

EXHIBIT 13

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

PERRY CLINE, on behalf of)
himself and all others)
similarly situated)
Plaintiff,)
v.)
SUNOCO, INC. (R&M))
and SUNOCO PARTNERS)
MARKETING & TERMINALS, L.P.,)
Defendants.)

Case No. 17-cv-313-JAG

DECLARATION OF ROBERT ABERNATHY

STATE OF OKLAHOMA)
)
)
COUNTY OF OKLAHOMA)

I, Robert Abernathy, of lawful age, first being duly sworn upon oath, and upon personal knowledge, state as follows:

1. My company, Chieftain Royalty Company, is an Oklahoma entity and I am a resident of the State of Oklahoma. Chieftain Royalty Company owns interests in Oklahoma wells.

2. Chieftain Royalty Company is a Class member in the above-described case, has served as a Class Representative in the past in royalty class actions in Oklahoma, and has been represented by Class Counsel.

3. By way of background, I am the President and founder of Chieftain Royalty Company. Chieftain actively purchases producing and non-producing mineral and royalty interests in eleven states and owns hundreds of mineral and royalty interests in over 12,000 acres. I received a B.A. from Tulane University and a Juris Doctorate from Oklahoma City University School of Law. I am licensed to practice law in Oklahoma where I practiced for over 20 years, specializing in oil and gas, real estate, bankruptcy and probate law. I am a nationally recognized speaker on royalty ownership issues and have spent over 11 years speaking to thousands of mineral interest owners around the country on all aspects of mineral ownership including estate planning and Oklahoma Corporation Commission rulings and regulations. I am a former board member of the National Association of Royalty Owners (NARO) and president of the Oklahoma chapter. I am also a founding member of the American Royalty Council. In addition, I am a co-founder and Manager of Acorn Royalty Company, which is active in the SCOOP and STACK plays in Oklahoma.

4. Having served as a class representative in royalty class actions previously, I understand what it requires both from class counsel and the representative. The litigation is hard fought, as the defendant is a well-funded oil company that hires top defense counsel from major law firms. There is substantial data analysis and discovery that is required. I have participated in this discovery multiple times and I understand both the burden that it puts on a class representative and the burden class counsel takes on in prosecuting the case and advancing all expenses. There is an extremely small market for qualified attorneys who can both handle this type of case and front the expenses all the way through a judgment and appeals. I have personally worked with Class Counsel for hundreds of hours and I know the amount of effort and skill they implement on behalf of their clients and royalty owners.

5. I am aware of the extraordinary Judgment that Class Counsel and Class Representative, Perry Cline, obtained in this case on behalf of the Class, including: 100% of the Class' actual damages in the amount of \$80,691,486.00; punitive damages in the amount of \$75,000,000.00, plus post-judgment interest (collectively the "Judgment Fund"); and stipulated fees and cost paid by Defendant in the amount of \$5,000,000.00, which Class Counsel intends to request the Court use as an offset to any fees or costs awarded from the Court, for a total of \$161,132,229.03.

6. I understand Class Counsel will seek attorneys' fees up to 40% of the Judgment Fund and that the amount of attorneys' fees paid from the Judgment Fund may be offset by \$4,500,000.00 in stipulated fees paid by Defendants. I also understand Class Counsel will also seek reimbursement of litigation expenses up to \$850,000.00, and Administration, Notice, and Distribution Costs up to \$650,000.00, and that the amount of litigation expenses may be offset by up to \$500,000.00 in stipulated costs paid by Defendants.

7. I also understand Class Representative is requesting a Case Contribution Award in an amount up to \$500,000.00.

8. First, I believe the Judgment obtained is incredible and that it provides a great result for the Class. All Class Members already received the principal payments owed to us. The actual damages award represents 100% of any interest owed to us on any late principal payments, at the highest possible rate. With the addition of punitive damages, the total value of the Judgment is almost double the amount of the Class' actual damages as determined by the Court. In all the cases I have participated in both as a class representative and an absent class member, I have never seen such a result.

9. Second, I fully support Class Counsel's request for attorneys' fees in the amount of 40% of the Judgment Fund. Many Oklahoma royalty owners, overriding royalty owners, and working interest owners (collectively, "Owners") are unaware of, and would likely never recover, their underpaid and unpaid statutory interest in circumstances like these. Also, me and many other royalty owners could only pursue these types of claims on a contingent basis and we would not be able to pursue these types of claims if we had to pay an attorney by the hour or pay for costs and expenses. Having served as a class representative, I am familiar with the hourly commitment and the expenses it takes for class counsel to litigate one of these cases through the class certification phase alone. I could not afford representation on an hourly basis for this type of case, much less carry the expenses and pay hourly attorneys all the way through trial and defending it (repeatedly) on appeal as Class Counsel have done here. As such, I have personally negotiated fee agreements with oil and gas class action lawyers for litigation arising from the State of Oklahoma. Based upon my knowledge and experience, a 40% contingent fee is the market rate for oil and gas litigation in Oklahoma. Therefore, without the dedication of Class Counsel, and the pursuit of our claims on a contingent basis, such Owners would remain unpaid. As a result of Class Counsel's efforts, even

after deducting the requested fees, expenses, administrative costs, and case contribution award, I understand Class Members will still receive over 100% of their actual damages. This is an extraordinary result for the Class and, as such, Class Counsel should receive the requested fee.

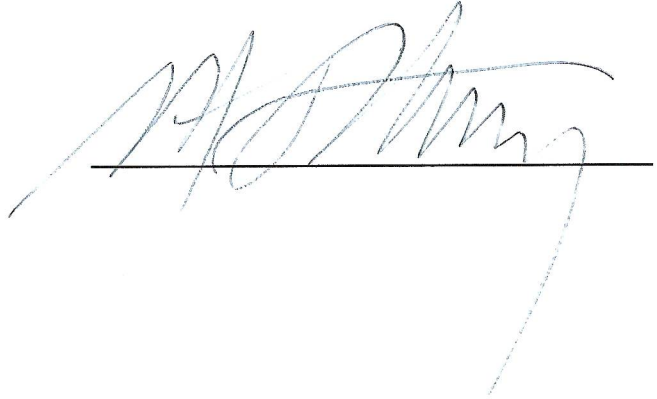
10. Third, I fully support the request for Class Representative, Perry Cline, to receive up to \$500,000.00 for his contribution to this case. If individuals did not take on the responsibility of representing classes of Owners, the benefits of a class recovery like this Judgment would not be possible for Owners. Perry Cline took Defendants all the way through trial and multiple appeals in this case. I understand, from reviewing the Opinion of the Court in this case, that Mr. Cline rejected Defendants' attempt to pay him his damages and end the case on behalf of the Class. He put the interests of me and the Class ahead of himself even after the Defendants offered to pay him all he was owed. If he had taken their offer, I may have received nothing. By devoting substantial time and effort to this case for over five years (and continuing to represent the class through Defendants' appeals), Mr. Cline performed and continues to perform an extraordinary service for myself and the Class, and I believe he should receive the requested case contribution award to compensate him for his efforts.

11. Fourth, I support the reimbursement of the requested Litigation Expenses of Class Counsel, not to exceed \$850,000.00. I believe this amount is fair and reasonable and should be awarded as Class Counsel has litigated this case since 2017 without any compensation and, as I said above, myself and most Class members would not pursue this type of case if they had to pay costs and expenses on their own.

12. Lastly, I support the requested \$650,000.00 in Judgment Administration, Notice, and Distribution Costs so that the administrator and supporting experts who perform work to administer and distribute the Judgment Fund to the Class can be compensated for their efforts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 31, 2023.



A handwritten signature in blue ink, appearing to read "M. D. King", is written over a horizontal line.