



**APPROVED**

Movant shall serve copies of this ORDER on any pro se parties, pursuant to CRCP 5, and file a certificate of service with the Court within 10 days.

**Norman D. Haglund  
District Court Judge**

DISTRICT COURT CITY AND COUNTY OF DENVER  1437 Bannock Street Denver, CO 80202	DATE OF ORDER INDICATED ON ATTACHMENT FILED Document CO Denver County District Court 2nd JD Filing Date: Apr 11 2008 2:18PM MDT Filing ID: 19377935 Review Clerk: Rebecca Archuleta
<b>Plaintiffs:</b> RAYMOND AND SALLY MILLER, ET AL., on behalf of themselves and all others similarly situated.  <b>Defendant:</b> ENCANA OIL & GAS (USA) INC.	<p align="center"><b><u>COURT USE ONLY</u></b></p> Case Number: 05 CV 2753  Courtroom: 19
<p align="center"><b>ORDER PRELIMINARILY APPROVING CLASS SETTLEMENT, APPROVING NOTICE TO CLASS MEMBERS, ESTABLISHING OBJECTION PROCEDURE, AND SETTING A HEARING TO CONSIDER FINAL APPROVAL OF CLASS SETTLEMENT</b></p>	

This matter comes before the Court on the Plaintiffs' and Defendant's Joint Motion for Order: (1) preliminarily approving Class Settlement; (2) approving the proposed Notices to Class Members; (3) establishing procedure for any objections to the Class Settlement; (4) establishing the deadlines for submission of motions in support of final approval of the Class Settlement, for Class Counsel's request for an award of attorneys' fees and expense reimbursements, and for the Class Representatives' request for incentive awards; and (5) setting a hearing to consider final approval of the Class Settlement, an award of attorneys' fees and expense reimbursements to Class Counsel, and the requested incentive awards to the Class Representatives ("the Joint Motion").

The Court, having reviewed and considered the Joint Motion, the proposed Class Settlement Agreement, the proposed Notices of the Class Settlement, the Plaintiffs' memorandum in support of the Joint Motion, and pertinent portions of the entire record in

these proceedings to date, and after hearing the arguments of the Parties' attorneys at the hearing to consider the Joint Motion which was held on April 10, 2008 at 10:00 a.m., finds and concludes as follows:

1. On April 13, 2005, the Plaintiffs filed their class action complaint against defendant EnCana Oil and Gas (USA) Inc. ("EnCana"), asserting claims for royalty underpayments, on behalf of themselves and a defined Class of royalty owners who are paid royalties on EnCana's natural gas production in Colorado.

2. On May 30, 2006, this Court granted the Plaintiffs' motion for certification of a C.R.C.P. 23(b)(3) Class, as defined in that Order, and found that each of the requirements for certification of a Rule 23(b)(3) Class has been satisfied in this case.

3. The May 30, 2006 Order certifying a C.R.C.P 23(b)(3) Class remains in effect, and has not been modified.

4. A Notice informing the certified Class of the certification of this case as a class action was mailed to approximately 5,682 members of the Class on December 13, 2007. The Notice informed the members of the Class of their right to opt out of this class action by submitting a written request to Class Counsel by January 30, 2008. Approximately 150 persons have elected to opt out of this class action lawsuit. Such persons are not part of the Class ("the Class") on whose behalf the proposed Class Settlement has been negotiated.

5. The terms of the proposed Class Settlement are set forth in the Settlement Agreement which is attached to the Joint Motion as Exhibit 1. The definitions set forth in the Settlement Agreement are incorporated herein by reference. The Settlement Agreement resolves the claims of the Class against EnCana for natural gas royalty