

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

JEFFERY CARLOS HALE,)
ON BEHALF OF HIMSELF)
AND ALL OTHERS)
SIMILARLY SITUATED,)
)
Plaintiff,)
)
v.)
)
CNX GAS COMPANY, LLC,)
)
Defendant.)

Case No. 1:10CV00059

**ORDER AS TO
CLASS CERTIFICATION**

By: James P. Jones
United States District Judge

For the reasons set forth in the Opinion accompanying this Order, it is **ORDERED** as follows:

1. The Renewed Motion for Class Certification (ECF No. 458) is GRANTED and this action is hereby certified as a class action pursuant to Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure with respect to the claims for breach of fiduciary duty, conversion, and unjust enrichment, but excluding the issues of the defendant’s allegedly late payments into escrow and alleged production prior to obtaining pooling orders;

2. The class certified (the “Class”) is defined as follows:

All coalbed methane gas (“CBM”) claimants who were identified by CNX Gas Company, LLC (“CNX”) in filings with the Virginia Gas and Oil Board as unleased owners of CBM estate

interests and for whom CNX has applied, as of the later of the date of this Court's class certification order or the resolution of an interlocutory appeal of such order, pursuant to Virginia Code § 45.1-361.22:2(A), for the release of funds held in escrow or internally, and all such gas claimants who have received distributions from escrow or directly from CNX as a result of a judicial determination of ownership or agreement between September 23, 2010 and January 1, 2016. "Gas claimants" is as defined by Virginia Code § 45.1-361.1.

The Class excludes (a) CNX, (b) any person who serves as a judge in this civil action and his/her spouse, (c) any individuals who have received a Court-supervised accounting of CNX's CBM royalty payments into escrow or internal suspense, and (d) any person who operates a CBM well in Virginia and any person who holds a working interest in a CBM well operated by CNX in Virginia.

3. Jeffrey Carlos Hale is appointed as Class representative;

4. The following law firms are appointed jointly as Class counsel:

Lieff Cabraser Heimann & Bernstein, LLP; Daniel Coker Horton & Bell, P.A.; Glubiak Law Office; Neal & Harwell, PLC; Law Offices of Richard R. Barrett, PLLC; Barrett Law Group, P.A.; and The White Law Office; and

5. The Motion for Hearing (ECF No. 505) is DENIED.

ENTER: March 29, 2017

/s/ James P. Jones
United States District Judge