

Defendant Encana Oil & Gas (USA) Inc. (“Encana”), through its undersigned counsel, hereby files this Motion for Summary Judgment, pursuant to Fed. R. Civ. P. 56, and respectfully requests that the Court:

- (1) dismiss the Plaintiffs' claims for negligence, nuisance, and strict liability as to Subject Wells 13-12, 22-12, 23-12, and 42x-11, because such claims were released in the Settlement Agreement;
- (2) dismiss the Plaintiffs' claims for negligence, nuisance and strict liability as to all Subject Wells (the four wells listed above, and the 12-12) because such claims are time barred under the applicable statute of limitations; and
- (3) dismiss the Plaintiffs' fraud claim with respect to all Subject Wells because such claim is time barred under the applicable statute of limitations.

In support of this Motion, Encana files simultaneously herewith its Brief in Support of Motion for Summary Judgment and Declaration of Michelle C. Kales in Support of Motion for Summary Judgment.

WHEREFORE, for the reasons set forth herein and in Encana's Brief in Support of Motion for Summary Judgment, Encana respectfully requests this Court enter summary judgment in its favor and against Plaintiffs and dismiss all of Plaintiffs' claims in the above-captioned matter and grant such other relief in Encana's favor as this Court deems just and proper.

DATED this 23rd day of October, 2015.

ENCANA OIL & GAS (USA) INC.
Defendant

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing document was served upon counsel via CM/ECF Electronic Transmission this 23rd day of October, 2015.

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