

If you received a natural gas royalty payment from Energy Corporation of America (“ECA”) on gas produced by ECA in Pennsylvania and ECA deducted interstate pipeline charges and/or marketing fees from the royalties from November 2006 through March 2012,

A CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS

- A lawsuit was filed against ECA on behalf of people who were paid natural gas royalties by ECA or its predecessor on gas produced in Pennsylvania.
- The Court has allowed the lawsuit to be a class action on behalf of: “All lessors on an oil and gas lease with Energy Corporation of America or Eastern American Energy Corporation that conveys oil and gas rights to real property in Pennsylvania and (1) the lessee deducted charges for interstate pipeline services between November 22, 2006 and March 26, 2012 (subclass one) and/or (2) the lessee deducted marketing fees from the royalties between November 22, 2006 and March 26, 2012 (subclass two).”
- This lawsuit has been set for a jury trial beginning on March 2, 2015.
- ECA’s records show that you may fall within the definition of subclass one or subclass two or both.
- The Court has not yet awarded any money damages and there is no guarantee that money damages will be awarded.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

DO NOTHING – Stay in this lawsuit. Await the outcome. Give up certain rights. If you do nothing, you stay in the lawsuit and await the outcome. You keep the possibility of getting money or benefits that may come from a trial or settlement. But any judgment or settlement will be legally binding on you and you will give up your right to sue ECA separately about the same claims in this lawsuit.

ASK TO BE EXCLUDED – Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But you keep any rights to sue ECA separately about the same legal claims in this lawsuit, and any orders or judgments in this lawsuit will not be legally binding on you.

- Your options are explained in this notice. **To ask to be excluded, you must act before January 31, 2015.**
- **Any questions?** Read on and visit pollockecagasroyaltyclassaction.com.

BASIC INFORMATION

Why did I get this Notice?

You received this Notice because ECA's records show that you received a natural gas royalty payment from ECA and that ECA deducted charges for interstate pipeline services or marketing fees from your royalties between November 22, 2006 and March 26, 2012. The Court has allowed (or "certified") a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against ECA, on your behalf, are correct. Magistrate Judge Robert C. Mitchell of the United States District Court for the Western District of Pennsylvania is overseeing this class action. The lawsuit is known as *Pollock, et al. v. Energy Corporation of America*, No. 2:10-cv-01553.

What is a class action and who is involved?

In a class action, one or more people called Class Representatives sue on their own behalf and on behalf of other people who have similar claims. The Class Representatives and people with similar claims are called the "Class" or "Class Members." The people who sued and all the Class Members like them are called the "Plaintiffs." ECA is the "Defendant." In a class action, one court resolves the claims and issues of all Class Members, except for those people who choose to exclude themselves from the class.

Why is this lawsuit a class action?

The lawyers who filed this lawsuit on behalf of the Class Representatives asked this Court to certify the lawsuit as a class action. The Court decided that this lawsuit met all the requirements to be certified as a class action under Federal Rule of Civil Procedure 23, which governs class actions in federal courts. More information about why the Court is allowing this lawsuit to be a class action is in the Court's order certifying the Class, which is available at pollockecagasroyaltyclassaction.com.

THE CLAIMS IN THE LAWSUIT

What is this lawsuit about?

The Class Representatives claimed that ECA underpaid their monthly gas royalties in various ways. The Court dismissed some of those claims. The Court ruled that two claims can proceed on behalf of the Class. These are the claims that ECA improperly deducted interstate pipeline charges and marketing fees from the royalties during the period from November 22, 2006 through March 26, 2012.

Why are the claims limited to royalty payments on gas produced from November 22, 2006 through March 26, 2012?

Any claims of royalty underpayments occurring before November 22, 2006 are barred by the statute of limitations. There are no claims after March 26, 2012 because it is undisputed that since that date the interstate transportation charges and marketing fees have been incurred while ECA still owns the gas and therefore the Plaintiffs do not claim that deductions taken after that date were improper.

How does ECA answer the claims?

ECA denies that it took any improper deductions or otherwise underpaid the royalties.

Has the Court decided who is right?

The court has not yet decided whether the Class Members will receive any money or other benefit. The Court has ruled that ECA can only deduct interstate pipeline charges that were incurred before the gas is sold. The Court has not ruled on the deduction of the marketing fees. By establishing the Class and authorizing this Notice, the Court is not suggesting that the Plaintiffs will win or lose. The Plaintiffs must prove their claims in a trial starting March 2, 2015.

Is there any money payable to Class Members now?

No money or benefits are available now, and there is no guarantee that any money or benefits will be obtained. They will only be available if the case is settled or the Plaintiffs win at trial. If either happens you will be notified how to apply for your share.

YOUR RIGHTS AND OPTIONS

Right now you are automatically a member of the Class. You will remain in the Class unless you ask to be excluded. You need to decide now whether to remain in the Class or ask to be excluded.

What happens if I do nothing at all?

By doing nothing, you stay in the Class. If you stay in the Class and Plaintiffs obtain money or benefits (either by a settlement or trial) you will be notified about how to apply for your share of the money or benefits. Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose at trial, you will not be able to sue, or continue to sue, ECA – as part of any other lawsuit – about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the orders or judgments the Court has made or will make in this class action.

Why would I ask to be excluded?

If you exclude yourself from the Class (sometimes called “opting-out” of the Class) you won’t get any money or benefits from this lawsuit even if the Plaintiffs get money or benefits as a result of the trial or any settlement (that may or may not be reached) between ECA and the Plaintiffs. However, you may then be able to sue or continue to sue ECA for

the same claims that are the subject of this lawsuit and you will not be legally bound by the Court's orders or judgments in this class action.

If you start your own lawsuit against ECA after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against ECA, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must either complete and return by mail the enclosed Opt-Out Form to the address below or send an "Exclusion Request" in the form of a letter sent by mail, stating that you want to be excluded from *Pollock v. ECA*. Be sure to include your name, address, and telephone number, and sign the Opt-Out Form or Exclusion Request letter. You must mail the Opt-Out Form or Exclusion Request postmarked by January 31, 2015 to:

Class Counsel
Re: Pollock ECA Gas Royalty Class Action
Caroselli Beachler McTiernan & Conboy, LLC
20 Stanwix Street
7th Floor
Pittsburgh, PA 15222

THE LAWYERS REPRESENTING YOU

Do I have a lawyer in this lawsuit?

The Court has appointed Caroselli, Beachler Conway & Conboy, LLC and the Law Office of Robert C. Sanders to represent you and all the Class Members. Together the law firms are called "Class Counsel."

Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class

Counsel's request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by ECA.

THE TRIAL

The Court has scheduled a trial to decide who is right in this case.

How and when will the Court decide who is right?

As long as this lawsuit isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at trial. The trial is set to start on Monday, March 2, 2015, in the United States District Court for the Western District of Pennsylvania, 700 Grant Street, Pittsburgh, Pennsylvania 15219, before United States Magistrate Judge Robert C. Mitchell. During the trial, the judge or jury will consider the evidence presented and decide whether the Plaintiffs or ECA are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win or that they will get any money or benefits for the Class.

Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and ECA will present the defenses. You or your own lawyer are welcome to come at your own expense.

Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of a settlement or trial, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

Is more information available?

If you would like further information, call 800-222-8816 or visit pollockecagasroyaltyclassaction.com. The website contains (1) the Amended Class Action Complaint, (2) the rulings of the Magistrate Judge and the Court on ECA's motion to dismiss, (3) the rulings of the Magistrate Judge and the Court on the parties' cross-motions for summary judgment, and (3) the rulings of the Magistrate Judge and the Court certifying the two subclasses.