

THE CIRCUIT COURT OF MONROE COUNTY, WEST VIRGINIA

MOUNTAIN VALLEY PIPELINE, LLC, :

Plaintiff, :

vs. :

Civil Action No. _____

APPALACHIANS AGAINST PIPELINES, :
ASHLEY BROWN, an individual, LUCAS :
CONNOLLY, a/k/a LUCA CONNOLLY, :
an individual, and JOHN DOES 1-5, :
individuals, :

Defendants.

VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff Mountain Valley Pipeline, LLC (“MVP”) files this Verified Complaint against defendants Appalachians Against Pipelines (“AAP”), and its agents or representatives, Ashley Brown, Lucas Connolly, a/k/a Luca Connolly, and John Does 1-5 (collectively, “Defendants”), to restrain Defendants from interfering with and blocking MVP from rightfully utilizing its right-of-way to construct the MVP Pipeline Project across locations in the George Washington & Jefferson National Forest (the “Forest”) in Monroe County, West Virginia. Despite MVP’s legal right to construct the MVP Project, as authorized by its Federal Energy Regulatory Commission (“FERC”) Certificate of Public Convenience and Necessity and Notices to Proceed issued by the Bureau of Land Management (the “BLM”) and FERC, Defendants are intentionally interfering with MVP’s construction activities by physically obstructing MVP employees and contractors from fulfilling MVP’s obligation to remove trees by March 31, 2018 or supporting those efforts to interfere.

PARTIES

1. MVP is a limited liability company incorporated in Delaware. MVP is a natural gas company engaged in the construction of pipeline infrastructure to transport natural gas.
2. Appalachians Against Pipelines is an organization that, upon information and belief, is not licensed by the West Virginia Secretary of State but whose members are engaging in activities in the state of West Virginia to interfere with MVP's lawful construction activities.
3. Ashley Brown is an individual who, upon information and belief, is engaging in activities in the state of West Virginia to prevent MVP from commencing lawful construction activities at the Appalachian National Scenic Trail ("ANST"). *See* Laurence Hammack, *Pipeline protesters are sitting in trees along its route in an effort to stop construction*, THE ROANOKE TIMES, available at http://www.roanoke.com/news/local/giles_county/pipeline-protesters-are-sitting-in-trees-along-its-route-in/article_6c6fd37f-b0e8-54bd-9ecb-eae7b8c650f4.html. A copy of the article is attached as **Exhibit 6**.
4. Lucas Connolly, a/k/a Luca Connolly, is an individual who, upon information and belief, is engaging in activities in the state of West Virginia to prevent MVP from commencing lawful construction activities at the ANST.
5. John Does 1-5 are individuals who, upon information and belief, are engaging in activities in the state of West Virginia to prevent MVP from commencing lawful construction activities at the ANST.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this suit, as Defendants have purposefully subjected and availed themselves of and to the jurisdiction of this Court by virtue of their

presence in this jurisdiction and by committing the acts that give rise to this cause of action within the jurisdiction of this Court.

7. Venue is proper in this Court pursuant to West Virginia Code § 56-1-1 because the cause of action arises in Monroe County.

FACTS

8. The MVP Project is a FERC certificated natural gas pipeline project created to help meet the public's demand for natural gas in the Northeast, Mid-Atlantic, and Southeast regions of the United States by providing transportation of natural gas from the Marcellus and Utica Shale formations in central Appalachia. A copy of the October 13, 2017 FERC Certificate is attached as **Exhibit 1**.

9. A portion of the MVP Project passes through the Forest.

10. The United States Forest Service (the "USFS") authorized the MVP Project through the Forest on December 1, 2017 by issuance of a final Record of Decision for the MVP Project Land and Resource Management Plan Amendment for the Washington & Jefferson National Forest (the "ROD"). A copy of the ROD is attached as **Exhibit 2**.

11. The BLM, pursuant to the ROD, granted MVP a Right-of-Way and Temporary Use Permit No. WV-EW-058142 on December 28, 2017, permitting the pipeline construction and operation in the Washington & Jefferson National Forest. A copy of the Right-of-Way is attached as **Exhibit 3**.

12. BLM issued MVP a Right-of-Way Notice to Proceed with tree-clearing and construction activities across the ANST on February 19, 2018. A copy of the BLM Notice to Proceed is attached as **Exhibit 4**.

13. On March 1, 2018, FERC issued MVP a Notice to Proceed with tree clearing in the Forest. A copy of the Notice to Proceed is attached as **Exhibit 5**.

14. MVP has mobilized its construction crews to begin preparations for tree-clearing activities in the area of the ANST crossing, and needs to commence tree-clearing activities immediately to comply with federal and state environmental restrictions to complete tree-clearing activities in the Forest by March 31, 2018.

15. Despite MVP's clear legal rights under its FERC Certificate, the ROD, the Right-of-Way, the BLM Notice to Proceed, the FERC Notice to Proceed, and its obligations to comply with federal and state environmental restrictions to complete tree clearing activities by March 31, 2018, Defendants are intentionally obstructing and unlawfully interfering with MVP's lawful activities.

16. Specifically, AAP's agents or representatives have climbed trees on MVP's planned bore hole location, constructed a platform structure, and have refused to vacate the structure with the intended purpose of preventing MVP from proceeding with tree-clearing and other construction activities.

17. Defendant Ashley Brown told a news reporter that she and another unnamed person are "hoping to delay [the MVP Project], at least ...And I think we have the power to stop it." See **Exh. 6**.

18. AAP has indicated on its group Facebook page that the "tree sit has been erected in the path of the" MVP Project "on the site where the company intends for the 42-inch pipeline to cross under the Appalachian National Scenic Trail." A copy of the Facebook page, including photographs of the "tree sit," is attached as **Exhibit 7**.

19. Under federal regulations, “[c]onstructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, significant surface disturbance, or other improvement on National Forest System lands or facilities without a special-use authorization, contract, or approved operating plan when such authorization is required” is unlawful. 36 C.F.R. § 261.10(a).

20. Upon information and belief, Defendants have not obtained a permit for the placement of its structure under § 261.10(a). In addition, § 261.10(f) prohibits “[p]lacing a vehicle or other object in such a manner that it is an impediment to the safety or convenience of any person.”

21. MVP anticipates that Defendants will continue to stage and work in concert to support the “tree sit” and continue to substantially interfere with MVP’s right to clear trees and construct the MVP Project by physically obstructing MVP employees and contractors.

22. Defendants are working in concert to unlawfully occupy MVP’s right-of-way and preventing MVP from engaging in lawful construction of the MVP Project and related tree-clearing activities in accordance with the property rights, right-of-way agreement, and permits under federal, state, and local law, including its FERC Certificate, ROD, Right-of-Way, BLM Notice to Proceed, and FERC Notice to Proceed.

23. MVP is being irreparably harmed by the actions of Defendants. Specifically, MVP is being irreparably harmed by delay to its tree clearing and construction schedules, damage in its ability to fulfill its contractual obligations, and damage to its business reputation and good will.

24. MVP will incur unrecoverable monetary damages, including but not limited to, delay and increased security costs.

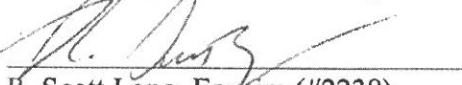
25. Defendants' conduct has placed and will continue to place its "tree sit" representatives and MVP employees and contractors at a substantial risk of injury.

WHEREFORE, MVP requests that this Court:

- (a) Grant MVP a temporary restraining order and preliminary injunction, pending final hearing, and, later, a permanent injunction, that directs the Defendants, their agents, aiders, organizers, supporters and members to immediately cease any and all interference, including any work to support such interference, with MVP's property rights, including but not limited to (i) MVP's right to commence construction on the MVP Project; and (ii) MVP's right to commence tree-clearing to meet its March 31, 2018 deadline;
- (b) Enter judgment in favor of MVP and against Defendants;
- (c) Award MVP all other and further relief to which it is entitled at law or in equity.

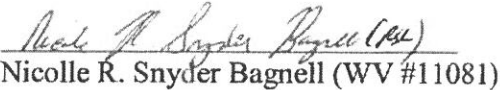
March 2, 2018

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IN THE CIRCUIT COURT OF MONROE COUNTY, WEST VIRGINIA

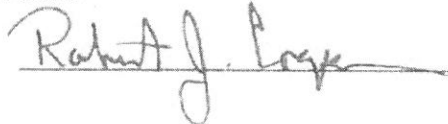
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CONNOLLY, a/k/a LUCA CONNOLLY, an	:	
individual, and JOHN DOEs 1-5, individuals,	:	
	:	
Defendants.	:	

VERIFICATION

STATE OF PENNSYLVANIA)	
)	SS:
COUNTY OF ALLEGHENY)	

I, Robert J. Cooper, Senior Vice President of Engineering and Construction for Mountain Valley Pipeline, LLC, being duly sworn, hereby state that the facts set forth above in the foregoing Verified Complaint for Injunctive Relief are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements made herein are subject to the penalty of perjury under the laws of the United States of America.

FURTHER SAYETH THE AFFIANT NAUGHT.



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 individuals, :
 :
 Defendants.

**CERTIFICATE OF COMPLIANCE WITH
WEST VIRGINIA RULE OF CIVIL PROCEDURE 65(b)**

The undersigned counsel for Plaintiff Mountain Valley Pipeline, LLC (“MVP”) hereby certifies that pursuant to Rule 65(b) of the West Virginia Rules of Civil Procedure, counsel for MVP has attempted to give notice to the named Defendants in this action, including:

- Searching Accurint for address information for Ashley Brown and Lucas Connolly, a/k/a Luca Connolly, and identifying the following address for Lucas Connolly: 734 Yorkshire Trail, Chesapeake, VA, 23322-8862, at which MVP will attempt service;
- Posting Notice at the site of the “tree-sit”;
- Attempting to serve named Defendants at the site of the “tree-sit”.

Notice should not be required prior to the issuance of a temporary restraining order because of the exigent circumstances that exist, including safety concerns and MVP’s limited window in which it may complete tree-clearing on the Appalachian National Scenic Trail, as required by the United States Fish & Wildlife Service. MVP will continue to diligently work to serve the named Defendants with the Complaint,

Motion for Temporary Restraining Order and Preliminary Injunction and accompanying
Brief in Support.

March 2, 2018

HENDRICKSON & LONG, PLLC

A handwritten signature in black ink, appearing to read "R. Scott Long", is written over a horizontal line.

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