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Chief Judge Mike Keeley

Chief Judge Mike Keeley to sit with Kansas Supreme Court September 11

TOPEKA—Chief Judge Mike Keeley of the 20th Judicial District has been appointed to sit with the Kansas Supreme Court to hear oral arguments in two cases on the court's September 11 docket.

After hearing oral arguments, Keeley will join Supreme Court justices in their deliberations and decision drafting.

"I am pleased that Chief Judge Keeley is taking time from his duties in the 20th Judicial District to sit with the Supreme Court," said Chief Justice Lawton Nuss. "It's a great help to our court, and we look forward to his contributions in deliberating and eventually deciding this case."

Keeley said, "I look forward to this opportunity to sit with the Kansas Supreme Court. It is a great honor."

Keeley is a graduate of Larned High School, Washburn University, and the Washburn University School of Law. He was in private practice in Great Bend from 1982 to 1992, when he was elected a district court judge for the 20th Judicial District. Nuss appointed him chief judge in 2004. The 20th Judicial District is composed of Barton, Ellsworth, Rice, Russell, and Stafford counties.

Keeley has served as president of the Barton County Bar Association and president of the Kansas District Judges Association.

All Supreme Court oral arguments are webcast live through the *Watch Supreme Court Live!* Link in the right-hand column of the Kansas judicial branch website at www.kscourts.org.

The cases Keeley will hear are the first and third ones scheduled on the court's 9 a.m. docket September 11:

Appeal No.119,239: *Northern Natural Gas Co. v. ONEOK Field Services Co., et al. v. Nash Oil and Gas Inc. and L.D. Drilling Inc.*

Pratt County: (Civil Appeal) After remand from this court in *Northern Natural Gas Co., v. ONEOK Field Services LLL*, 296 Kan. 906 (2013), the district court granted summary judgment against the plaintiff, Northern Natural Gas. It also held third-party defendants Nash Oil and L.D. Drilling and intervenor Val Energy owned storage gas produced from the certified boundaries of Northern's Cunningham Storage Field after June 2, 2010, the date on which the Federal Energy Regulatory Commission expanded the certified boundaries of the field to include the area of the producer's wells. The district court held a storage field operator that acquires certificate authority over an area where its storage gas is located is not entitled to the protections of K.S.A. 55-1210, the Storage Act, or Kansas common law unless and until the storage field operator acquires, through payment in condemnation, 100 percent of the acreage certified for gas storage. Issues on appeal are whether the district court: 1) erred in granting summary judgment against Northern because on and after June 2, 2010, Northern owned all storage gas located within the certificated boundaries of the Cunningham Storage Field; and 2) abused its discretion by failing to modify its summary judgment order to recognize acreage certificated gas storage and the lease by Northern is entitled to protection under K.S.A. 55-1210.

Appeal No.111,973: *Oxy USA Inc. v. Red Wing Oil LLC, et al.*

Haskell County: (Petition for Review) This appeal arises out of an interpleader action filed by Oxy USA seeking guidance from Haskell County District Court to determine the rightful owner of one-half mineral interest of land—the Luther Term Mineral Interest—in Haskell County. Defendant Alice King requested summary judgment by a finding the Luther interest expired due to nonproduction and that she is the rightful owner of the one-half mineral interest and all royalties held in suspense related to same. The district court held King's interest would be valid pursuant to the rule that a determinable fee mineral interest would not be perpetuated by production from a tract not included as the subject of the conveyance even if the tract was included in the same unitization agreement as a producing tract. However, the court concluded King's assertion of her ownership interest was barred by the statute of limitations. The Court of Appeals reversed and

remanded by holding that although the district court held that the cessation of production on the land triggered reversion of the Luther interest to King, the court incorrectly interpreted the effect of reversion and improperly held King's claim to the property was barred by the statute of limitations and/or acquiescence. The court remanded with instructions to restore the mineral rights to King. Issue on review is whether the Court of Appeals erred in reversing the district court's decision that King "acquiesced to the Term Mineral Interest Holders" and was barred from maintaining her ownership interest by the statute of limitations in K.S.A. 60-507.

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