

LAW OFFICES
CAREY, SCOTT & DOUGLAS, PLLC

901 CHASE TOWER
707 VIRGINIA STREET, EAST
P. O. BOX 913
CHARLESTON, WV 25323

MICHAEL W. CAREY
ROBERT E. DOUGLAS
JOHN A. KESSLER
S. BENJAMIN BRYANT

GEORGE M. SCOTT
OF COUNSEL

TELEPHONE (304) 342-1234
TELEPHONE (304) 342-1111
FACSIMILE (304) 342-1105

fax

To: Dave McMahon

Fax #: (810) 958-6143

From: Michael W. Carey, Esquire

Date: February 7, 2007

Subject:

Pages: 8 (including cover sheet)

Message: Jury Verdict Form

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IN THE CIRCUIT COURT OF ROANE COUNTY, WEST VIRGINIA

ESTATE OF GARRISON G. TAWNEY, by
LELA ANN GOFF, Executrix, LELA ANN
GOFF and VERNON B. GOFF, husband
and wife, JANICE E. COOPER and
CLIFFORD R. COOPER, husband and wife,
LARRY G. PARKER, JOHN W. PARKER,
RICHARD L. ASHLEY, MYRTLE JONES,
By her Attorney-in-Fact, ORTON A. JONES,

Plaintiffs,

v.

Civil Action No. 03-C-10E
(Honorable Thomas C. Evans, III)

COLUMBIA NATURAL RESOURCES, LLC,
f/k/a COLUMBIA NATURAL RESOURCES, INC.,
a Texas corporation; NISOURCE INC., a
Delaware corporation; and COLUMBIA ENERGY
GROUP, a Delaware corporation; CHESAPEAKE
APPALACHIA, L.L.C., an Oklahoma limited liability
Company;

Defendants.

JURY VERDICT FORM

1. (Plaintiffs' Categories 1a and 1b) The Court has ruled that the plaintiffs are entitled to recover for gathering and processing fees deducted by Columbia Natural Resources, LLC now known as Chesapeake Appalachia, L.L.C (hereinafter referred to as "CNR"). What amount do you find to a reasonable certainty that the plaintiffs are entitled to recover for gathering and processing fees deducted by CNR? (You should consider plaintiffs' Exhibit 501a (Table 1a or 1b) and Defendants' Exhibits 266 (page 1 of 9), 267 (line 1) and 268 (Category 1) and give them such weight as you believe the testimony warrants in arriving at your verdict on this element of damages, as well as all other Exhibits admitted by the Court during the trial.)

\$ 10,159,672

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ROANE COUNTY
WEST VIRGINIA

(Please proceed to Question No. 2)

2. (Plaintiffs' Category 2) The Court has ruled that the plaintiffs are entitled to recover for "under reported" volume to the royalty owners (shrinkage/line loss). What amount do you find to a reasonable certainty that plaintiffs are entitled to recover for under reported volume to the royalty owners (shrinkage/line loss)? (You should consider plaintiffs' Exhibits 501a (Table 2) and Defendants' Exhibits 266 (page 2 of 9), 267 (line 2) and 268 (categories 2 and 2a), and give them such weight as you believe the testimony warrants in arriving at your verdict on this element of damages, as well as all other Exhibits admitted by the Court during the trial.)

\$ 6,544,318

(Please proceed to Question No. 3)

3. (Plaintiffs' Category 3) Do you find by a preponderance of the evidence that CNR breached its lease agreements with the plaintiffs and breached the prudent operator rule by paying royalty based on subsidiary and forward sales (Mahonia)?

Yes X

No _____

If yes, what amount do you find to a reasonable certainty will compensate the plaintiffs for royalties which should have been paid? (You should consider plaintiffs' Exhibits 501a (Table 3) and Defendants' Exhibits 266 (page 3 of 9), 267 (lines 3a and 3b), and 268 (category 3), and give them such weight as you believe the testimony warrants in arriving at your verdict on this element of damages, as well as all other Exhibits admitted by the Court during the trial.)

\$ 44,185,207

(Please proceed to Question No. 4)

4. (Plaintiffs' Category 4) Do you find by a preponderance of the evidence that CNR failed to pay royalty for natural gas liquids?

Yes _____

No X

If yes, what amount do you find to a reasonable certainty that the plaintiffs are entitled to recover for royalties on natural gas liquids? (You should consider plaintiffs' Exhibit 501a (Table 4) and Defendants' Exhibit 267 (line 4), and give them such weight as you believe the testimony warrants in arriving at your verdict on this element of damages, as well as all other Exhibits admitted by the Court during the trial.)

\$ _____

(Please proceed to Question No. 5)

5. (Plaintiffs' Category 5) Do you find by a preponderance of the evidence that CNR improperly failed to pay royalty on the total volume of natural gas between the well and the meter on 1/8th royalty wells?

Yes X

No _____

If yes, what amount do you find to a reasonable certainty that the plaintiffs are entitled to recover for improper measurement of volume of natural gas between the well and the meter on 1/8th royalty wells? (You should consider plaintiffs' Exhibits 501a (Table 5) and Defendants' Exhibits 266 (page 4 of 9), 267 (line 5), and 268 (categories 5 and 5a), and give them such

weight as you believe the testimony warrants in arriving at your verdict on this element of damages, as well as all other Exhibits admitted by the Court during the trial.)

\$ 33,187,809

(Please proceed to Question No. 6)

6. (Plaintiffs' Category 6) The Court has ruled that the plaintiffs are entitled to recover a 1/8th royalty payment for the metered wells where a flat rate royalty was paid by CNR. What amount do you find to a reasonable certainty that plaintiffs are entitled to recover for unpaid 1/8th royalty payments on metered flat rate wells? (You should consider plaintiffs' Exhibits 501a (Table 6) and Defendants' Exhibits 266 (page 5 of 9), 267 (line 6), and 268 (categories 6 and 6a), and give them such weight as you believe the testimony warrants in arriving at your verdict on this element of damages, as well as all other Exhibits admitted by the Court during the trial.)

\$ 21,628,388

(Please proceed to Question No. 7)

7. (Plaintiffs' Category 7) The Court has ruled that the plaintiffs are entitled to recover a 1/8th royalty payment for the unmetered wells where a flat rate royalty was paid by CNR. What amount do you find to a reasonable certainty that plaintiffs are entitled to recover for unpaid 1/8th royalty payments on unmetered flat rate wells. (You should consider plaintiffs' Exhibits 501a (Table 7) and Defendants' Exhibits 266 (page 6 of 9), 267 (line 7), and 268 (categories 7 and 7a), and give them such weight as you believe the testimony warrants in

arriving at your verdict on this element of damages, as well as all other Exhibits admitted by the Court during the trial.)

\$ 7,595,266

(Please proceed to Question No. 8)

8. (Plaintiffs' Category 8) Do you find by a preponderance of the evidence that CNR improperly failed to pay royalty on the total volume of natural gas between the well and the meter on flat rate royalty wells?

Yes X

No _____

If yes, what amount do you find to a reasonable certainty that the plaintiffs are entitled to recover for improper measurement of the volume of natural gas between the well and the meter on flat rate royalty wells? (You should consider plaintiffs' Exhibits 501a (Table 8) and Defendants' Exhibits 266 (page 7 of 9), 267 (line 8), and 268 (categories 8 and 8a), and give them as much weight as you believe the testimony warrants in arriving at your verdict on this element of damages, as well as other Exhibits admitted by the Court during the trial.)

\$ 11,034,478

(Please proceed to Question No. 9)

9. (Fraud Related to Deductions) Do you find by clear and convincing evidence that CNR's acts and/or omissions were fraudulent with regard to taking deductions for gathering and volume in accordance with the evidence and this Court's instructions?

Yes X

No _____

(Fraud damages are the same as for the contract damages, therefore it is not necessary to find a separate damage figure.) (Please proceed to Question No. 10)

10. (Fraud Relating to Mahonia) Do you find by clear and convincing evidence that defendants' acts and/or omissions with regard to sales to affiliates and forward sales (Mahonia) and basing royalties thereon were fraudulent in accordance with the Court's instructions?

Yes X

No _____

(Fraud damages are the same as for the contract damages, therefore it is not necessary to find a separate damage figure.) (Please proceed to Question No. 11)

11. (Punitive Damages) Do you find by a preponderance of the evidence that the defendants' acts amounted to willful, wanton or reckless misconduct or criminal indifference to civil obligations affecting the plaintiffs and that plaintiffs, therefore are entitled to recover punitive damages?

Yes X

No _____

If you find punitive damages are appropriate, what amount do you find by a preponderance of the evidence that the plaintiffs are entitled to receive as punitive damages?

\$ 270,000,000.

(Please sign the verdict form and return it to the bailiff.)


Foreperson

1-27-07
Date