

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

COOK CHILDREN’S HEALTH)	
FOUNDATION a/k/a W.I. COOK)	
FOUNDATION, INC., on behalf of itself)	
and a class of similarly situated persons,)	
)	Case No. CIV-21-359-D
Plaintiff,)	
)	
v.)	
)	
DIAMONDBACK E&P LLC,)	
)	
Defendant.)	

PRELIMINARY DISTRIBUTION ORDER

This Preliminary Distribution Order sets forth the Allocation Methodology that will be used to administer and distribute the Net Settlement Amount to Class Members. The Net Settlement Amount will be allocated to each Class Member based on Section 6 of the Settlement Agreement [Doc. No. 50-1] titled “Allocation and Distribution” and any orders of the Court modifying the same.

ALLOCATION METHODOLOGY

The Allocation Methodology is the proposed method for calculating the Net Settlement Amount for distribution to Class Members and will be used for presenting the Final Distribution Schedule to the Court for approval after the Final Fairness Hearing. See Settlement Agreement, ¶¶ 1.2, 3.9, 6.1. The Net Settlement Amount will be allocated among individual Class Members based on each Class Member’s volumetric share of natural gas production during the production months April 1, 2011 to July 31, 2023 and other considerations described in the Declaration of Scott Goodger [Doc. No. 53-6],

which are consistent with the factors set forth in the Settlement Agreement [Doc. No. 50-1, ¶ 6.2] and as approved by the Court. Pursuant to the Settlement Agreement, the Preliminary Distribution Schedule reduces the amount available for distribution for estimates of Plaintiff's Attorney Fees, Litigation Expenses, and Administration, Notice, and Distribution Costs, along with an Incentive Award.

The Court reserves the right to modify this Preliminary Distribution Order without further notice to any Class Members who have not entered an appearance. The allocation of the Net Settlement Amount among Class Members and the Allocation Methodology is a matter separate and apart from the proposed Settlement between Plaintiff and Defendant, and any decision by the Court concerning allocation and distribution of the Net Settlement Amount among Class Members shall not affect the validity or finality of the Settlement or operate to terminate or cancel the Settlement. *See* [Doc. 50-1, ¶ 6.1].

TIME FOR ALLOCATION AND DISTRIBUTION

The allocation and distribution of the Net Settlement Amount shall be under the direct supervision of the Court and shall be consistent with the Final Distribution Schedule to be submitted by Class Counsel and approved by the Court. Furthermore, the timing, manner, and process for any distributions shall be consistent with the timing and process provided for in the Settlement Agreement [Doc. No. 50-1], which is incorporated herein by reference.

IT IS SO ORDERED this 3rd day of May, 2024.

A handwritten signature in blue ink, appearing to read "Timothy D. DeGiusti". The signature is written in a cursive style with a large initial 'T'.

TIMOTHY D. DeGIUSTI
Chief United States District Judge