

In the Circuit Court of Monroe County, West Virginia

Mountain Valley Pipeline, LLC,)
Plaintiff,)
)
vs.))
)
Appalachians Against Pipelines,)
Ashley Brown,)
Lucas Connolly,)
John Doe 1-5,)
Defendants)
)

Case No. CC-32-2018-C-2

Order

On this day the Court proceeded to review the most recent filings in the above styled action, concerning supplements to the record, which have been filed since the recent preliminary injunction hearing, held on March 13, 2017. At the time of that hearing, the Petitioner was unable to offer a necessary exhibit, showing that it had permission to proceed, within the State of West Virginia, namely, a "Notice to Proceed" from the Federal Energy Regulatory Commission, (hereinafter "FERC"). Although such a notice was filed with respect to activities occurring in the Commonwealth of Virginia, no such notice was filed for West Virginia. The "Notice to Proceed" offered as trial exhibit 5, appears to authorize construction activities within the Commonwealth of Virginia, but generally prohibits any such activity within the boundaries of the Appalachian National Scenic Trail, between mile posts 196.29 and 196.39

Petitioner represented that it had such a document, and requested leave to file it as a supplemental exhibit. At the time, William De Paulo, as counsel for one of the Respondents objected to leaving the record open, which objection was overruled, and leave was given to supplement the record, with leave to the Respondent to make such response to this supplemental filing as might be appropriate.

Since that time, Petitioner has filed as a supplemental exhibit, a "Notice to Proceed" from FERC, as to the portions of the project occurring with the geographic boundaries of the State of West Virginia, between mile posts 65.6 and 196.3. Respondent subsequently filed a responsive pleading, with an attached affidavit from Daniel Shaffer, a purported expert in Geographic Information Service (GIS), along with a map, showing that the area in question, in which the Petitioner is seeking to restrain the Respondents from engaging in activities calculated to interfere with tree cutting, to be outside the area for which Petitioner has a permit, and outside the area in which the Jefferson National Forest is closed to such activities.

The Court has reviewed these documents, and has considered the evidence offered at the previous hearing, and it appears that there is a credible issue, as to whether or not the area in question, is within the permitted area in which the Petitioner's activities are allowed to occur, and It appearing proper to do so, it is hereby **ORDERED and ADJUDGED** as follows:

1. The matter is set for further hearing on the issues raised by these latest filings, and on any other issues relevant to the request for a preliminary injunction, on Tuesday, March 20, 2018, at 10:30 AM, at the Monroe County Courthouse, Union, WV.
2. A copy of this order shall be made available to counsel and any party not registered for electronic notification, as notice of this hearing.

/s/ Robert Irons
Circuit Court Judge
31st Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.