Plaintiff and the Class through the above-referenced fees and deductions.

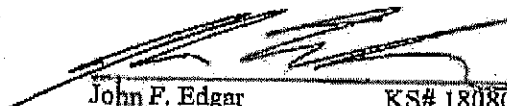
27. The above-referenced fees and deductions were unlawful, inequitable, and unauthorized by Plaintiff and the Class.

28. As a direct result of the misconduct alleged herein, Defendants have been unjustly enriched and have obtained a substantial monetary benefit which, in fairness and equity, Defendants were not entitled to receive or retain.

29. It would be unfair and inequitable to allow Defendants to retain the benefits derived from the above-referenced fees and deductions retained from Plaintiff and the Class and, therefore, Plaintiff and Class members are entitled to be paid and to receive those benefits.

WHEREFORE, Plaintiff prays for judgment in their favor and against Defendants in a fair and reasonable amount to compensate them for damages they have suffered and will suffer up to the time of trial, for their costs, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,



John F. Edgar KS# 18080
EDGAR LAW FIRM LLC
1032 Pennsylvania Ave.
Kansas City, MO 64105
Telephone: (816) 531-0033
Facsimile: (816) 531-3322
Email: jfe@edgarlawfirm.com

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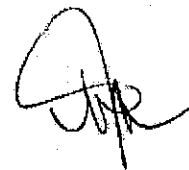
EDGAR LAW FIRM LLC

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Rex A. Sharp KS# 12350
Barbara C. Frankland KS# 14198
Gunderson, Sharp & Walke, LLP
5301 W. 75th Street
Prairie Village, KS 66208
Telephone: (913) 901-0500
Facsimile: (913) 901-0419
Email: rsharp@midwest-law.com

Grady Young KS# 9000
714 Walnut
Coffeyville, KS 67337
Telephone: (620) 251-9000
Email: seklaw@seklaw.org

ATTORNEYS FOR PLAINTIFFS



RETURN OF SERVICE OF SUMMONS ON AN INDIVIDUAL

I hereby certify that I served a copy of this summons and a copy of the petition
_____ on _____ in the
following manner:

(1) **Personal Service** - on the _____ day of _____, by
delivering or offering to deliver the documents to the above-named person;

(2) **Residence Service** - on the _____ day of _____, by
leaving the documents at the dwelling or usual place of abode of the above named
person, with some person of suitable age and discretion who resides
there;

(3) **Residence Service** - on the _____ day of _____ by
leaving a copy of the documents at the dwelling or usual place of abode of
the above-named person and mailing to that person by first-class mail a
notice that the copy has been left at the individual's dwelling or place of
abode;

(4) **Return Receipt Delivery** - by causing to be delivered on the _____ day of _____,
the documents by return receipt delivery to the above-named person at the following
address: _____ with delivery being made by the following
person or entity: _____

A copy of the return receipt evidencing delivery is attached to this Return of
Service.

(5) **Return Receipt Delivery Refused** - by mailing on the _____ day of _____
the documents by first-class, postage prepaid, to the above-named person at the
following address: _____

(6) **Other Method of Service** - (Describe other method of service allowed
by law). _____

(7) **No Service**. The above-named person was not served for the following
reason(s) _____

**CERTIFICATION OF
RETURN ON SERVICE OF SUMMONS**

**Service by
Law Enforcement Officer**

I declare under penalty of perjury, as provided in K.S.A. 21-3805, that the foregoing Return on Service of Summons is true and correct.

Executed on _____,

(Signature and Title of Officer)

**Service Outside State
Affidavit of Service**

STATE OF _____) ss.
COUNTY OF _____)

I, _____, am authorized to serve process in civil actions in the state of _____.

I declare under penalty of perjury under the laws of the state of Kansas that the foregoing Return on Service of Summons is true and correct.

Executed on _____,
(Signature and Title of Officer)

Subscribed and sworn to before me this day of _____,

(Signature of person authorized to administer oaths)

Service by a Person other than a Law Enforcement Officer in Kansas

Affidavit of Service

STATE OF KANSAS) ss.
COUNTY OF)

I, _____ swear or affirm that the foregoing Return on Service of Summons is true and correct.

Executed on _____
(Signature of Person serving process)

Subscribed and sworn to before me this _____ day of _____

(Signature of person authorized to administer oaths)

Authority

K.S.A. 60-302, 60-213(a), 60-303, 60-308, and 60-312.

Notes on Use

The summons must be signed by the clerk or deputy, dated the day it is issued, and bear the court's seal. K.S.A. 60-302.

The time within which an Answer or other responsive pleading is to be filed by a party served with process is:

- 21 days for a defendant served in-state, K.S.A. 60-212;
- 30 days for a defendant served out-of-state K.S.A. 60-308;
- 40 days for an insurance company when service is made on the commissioner of insurance under K.S.A. 40-218;

unless otherwise provided by law. The times within which a responsive pleading must be filed are exclusive of the date of service of process.

The sheriff of the county in which the action is filed must serve any process by any method authorized by K.S.A. 60-303, or as otherwise provided by law, unless a party, either personally or through an attorney, notifies the clerk that the party elects to undertake responsibility for service. K.S.A. 60-303(b).

The sheriff shall endorse upon every summons, order of arrest, or for the delivery of property, or of attachment, injunction execution or order of sale, the day and hour it was received by him or her. The sheriff shall execute every summons, order or other process and return the same as required by law. K.S.A. 60-2602.

Methods of service of process within this state are described in K.S.A. 60-303. Methods of service of process outside the state are described in K.S.A. 60-308. Persons to be served are set forth in K.S.A. 60-304. Methods of service described in K.S.A. 60-303 are service by return receipt delivery [K.S.A 60-303(c)], and personal and residence service [K.S.A 60-303(d)]. Service by publication is authorized by K.S.A. 60-307. Additional methods of serving garnishment process include service by first-class mail, telefacsimile, and internet

electronic mail [K.S.A. 60-303(f)].

An acknowledgment of service on the summons is equivalent to service. The voluntary appearance by

a defendant is equivalent to service as of the date of appearance. K.S.A. 60-303(e).

K.S.A. 60-308 provides that service of process may be made upon any party outside the state. If service of process is made upon a person domiciled in this state or upon a person who has submitted to the jurisdiction of the courts of this state, it shall have the force and effect of service of process within this state; otherwise it shall have the force and effect of service by publication.

Service of process outside the state shall be made (A) in the same manner as service within this state, by an officer authorized to serve process in this state or in the state where the party is served or (B) by service by return receipt delivery. No order of a court is required.

Pursuant to K.S.A. 60-203 a civil action is commenced at the time a petition is filed with the court if service of process is obtained or the first publication is made for service by publication within 90 days after the petition is filed, except that the court may extend that time an additional 30 days upon a showing of good cause by the plaintiff. If service of process or first publication is not made within the 90 day time period, or within the 30-day extension of time for service, the action is deemed commenced as of the date of service of process or first publication.

An officer or other person receiving a summons or other process must file a return of service not later than 14 days after the service is effected. If the process cannot be served it must be returned to the court within 30 days after the date issued with a statement of the reason for the failure to serve it, except the court may extend the time for service up to 90 days after the date issued. Upon receipt of the return on any summons or other process, the clerk must serve a copy of the return on the attorney for the party requesting issuance of the summons or other process or, if the party has no attorney, on the requesting party. K.S.A. 60-312(d).

K.S.A. 60-303 provides for service of process by return receipt delivery which is effected by certified mail, priority mail, commercial courier service, overnight delivery service, or other reliable personal delivery service to the party addressed, in each instance evidenced by a written or electronic receipt showing to whom delivered, the date of delivery, the address where delivered, and the person or entity effecting delivery. K.S.A. 60-303(c)(1).

After service and return of the return receipt, the sheriff, party, or party's attorney must execute and file a return of service. The return of service must state the nature of the process, to whom delivered, the date of delivery, the address where delivered, and the person or entity effecting delivery. It must include a copy of the return receipt evidencing delivery. K.S.A. 60-303(c)(4).

If the sealed envelope is returned with an endorsement showing refusal to accept delivery, the sheriff, party, or the party's attorney may send a copy of the process and petition or other document by first-class mail, postage prepaid, addressed to the party to be served, or may elect other methods of service. If mailed, service is considered to be obtained three days after the mailing. Mailing must be evidenced by a certificate filed with the clerk. If the unopened envelope sent by first-class mail is returned as undelivered for any reason, service is not obtained and the sheriff, party, or party's attorney must file an amended certificate with the clerk indicating nondelivery. Mere failure to claim the sealed envelope sent by return receipt delivery is not refusal of service within the meaning of this subsection. K.S.A. 60-303(c)(5).

Proof of personal and residence service must be filed with the court and made as follows:

(1) Every officer to whom summons or other process is delivered for service must make a statement subject to penalty of perjury as provided in K.S.A. 21-3805, and amendments thereto, as to the time, place, and manner of service. K.S.A. 60-312(a)(1).

(2) If process is delivered to a person, other than an officer, for service, the person must make an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments thereto, showing as to the time, place, and manner of service. K.S.A. 60-312(a)(2).

When service is made outside this state, the server must file an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments thereto, or any other competent proof, stating the time, manner, and place of service. The court may consider the affidavit or declaration or any other competent proof in determining whether service has been properly made. K.S.A. 60-308(a)(2).

Susan Ward

From: amy.mclaren@wolterskluwer.com
Sent: Monday, November 05, 2012 2:04 PM
To: Susan Ward
Subject: C T received Process (Log # 521538909) in Kansas for CHEROKEE BASIN PIPELINE, LLC, DE - Paperless

CT Corporation: Service of Process Instant Notification

[Click Here](#) to access this service of process in real-time at www.CTAdvantage.com

CHARLES E HENDERSON
Dart Energy Corporation
600 DART RD
MASON, MI, 48854-

PROCESS SERVED IN: Kansas

FOR: CHEROKEE BASIN PIPELINE, LLC (Domestic State: DE)

NOTICE OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY

TITLE OF ACTION: Brandon W. Owens, individually and on behalf of all others similarly situated, Pltf. vs. Dart Cherokee Basin Operating Co., LLC and Cherokee Basin Pipeline, LLC, Dfts.
DOCUMENT(S) SERVED: Summons, Petition, Return, Certification, Affidavit
COURT/AGENCY: Wilson County District Court, KS, Case # 2012CV68
NATURE OF ACTION: Class Action - Defendant's failed to pay or underpaid royalty owners by taking numerous deductions before the gas products were in marketable condition
PROCESS SERVED ON: The Corporation Company, Inc., Topeka, KS
DATE/METHOD OF SERVICE: By Process Server on 11/05/2012 at 10:36
JURISDICTION SERVED : Kansas
APPEARANCE OR ANSWER DUE: Within 21 days after service, not counting the day received
ATTORNEY(S)/SENDER(S): John F. Edgar
Edgar Law Firm LLC
1032 Pennsylvania Ave.
Kansas City, MO, 64105
816-531-0033
SIGNED BY: The Corporation Company, Inc.
Amy McLaren
112 S.W. 7th Street
Suite 3C
Topeka, KS, 66603
800-592-9023
ACTIONS: CT has retained the current log, Retain Date: 11/05/2012, Expected Purge Date: 11/10/2012
Image SOP
Email Notification, Susan Ward sward@dartenergy.com
Email Notification, CHARLES E HENDERSON chenderson@dartenergy.com

Access this Service of Process in real-time at

<http://www.ctadvantage.com/WebApps/App/SOP/SOPUpdateVerifiedEmail.aspx?WorksheetId=521538909>

Information displayed on this notice is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action.



FILED
TA
2012 NOV 19 PM 2:10
DISTRICT
WILSON
CLERK
KANSAS

BY FAX
IN THE DISTRICT COURT OF WILSON COUNTY, KANSAS
SITTING IN FREDONIA

BRANDON W. OWENS,

Individually And On Behalf Of All
Others Similarly Situated,

Plaintiffs,

v.

Case No. 2012-CV-68

DART CHEROKEE BASIN OPERATING
CO., LLC and CHEROKEE BASIN PIPELINE,
LLC,

Defendants.

14-DAY CLERK'S ORDER

NOW, on this 19th day of November, 2012, this matter comes on to be heard on the motion of the Defendants for a 14-day extension of time in which to answer or otherwise plead in the above-captioned matter, pursuant to Kan. Sup. Ct. Rule 113.

The matter having been presented to the Clerk, it is by the Clerk ordered that a 14-day extension to answer or otherwise plead be and the same is hereby granted from the present answer date of November 26, 2012 to **December 10, 2012**.

By Wendy Buchhman, TCCIT
Clerk of the District Court
Wilson County, Kansas



APPROVED:

Prepared and submitted by:

Morris, Laing, Evans, Brock & Kennedy, Chtd.



Jeffery L. Carmichael, KS #11085

Will B. Wohlford, KS #21773

300 N. Mead, Suite 200

Wichita, KS 67202

(316) 262-2671

jcarmichael@morrislaing.com

wwohlford@morrislaing.com

and

Julia Gilmore Gaughan, KS #23919

800 SW Jackson St., Suite 1310

Topeka, KS 66612-1216

(785) 232-2662 Fax: (785) 232-9983

jgaughan@morrislaing.com

*Attorneys for Dart Cherokee Basin Operating
Co., LLC and Cherokee Basin Pipeline, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was mailed this 19th day of November, 2012, via United States mail, postage prepaid, to:

John F. Edgar
Edgar law Firm, LLC
1032 Pennsylvania Ave.
Kansas City, MO 64105

Rex A. Sharp
Barbara C. Frankland
Gunderson, Sharp & Walke, LLP
5301 W. 75th St.
Prairie Village, KS 66208

Grady Young
714 Walnut
Coffeyville, KS 67337

Attorneys for Plaintiffs


Julia Gilmore Gaughan



800 SW Jackson, Suite 1310
Topeka, KS 66612-1216
P: (785) 232-2662
F: (785) 232-9983

FACSIMILE TRANSMISSION COVER SHEET PURSUANT TO RULE 119(d)(3)

DATE: November 19, 2012

TO: CLERK OF THE DISTRICT COURT WILSON COUNTY, KANSAS

FAX NO. 620-378-4531

CASE NO. 2-12-CV-68

NO. OF PAGES: 4
(including cover sheet)

CASE CAPTION: Brandon W. Owens, et al. vs. Dart Cherokee Basin Operating Co., LLC, et al.

FROM: Julia Gilmore Gaughan
Morris, Laing, Evans, Brock & Kennedy, Chtd.
800 SW Jackson, Suite 1310
Topeka, KS 66612-1216
(785) 232-2662
Fax: (785) 232-9983

Kansas Supreme Court Registration No.: 23919

Attorney for (Name of Party): Defendants – Dart Cherokee Basin & Cherokee Basin Pipeline

Name of Person Sending Transmission: Angela Grunwald

1. Please file the following transmitted document. As per the court rule, we will retain the original document in our file with the facsimile transmission confirmation sheet.

Name of Document: 14-Day Clerk's Order