

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

ROBERT ADAIR, ETC.,)	
)	
Plaintiff,)	Case No. 1:10CV00037
)	
v.)	ORDER AMENDING
)	CLASS DEFINITION
EQT PRODUCTION COMPANY,)	
)	By: James P. Jones
Defendant.)	United States District Judge

Defendant EQT Production Company has filed a Motion to Amend the Class Definitions, which motion has been briefed and argued. Defendant wishes to exclude from the class previously certified (a) any persons who are parties to pending cases to determine ownership of the gas estate or coal methane gas and (b) any persons who operate a gas well or who hold a working interest in a well. Plaintiff objects to (a) but not to (b). Upon careful consideration, I find Plaintiff's position persuasive. Accordingly, it appearing proper, the motion (ECF No. 495) is GRANTED IN PART AND DENIED IN PART. Pursuant to Federal Rule of Civil Procedure 23(c)(1)(C), the Class certified is defined, as amended by this Order, as follows (with new amended language indicated in italics and deleted language indicated by a strike-through):

Each person, or their successors-in-interest, who has been identified by EQT Production Company or its predecessors ("EQT")

as the unleased owner of gas and lessor of gas estate interests in a tract included in a force-pooled coalbed methane gas (“CBM”) unit operated by EQT in Buchanan, Dickenson, Lee, Russell, Scott, and/or Wise County, Virginia, and whose ownership of the coalbed methane gas attributable to that tract has been further identified by EQT as being in conflict with a person or persons identified by EQT as owning coal estate interests and not gas estate interests in the tract, according to filings made by EQT with the Virginia Gas and Oil Board (“the Board”) and/or according to orders entered by the Board pursuant to EQT’s filings.

The Class excludes (a) EQT; (b) any person who serves as a judge in this civil action and his or her spouse; (c) any gas estate owner who has entered into a written agreement with a purported coal estate owner settling alleged conflicting claims of CBM ownership between them, provided, however, that this exclusion does not extend to those interests or rights of any such gas estate interest owner regarding lands, CBM units, CBM royalties, and/or CBM proceeds that are not expressly covered and settled by any such settlement agreement; ~~and~~ (d) any gas estate owner who has received a judicial determination of ownership regarding alleged conflicting claims of CBM ownership, provided, however, that this exclusion does not extend to those interests or rights of any such gas estate interest owner regarding lands, CBM units, CBM royalties, and/or CBM proceeds that are not expressly covered and settled by any such judicial determination; *and (e) any person designated by the Board as a gas operator or working interest owner (participating operator or carried well operator) as to such tract.*

It is so **ORDERED**.

ENTER: January 16, 2014

/s/ James P. Jones
United States District Judge