

Midstream Litigation Update

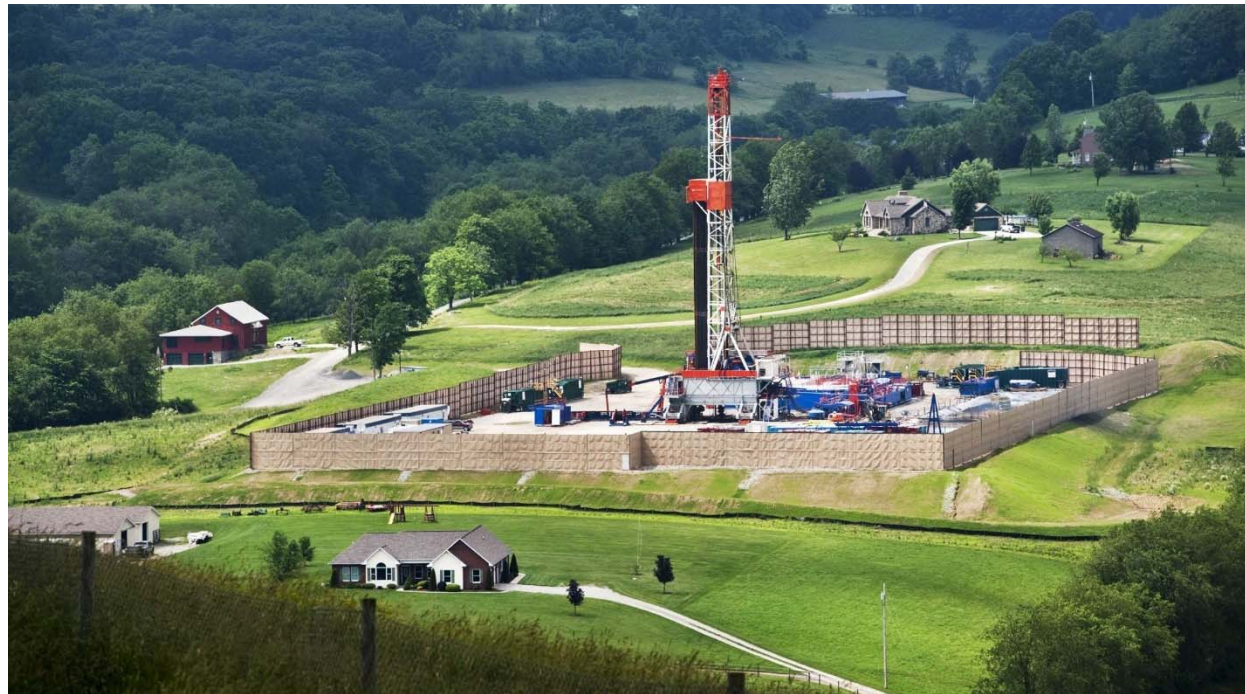
Nuisance Claims, Royalty Disputes, and Practical Considerations

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WHAT ACTUALLY IS A “PRIVATE NUISANCE”?

- A private nuisance is a nontRESPASSORY interference with another's interest in the private use and enjoyment of his/her land.¹



¹Restatement (Second) of Torts § 821D (1979).

WHAT IS DRIVING THE INCREASE IN NUISANCE CLAIMS?



REPRESENTATIVE CASES

MIDSTREAM NUISANCE CLAIMS EXAMINED:

Crosstex North Texas Pipeline, L.P. v. Gardiner, No. 15-0049, 2016 WL 3483165 (Texas, June 24, 2016)

Chaffee v. Talisman Energy USA, Inc. et. al., Case No. 2015-10722 (C.C.P. Butler Cty).

MIDSTREAM ROYALTY LITIGATION

- *Brown v. Access Midstream Partners L.P. and Chesapeake Energy Corporation*
- *The Suessenbach Family Limited Partnership v. Access Midstream Partners L.P. and Chesapeake Energy Corporation*



PRACTICAL CONSIDERATIONS TO AVOID LITIGATION

- Control your Contractors
- Choose your Language Carefully
 - Consider Novel Options



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