

IN THE DISTRICT COURT OF LINCOLN COUNTY, OKLAHOMA
STATE OF OKLAHOMA

If You Suffered Damage From The Earthquakes With Epicenters Within 15 Miles of Prague, Oklahoma Between November 5, 2011 and November 16, 2018, You May Be Eligible For A Payment From a Class Action Settlement.

A Federal Court authorized this notice. This is not a solicitation from a lawyer.

- A \$925,000 settlement has been reached in a class action lawsuit about whether Spess Oil Company, Equal Energy US, Inc., and Fairfield Oil & Gas Corp. (hereafter, “Settling Defendants”) operated wastewater disposal wells that allegedly contributed to causing the earthquakes near Prague, Oklahoma and occurring within the Settlement Class Period. The settlement resolves any and all claims alleged to arise against the Settling Defendants, from earthquakes up to the Effective Date with epicenters within a 15 mile radius of Prague, Oklahoma, including, but not limited to the earthquakes occurring between November 5th and 8th, of 2011. The Settling Defendants dispute and deny all of the allegations made by the Plaintiffs.
- You may be eligible to participate in the proposed settlement, if it is finally approved, if you owned or have had an interest in residential or business real estate properties in Lincoln, Payne, Logan, Oklahoma, Cleveland, Pottawatomie, Seminole, Okfuskee, and Creek counties in Oklahoma from November 5, 2011 through November 16, 2018, and suffered earthquake damages from earthquakes up to November 16, 2018 and with epicenters within a 15 mile radius of Prague, Oklahoma, including but not limited to those occurring between November 5th and 8th, of 2011.
- The settlement will provide benefits to those who qualify. You will need to file a Claim Form to receive benefits from the settlement.
- Your legal rights are affected whether you act, or don’t act. Read this notice carefully.

<u>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</u>	
SUBMIT A CLAIM FORM BY APRIL 29, 2019	This is the only way to receive benefits.
EXCLUDE YOURSELF BY DECEMBER 31, 2018	Request to be excluded and get no benefits from the Settlement. This is the only option that allows you to start or continue your own lawsuit against the Settling Defendants for the claims at issue in the Settlement.
OBJECT BY JANUARY 8, 2019	Write to the Court about why you do not like the settlement or why you think the settlement is unfair, inadequate or unreasonable.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	Get no benefits. Give up any rights you might have to ever sue the Settling Defendants about the legal claims in this case and resolved by the settlement.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice. The deadlines may be moved, canceled, or otherwise modified, so please check the settlement website at www.OklahomaQuakes.com regularly for updates and further details.
- The Court in charge of this case still has to decide whether to approve the settlement. Benefits will be provided to eligible participants only if the Court approves the settlement and after any appeals are resolved. Please be patient.

QUESTIONS? CALL TOLL-FREE 1 (877) 450-8811 OR VISIT WWW.OKLAHOMAQUAKES.COM

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BASIC INFORMATION

1. Why is there a notice?

The Court authorized this notice because you have a right to know about the proposed settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the settlement.

District Court of Cleveland County, Oklahoma State of Oklahoma Judge Lori Walkley serves as the presiding judge by special appointment by the Oklahoma Supreme Court, but the case is currently on file in the District Court of Lincoln County, and the case is titled *Cooper v. New Dominion, Spess Oil Company, et al.*, Case No. CJ-2015-24. This notice explains the lawsuit, the Settlement, and your legal rights.

2. What is this lawsuit about?

Plaintiffs allege, generally, that wastewater disposal wells operated by the Settling Defendants contributed to causing the earthquakes near Prague, Oklahoma and occurring within the Settlement Class Period.

The Plaintiffs' Complaint, Settlement Agreement, and other case-related documents are posted on the settlement website, www.OklahomaQuakes.com. The Settlement resolves the lawsuit against the Settling Defendants only, and the lawsuit will continue against New Dominion, LLC, which continues to defend the lawsuit's allegations.

Neither the acceptance by the Settling Defendants of the terms of this Settlement Agreement nor any of the related negotiations or proceedings constitute an admission with respect to the merits of the claims alleged in the Action. The Settling Defendants specifically deny any liability or wrongdoing of any kind associated with the claims alleged in the Action.

3. Why is this a class action?

In a class action, one or more people, called "Class Representatives" sue on behalf of people who have similar claims. Together, all these people with similar claims (except for those who exclude themselves) are members of the "Settlement Class."

4. Why is there a settlement?

The Court did not decide which side was right or whether the claims have any merit. Instead, both sides agreed to a settlement to avoid the costs and risks of further litigation and provide benefits to Class Members. The settlement does not mean that a Court found that Defendants broke any laws or did anything wrong. The Class Representatives and the lawyers representing them (called "Class Counsel") believe that the settlement is in the best interests of all Class Members.

WHO IS PART OF THE SETTLEMENT?

5. How do I know if I am in the settlement?

All persons who own or owned commercial or residential real property in any or some combination of Lincoln, Payne, Logan, Oklahoma, Cleveland, Pottawatomie, Seminole, Okfuskee, and/or Creek counties in Oklahoma or have or had a property interest therein between November 5, 2011 through November 16, 2018, and which suffered earthquake damages from earthquakes with epicenters within 15 miles of Prague, Oklahoma, including but not limited to, those occurring between November 5, 2011 and November 8, 2011.

Excluded from the Settlement Class are the following:

- a) Any of the Settling Defendants, their directors, officers, employees, and/or agents, the judge presiding over this action and her immediate family members;
- b) All sovereigns, governments, and all private or public educational institutions;

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- c) Any person meeting the Settlement Class Definition and named as an individual plaintiff in another lawsuit brought against any one of the Settling Defendants for earthquake damages; and,
- d) Any person that timely and properly excludes himself/herself/itself pursuant to the orders of the Court.

6. What if I am still not sure if I am included in the settlement?

If you are not sure whether you are a Settlement Class Member, or have any other questions about the Settlement Agreement, visit the settlement website at www.OklahomaQuakes.com, contact the Settlement Administrator by email at Questions@OklahomaQuakes.com or call toll-free at 1 (877) 450-8811. You also may send questions to the Settlement Administrator at:

Cooper v. New Dominion, Spess Oil Company, et al.
Attn: Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

SETTLEMENT BENEFITS

7. What does the settlement provide?

The Settling Defendants, solely for purposes of this settlement, and a full, complete, and final settlement of the Action as to these Settling Defendants, including dismissal of the Action with prejudice as to the Settling Defendants, and the releases below, and subject to the Court’s approval, the Settling Defendants will collectively provide \$925,000.00 in cash into the Settlement Fund.

A Claim Form *must provide evidence* of the Claimant’s damages suffered as a result of the earthquakes occurring within 15 miles of Prague, Oklahoma and occurring between November 5th and 8th of 2011 or thereafter, and make a claim, under oath, for a sum certain not to exceed the amounts of the provided repair estimates and bills, or other evidence submitted with the Claim Form.

8. What can I get from the settlement?

All Class Members who qualify and timely submit completed claim forms may seek recovery of the repair damages incurred as a result of the earthquakes referenced in this class action settlement.

The Net Proceeds of the Settlement Fund shall be distributed based upon the sum certain amounts stated in the approved Claim Forms and supported by the submitted evidence approved by the Settling Defendants and Class Counsel, or for those amounts determined by the Special Master on a motion. If the total approved claim sum certain amounts does not exceed the net proceeds of the Settlement Fund, the Net Proceeds of the Settlement Fund shall be distributed to the approved claimants based upon those sum certain amounts stated in each approved Claim Form with each approved claimant receiving the total amount of their sum certain claimed amount. Any excess proceeds shall be returned to the Settling Defendants. If, however, the total claimed sum certain amounts exceed the Net Proceeds of the Settlement Fund, then the approved claimants shall receive their pro rata share of the Net Proceeds determined by dividing the sum certain claimed amount submitted by the approved claimant (and supported by the evidence of damages) on their Claim Form by the overall claimed sum certain amounts stated in all of approved Claim Forms.

To receive any amounts under the settlement, Class Members must submit a claim and supporting documentation to the Settlement Administrator at the address provided below, or at www.OklahomaQuakes.com.

9. What am I giving up to stay in the Class?

Unless you exclude yourself from the Settlement, you can’t sue the Settling Defendants, continue to sue, or be part of any other lawsuit against the Settling Defendants about the legal issues in this case. It also means that all of the decisions **QUESTIONS? CALL TOLL-FREE 1 (877) 450-8811 OR VISIT WWW.OKLAHOMAQUAKES.COM**

by the Court will bind you. The Release is described more fully in the Settlement Agreement and describes exactly the legal claims that you give up if you stay in the Class. The Settlement Agreement is available at www.OklahomaQuakes.com.

HOW TO GET BENEFITS

10. How can I receive benefits?

To receive benefits, all Class Members must complete and timely submit a Claim Form, provide evidence of damages and make a claim for a sum certain not to exceed the amounts of the provided repair estimates and bills. You can obtain a Claim Form at www.OklahomaQuakes.com, by calling 1 (877) 450-8811, or writing to the address below:

Cooper v. New Dominion, Spess Oil Company, et al.
Attn: Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

Please read the instructions carefully, fill out the Claim Form, submit it electronically at www.OklahomaQuakes.com, by email to Questions@OklahomaQuakes.com or by mail to the Settlement Administrator postmarked no later than **April 29, 2019** to the address above. If you do not submit a valid Claim Form by the deadline, you will not receive benefits.

11. When will I get my benefits?

Benefits will be mailed to Class Members who send in a valid and approved Claim Form within thirty (30) days after the later of (a) the Final Approval Order becoming Final, (b) the deadline for submission of Claims Forms, or (c) the date that all objections to Claims or evidence deficiencies are finally resolved. If the Court approves the settlement after a hearing on **January 18, 2019**, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time.

EXCLUDING YOURSELF FROM THE SETTLEMENT

12. How do I get out of the settlement?

If you don't want a payment, but you want to keep the right to sue the Settling Defendants over the legal issues in this case, then you must take steps to get out of this settlement. This is called asking to be excluded from—or sometimes “opting out” of—the settlement class. To exclude yourself from the settlement, you must be a Class Member and you must complete and mail to the Settlement Administrator a letter that includes the following:

- Your name, address, and telephone number;
- The name of the case (*Cooper v. New Dominion, Spess Oil Company, et al.*, Case No. CJ-2015-24);
- A statement that you want to be excluded from this settlement; and
- Your signature.

You must mail your exclusion request, postmarked no later than **April 29, 2019** to:

Class Action Opt Out
Attn: Cooper v. New Dominion, Spess Oil Company, et al.
PO Box 58220
1500 John F Kennedy Blvd
Suite C31
Philadelphia, PA 19102

All Class Members who do not submit a valid Request for Exclusion will be included in the Class and will be bound by this Settlement Agreement on the Effective Date. You may opt out of the Settlement Class only for yourself. So-called “mass”

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or “class” opt outs, whether filed by third parties on behalf of a “mass” or “class” of Settlement Class Members or multiple Class Members where no personal statement has been signed by each and every individual Settlement Class Member, are not allowed.

13. If I don’t exclude myself, can I sue the Settling Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Settling Defendants for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Class to continue your own lawsuit.

14. If I exclude myself, can I still get benefits?

No. You will not receive any benefits from the Settlement if you exclude yourself. If you exclude yourself from the Settlement, do not send in a Claim Form asking for benefits.

OBJECTING TO THE SETTLEMENT

15. How can I tell the Court if I do not like the settlement?

Any Class Member who does not submit a timely and valid Request for Exclusion and who wishes to object to or oppose the approval of (a) this Settlement Agreement, (b) the Fees and Costs Application, (c) the Incentive Award Application, and/or (d) the proposed Final Approval Order shall file a written objection with the Court and serve it on the Parties at least ten (10) days before the Final Approval Hearing (meaning, any objection must be received by the Court, Class Counsel, and Settling Defendants’ Counsel by January 8, 2019). The written objection must include:

- Your name, address and telephone number
- The name, address, email address, and telephone number of your lawyer, if you have one
- The name of the case (*Cooper v. New Dominion, Spess Oil Company, et al.*, Case No. CJ-2015-24);
- Proof of your membership in the Settlement Class
- A statement of the reasons for the objection and any evidence supporting the objection;
- A statement regarding whether you intend to appear at the Final Approval Hearing
- Your signature and, if you have one, your lawyer’s signature.

Any Class Member who fails to file a timely written objection that meets the requirements of this paragraph shall be deemed to have waived such objection or opposition and forever shall be foreclosed from making such objection or opposition to the fairness, reasonableness, or adequacy of the Settlement, the payment of attorney’s fees, costs, expenses, and the incentive award, or the Final Approval Order. Any Class Member who makes an objection shall submit to the jurisdiction of the Court and make himself or herself available for deposition by either Party within a reasonable time before the Final Approval Hearing.

Your objection, along with any supporting material you wish to submit, must be filed with the Court, with a copy delivered to the Settlement Administrator, Class Counsel, and Settling Defendants’ Counsel received no later than **January 8, 2019** at the following addresses:

<u>Clerk of the Court</u>	<u>Class Counsel</u>	<u>Defendants’ Counsel</u>
Clerk of Court Lincoln County District Court 811 Manvel Avenue PO Box 307 Chandler, OK 74834	Scott Poynter Poynter Law Group 400 W. Capitol Ave., Suite 2910 Little Rock, AK 72201	E. Edd Pritchett, Jr. Durbin, Larimore, & Bialick, P.C. 920 North Harvey Avenue Oklahoma City, OK 73102

16. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object to the settlement only if you do not exclude yourself from the settlement. Excluding yourself from the settlement is telling the Court that you do not want to be part of the settlement. If you exclude yourself from the settlement, you have no basis to object to the settlement because it no longer affects you.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court has appointed the following lawyer, called "Class Counsel," to represent all Class Members: Scott Poynter of Poynter Law Group. You will not be charged for this lawyer. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. How will the lawyers be paid?

Class Counsel will ask the Court to approve attorneys' fees not to exceed 40% of the Settlement Fund, and reasonable litigation expenses not to exceed \$75,000. The Court will determine the amount of fees and expenses to award. Class Counsel will request the Court to pay \$7,500.00, total, as an incentive award in this Action for the Class Representative. The fees and expenses and service awards awarded by the Court will be paid from the Settlement Fund.

THE COURT'S FINAL APPROVAL HEARING

19. When and where will the Court decide whether to approve the Settlement?

The Cleveland County District Court will hold a Final Approval Hearing on **January 18, 2019 at 9:30 a.m.** at the District Court of Cleveland County, Oklahoma State of Oklahoma, before the Honorable Judge Lori Walkley, Cleveland County District Court, 201 S. Jones Ave., Norman, OK 73069.

The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.OklahomaQuakes.com for updates. At the Final Approval Hearing, the Court will: (a) determine whether to grant final approval to this settlement; (b) consider any timely objections to this Settlement and the Parties' responses to such objections; (c) rule on the Fees and Costs Application; and (d) rule on the Incentive Award Application. We do not know how long these decisions will take.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Court may have. But, you may come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter saying that it is your "Notice of Intent to Appear." In your letter, you must include the following:

- Your name, address and telephone number
- The name, address, email address, and telephone number of your lawyer, if you have one
- The name of the case (*Cooper v. New Dominion, Spess Oil Company, et al.*, Case No. CJ-2015-24);
- Your signature and, if you have one, your lawyer's signature.

You must mail your Notice of Intent to Appear, received no later than **January 8, 2019**, to all of the addresses in Question 15.

QUESTIONS? CALL TOLL-FREE 1 (877) 450-8811 OR VISIT WWW.OKLAHOMAQUAKES.COM

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you do nothing, you will not get any benefits from the settlement. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Settling Defendants about the legal issues in this case, ever again.

GETTING MORE INFORMATION

23. How do I get more information?

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a complete copy of the Settlement Agreement and other information at www.OklahomaQuakes.com. If you have additional questions or want to request a Claim Form, you can visit the settlement website at www.OklahomaQuakes.com call the Settlement Administrator at 1 (877) 450-8811; or write to the Settlement Administrator at:

Cooper v. New Dominion, Spess Oil Company, et al.
Attn: Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

**PLEASE DO NOT CONTACT THE COURT, CLERK OF THE COURT OR DEFENDANTS
CONCERNING THIS CASE.**

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