

CAUSE NO. 067-241738-09

WILLIE BOOTH and CARMEN BOOTH

VS.

XTO ENERGY, INC.

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IN THE DISTRICT COURT

67<sup>TH</sup> JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

COURT'S ORDER ON DEFENDANT XTO ENERGY'S MOTION FOR SUMMARY JUDGMENT

On August 13, 2010 came to be heard by submission, as agreed to by all counsel, Defendant XTO Energy's Motion for Summary Judgment. A response was filed by Plaintiffs Willie and Carmen Booth to Defendant's Summary Judgment motion. Defendant filed its reply to Plaintiffs' response as well as its objections to Plaintiffs' summary judgment evidence. By a separate order this Court has ruled on Defendant's objections.

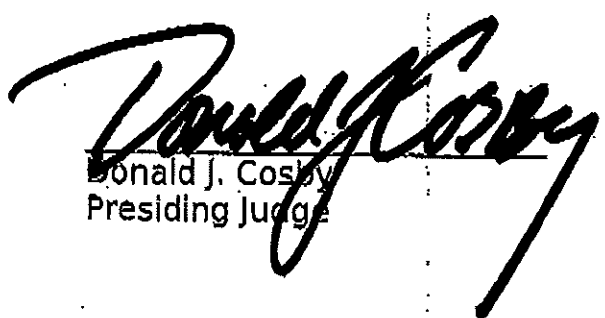
After careful consideration of Defendant's motion and reply, Plaintiffs' response, the Court's file, case law cited and the pleadings on file, it is this Court's opinion that Defendant's motion for summary judgment should be granted in part and denied in part. Therefore,

IT IS ORDERED, ADJUDGED and DECREED that Defendant's Motion for Summary Judgment as to all of Plaintiffs' remaining claims, except attorney fees and expense, is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendant's Motion for Summary Judgment for sanctions is DENIED.

IT IS ORDERED, ADJUDGED and DECREED that the Court finds that the only remaining issue before the Court in this cause of action is the amount of attorney fees and expenses/costs to which Plaintiffs may be entitled to.

EXECUTED this 27<sup>th</sup> day of September, 2010.



Donald J. Cosby  
Presiding Judge