

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STEVEN MACK, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

RESOLUTE ENERGY CORPORATION,
NICHOLAS J. SUTTON, JAMES E.
DUFFY, WILLIAM K. WHITE, GARY L.
HULTQUIST, TOD C. BENTON,
THOMAS O. HICKS, JR., ROBERT J.
RAYMOND, JANET W. PASQUE,
RICHARD F. BETZ, JOSEPH
CITARRELLA, and WILKIE S. COLYER,
JR.,

Defendants.

Case No. 1:19-cv-00077-RGA

CLASS ACTION

GEORGE ASSAD, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

RESOLUTE ENERGY CORPORATION,
TOD C. BENTON, RICHARD F. BETZ,
JOSEPH CITARRELLA, WILKIE S.
COLYER, JAMES E. DUFFY, THOMAS
O. HICKS, JR., GARY L. HULTQUIST,
JANET W. PASQUE, ROBERT J.
RAYMOND, NICHOLAS J. SUTTON,
WILLIAM K. WHITE, CIMAREX
ENERGY CO., CR SUB 1 INC., AND CR
SUB 2 LLC,

Defendants.

Case No. 1:19-cv-00079-RGA

CLASS ACTION

EDDY EDGE, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

RESOLUTE ENERGY CORPORATION,
RICHARD F. BETZ, TOD C. BENTON,
JOSEPH CITARRELLA, WILKIE S.
COLYER JR., JAMES E. DUFFY,
THOMAS O. HICKS, JR., GARY L.
HULTQUIST, JANET W. PASQUE,
ROBERT J. RAYMOND, NICHOLAS J.
SUTTON, WILLIAM K. WHITE, CR SUB
1 INC., CR SUB 2 LLC and CIMAREX
ENERGY CO.,

Defendants.

Case No. 1:19-cv-00086-RGA

CLASS ACTION

**~~PROPOSED~~ ORDER GRANTING MOVANT'S MOTION FOR
(1) CONSOLIDATION, (2) APPOINTMENT OF LEAD PLAINTIFF, AND
(3) APPOINTMENT OF LEAD COUNSEL**

WHEREAS, this action asserts claims under Sections 14(a) and 20(a) of the Securities Exchange Act of 1934 ("Exchange Act") (the "Action"), 15 U.S.C. §§ 78n(a), 78t(a), in connection with the Merger of Resolute Energy Corporation with Cimarex Energy Company;

WHEREAS, in accordance with the provisions of Section 21D(a)(3)(A)(i) of the Exchange Act, on February 4, 2019, counsel for plaintiff in the Action published notice via *PR Newswire*, a widely circulated national business-oriented wire service, advising members of the putative class (the "Class") of the pendency of the action, the claims asserted therein, the purported class period, and their right to move this Court to be appointed Lead Plaintiff;

WHEREAS, pursuant to Section 21D of the Exchange Act, any purported Class member or members desiring to be appointed lead plaintiff(s) was required to have filed a motion for such appointment by April 5, 2019;

WHEREAS, movant William A. Langdon, Jr. (“Langdon”) timely filed a motion for consolidation of the related actions, appointment as Lead Plaintiff and appointment of his counsel as Lead Counsel;

WHEREAS, Langdon has the largest financial interest in the relief sought by the Class and otherwise satisfies the requirements of Section 21D of the Exchange Act and Rule 23 of the Federal Rules of Civil Procedure; and

WHEREAS, in accordance with Section 21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B)(v), Langdon seeks approval of his selection of the Faruqi Firm to serve as Lead Counsel for the Class.

AND NOW, the Court having considered Langdon’s Motion to Consolidate and for Appointment of Lead Plaintiff and Counsel and all supporting documents, and good cause appearing therefore, it is hereby ORDERED as follows:

1. Langdon’s motion to consolidate the above-captioned actions (the “Consolidated Action”) is GRANTED.
2. Pursuant to Fed. R. Civ. P. 42(a), the above-captioned actions are to be consolidated for all purposes, including, without limitation, discovery, pretrial proceedings, and trial.
3. Every pleading filed in the Consolidated Action shall bear the following caption:

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

In re: RESOLUTE ENERGY CORPORATION SECURITIES LITIGATION
This Document Relates To:

C.A. No. 1:19-cv-00077-RGA

CLASS ACTION

4. The Civil Action No. 1:19-cv-00077-RGA shall constitute the master file for every action in the Consolidated Action. When the document being filed pertains to all actions, the

phrase “All Actions” shall appear immediately after the phrase “This Document Relates To:” in the caption. When a pleading applies only to some, but not all, of the actions, the document shall list, immediately after the phrase “This Document Relates To:” the docket number for each individual action to which the document applies, along with the last name of the first listed plaintiff in that action.

5. All related actions subsequently filed in, or transferred to, this District shall be consolidated into the Consolidated Action.

6. Langdon’s motion to serve as Lead Plaintiff is GRANTED. Pursuant to Section 21D of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), Langdon is appointed as Lead Plaintiff to represent the interests of the Class in this Action.

7. Langdon’s motion for approval of his counsel is GRANTED. Pursuant to Section 21D of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B)(v), Faruqi & Faruqi, LLP is approved and appointed to serve Lead Plaintiff and the Class as Lead Counsel.

8. Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate as appropriate:

- a. to coordinate the briefing and argument of any and all motions;
- b. to coordinate the conduct of any and all discovery proceedings;
- c. to coordinate the examination of any and all witnesses in depositions;
- d. to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;
- e. to call meetings of the plaintiffs’ counsel as they deem necessary and appropriate from time to time;
- f. to coordinate all settlement negotiations with counsel for defendants;

g. to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required;

h. to coordinate the preparation and filings of all pleadings; and

i. to supervise all other matters concerning the prosecution or resolution of the Consolidated Action.

9. With respect to scheduling and/or procedural matters, Defendants' Counsel may rely upon all agreements with Lead Counsel.

10. No pleadings or other papers shall be filed or discovery conducted by any plaintiff in the Action except as directed or undertaken by Lead Counsel.

11. Counsel in any related action that is consolidated with this Action shall be bound by this organizational structure.

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12. With respect to any documents that are not subject to electronic filing as specified in the Court's electronic filing rules and procedures, Defendants shall effect service of papers on Plaintiffs by serving copies on Lead Counsel by overnight delivery service, telecopy, or hand delivery. With respect to any documents that are not subject to electronic filing as specified in the Court's electronic filing rules and procedures, Plaintiffs shall effect service of papers on Defendants by serving copies on each of their counsel by overnight delivery service, telecopy, or hand delivery. Courtesy copies of all filings so delivered shall be sent by telecopy to Lead Counsel, or Defendants' counsel, as applicable.

IT IS SO ORDERED.

Dated: 30 day of April, 2019


HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE