

Chapter 6

Oil & Gas Litigation Update

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Synopsis

§ 6.01.	Introduction.....	198
§ 6.02.	Oil and Gas Related Land Use Issues in the Appalachian Basin	198
	[1] — Pennsylvania	199
	[a] — <i>Robinson Township</i>	199
	[b] — Other Issues	200
	[2] — New York	201
	[3] — Ohio	201
	[4] — West Virginia	202
§ 6.03.	Environmental Regulation and Litigation Regarding Hydraulic Fracturing	202
	[1] — Ohio	203
	[2] — Pennsylvania	204
	[3] — New York	206
	[4] — Wyoming	207
	[5] — Toxic Tort Litigation Over Hydraulic Fracturing	208
§ 6.04.	Subsurface Trespass	210
§ 6.05.	Pooling and Unitization	211
§ 6.06.	Post-Production Costs	213
	[1] — Pennsylvania	213
	[2] — Virginia	214
	[3] — Texas	215
§ 6.07.	Litigation Seeking Royalty Payments Calculated on the Basis of Hedging Contracts	217
	[1] — Pennsylvania	217
	[2] — United States Court of Appeals for the Fifth Circuit	218

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	[3] — Virginia.....	218
	[4] — Texas	219
§ 6.08.	Lease Term Litigation in General.....	219
	[1] — Ohio.....	220
	[2] — West Virginia.....	222
	[3] — Pennsylvania.....	222
§ 6.09.	Lease Avoidance	222
	[1] — Pennsylvania	223
	[2] — Ohio	224
	[3] — West Virginia.....	226
§ 6.10.	Split Title.....	226
	[1] — Pennsylvania	227
	[2] — Ohio	227
	[3] — Texas	227
§ 6.11.	Dormant Mineral Statute	228
	[1] — Pennsylvania	228
	[2] — Ohio	229

§ 6.01. Introduction.

If 2013-2014 oil and gas litigation in the East and in the Appalachian Basin has a unifying theme, it would be that the law is trying to catch up with the transformative state of shale gas development. Whether the cases involve zoning and regulations, mineral rights, intellectual property, sub-surface trespass, or lease interpretations, the law is developing in areas that have never before been addressed or that have only ever been addressed in a different context. While the public and even the legal communities want black and white, right or wrong answers, the jurisprudence is grey. Tension exists between the letter of the law and attempts at equity. This tension is in many cases overlaid by highly political and partisan debates in the public forum. The only predictions for the future are more litigation, prolific production of American oil and gas, and domestic energy independence.

§ 6.02. Oil and Gas Related Land Use Issues in the Appalachian Basin.

Land use litigation continues to have a significant effect on the ability of energy companies to develop resources in the Appalachian Basin. In the section below, major cases from Pennsylvania, New York, West Virginia, and Ohio are discussed.