

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DEMCHAK PARTNERS LIMITED
PARTNERSHIP; JAMES P. BURGER, JR. and
BARBARA H. BURGER; WILLIAM A.
BURKE, II and CLARA BURKE; WILLIAM
A. BURKE, III; EDWARD J. BURKE;
DONALD G. FULLER and KAREN M.
FULLER; RANDY K. HEMERLY; LAMAR R.
KING; LINDA J. SCHLICK; AND JANET C.
YOUNG, on Behalf of Themselves and All
Others Similarly Situated,

Plaintiffs,

and

RUSSELL E. BURKETT and GAYLE
BURKETT,

Plaintiffs-Intervenors,

v.

CHESAPEAKE APPALACHIA, L.L.C.,

Defendant.

Case No. 3:13-cv-2289

JOINT STIPULATION AND ORDER
ADJOURNING FINAL FAIRNESS HEARING

IT IS HEREBY STIPULATED AND AGREED by and among all Class Counsel and counsel for Defendant Chesapeake Appalachia L.L.C. (“Chesapeake”) as follows:

1. The Court entered an Order Granting Certification of Settlement Class and Preliminarily Approving Class Settlement on October 2, 2015 (“Order”) (Dkt. No. 91).
2. Pursuant to the Order, a final fairness hearing is currently scheduled to be held on February 2, 2015, at 9:30 a.m.
3. On December 9, 2015, the Pennsylvania Office of Attorney General (“Attorney General”) filed a brief in opposition to the proposed class action settlement of this litigation and seeking to modify the amended settlement agreement, which had previously been agreed to by all parties and preliminarily approved by the Court.
4. On the same day, the Attorney General filed a Complaint as *parens patriae* against Chesapeake and other defendants in the Court of Common Pleas of Bradford County, Pennsylvania. As drafted, the Attorney General’s Complaint asserts claims that overlap with the claims at issue in this case, and requests relief that, if granted, could affect the rights of the parties and Settlement Class Members in this litigation.

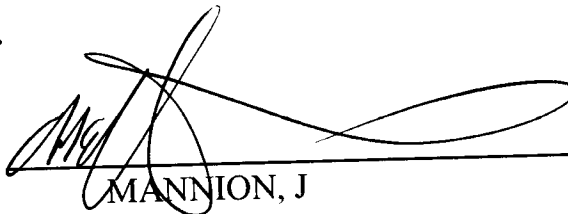
5. Based on the Attorney General's recently-filed action against Chesapeake and other defendants, and her objection seeking to modify the settlement, the parties have agreed that it would be appropriate and fair to adjourn the final fairness hearing to a later date, and future deadlines (including but not limited to the deadline for the parties to file responses to any comments or objections to the proposed settlement, including the Attorney General's) should be postponed until a later date. However, the opt-out date for the Additional Class Members (as defined in the Court's December 1, 2015 Order) who received notice pursuant to the Court's December 1, 2015 Order shall remain unaffected. *See* ECF No. 95.

6. The parties shall cause the website established by the claims administrator in this matter to be updated to reflect the adjournment of the final fairness hearing and other interim deadlines.

7. The parties intend to return to the Court to reset the date for the final fairness hearing and shall provide the Court with a status update no later than February 16, 2016.

SO ORDERED.

Date: 1-5-16


MANNION, J