

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WALLACE B. RODERICK REVOCABLE
LIVING TRUST, Trustee Amanda
Roderick on behalf of itself
And all Others similarly
Situated,

Plaintiffs,

v.

Case No. 08-1330-JTM-GEB

XTO ENERGY, INC.,

Defendant.

MEMORANDUM AND ORDER

The Kansas Supreme Court recently addressed the scope of the “Marketable Condition Rule” in Kansas gas well leases in *Fawcett v. Oil Producers of Kansas*, No. 108,666, 2015 WL 4033549 (Kan. July 2, 2015). The *Fawcett* ruling will likely impact pending motions in this case. Therefore, the parties shall re-brief plaintiffs’ Second Motion to Certify Class (Dkt. 278), Motion for Partial Summary Judgment on Leases (Dkt. 280), and Motion for Partial Summary Judgment on Marketable Condition Rule (Dkt. 282). Plaintiffs have until July 28, 2015, to file memoranda in support of each of the above motions. A standard response and reply briefing schedule shall apply thereafter according to D. KAN. R. 6.1(d).

IT IS ACCORDINGLY ORDERED this 14th day of July, 2015, that plaintiffs have until July 28, 2015, to re-file initial briefs for pending Motions (Dkts. 278, 280, 282).

s\ J. Thomas Marten
J. THOMAS MARTEN, JUDGE