

**The Year in Review
Pennsylvania 2011 Oil and Gas Law
Litigation and Legislation Update**

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Gettysburg Address

(Apologies to Peter Norvig and Abraham Lincoln)

Summary

- 87 years ago
- New Nation
- Dedicate Field
- Dedicated to unfinished work
- New birth of freedom
- Government not perish

Parol evidence rule

- **Rodriguez v. Anadarko E&P Co.**,
2010 WL 4962825 (M.D. Pa., Dec. 1, 2010)
(Kosik, J.).

**Minimum royalty litigation
(royalty clause)**

- **Kilmer v. Elexco Land Services, Inc.**,
990 A.2d 1147 (Pa., 2010).

**Minimum royalty litigation
(royalty clause)**

- **Ulmer v. Chesapeake Appalachia, LLC**, 2011 WL 1344596 (M.D. Pa., April 8, 2011) (Jones, J.).

Delay rental clause

- ***Hite v. Falcon Partners***, 13 A.3d 942 (Pa. Super., January 4, 2011) (Stevens, J.).

Equitable extension of lease

- ***Lauchle v. Keeton Group LLC***, 768 F.Supp.2d 757 (M.D. Pa., March 8, 2011) (Jones, J.).

Breach of contract

- ***Shafer v. Range Resources – Appalachia, LLC***, (2011 WL 677479) (W.D. Pa., February 16, 2011) (McVerry, J.).

**Rights of oil and gas owners
and operators on lands owned
or claimed by the Government**

Claims by/against the Commonwealth

**International Development
Corporation v. Davidge**, 26 A.3d 1234
(Pa. Cmwlth., August 11, 2011) (Leavitt,
J.).

Claims by/against the Federal government

- **Minard Run Oil Co. v. U.S. Forest
Service**, ___ F.3d ___, 2011 WL 4389220
(3d Cir. 2011) (Roth, J.).

**Damages actions arising
from gas drilling activities**

Jurisdiction

**Fay v. Dominion Transmission,
Inc.**, 2011 WL 2632910 (M.D. Pa., July 5,
2011) (Munley, J.).

Jurisdiction

- ***Burnett v. Chesapeake Appalachia, LLC***, 2011 WL 3876412 (M.D. Pa. Aug. 31, 2011)(Caputo, J.).

Causes of action

- ***Fiorentino v. Cabot Oil & Gas Corp.***, 750 F.Supp.2d 506 (M.D. Pa., Nov. 15, 2010) (Jones, J.).

Causes of action

- ***Harper v. Global Geophysical Services, Inc.***, 2011 WL 94210 (W.D. Pa., January 11, 2011) (Schwab, J.)

Causes of action

- ***Berish v. Southwestern Energy Production Co.***, 763 F.Supp.2d 702 (M.D. Pa., February 3, 2011) (Caputo, J.).

Discovery

- ***Fiorentino v. Cabot Oil and Gas Corp.***, 2011 WL 5239068 (M.D. Pa., Nov. 1, 2011) (Clark, Sp. Master).

Settlement

- ***Frederick v. Range Resources – Appalachia, LLC***, 2011 WL 1045665 (W.D. Pa., March 17, 2011) (McLaughlin, J).

Right to the Natural Gas or Oil

- ***Earth Conservancy v. Blue Coal Corp.***, 2011 WL 662685 (M.D. Pa., February 14, 2011) (Munley, J.).

Right to the Natural Gas or Oil

- ***Hoffman v. Arcelormittal Pristine Resources, Inc.***, 2011 WL 1791709 (W.D. Pa., May 10, 2011) (Schwab, J.).

Right to the Natural Gas or Oil

- ***Butler v. Charles Powers Estate***, 29 A.3d 35 (Pa. Super. Sept. 7, 2011)(Gantman, J.).

2011 Score Board

Jones	M.D. Pa.	4
Caputo	M.D. Pa.	2
Munley	M.D. Pa.	2
Schwab	W.D. Pa	2
Kosick	M.D. Pa	2
Leavitt	Pa. Cmwltth.	1
McLaughlin	W.D. Pa	1
McVerry	W.D. Pa	1
Gantly	Pa. Super.	1
Roth	3d Cir.	1

Legislative and Regulatory Update

New Legislation

- Amendments to the Coal and Gas Resource Coordination Act (P.L. 7, No. 2011-2) (May 13, 2011)

New Legislation

Amendments to the Air Pollution Control Act (P.L. 271, No. 2011-57) (July 7, 2011)

New Legislation

- Amendments to the Regulatory Review Act (P.L. 277, No. 2011-60)(July 7, 2011)

New Legislation

- Act 127 of 2011, (House Bill 344) (Dec. 22, 2011).
- An Act providing for gas and hazardous liquids pipelines and for powers and duties of the Pennsylvania Public Utility Commission (PUC)

Pending Legislation

Senate Bill 1100 (Scarnati) / House Bill 1950 (Ellis)

Regulatory Amendments

- **Revisions to 25 Pa. Code Ch. 78, Oil and Gas Wells** (Amended February 4, 2011, effective February 5, 2011)

Regulatory Recommendations

- Marcellus Shale Advisory Commission
- Final Report issued on July 22, 2011.

Questions?

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