

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

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|------------------------------------|---|-------------------------------|
| EDWIN F. LEGARD, JR., ETC., |) | |
| |) | |
| Plaintiff, |) | Case No. 1:10CV00041 |
| |) | |
| v. |) | ORDER CERTIFYING CLASS |
| |) | |
| EQT PRODUCTION COMPANY, |) | By: James P. Jones |
| |) | United States District Judge |
| Defendant. |) | |

Before the court are Objections of EQT Production Company to Report and Recommendations of the Magistrate Judge on the Motions for Class Certification (ECF No. 273) (“Objections by EQT”), and Objection to Report and Recommendation on Motions for Class Certification (ECF No. 274) (“Objection by Plaintiff”), which have been fully briefed and argued. Based upon my de novo consideration of the matters to which the Objections were directed, it is **ORDERED** as follows:

1. The Objections by EQT are DENIED;
2. The Objection by Plaintiff is GRANTED;
2. The magistrate judge’s Report and Recommendations (ECF No. 266) are ACCEPTED, except as to the breach of contract claims, and provided that the class definition is modified as set forth below herein;

3. The Motion for Class Certification, Appointment of Class Counsel, and Appointment of Class Representatives (ECF No. 71) 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;

4. The class certified (the "Class") is defined as follows:

Each person to whom EQT Production Company or its predecessors ("EQT") has paid at any time from January 1, 1995, to the present or is currently paying royalties under a lease on gas produced by EQT in Virginia and which lease is silent as to the deduction of costs, according to business records maintained by EQT.

The Class excludes (a) EQT; (b) the federal government; (c) any person who serves as a judge in this civil action and his or her spouse; (d) any person who operates a gas well in Virginia; and (e) any person who holds a working interest ownership in a well operated by EQT in Virginia.

5. Eva Mae Adkins is appointed as Class representative; and

6. The following law firms and lawyers are appointed jointly as Class counsel: Lief Cabraser Heiman & Bernstein, LLP; Daniel Coker Horton & Bell, P.A.; Glubiak Law Office; Barrett Law Group, P.A.; and White Law Firm.

ENTER: September 30, 2013

/s/ James P. Jones

United States District Judge