

XS CAPITAL INVESTMENTS, LP and
RURAL ROUTE 3 HOLDINGS, LP

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IN THE DISTRICT COURT

v.

HARRIS COUNTY, TEXAS

ORCA ICI DEVELOPMENT JV,
ORCA ASSETS G.P., LLC,
and MCR ENERGY CORPORATION
f/k/a MATADOR RESOURCES
COMPANY

234th JUDICIAL DISTRICT

**OBJECTIONS TO ORCA’S SUMMARY JUDGMENT EVIDENCE
AND MOTION TO STRIKE**

COME NOW XS Capital Investments, L.P. and Rural Route Holdings, L.P. (“Plaintiffs”) and file this their objections to Orca’s summary judgment evidence and motion to strike. In support thereof, Plaintiffs would respectfully show as follows:

In support of its motion for summary judgment, Orca submitted certain Exhibits and Affidavits. Plaintiffs make the following objections to Orca’s summary judgment proof and move that the objectionable Exhibits and the objectionable portions of the Affidavits be stricken.

Exhibit 2 is an unexecuted and incomplete version of the Working Interest Agreement. Plaintiffs object to this summary judgment evidence on the grounds of lack of authentication and of hearsay.

Exhibit 3 is a copy of the Purchase, Sale and Participation Agreement (“PSPA”). Plaintiffs object to this summary judgment evidence on the grounds of lack of authentication and hearsay.

Exhibit 4 is a copy of the Addendum to Purchase, Sale and Participation Agreement. Plaintiffs object to this summary judgment evidence on the grounds of lack of authentication and hearsay.

Exhibit 6 is the Affidavit of Van H. Singleton, II. Plaintiffs object to paragraph 5 of Mr. Singleton's affidavit, wherein he testifies regarding his interpretation of the provision from the Purchase, Sale and Participation Agreement regarding Matador's intent, as irrelevant. Plaintiffs likewise object to the second sentence of paragraph 6, wherein he testifies regarding his interpretation of Matador's intent, as irrelevant.

Respectfully submitted,

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By: /s/ Carlton D. Wilde, Jr. _____

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2014, all counsel of record have been served with the foregoing by electronic filing and/or by electronic mail, fax, hand delivery, or certified mail, return receipt requested, as follows:

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