

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**SAGACITY, INC.; THE DUNCAN  
GROUP, LLC; AND HITCH  
ENTERPRISES, INC., on behalf of  
themselves and a class of similarly  
situated persons,**

**Plaintiffs,**

**v.**

**CIMAREX ENERGY CO.; MAGNUM  
HUNTER PRODUCTION, INC.; PRIZE  
ENERGY RESOURCES, INC.;  
CIMAREX ENERGY CO. OF  
COLORADO; KEY PRODUCTION  
COMPANY, INC.,**

**Defendants.**

**Case No. CIV-17-101-GLJ**

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**PRELIMINARY DISTRIBUTION ORDER**

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This Preliminary Distribution Order sets forth the Allocation Methodology that will be used to administer and distribute the Net Settlement Amount to Class Members. The Net Settlement Amount will be allocated to each Class Member based on Section 6 of the Settlement Agreement (Docket No. 129-1) titled “Allocation and Distribution” and any orders of the Court modifying the same.

**ALLOCATION METHODOLOGY**

The Allocation Methodology is the proposed method for calculating the Net Settlement Amount for distribution to Class Members and will be used for presenting the

Final Distribution Schedule to the Court for approval after the Final Fairness Hearing. Docket No. 129-1, ¶¶ 1.2, 3.9 & Section 6. The Net Settlement Amount will be allocated among individual Class Members based primarily on the extent of the deduction of Post-Production Costs reflected in Defendants' payment details for the Claim Period and other considerations described in the Declaration of Daniel T. Reineke (Docket No. 137-8), which are consistent with the factors set forth in Settlement Agreement (Docket No. 129-1, ¶ 6.2) and as approved by the Court. Pursuant to the Settlement Agreement, the Preliminary Distribution Schedule reduces the amount available for distribution for estimates of Plaintiff's Attorneys' Fees, Litigation Expenses, and Administration, Notice, and Distribution Costs, and an Incentive Award, which amounts the Court will determine at the Final Fairness Hearing and which will be implemented in the Final Distribution Schedule.


The Court reserves the right to modify this Preliminary Distribution Order without further notice to any Class Members who have not entered an appearance. The allocation of the Net Settlement Amount among Class Members and the Allocation Methodology is a matter separate and apart from the proposed Settlement between Plaintiffs and Defendants, and any decision by the Court concerning allocation and distribution of the Net Settlement Amount among Class Members shall not affect the validity or finality of the Settlement or operate to terminate or cancel the Settlement. Docket No. 129-1, ¶ 6.1

#### **TIME FOR ALLOCATION AND DISTRIBUTION**

The allocation and distribution of the Net Settlement Amount shall be under the direct supervision of the Court and shall be consistent with the Final Distribution Schedule

to be submitted by Class Counsel and approved by the Court. Furthermore, the timing, manner, and process for any distributions shall be consistent with the timing and process provided for in the Settlement Agreement (Docket No. 129-1), which is incorporated herein by reference.

**IT IS SO ORDERED** this 10th day of June, 2024.

A handwritten signature in blue ink, appearing to read "Gerald L. Jackson", written over a light blue grid background.

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**GERALD L. JACKSON**  
**UNITED STATES MAGISTRATE JUDGE**