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October 13, 2014

**VIA US MAIL AND
ELECTRONIC MAIL**

Gerald A. Kinchy, Esq.
418 South Keystone Avenue
Sayre, Pennsylvania 18840

RE: Cabot Oil & Gas Corporation v. Scroggins No. 2013-1303 CP

Dear Mr. Kinchy:

Enclosed please find a copy of Cabot's Motion For Civil Contempt which will be filed in the above-captioned matter.

Very truly yours,



Amy L. Barrette

ALB
Enclosure

cc: Scott Michelman, Esquire (w/enc.)(via US mail and e-mail)
Witold J. Walczak, Esquire (w/enc.)(via US mail and e-mail)

**IN THE COURT OF COMMON PLEAS
OF SUSQUEHANNA COUNTY, PENNSYLVANIA
CIVIL DIVISION**

CABOT OIL & GAS CORPORATION,)	
)	
Plaintiff,)	Case Number: 2013-1303 CP
)	
v.)	
)	
VERA SCROGGINS,)	
)	
Defendant.)	

MOTION FOR CIVIL CONTEMPT

Plaintiff Cabot Oil & Gas Corporation (“Cabot”), by and through its undersigned counsel hereby files this Motion for Civil Contempt (“Motion”) respectfully requesting that this Court enter an Order holding Defendant Vera Scroggins (“Ms. Scroggins”) in contempt of this Court’s March 27, 2014 Order (“Order”).

In support of this Motion, Cabot avers the following:

1. On March 27, 2014, this Court entered an Order prohibiting Ms. Scroggins from, among other things, entering upon well pads in Susquehanna County on which Cabot is conducting any surface operations whatsoever or is maintaining a well in production.
2. The language of the Order is clear and further prohibits Ms. Scroggins from stopping or remaining present “upon the public and/or right-of-way adjacent thereto within one hundred feet (100’) on each side of the entry to access roads owned, leased and/or maintained” by Cabot. *See* Order attached as Ex. A.
3. Ms. Scroggins received notice of this Court’s Order on March 27, 2014, and has been on notice of the terms of the Order since that date.

4. Ms. Scroggins is represented by three different law firms, two of which are nationally known – Witold Walczak from the ACLU, Scott Michelman from Public Citizen, and Gerald Kinchy of the Law Office of Gerald A. Kinchy.

5. On September 10, 2014, the parties entered into a binding settlement which is the subject of Cabot's pending Motion To Enter the Order on Stipulated Permanent Injunction as an Order of this Court.

6. Although Ms. Scroggins agreed to the settlement and her authorized attorneys conveyed such to Cabot, Ms. Scroggins is now contesting the entry of the Order on Stipulated Permanent Injunction as an order of this Court.

7. As such, the Order on Stipulated Permanent Injunction has not been entered as an Order of this Court. Oral arguments on whether this Court will enter the Order on Stipulated Permanent Injunction are scheduled for October 21, 2014.¹

8. On October 9, 2014, Cabot was conducting operations on the Costello Property.

9. On October 9, 2014, at approximately 1:00 p.m., Ms. Scroggins violated the terms of the March 27, 2014 Order by coming within one hundred feet (100') of the entry of Cabot's access road at the Costello Well Site. *See* Photographs attached as Exs. B, C, and D.

10. Exhibits B, C, and D are true and accurate copies of photographs taken by Rob Parry of Northeast Diversified, at approximately 1:00 p.m. on October 9, 2014, at the Costello Well Site.

¹ Cabot continues to maintain that the parties reached a binding settlement agreement on September 10, 2014, which prohibits Ms. Scroggins from being present on foot within twenty-five feet (25') of Cabot's access roads. Although Ms. Scroggins' conduct also violated the parties' settlement agreement, that agreement has yet to be entered as an order of this Court. As such, Cabot is seeking contempt of this Court's March 27, 2014 Order and preserves all of its rights against Ms. Scroggins for her violation of the parties' settlement agreement.

11. Exhibits B, C, and D depict Ms. Scroggins standing on private property owned by the Costellos, within ten feet of the entrance of Cabot's access road to the Costello Well Site.

12. Ms. Scroggins' conduct constitutes a blatant disregard for this Court's Order. Her defiance of this Court's Order, which occurred a little more than two weeks before the scheduled hearing on the permanent injunction, demonstrates her indifference to this Court and its Order. Such a flagrant violation of the clear terms of this Court's Order must not go unchecked or Ms. Scroggins will only continue to demonstrate her indifference towards this Court's Order and the property rights of others.

13. Pursuant to this Court's Order, Ms. Scroggins may be subject to the following penalties for violating this Court's Order: (i) fines; (ii) assessment of attorney fees; and/or (iii) incarceration.

14. Cabot respectfully requests that this Court schedule a hearing on its Motion on October 21, 2014. A proposed scheduling order is attached hereto.

WHEREFORE, Cabot respectfully requests that this Court enter an Order of Civil Contempt against Ms. Scroggins requiring her to pay Cabot's costs and attorney fees incurred in enforcing this Court's Order, and other relief that this Court deems appropriate.

Dated: October 13, 2014

Respectfully submitted,



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Counsel for Plaintiff *Cabot Oil & Gas Corporation*

CABOT OIL & GAS CORPORATION
v.
VERA SCROGGINS

: IN THE COURT OF COMMON PLEAS
: SUSQUEHANNA COUNTY, PA
: NO. 2013-1303 CP

ORDER

AND NOW, this ____ day of October, 2014, upon consideration of Plaintiff Cabot Oil & Gas Corporation's Motion for Civil Contempt, it be and is hereby Ordered that the hearing on the Motion for Civil Contempt be scheduled for October 21, 2014 at 11:30 AM.

BY THE COURT,

KENNETH W. SEAMANS, P.J.

CABOT OIL & GAS CORPORATION : IN THE COURT OF COMMON PLEAS
v. : SUSQUEHANNA COUNTY, PA
VERA SCROGGINS : NO. 2013- 1303 CP

ORDER

FILED
SUSQUEHANNA COUNTY PA
2014 MAR 28 AM 9:46
PROthonary

NOW TO WIT, this 27th day of March, 2014, after argument held, in order to ensure the safety of the employees of Plaintiff, Cabot Oil & Gas Corporation, the employees of its subsidiary, GasSearch Drilling Corp. (GDS), other persons permitted upon any premises owned by the Plaintiff, Cabot Oil & Gas Corporation or GDS, and the safety of Defendant, Vera Scroggins, it is ordered that Defendant Vera Scroggins is restrained, enjoined and prohibited from entering, or causing others to enter, upon premises presently and in the future owned by Cabot Oil & Gas Corporation and/or GasSearch Drilling Services Corp. (GDS), a wholly-owned subsidiary of Cabot Oil & Gas Corporation, the addresses of which are attached hereto as Exhibit A. Cabot Oil & Gas Corporation and GDS shall be responsible for keeping a like list current by sending changes, if any, to her legal counsel of record who shall pass such changes onto Defendant, Vera Scroggins.

Defendant, Vera Scroggins, is further restrained, enjoined and prohibited from entering upon well pads in Susquehanna County on which Cabot Oil & Gas Corporation and/or GDS are conducting any surface operations whatsoever or is/are maintaining a well in production. Operations include but are not limited to well pad construction, drilling and related operations,

EXHIBIT

A

completion operations and well pad locations with active well(s) or production machinery or facilities thereon. Cabot Oil & Gas Corporation and/or GDS shall keep such well pad locations marked by signage at their access roads' entrances thereto indicating "No Trespassing" and signs restricting access to authorized personnel only.

It is further Ordered that Defendant Vera Scroggins is restrained, enjoined and prohibited from entering upon any access roads to well pads in operation or production, maintained, and/or reclaimed by Cabot Oil and Gas Corporation and/or GDS, upon the well pad(s) and within one hundred (100') feet of such well pad(s). Defendant Vera Scroggins is not by virtue of this provision prohibited from traveling upon public roads but shall not stop or remain present upon the public highway and/or rights-of-way adjacent thereto within one hundred feet (100') on each side of the entry to access roads owned, leased and/or maintained by Cabot Oil & Gas Corporation and/or GDS for access to its well pads in operation and/or production activities except for bona fide emergencies. Defendant, Vera Scroggins, shall not obstruct traffic entering and/or leaving by said access roads. We further note that certain prohibitions exist as to parking or leaving unattended vehicles upon private property as stated at 75 Pa.C.S.A. §3353(a) or (b)(1). Additionally, we note that unattended vehicles obstructing traffic may be removed or caused to be removed as stated at 75 Pa.C.S.A. §3352(b).

It is further ordered that Defendant, Vera Scroggins, is restrained, enjoined, and prohibited from coming in physical contact with Cabot Oil & Gas Corporation and/or GDS owned equipment, vehicles or structures in Susquehanna County, Pennsylvania.

Defendant Vera Scroggins is restrained, enjoined and prohibited from causing others to

engage in activities prohibited by this order, as it relates to her.

This Modified Preliminary Injunction shall go into effect immediately upon issuance, and supercedes a previous injunction entered in this case on October 17, 2013, and continued on October 21, 2013.

Violation of this Order may subject the alleged violator to possible civil contempt proceedings, and, if found to be in wilful civil contempt, to be subject to possible fines, assessment of attorney fees, and/or incarceration in a proper case.

BY THE COURT,

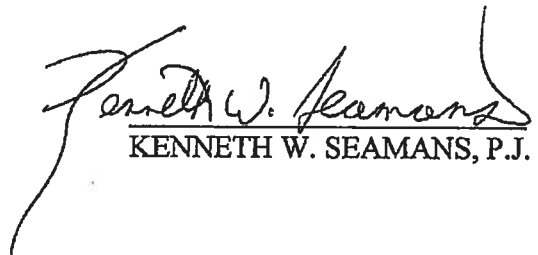

KENNETH W. SEAMANS, P.J.

EXHIBIT A

As of March 24, 2014, the following properties, located in Susquehanna County, Pennsylvania, are owned by Cabot Oil & Gas Corporation and/or GasSearch Drilling Services Corporation:

- 8279 Route 29 South, Montrose PA 18801
- 979 Phillips Road, Springville Township, 18801
- 10994 SR 3023, Montrose PA 18801
- 7115 SR 29, Springville PA, 18844/7111 SR 29, Springville PA, 18844
- 1147 Phillips Road, Springville, PA 18844
- 6100 SR 29, Montrose PA
- 224 Exchange Street, Susquehanna PA 18847
- 403 River Lake, Susquehanna, PA 18847
- 914 Hunter Highway, Tunkhannock, PA 18657
- 64 Maloney Hill Road, Nicholson PA 18446
- 121 Wilson Road, Meshoppen, PA 18630
- 13911 Strickland Road, Springville PA 18844



EXHIBIT
B



EXHIBIT

tabbles

C



EXHIBIT
D

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2014, I caused a copy of the foregoing **MOTION FOR CIVIL CONTEMPT** to be served on the following via U.S. Mail, postage prepaid and electronic mail:

Gerald A. Kinchy, Esq.
418 South Keystone Avenue
Sayre, Pennsylvania 18840

Scott Michelman, Esq.
Paul Alan Levy, Esq.
Public Citizen Litigation Group
1600 20th Street NW
Washington, DC 20009

Witold J. Walczak, Esq.
Legal Director
ACLU of Pennsylvania
313 Atwood Street
Pittsburgh, Pennsylvania 15213

Counsel for Defendant

Respectfully submitted,



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