

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

NORTHERN OIL AND GAS, INC.,
and NORTHWEST FARM CREDIT
SERVICES, FLCA,

Plaintiffs,

vs.

CONTINENTAL RESOURCES, INC.,

Defendant.

CV 14-90-BLG-TJC

ORDER & FINAL JUDGMENT

Following several rulings from this Court, stipulations of the parties, and a voluntary dismissal of all remaining claims, the above captioned case is ready for final judgment.

This Court issued two Orders on competing Motions for Summary Judgment. First, the Court granted Plaintiff, Northwest Farm Credit Services, FLCA's ("NWFC") Motion for Summary Judgment and denied Defendant Continental Resources, Inc.'s ("Continental") Motion for Summary Judgment by Order dated May 31, 2016 (Doc. 70), quieting title to what has been termed the "Northern Lease" and holding that the "Continental Lease" expired. Due to the difference in royalties to be paid under the two separate leases, Continental agreed to pay to NWFC the underpaid royalties, statutory interest thereon, and its reasonable attorney fees and costs. (Doc. 97.)

Second, Plaintiff, Northern Oil and Gas, Inc.’s (“Northern”) Motion for Summary Judgment was granted by Order dated September 27, 2017 (Doc. 95) (“Second Summary Judgment Order”). This Second Summary Judgment Order determined that Continental had not sent a well proposal for the Northern Lease, and that Northern was entitled to make an election thereunder as explained in the Second Summary Judgment Order.

NWFCS and Continental have since filed a Stipulation regarding the amount of underpaid royalties, interest thereon through October 31, 2017, and reasonable attorney fees and costs to be paid to NWFCS by Continental. (Docs. 97, 101). NWFCS has also filed an Unopposed Motion Dismissing Remaining Claims (Doc. 100), and this motion to dismiss, without prejudice, has been granted, thereby resolving the last of the remaining issues to be determined. (Doc. 102.)

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

(1) This Court’s Order granting NWFCS’s Motion for Summary Judgment and denying Defendant Continental’s Motion for Summary Judgment dated May 31, 2016 (Doc. 70) is fully incorporated herein;

(2) This Court’s Order granting Northern’s Motion for Summary Judgment and denying Continental’s Motion for Declaration of Law dated September 27, 2017 (Doc. 95), is fully incorporated herein;

(3) The Stipulation filed by NWFCS and Continental on October 4, 2017 (Doc. 97), the update thereto (Doc. 101), and the Court's Order Dismissing NWFCS's Remaining Claims (Doc. 102) are incorporated by reference in their entirety; and

(4) The updated Stipulation sets forth the agreement of the parties as follows:

(a) The current outstanding and underpaid royalties owed to NWFCS by Continental as of the October 2017 accounting period total \$42,558.62.

(b) The statutory interest on outstanding and underpaid royalties owed to NWFCS by Continental as of May 31, 2016, total \$7,383.88.

(c) The statutory interest on the underpayments of royalties owed to NWFCS by Continental for the period of time from June 2016 through October 2017 total \$304.78;

(d) Statutory interest under Mont. Code Ann. § 82-10-103 and §31-1-107 (currently 15.00%) shall apply to the \$39,380.67 underpayment of royalties that accrued through May 31, 2016, commencing on June 1, 2016, and continuing until paid;

(e) In addition, statutory interest under Mont. Code Ann. §82-10-103 and §31-1-107 (currently 15.00%) shall apply to any underpayment of royalties after May 31, 2016, from the date of underpayment until paid;

(f) NWFCS's reasonable attorney fees and costs in the amount of \$56,235.50, shall be paid by Continental;

(g) Post-judgment statutory interest under Mont. Code Ann. § 25-9-205 shall apply to the attorneys' fees award from the date of this judgment until paid;

(h) Pursuant to NWFCS's Unopposed Motion to Dismiss Remaining Claims (Doc. 100), all remaining claims in this matter have been dismissed, without prejudice.

IT IS ORDERED that, pursuant to Fed. R. Civ. P. 58, judgment shall be entered accordingly.

DATED this 17th day of November, 2017.



TIMOTHY J. CAVAN
United States Magistrate Judge