

# Legal Advertisement

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT WHEELING

ROVER PIPELINE LLC,  
Plaintiff,

v.

Civil Action No. 1:18-cv-00088-JPB

ROVER TRACT NO(S), WV-DO-SHC-015.000-ROW, WV-DO-SHC-015.000-ATWS, AND WV-DO-SHC-015.970-TAR-3, COMPRISED OF PERMANENT EASEMENT(S) TOTALING 3.35 ACRES, MORE OR LESS, AND TEMPORARY EASEMENT(S) TOTALING 10.13 ACRES, MORE OR LESS, OVER A PARCEL OF LAND IN WEST UNION DISTRICT, DODDRIDGE COUNTY, WEST VIRGINIA, CONSISTING OF 91 ACRES, AND IDENTIFIED AS PARCEL NO(S), 08-13-0006-0000-0000, AS MORE PARTICULARLY DESCRIBED HEREIN, ET AL., Defendants.

## FEDERAL RULE 71.1(d) NOTICE OF CONDEMNATION ACTION

To: Peter A. Morse Sr., Trustee of the Appalachian Gas and Oil Trust, who owns or may own an interest in the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia; and Any Heirs, Successors, and Assigns of the Defendants named in the above-captioned matter and Any Unknown Owners who may own an interest in one or more of the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia as set forth in the Second Amended Verified Complaint for Condemnation of Easement(s) Known as Tract No(s), WV-DO-SHC-015.000-ROW, WV-DO-SHC-015.000-ATWS, and WV-DO-SHC-015.970-TAR-3 (the "Verified Complaint").

PLEASE TAKE NOTICE that on March 28, 2019, Rover Pipeline LLC ("Rover") filed the Verified Complaint in the above-captioned matter to condemn property in which you own or may own an interest. The above-captioned matter is an action by Rover, pursuant to Section 717(f)(b) of the Natural Gas Act, 15 U.S.C. § 717(f)(b), and the Certificate of Public Convenience and Necessity ("Certificate") issued by the Federal Energy Regulatory Commission ("FERC") to Rover, for an order of condemnation for permanent pipeline, temporary work space, additional temporary workspace, surface site, permanent and temporary road access, and/or other rights-of-way and easements (the "Easements"), as further described in the Verified Complaint, and identified, described, and depicted on Exhibit A thereto, and for other legal and equitable relief, including injunctive relief allowing Rover to enter and access the Additional Temporary Workspace Easement(s) to commence and complete repairs of slips, while the amount of compensation for the taking of the Easements is resolved.

Pursuant to the Certificate of Public Convenience and Necessity, dated February 2, 2017, and the Delegated Order Approval of Variances, dated May 24, 2018, that FERC issued to Rover, Rover needs and is authorized to acquire the Easements which are situated on and/or traverse on, over, and under the above-captioned lands and which are more particularly described on Exhibit A to the Verified Complaint. The Easements in which you own or may own an interest are more particularly described on Exhibit A to the Verified Complaint, and are comprised of the following:

Permanent Pipeline Easement(s): Non-exclusive fifty foot (50')-wide permanent pipeline right(s)-of-way and easement(s) encompassing 3.35 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint; Temporary Workspace Easement(s): Non-exclusive temporary workspace(s) and additional temporary workspace(s) encompassing 6.68 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint; Additional Temporary Workspace Easement(s): Non-exclusive additional temporary workspace(s) encompassing 1.63 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint; and Temporary Road Access Easement(s): Non-exclusive temporary road access easement(s) encompassing 1.82 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint.

Pursuant to the Natural Gas Act, 15 U.S.C. § 717, et seq., FERC has issued to Rover a Certificate of Public Convenience and Necessity authorizing Rover to construct and operate an interstate natural gas pipeline, known as the Rover Pipeline Project, which consists of approximately 713 miles of 24-inch, 30-inch, 36-inch and 42-inch diameter natural gas pipelines (approximately 510.7 linear miles of pipeline easement and approximately 713 total miles of pipe therein), with four mainline compressor stations, six supply lateral compressor stations and other ancillary facilities (the "Rover Pipeline Project"). Rover has the right of eminent domain under Section 717(h)(b) of the Natural Gas Act, 15 U.S.C. § 717(h)(b), because it has been unable to acquire the necessary Easements to construct, operate, and maintain the Rover Pipeline Project for the transportation of natural gas.

The Easements Rover seeks to acquire will be used for the construction and operation of natural gas pipelines and related appurtenances, known as the Rover Pipeline Project, and for the required restoration and remediation related to such construction. The route spans approximately 510.7 linear miles originating in Southeastern Ohio, Western West Virginia, and Southwestern Pennsylvania and continues north across the state of Ohio to an interconnection in Defiance, Ohio, in the Northwest. It will then cross into Michigan where it will terminate in Livingston County. On February 2, 2017, FERC concluded that the Rover Pipeline Project is necessary and convenient for the public use and issued a Certificate of Public Convenience and Necessity to Rover for the construction and operation of the Rover Pipeline Project.

YOU ARE FURTHER NOTIFIED that if you have any objection or defense to the taking, you must serve an answer on counsel for Rover within twenty-one (21) days after service of the notice on you. Your failure to serve an answer will constitute your consent to the taking and to the Court's authority to proceed with the action and fix the compensation.

YOU ARE FURTHER NOTIFIED that if you do not file an answer, you may serve on Rover's attorney a notice of appearance, designating the Easement(s) in which you claim an interest, and thereafter, you shall receive notice of all proceedings affecting your interests.

YOU ARE FURTHER NOTIFIED that at the trial of the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence regarding the amount of compensation to be paid for the Easement(s) in which you have an interest and you may share in the distribution of the compensation award. By counsel for Plaintiff Rover Pipeline LLC: Lori A. Dawkins (WV Bar #6880), Steptoe & Johnson PLLC, lori.dawkins@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (303) 389-4300; William D. Wilmoth (WV Bar #4075), Steptoe & Johnson PLLC, william.wilmoth@stepsto-johnson.com, 1233 Main Street, Suite 3000, Wheeling, West Virginia 26003, (304) 233-0000; and Lauren A. Williams (WV Bar #11943), Steptoe & Johnson PLLC, lauren.williams@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (304) 933-8000.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT WHEELING

ROVER PIPELINE LLC,  
Plaintiff,

v.

Civil Action No. 1:18-cv-00099-JPB

ROVER TRACT NO(S), WV-DO-SHC-039.000-ROW, WV-DO-SHC-039.310-ROW, AND WV-DO-SHC-039.310-ATWS, COMPRISED OF PERMANENT EASEMENT(S) TOTALING 2.26 ACRES, MORE OR LESS, AND TEMPORARY EASEMENT(S) TOTALING 3.99 ACRES, MORE OR LESS, OVER A PARCEL OF LAND IN WEST UNION MAGISTERIAL DISTRICT, DODDRIDGE COUNTY, WEST VIRGINIA, CONSISTING OF 64.75 ACRES, AND IDENTIFIED AS PARCEL NO(S), 08-04-0019-0000-0000 AND 08-04-0020-0000-0000, AS MORE PARTICULARLY DESCRIBED HEREIN, ET AL., Defendants.

## FEDERAL RULE 71.1(d) NOTICE OF CONDEMNATION ACTION

To: Velma G. Osborne, Patricia A. Lewis; Kenneth P. Cottrell; Jeffrey W. Spencer; William Hinton; Allen O'Neal Brown; Anna May Brown; David Gene Smith; Nora L. Kell; Robert Shawn Schwertfeger; Amanda Stull; Rhonda J. Smith; Nichole Johnston; Carlos L. Stockham; Ruth Monroe; Wilda E. Staats; and Leslie Ray Tennant, who own or may own an interest in the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia; and Any Heirs, Successors, and Assigns of the Defendants named in the above-captioned matter and Any Unknown Owners who may own an interest in one or more of the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia as set forth in the Second Amended Verified Complaint for Condemnation of Easement(s) Known as Tract No(s), WV-DO-SHC-039.000-ROW, WV-DO-SHC-039.310-ROW, and WV-DO-SHC-039.310-ATWS (the "Verified Complaint").

PLEASE TAKE NOTICE that on March 29, 2019, Rover Pipeline LLC ("Rover") filed the Verified Complaint in the above-captioned matter to condemn property in which you own or may own an interest. The above-captioned matter is an action by Rover, pursuant to Section 717(f)(b) of the Natural Gas Act, 15 U.S.C. § 717(f)(b), and the Certificate of Public Convenience and Necessity ("Certificate") issued by the Federal Energy Regulatory Commission ("FERC") to Rover, for an order of condemnation for permanent pipeline, temporary work space, additional temporary workspace, surface site, permanent and temporary road access, and/or other rights-of-way and easements (the "Easements"), as further described in the Verified Complaint, and identified, described, and depicted on Exhibit A thereto, and for other legal and equitable relief, including injunctive relief allowing Rover to enter and access the Additional Temporary Workspace Easement(s) to commence and complete repairs of slips, while the amount of compensation for the taking of the Easements is resolved.

Pursuant to the Certificate of Public Convenience and Necessity, dated February 2, 2017, and the Delegated Order Approval of Variances, dated May 24, 2018, that FERC issued to Rover, Rover needs and is authorized to acquire the Easements which are situated on and/or traverse on, over, and under the above-captioned lands and which are more particularly described on Exhibit A to the Verified Complaint. The Easements in which you own or may own an interest are more particularly described on Exhibit A to the Verified Complaint, and are comprised of the following:

Permanent Pipeline Easement(s): Non-exclusive fifty foot (50')-wide permanent pipeline right(s)-of-way and easement(s) encompassing 2.26 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint; Temporary Workspace Easement(s): Non-exclusive temporary workspace(s) and additional temporary workspace(s) encompassing 3.84 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint; and Additional Temporary Workspace Easement(s): Non-exclusive additional temporary workspace(s) encompassing 0.15 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint.

Pursuant to the Natural Gas Act, 15 U.S.C. § 717, et seq., FERC has issued to Rover a Certificate of Public Convenience and Necessity authorizing Rover to construct and operate an interstate natural gas pipeline, known as the Rover Pipeline Project, which consists of approximately 713 miles of 24-inch, 30-inch, 36-inch and 42-inch diameter natural gas pipelines (approximately 510.7 linear miles of pipeline easement and approximately 713 total miles of pipe therein), with four mainline compressor stations, six supply lateral compressor stations and other ancillary facilities (the "Rover Pipeline Project"). Rover has the right of eminent domain under Section 717(h)(b) of the Natural Gas Act, 15 U.S.C. § 717(h)(b), because it has been unable to acquire the necessary Easements to construct, operate, and maintain the Rover Pipeline Project for the transportation of natural gas.

The Easements Rover seeks to acquire will be used for the construction and operation of natural gas pipelines and related appurtenances, known as the Rover Pipeline Project, and for the required restoration and remediation related to such construction. The route spans approximately 510.7 linear miles originating in Southeastern Ohio, Western West Virginia, and Southwestern Pennsylvania and continues north across the state of Ohio to an interconnection in Defiance, Ohio, in the Northwest. It will then cross into Michigan where it will terminate in Livingston County. On February 2, 2017, FERC concluded that the Rover Pipeline Project is necessary and convenient for the public use and issued a Certificate of Public Convenience and Necessity to Rover for the construction and operation of the Rover Pipeline Project.

YOU ARE FURTHER NOTIFIED that if you have any objection or defense to the taking, you must serve an answer on counsel for Rover within twenty-one (21) days after service of the notice on you. Your failure to serve an answer will constitute your consent to the taking and to the Court's authority to proceed with the action and fix the compensation.

YOU ARE FURTHER NOTIFIED that if you do not file an answer, you may serve on Rover's attorney a notice of appearance, designating the Easement(s) in which you claim an interest, and thereafter, you shall receive notice of all proceedings affecting your interests.

YOU ARE FURTHER NOTIFIED that at the trial of the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence regarding the amount of compensation to be paid for the Easement(s) in which you have an interest and you may share in the distribution of the compensation award. By counsel for Plaintiff Rover Pipeline LLC: Lori A. Dawkins (WV Bar #6880), Steptoe & Johnson PLLC, lori.dawkins@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (303) 389-4300; William D. Wilmoth (WV Bar #4075), Steptoe & Johnson PLLC, william.wilmoth@stepsto-johnson.com, 1233 Main Street, Suite 3000, Wheeling, West Virginia 26003, (304) 233-0000; and Lauren A. Williams (WV Bar #11943), Steptoe & Johnson PLLC, lauren.williams@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (304) 933-8000.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT WHEELING

ROVER PIPELINE LLC,  
Plaintiff,

v.

Civil Action No. 1:18-cv-00104-JPB

ROVER TRACT NO(S), WV-DO-SHC-021.000-ROW, COMPRISED OF PERMANENT EASEMENT(S) TOTALING 2.65 ACRES, MORE OR LESS, AND TEMPORARY EASEMENT(S) TOTALING 4.58 ACRES, MORE OR LESS, OVER A PARCEL OF LAND IN WEST UNION DISTRICT, DODDRIDGE COUNTY, WEST VIRGINIA, CONSISTING OF 175.78 ACRES, AND IDENTIFIED AS PARCEL NO(S), 08-08-0036-0000-0000, AS MORE PARTICULARLY DESCRIBED HEREIN, ET AL., Defendants.

## FEDERAL RULE 71.1(d) NOTICE OF CONDEMNATION ACTION

To: John E. Smith, who owns or may own an interest in the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia; and Any Heirs, Successors, and Assigns of the Defendants named in the above-captioned matter and Any Unknown Owners who may own an interest in one or more of the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia as set forth in the Amended Verified Complaint for Condemnation of Easement(s) Known as Tract No(s), WV-DO-SHC-021.000-ROW (the "Verified Complaint").

PLEASE TAKE NOTICE that on March 27, 2019, Rover Pipeline LLC ("Rover") filed the Verified Complaint in the above-captioned matter to condemn property in which you own or may own an interest. The above-captioned matter is an action by Rover, pursuant to Section 717(f)(b) of the Natural Gas Act, 15 U.S.C. § 717(f)(b), and the Certificate of Public Convenience and Necessity ("Certificate") issued by the Federal Energy Regulatory Commission ("FERC") to Rover, for

# Legal Advertisement

an order of condemnation for permanent pipeline, temporary work space, additional temporary workspace, surface site, permanent and temporary road access, and/or other rights-of-way and easements (the "Easements"), as further described in the Verified Complaint, and identified, described, and depicted on Exhibit A thereto, and for other legal and equitable relief, including injunctive relief allowing Rover to enter and access the Additional Temporary Workspace Easement(s), if any, to commence and complete repairs of slips, while the amount of compensation for the taking of the Easements is resolved.

Pursuant to the Certificate of Public Convenience and Necessity, dated February 2, 2017, that FERC issued to Rover, Rover needs and is authorized to acquire the Easements which are situated on and/or traverse on, over, and under the above-captioned lands and which are more particularly described on Exhibit A to the Verified Complaint. The Easements in which you own or may own an interest are more particularly described on Exhibit A to the Verified Complaint, and are comprised of the following:

Permanent Pipeline Easement(s): Non-exclusive fifty foot (50')-wide permanent pipeline right(s)-of-way and easement(s) encompassing 2.65 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint; and Temporary Workspace Easement(s): Non-exclusive temporary workspace(s) and additional temporary workspace(s) encompassing 4.58 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint.

Pursuant to the Natural Gas Act, 15 U.S.C. § 717, et seq., FERC has issued to Rover a Certificate of Public Convenience and Necessity authorizing Rover to construct and operate an interstate natural gas pipeline, known as the Rover Pipeline Project, which consists of approximately 713 miles of 24-inch, 30-inch, 36-inch and 42-inch diameter natural gas pipelines (approximately 510.7 linear miles of pipeline easement and approximately 713 total miles of pipe therein), with four mainline compressor stations, six supply lateral compressor stations and other ancillary facilities (the "Rover Pipeline Project"). Rover has the right of eminent domain under Section 717(h)(b) of the Natural Gas Act, 15 U.S.C. § 717(h)(b), because it has been unable to acquire the necessary Easements to construct, operate, and maintain the Rover Pipeline Project for the transportation of natural gas.

The Easements Rover seeks to acquire will be used for the construction and operation of natural gas pipelines and related appurtenances, known as the Rover Pipeline Project, and for the required restoration and remediation related to such construction. The route spans approximately 510.7 linear miles originating in Southeastern Ohio, Western West Virginia, and Southwestern Pennsylvania and continues north across the state of Ohio to an interconnection in Defiance, Ohio, in the Northwest. It will then cross into Michigan where it will terminate in Livingston County. On February 2, 2017, FERC concluded that the Rover Pipeline Project is necessary and convenient for the public use and issued a Certificate of Public Convenience and Necessity to Rover for the construction and operation of the Rover Pipeline Project.

YOU ARE FURTHER NOTIFIED that if you have any objection or defense to the taking, you must serve an answer on counsel for Rover within twenty-one (21) days after service of the notice on you. Your failure to serve an answer will constitute your consent to the taking and to the Court's authority to proceed with the action and fix the compensation.

YOU ARE FURTHER NOTIFIED that if you do not file an answer, you may serve on Rover's attorney a notice of appearance, designating the Easement(s) in which you claim an interest, and thereafter, you shall receive notice of all proceedings affecting your interests.

YOU ARE FURTHER NOTIFIED that at the trial of the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence regarding the amount of compensation to be paid for the Easement(s) in which you have an interest and you may share in the distribution of the compensation award. By counsel for Plaintiff Rover Pipeline LLC: Lori A. Dawkins (WV Bar #6880), Steptoe & Johnson PLLC, lori.dawkins@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (303) 389-4300; William D. Wilmoth (WV Bar #4075), Steptoe & Johnson PLLC, william.wilmoth@stepsto-johnson.com, 1233 Main Street, Suite 3000, Wheeling, West Virginia 26003, (304) 233-0000; and Lauren A. Williams (WV Bar #11943), Steptoe & Johnson PLLC, lauren.williams@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (304) 933-8000.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT WHEELING

ROVER PIPELINE LLC,  
Plaintiff,

v.

Civil Action No. 1:18-cv-00084-JPB

ROVER TRACT NO(S), WV-DO-SHB-011.510-ROW AND WV-DO-SHB-013.000-ROW, COMPRISED OF PERMANENT EASEMENT(S) TOTALING 3.28 ACRES, MORE OR LESS, AND TEMPORARY EASEMENT(S) TOTALING 3.28 ACRES, MORE OR LESS, OVER A PARCEL OF LAND IN GRANT DISTRICT, DODDRIDGE COUNTY, WEST VIRGINIA, CONSISTING OF 324.67 ACRES, AND IDENTIFIED AS PARCEL NO(S), 03-17-0018-0001-0000 AND 03-17-0018-0000-0000, AS MORE PARTICULARLY DESCRIBED HEREIN, ET AL., Defendants.

## FEDERAL RULE 71.1(d) NOTICE OF CONDEMNATION ACTION

To: Willis G. Terrick, Jr., Co-Trustee of the Virginia A. Terrick Trust; and Maxwell V. Sutton, Co-Trustee of the Virginia A. Terrick Trust, who own or may own an interest in the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia; and Any Heirs, Successors, and Assigns of the Defendants named in the above-captioned matter and Any Unknown Owners who may own an interest in one or more of the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia as set forth in the Amended Verified Complaint for Condemnation of Easement(s) Known as Tract No(s), WV-DO-SHB-011.510-ROW and WV-DO-SHB-013.000-ROW (the "Verified Complaint").

PLEASE TAKE NOTICE that on March 27, 2019, Rover Pipeline LLC ("Rover") filed the Verified Complaint in the above-captioned matter to condemn property in which you own or may own an interest. The above-captioned matter is an action by Rover, pursuant to Section 717(f)(b) of the Natural Gas Act, 15 U.S.C. § 717(f)(b), and the Certificate of Public Convenience and Necessity ("Certificate") issued by the Federal Energy Regulatory Commission ("FERC") to Rover, for an order of condemnation for permanent pipeline, temporary work space, additional temporary workspace, surface site, permanent and temporary road access, and/or other rights-of-way and easements (the "Easements"), as further described in the Verified Complaint, and identified, described, and depicted on Exhibit A thereto, and for other legal and equitable relief, including injunctive relief allowing Rover to enter and access the Additional Temporary Workspace Easement(s), if any, to commence and complete repairs of slips, while the amount of compensation for the taking of the Easements is resolved.

Pursuant to the Certificate of Public Convenience and Necessity, dated February 2, 2017, that FERC issued to Rover, Rover needs and is authorized to acquire the Easements which are situated on and/or traverse on, over, and under the above-captioned lands and which are more particularly described on Exhibit A to the Verified Complaint. The Easements in which you own or may own an interest are more particularly described on Exhibit A to the Verified Complaint, and are comprised of the following:

Permanent Pipeline Easement(s): Non-exclusive fifty foot (50')-wide permanent pipeline right(s)-of-way and easement(s) encompassing 3.28 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint; and Temporary Workspace Easement(s): Non-exclusive temporary workspace(s) and additional temporary workspace(s) encompassing 3.28 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint.

Pursuant to the Natural Gas Act, 15 U.S.C. § 717, et seq., FERC has issued to Rover a Certificate of Public Convenience and Necessity authorizing Rover to construct and operate an interstate natural gas pipeline, known as the Rover Pipeline Project, which consists of approximately 713 miles of 24-inch, 30-inch, 36-inch and 42-inch diameter natural gas pipelines (approximately 510.7 linear miles of pipeline easement and approximately 713 total miles of pipe therein), with four mainline compressor stations, six supply lateral compressor stations and other ancillary facilities (the "Rover Pipeline Project"). Rover has the right of eminent domain under Section 717(h)(b) of the Natural Gas Act, 15 U.S.C. § 717(h)(b), because it has been unable to acquire the necessary Easements to construct, operate, and maintain the Rover Pipeline Project for the transportation of natural gas.

The Easements Rover seeks to acquire will be used for the construction and operation of natural gas pipelines and related appurtenances, known as the Rover Pipeline Project, and for the required restoration and remediation related to such construction. The route spans approximately 510.7 linear miles originating in Southeastern Ohio, Western West Virginia, and Southwestern Pennsylvania and continues north across the state of Ohio to an interconnection in Defiance, Ohio, in the Northwest. It will then cross into Michigan where it will terminate in Livingston County. On February 2, 2017, FERC concluded that the Rover Pipeline Project is necessary and convenient for the public use and issued a Certificate of Public Convenience and Necessity to Rover for the construction and operation of the Rover Pipeline Project.

YOU ARE FURTHER NOTIFIED that if you have any objection or defense to the taking, you must serve an answer on counsel for Rover within twenty-one (21) days after service of the notice on you. Your failure to serve an answer will constitute your consent to the taking and to the Court's authority to proceed with the action and fix the compensation.

YOU ARE FURTHER NOTIFIED that if you do not file an answer, you may serve on Rover's attorney a notice of appearance, designating the Easement(s) in which you claim an interest, and thereafter, you shall receive notice of all proceedings affecting your interests.

YOU ARE FURTHER NOTIFIED that at the trial of the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence regarding the amount of compensation to be paid for the Easement(s) in which you have an interest and you may share in the distribution of the compensation award. By counsel for Plaintiff Rover Pipeline LLC: Lori A. Dawkins (WV Bar #6880), Steptoe & Johnson PLLC, lori.dawkins@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (303) 389-4300; William D. Wilmoth (WV Bar #4075), Steptoe & Johnson PLLC, william.wilmoth@stepsto-johnson.com, 1233 Main Street, Suite 3000, Wheeling, West Virginia 26003, (304) 233-0000; and Lauren A. Williams (WV Bar #11943), Steptoe & Johnson PLLC, lauren.williams@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (304) 933-8000.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT WHEELING

ROVER PIPELINE LLC,  
Plaintiff,

v.

Civil Action No. 1:18-cv-00089-JPB

ROVER TRACT NO(S), WV-DO-SHB-009.972-TAR-1A, COMPRISED OF PERMANENT EASEMENT(S) TOTALING 0.09 ACRES, MORE OR LESS, AND TEMPORARY EASEMENT(S) TOTALING 0.09 ACRES, MORE OR LESS, OVER A PARCEL OF LAND IN GRANT DISTRICT, DODDRIDGE COUNTY, WEST VIRGINIA, CONSISTING OF 0.81 ACRE, AND IDENTIFIED AS PARCEL NO(S), 03-19-0016-0000-0000, AS MORE PARTICULARLY DESCRIBED HEREIN, ET AL., Defendants.

## FEDERAL RULE 71.1(d) NOTICE OF CONDEMNATION ACTION

To: Sheila Rena McCutchan, who owns or may own an interest in the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia; and Any Heirs, Successors, and Assigns of the Defendants named in the above-captioned matter and Any Unknown Owners who may own an interest in one or more of the above-captioned Rover Tract No(s), situate in Doddridge County, West Virginia as set forth in the Amended Verified Complaint for Condemnation of Easement(s) Known as Tract No(s), WV-DO-SHB-009.972-TAR-1A (the "Verified Complaint").

PLEASE TAKE NOTICE that on March 27, 2019, Rover Pipeline LLC ("Rover") filed the Verified Complaint in the above-captioned matter to condemn property in which you own or may own an interest. The above-captioned matter is an action by Rover, pursuant to Section 717(f)(b) of the Natural Gas Act, 15 U.S.C. § 717(f)(b), and the Certificate of Public Convenience and Necessity ("Certificate") issued by the Federal Energy Regulatory Commission ("FERC") to Rover, for an order of condemnation for permanent pipeline, temporary work space, additional temporary workspace, surface site, permanent and temporary road access, and/or other rights-of-way and easements (the "Easements"), as further described in the Verified Complaint, and identified, described, and depicted on Exhibit A thereto, and for other legal and equitable relief, including injunctive relief allowing Rover to enter and access the Additional Temporary Workspace Easement(s), if any, to commence and complete repairs of slips, while the amount of compensation for the taking of the Easements is resolved.

Pursuant to the Certificate of Public Convenience and Necessity, dated February 2, 2017, that FERC issued to Rover, Rover needs and is authorized to acquire the Easements which are situated on and/or traverse on, over, and under the above-captioned lands and which are more particularly described on Exhibit A to the Verified Complaint. The Easements in which you own or may own an interest are more particularly described on Exhibit A to the Verified Complaint, and are comprised of the following:

Temporary Road Access Easement(s): Non-exclusive temporary road access easement(s) encompassing 0.09 acres, as identified, described, and depicted on Exhibit A to the Verified Complaint.

Pursuant to the Natural Gas Act, 15 U.S.C. § 717, et seq., FERC has issued to Rover a Certificate of Public Convenience and Necessity authorizing Rover to construct and operate an interstate natural gas pipeline, known as the Rover Pipeline Project, which consists of approximately 713 miles of 24-inch, 30-inch, 36-inch and 42-inch diameter natural gas pipelines (approximately 510.7 linear miles of pipeline easement and approximately 713 total miles of pipe therein), with four mainline compressor stations, six supply lateral compressor stations and other ancillary facilities (the "Rover Pipeline Project"). Rover has the right of eminent domain under Section 717(h)(b) of the Natural Gas Act, 15 U.S.C. § 717(h)(b), because it has been unable to acquire the necessary Easements to construct, operate, and maintain the Rover Pipeline Project for the transportation of natural gas.

The Easements Rover seeks to acquire will be used for the construction and operation of natural gas pipelines and related appurtenances, known as the Rover Pipeline Project, and for the required restoration and remediation related to such construction. The route spans approximately 510.7 linear miles originating in Southeastern Ohio, Western West Virginia, and Southwestern Pennsylvania and continues north across the state of Ohio to an interconnection in Defiance, Ohio, in the Northwest. It will then cross into Michigan where it will terminate in Livingston County. On February 2, 2017, FERC concluded that the Rover Pipeline Project is necessary and convenient for the public use and issued a Certificate of Public Convenience and Necessity to Rover for the construction and operation of the Rover Pipeline Project.

YOU ARE FURTHER NOTIFIED that if you have any objection or defense to the taking, you must serve an answer on counsel for Rover within twenty-one (21) days after service of the notice on you. Your failure to serve an answer will constitute your consent to the taking and to the Court's authority to proceed with the action and fix the compensation.

YOU ARE FURTHER NOTIFIED that if you do not file an answer, you may serve on Rover's attorney a notice of appearance, designating the Easement(s) in which you claim an interest, and thereafter, you shall receive notice of all proceedings affecting your interests.

YOU ARE FURTHER NOTIFIED that at the trial of the issue of just compensation, whether or not you have answered or served a notice of appearance, you may present evidence regarding the amount of compensation to be paid for the Easement(s) in which you have an interest and you may share in the distribution of the compensation award. By counsel for Plaintiff Rover Pipeline LLC: Lori A. Dawkins (WV Bar #6880), Steptoe & Johnson PLLC, lori.dawkins@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (303) 389-4300; William D. Wilmoth (WV Bar #4075), Steptoe & Johnson PLLC, william.wilmoth@stepsto-johnson.com, 1233 Main Street, Suite 3000, Wheeling, West Virginia 26003, (304) 233-0000; and Lauren A. Williams (WV Bar #11943), Steptoe & Johnson PLLC, lauren.williams@stepsto-johnson.com, 400 White Oaks Boulevard, Bridgeport, West Virginia 26330, (304) 933-8000.

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THE HERALD RECORD

# Legal Advertisement

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
At Clarksburg

DOMINION ENERGY TRANSMISSION, INC., f/k/a  
DOMINION TRANSMISSION, INC.,

v.

Plaintiff,

Case No. 1:19-cv-182 (MK)

0.11 ACRE, MORE OR LESS, IN DODDRIDGE  
COUNTY, WEST VIRGINIA, et al.,

v.

Defendants.

## NOTICE OF FILING OF MEMORANDUM OPINION AND ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR SUMMARY JUDGMENT (DKT. NO. 31) AND JUDGMENT AWARD

TO: Anthony Lake and Any Unknown Owners who may own an interest in that certain tract of land described as Parcel Identification No. 09-04-10-0032-0001-0000, comprised of 19.04 acres, more or less, located in Doddridge County, West Virginia, and being more particularly described in that certain deed recorded in Deed Book 320, Page 80, of the public record of said County.

PLEASE TAKE NOTICE that on September 22, 2020, the United States District Court for the Northern District of West Virginia in the above-captioned matter entered the following "Memorandum Opinion and Order Granting Plaintiff's Unopposed Motion for Summary Judgment [Dkt. No. 31]" [Dkt. No. 39]: In this condemnation case, the plaintiff, Dominion Energy Transmission, Inc. ("Dominion"), previously obtained immediate access to and possession of certain temporary and permanent easements it sought to condemn to construct a natural gas pipeline (Dkt. No. 21). Dominion has now moved for summary judgment on the amount of just compensation due for the portions of this property owned by Anthony Lake and Any Unknown Owners (collectively, "Defendants") (Dkt. No. 31). For the reasons that follow, the Court GRANTS the unopposed motion (Dkt. No. 31).

### I. BACKGROUND [EN1]

[FN1] As it must, the Court recites the facts in the light most favorable to the non-moving party. See *Providence Square Assoc., L.L.C. v. G.D.E. Inc.*, 211 F.3d 846, 850 (4th Cir. 2000).

On October 13, 2017, the Federal Energy Regulatory Commission ("FERC") granted a Certificate to Dominion authorizing construction of 37.5 miles of natural-gas pipeline in West Virginia ("the Project") (Dkt. No. 1-2 at 7). [FN2]

[FN2] Citations to the FERC Certificate reference pagination of the FERC Certificate itself