

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

Mary Lansden Swafford, as trustee for the  
Mary Lansden Swafford GST Exemption  
Residuary Trust, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

Ovintiv Inc., and Ovintiv Mid-Continent  
Inc.,

Defendants.

Civil Action No. 21-CV-210-SPS

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**CLASS REPRESENTATIVE’S  
MOTION FOR APPROVAL OF FINAL PLAN OF ALLOCATION  
AND ENTRY OF DISTRIBUTION ORDER**

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Pursuant to the Settlement Agreement (Doc. 12-1) and the Initial Plan of Allocation Order (Doc. 35), Class Representative Mary Lansden Swafford, as trustee for the Mary Lansden Swafford GST Exemption Residuary Trust (“Class Representative”), files this Motion for Approval of Final Plan of Allocation and Entry of Distribution Order.<sup>1</sup> In support of this Motion, Class Representative shows the Court the following:

1. On November 3, 2021, the Court entered several orders (collectively, the “Orders”) related to approval of the Settlement:
  - a. the Judgment (Doc. 34);
  - b. the Initial Plan of Allocation Order (Doc. 35); and
  - c. the Order Awarding Fees, Expenses, Case Contribution Award, and Administration Costs (Doc. 33) (the “Fee and Expense Order”).

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<sup>1</sup> All capitalized terms not otherwise defined in this Motion shall have the same meanings ascribed to them in the Settlement Agreement.

2. Under the Orders and paragraph 6.7 of the Settlement Agreement, Class Representative is required to file and seek approval of a final plan of allocation and entry of a distribution order to disburse the Net Settlement Fund to Class Members. This Motion seeks that approval.

3. Class Representative's expert, Barbara Ley, calculated a Final Plan of Allocation that takes into account the Gross Settlement Fund (\$19.5 million), as well as accrued interest through the most recent available data, and subtracts the amounts awarded in the Fee and Expense Order and the amounts attributable to the opt-outs approved by the Court in the Judgment.

4. The result is Class Representative's proposed Final Plan of Allocation, which is attached to this Motion as **Exhibit 1**.

5. The proposed Final Plan of Allocation shows the proportionate settlement payments to be made to Class Members in accordance with the Allocation Methodology previously approved.

6. Upon the Court's approval, the distributions set out in the Final Plan of Allocation will be made to Class Members in accordance with the Orders and the Settlement Agreement. To effectuate distribution, the Escrow Agent will transfer funds in the Escrow Account to the Settlement Administrator for further administration and distribution. If payment cannot be made to 100% of the Class Members, any Residual Unclaimed Funds will be handled as set forth in the Orders and Settlement Agreement.

7. Class Representative respectfully requests that the Court enter the proposed Final Plan of Allocation and Distribution Order in the form attached as **Exhibit 2**. Class Representative will also submit a native version of the proposed order in accordance with the Court's Local Rules.

Respectfully Submitted,

/s/Reagan E. Bradford

Reagan E. Bradford, OBA #22072

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**CLASS COUNSEL**

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 2, 2022, a true and correct copy of the above and foregoing document was served in accordance with the Local Rules on all counsel of record *via* the Court's electronic filing system.

/s/Reagan E. Bradford

Reagan E. Bradford