

IN THE SUPREME COURT OF OHIO

WAYNE K. LIPPERMAN : Case No. 2015-0121
Appellant, : On Appeal from the Court of
Vs. : Belmont County Court of Appeals
: Seventh Appellate District
: Court of Appeals Case 14 BE 2
NILE E. BATMAN, et al. : **NOTICE OF INTENT NOT TO**
Appellees. : **PARTICIPATE IN ORAL ARGUMENT**

Now comes counsel for the Appellees, Nile and Katheryn Batman, and hereby gives Notice of his intent not to participate in oral argument herein scheduled for January 6, 2016, based upon the instructions of his clients. Said Appellees have elected to submit the matter for consideration upon the record and the briefs filed.

/s/ Bruce Smith
Bruce Smith (0008702)
Attorney for Appellees, Nile E. Batman and
Katheryn Batman
GEIGER TEEPLE ROBINSON & McELWEE, PLLC
1844 W. State St., Suite A
Alliance, Ohio 44601
Phone: (330) 821-1430
Fax: (330) 821-2217
bes@ramlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Waiver of Oral Argument was sent by regular U.S. mail this 31st day of December, 2015, to Marion H. Little, Jr., Christopher J. Hogan at Zeiger, Tigges & Little, LLP, 3500 Huntington Center, 41 South High St., Columbus, Oh. 43215, Counsel for Appellees, XTO Energy and Phillips Exploration; to Richard L. Lancione and Tracey Lancione Lloyd at Lancione, Lloyd & Hoffman Law Offices, 3800 Jefferson St., Bellaire, Oh. 43906, Counsel for Appellant; to Lyle B. Brown at Steptoe & Johnson, PLLC, 41 S. High St., Suite 2200, Columbus, Oh. 43215, Counsel for Appellees, Reserve Energy Co. and Equity Oil & Gas Funds; to Matthew W. Warnock, Kara Hernstein, and Daniel E. Gerken, at Bricker & Eckler, LLP, 100 South Third St., Columbus, Oh. 43215, Counsel for Amicus Curiae and Paloma Partners III, LLC.

/s/ Bruce Smith
Bruce Smith, Attorney for Appellees, Nile E. &
Katheryn Batman