

DATE FILED: June 30, 2022 12:35 PM  
FILING ID: 8CA00DF9D5DD9  
CASE NUMBER: 2019CV30036

# EXHIBIT B

DISTRICT COURT OF GARFIELD COUNTY, COLORADO

# A class action has been certified against TEP Rocky Mountain LLC on behalf of certain royalty owners.

## **You may be a member of the class**

*A court authorized this notice. This is NOT a solicitation from an attorney.*

A class action has been certified (the “TEP Class”) in a lawsuit against TEP Rocky Mountain LLC (“TEP”). The lawsuit is about the alleged underpayment of royalties on the production of natural gas in Garfield County, Colorado. This Notice is being sent to you because you may be a member of the TEP Class. Please read this Notice carefully.

A SUMMARY OF YOUR RIGHTS AND CHOICES	
<b>REMAIN A TEP CLASS MEMBER</b>	To remain a member of the TEP Class, you do not need to take any action.
<b>EXCLUDE YOURSELF FROM THE TEP CLASS</b>	If you are a Class Member, you can exclude yourself from (opt out of) the TEP Class and the Court’s rulings.

## 1. WHY YOU RECEIVED THIS NOTICE.

Records show that you have received a royalty payment from TEP from February 1, 2013 to December 1, 2021, from wells located in the State of Colorado. This Notice is sent to you to inform you that a class has been certified in a lawsuit, captioned *Jolley Potter Ranches Energy Co., LLC, individually and on behalf of all others similarly situated, Plaintiffs v. TEP Rocky Mountain, LLC, Defendant*, Case No. 2019-CV-30036, in the District Court of Garfield County, Colorado (the “Lawsuit”). It was brought on behalf of royalty owners who received payments from TEP for natural gas (“Gas”) produced in the State of Colorado from February 1, 2013 to December 1, 2021. The Court has certified the Lawsuit as a class action. As explained below, Class Members will be bound by the Court’s rulings if they do not opt out of the TEP Class.

You are a member of the class of royalty payees defined below. In this Notice, the class of TEP royalty payees is referred to as the “TEP Class.” The TEP Class includes the following:

The persons or entities who own oil and gas leases of the type categorized as Category 2 Royalty Instruments in *Lindauer v. Williams Production RMT Company*, Case No. 2006cv317 filed in the District Court in and for Garfield County, Colorado and have received royalty or overriding royalty payments on behalf of TEP Rocky Mountain LLC (TEP) from sales of natural gas produced in Garfield County during and after the production month of February 2013 until December 2021; whether or not such persons or entities are included in the certified Lindauer Class; and excluding from such Class: (1) TEP, WPX Energy Rocky Mountain, LLC, Williams Production RMT Company, LLC, Williams Production RMT Company, and any of their affiliates; (2) NYSE or NASDAQ listed entities (together with their subsidiaries and affiliates) engaged in oil and gas exploration and production; and (3) those owners to the extent their interests are subject to the class-action settlement entered into in *Sefcovic v. TEP Rocky Mountain, LLC*, Case No. 17-cv-01990-MSK-MEH filed in the United States District Court for the District of Colorado.

The Court has appointed the Plaintiff in the Lawsuit as class representative for the TEP Class, and the Plaintiffs’ attorneys as counsel for the TEP Class (“Class Counsel”).

This Notice outlines who is a TEP Class member, your right to remain a member of the TEP Class, and how to exclude yourself from the TEP Class.

## 2. WHAT IS A CLASS ACTION?

A class action is a type of lawsuit in which a named plaintiff brings a suit on behalf of all of the members of a similarly-situated group to recover damages and other relief for the entire group, without the necessity of each member filing an individual lawsuit, incurring expenses, or appearing as an individual plaintiff. Class actions are used by the courts when the claims raise issues of law or fact that are common, making it fair to bind all class members to the orders and judgments in the case, without the necessity of multiple lawsuits involving hearing the same claims over and over.

## 3. THE LAWSUIT.

Plaintiff Jolley Potter Ranches Energy Co., LLC, on behalf of itself and all other similarly situated royalty payees, filed the Lawsuit against TEP on February 19, 2019, in the District Court of Garfield County, Colorado. This Lawsuit seeks monetary relief against TEP for a class of natural gas royalty payees. The Lawsuit has been pending before the Honorable Anne Kirkpatrick Norrdin in the District Court of Garfield County, Colorado.

Plaintiff has alleged that TEP underpaid royalties under certain leases under which you may have owned an interest from February 1, 2013 to December 1, 2021. These leases, referred to in the class definition as “Category 2

Royalty Instruments,” provide for the deduction of “the cost of transporting ... gas ... from the mouth of the well to the point of sale or use.” Plaintiff contends that TEP underpaid royalties under these leases by deducting the costs of gathering and gathering fuel from such royalties, and that such deductions are prohibited by the leases. TEP has denied Plaintiff’s allegations, and maintains that the Category 2 Royalty Instruments expressly permit the deduction of gathering and gathering fuel costs.

The Court has ordered that this case may proceed as a class action to determine whether the leases held by Jolley Potter and the Class expressly permit, or prohibit, the deduction of gathering costs.

#### **4. THE COURT HAS CERTIFIED THE CLASS.**

The Court has ordered that this case may proceed as a class action and that the TEP Class shall be certified. The Court has made no final determination as to the merits of the Lawsuit, and this Notice does not imply that TEP is liable to Plaintiff or to any member of the TEP Class for any of the Claims.

#### **5. REMAINING A MEMBER OF THE CLASS.**

**If you chose to remain a TEP Class member, you do not need to take any action whatsoever.** Plaintiff and Class Counsel will represent your interests as a member of the TEP Class. You will not be charged for their services or any expenses. You may also choose to enter an appearance in the Lawsuit by yourself or through your attorney, at your own expense. You will be bound by the judgment and final disposition of the Lawsuit.

#### **6. REQUEST TO BE EXCLUDED FROM THE TEP CLASS.**

You may elect to be excluded from the TEP Class. If you elect to be excluded from the TEP Class, you will not be bound by any judgment, disposition, nor will you receive any monetary benefits from the ultimate disposition of the Lawsuit. You will retain, and will be free to pursue, any claims you may have on your own behalf against TEP. TEP will be free to assert any defenses or counterclaims it may have against you.

To be excluded from the Class, you must mail a written election to be excluded from the TEP Class to **Nathan A. Keever, Dufford, Waldeck, Milburn & Krohn, LLP, 744 Horizon Court, Suite 300, Grand Junction, CO 81506**. The election must contain the full name, current address, telephone number, and signature of the person requesting exclusion. **The written election must be postmarked by the U.S. Mail on or before \_\_\_\_\_, 2022 [30 days after the postmarked date on the Class Notice]**. If your spouse or anyone else shares your interest in the royalty payments, they must also follow this procedure if they want to be excluded from the Class.

Any potential TEP Class member may revoke that member’s election to be excluded from the TEP Class. If you wish to revoke your request to be excluded from the TEP Class, you must mail a written signed statement that you request to revoke your election to be excluded from the TEP Class to **Nathan A. Keever, Dufford, Waldeck, Milburn & Krohn, LLP**, by \_\_\_\_\_, 2022 **[30 days after the postmarked date on the Class Notice]**. By revoking the election to be excluded, the potential TEP Class member becomes a TEP Class member with all rights of a TEP Class member at the time of the revocation.

Class Counsel will provide the Court a compilation of all potential Class members who request to be excluded from the TEP Class.

#### **7. ATTORNEYS FOR THE PARTIES.**

##### ***Attorneys for the Plaintiffs and the TEP Class (“Class Counsel”)***

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***ANY QUESTIONS CONCERNING THE LAWSUIT SHOULD BE DIRECTED TO CLASS COUNSEL.***

In any written correspondence with the attorneys or submissions to the Court, it is important that the envelope and any documents inside contain the following case name and identifying number:

*Jolley Potter Ranches Energy Co., LLC, et al. v. TEP Rocky Mountain LLC*  
Civil Action No. 2019-CV-300336

In addition, you must include your full name, address, and telephone number.

**8. IF YOU WANT TO INSPECT THE COURT FILE.**

The complaints, answers, pleadings, court orders, and other documents are on file in this case and may be inspected at the following address:

District Court of Garfield County, Colorado  
109 8th St.  
Suite 104  
Glenwood Springs, CO 81601

**DO NOT WRITE OR TELEPHONE THE CLERK'S OFFICE** if you have any questions about this Notice or the Lawsuit. Please address any questions regarding this Notice or the Lawsuit in writing to Class Counsel, at the address identified in Section 7 of this Notice, or by telephone to Class Counsel, at the telephone number identified in Section 7 of this Notice.

***DO NOT CALL THE COURT OR THE COURT CLERK***

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