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DELIVER IMMEDIATELY TO: David Brooks

From: Jeffrey M. Johnston

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Message: Pursuant to your request, attached hereto, please find the Amended Final Judgment for your review.

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1/18/05

FIFTH JUDICIAL DISTRICT
LEA COUNTY
FILE

STATE OF NEW MEXICO
COUNTY OF LEA
FIFTH JUDICIAL DISTRICT

2005 JAN 18 PM 1:35

JANE
DISTRICT CLERK

CAPCO AQUISUB, INC.

v.

GREKA ENERGY CORPORATION

No. CV-2001-249 - G

CONSOLIDATED WITH:

MICHAEL HARTON, LINDA HARTON
JOE ANN DUNCAN (AKA JOE ANN
MISSEY AND F/K/A JOE ANN
ANDERSON), ROBERT WRALDO
DUNCAN, JR., WRALDO PRESLEY
DUNCAN, IVALEE THOMPSON,
BETTY BAUM COOPER, DEBORAH
THOMPSON (F/K/A DEBRA ANN
CAMPBELL), TOM RAY GAINER
(AS HIS SOLE AND SEPARATE
PROPERTY), AND LELA RENÉE
THOMAS (AS HER SOLE AND
SEPARATE PROPERTY)

v.

No. CV-2001-417G

GREKA AM, INC., SABA ENERGY OF
TEXAS, INCORPORATED, STRATA
VARIOUS L.C., TATUM ENERGY, L.C.,
CAPCO ACQUISUB, INC., DR. IFTIKHAR
AHMAD; DARSHAM S. MUNDY,
DR. HAMID UR
RAHMAN, MUHAMMAD SAEED,
KALEEM AHMAD SAYED, SEHER
ENTERPRISES, INC., and
SUMMER ENTERPRISES, INC.

*Amended*FINAL JUDGMENT

On December 7, 2004, came on to be heard the above entitled and numbered cause. Michael
Harton, Linda Harton, Joe Ann Duncan, Wraldo Presley Duncan, Iva Lee Thompson, Betty Baum

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2-18-05

Cooper, Deborah Thompson, Tom Ray Gainer, and Lela Renee Thomas ("Harton Plaintiffs") appeared through their designated representative and their counsel of record and announced ready for trial. Capco Aquisub, Inc., Dr. Iftikhar Ahmad, Darsham S. Mundy, Dr. Hamid Ur Rahman, Muhammad Saeed, Kaleem Ahmad Sayed, Seher Enterprises, Inc., and Summer Enterprises, Inc. ("Capco Plaintiffs") appeared through their designated representative and their counsel of record and also announced ready for trial. Defendants Americas Oil and Gas, Inc., formerly known as Greka AM, Inc., Greka Energy Corporation, Saba Energy of Texas, Inc., Tatum Energy, L.C., and Strata Various, L.C. (collectively "Defendants") were not present in the Court Room when the case was called and the Bailiff was requested to and subsequently called the halls and other Court Rooms. Defendants were not present for the proceedings.

After hearing the evidence and arguments of counsel at trial, and in accordance with the Court's Findings of Fact and Conclusions of Law, the Court rules as follows:

IT IS ORDERED, ADJUDGED AND DECREED that the Harton Plaintiffs shall have and recover from Defendants Americas Oil and Gas, Inc., formerly known as Greka AM, Inc., Greka Energy Corporation, Saba Energy of Texas, Inc., Tatum Energy, L.C., and Strata Various, L.C. the following specific relief:

- A. The Harton Plaintiffs' Declaratory Judgment against the Defendants is granted.
- B. The above named Harton Plaintiffs shall have and recover from the above named Defendants the sum of \$4,136,500.00 in compensatory damages and \$12,000,000.00 punitive damages plus post judgment interest as allowed by law from the date this Judgment is filed until paid in full assessed in the categories set forth below.
- C. The Harton Plaintiffs shall also have and recover from Defendants their reasonable

and necessary attorneys fees and expenses incurred in connection with the prosecution of this case in the amount of \$181,705.00, jointly and severally against the above named Defendants.

D. The Harton Plaintiffs shall also have and recover from the above named Defendants, jointly and severally, taxable costs of Court, in the amount of \$26,335.14.

E. The Harton Plaintiffs' tort claims in this matter, including Slander of Title and Bad Faith Trespass and the punitive damages resulting from said claims, totaling \$15,541,600.00 shall be apportioned as follows:

- (1) Americas Oil and Gas, Inc., formerly known as Greka AM, Inc., Greka Energy Corporation, and Saba Energy of Texas, Inc. - $80/88.75 = 90.14\%$, in the amount of \$14,009,198.24
- (2) Tatum Energy, L.C. - $7.25/88.75 = 8.45\%$, in the amount of \$1,313,265.20
- (3) Strata Various, L.C. - $1.25/88.75 = 1.41\%$, in the amount of \$219,136.56

Post judgment interest for the Harton Plaintiffs' tort claims shall be assessed at fifteen (15) percent per annum from the date this Judgment is filed until paid in full.

F. Defendants are jointly and severally liable for the Harton Plaintiffs' breach of contract claims in this matter, including Unpaid Gas Royalties and Failure to Develop, in the aggregate amount of \$594,900. Post judgment interest on the Harton Plaintiffs' contract claims shall be assessed at ten (10) percent per annum from the date this Judgment is filed until paid in full.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Capco Plaintiffs shall have and recover from Defendants Greka Energy Corporation, Americas Oil and Gas, Inc., formerly known as Greka AM, Inc., and Saba Energy of Texas, Inc., jointly and severally, the following specific relief:

A. The Capco Plaintiffs shall have and recover from Defendants Greka Energy Corporation, Americas Oil and Gas, Inc., formerly known as Greka AM, Inc. and Saba Energy of Texas, Inc. the sum of \$1,655,700 in compensatory damages plus interest at the rate of ten (10) percent per annum from April 1, 1999, until paid in full and \$3,000,000 in punitive damages plus post judgment interest at a rate of ten (10) percent per annum from the date this Judgment is filed until paid in full.

B. The Capco Plaintiffs shall also have and recover from Defendants Greka Energy Corporation, Americas Oil and Gas, Inc., formerly known as Greka AM, Inc. and Saba Energy of Texas, Inc. their reasonable and necessary attorneys fees and expenses in the amount of \$36,000 and costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Greka Energy Corporation, Americas Oil and Gas, Inc., formerly known as Greka AM, Inc., Saba Energy of Texas, Inc., Tatum Energy, L.C., and Strata Various, L.C. shall post a Supersedeas Bond of twice the sum of the judgments, in the following amounts:

Horton Plaintiffs' Claims

- (a) Greka Energy Corporation, Americas Oil and Gas, Inc., formerly known as Greka AM, Inc., and Saba Energy of Texas, Inc. - \$29,624,279.76
- (b) Tatum Energy, L.C. - \$4,232,410.68
- (c) Strata Various, L.C. - \$2,044,153.40

Capco Plaintiffs' Claims

- (a) Greka Energy Corporation, Americas Oil and Gas, Inc., formerly known as Greka AM, Inc. and Saba Energy of Texas, Inc. - \$9,383,400.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all writs and processes for the enforcement and collection of this Final Judgment may issue as necessary.

All other relief not expressly granted herein is denied.

IT IS SO ORDERED.

Signed this ____ day of January, 2005.


DISTRICT JUDGE
Gary Clingman