

ORIGINAL

IN THE SUPREME COURT OF OHIO

REGIS F. LUTZ, et al.,	:	Supreme Court
	:	Case No. 2015-0545
Plaintiffs-Respondents,	:	
vs.	:	On Review of Certified Questions
	:	From the United States District Court,
	:	Northern District of Ohio,
CHESAPEAKE APPALACHIA, L.L.C.,	:	Eastern Division
	:	
Defendant-Petitioner.	:	Case No. 4:09-cv-2256

**AMICUS BRIEF OF GULFPORT ENERGY CORP. URGING THIS COURT TO
ACCEPT CERTIFIED QUESTION**

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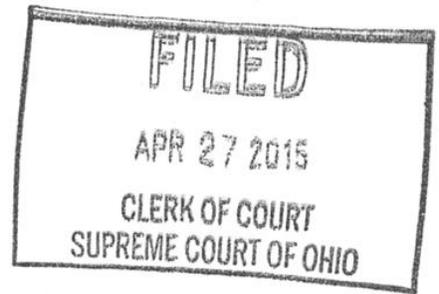
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Date: April 27, 2015

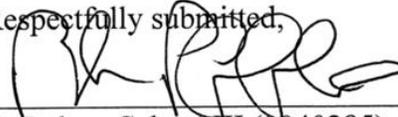
Gulfport Energy Corp. (“Gulfport”) has a considerable number of leases in Ohio, all of which afford it exploration and production of oil and gas rights. Those leases govern the calculation and payment of royalties to the respective lessor. *Harris v Ohio Oil Co.*, 57 Ohio St. 118, 129, 48 N.E. 502 (1897). The language of Gulfport’s oil and gas leases vary. Some leases go into great detail about the calculation of royalties, while others, like the leases involved in the District Court litigation, do not. Traditionally, Ohio courts have resolved royalty issues by application of long accepted rules for construction of written instruments, but recently some, including the Plaintiffs in this action, have asserted that a different approach regarding the calculation of post-production costs is required for oil and gas leases.

Gulfport anticipates and reasonably foresees that the number of oil and gas leases to which it is a party will increase significantly over the coming years. Gulfport’s anticipated involvement in oil and gas exploration and production in Ohio, however, depends upon whether post-production costs are deducted from the amount of royalties due to the respective lessor. Consequently, whether post-production costs are included in royalty payments is an extremely important issue for the Supreme Court of Ohio to consider and clarify.

Gulfport believes strongly that uncertainty with respect to the manner in which royalty disputes will be addressed benefits no one, and respectfully urges this Court to accept and answer the District Court’s question.

DATED: April 27, 2015

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2015, a copy of the foregoing was sent by regular

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