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Respectfully submitted,



Andrew D. Sims
State Bar No. 18415600
Russell R. Barton
State Bar No. 1857250
Troy D. Okruhlik
State Bar No. 24032924

HARRIS, FINLEY & BOGLE, P.C.
777 Main Street, Suite 3600
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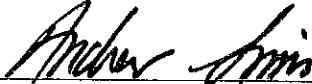
David P. Poole
State Bar No. 16123750
RANGE RESOURCES
CORPORATION
RANGE PRODUCTION COMPANY
100 Throckmorton, Suite 1200
Fort Worth, TX 76102

Mac Smith
Texas Bar No. 18541800
VICK, CARNEY & SMITH, LLP
111 York Avenue
Weatherford, Texas 76086
Telephone: 817-596-5533
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ATTORNEYS FOR DEFENDANTS,
RANGE RESOURCES CORPORATION,
AND RANGE PRODUCTION COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this instrument was served upon the attorneys of record of all parties to this cause (and to each other party who is not represented by an attorney of record) by hand delivery, electronic transmission, facsimile, or certified mail, return receipt requested, on April 4, 2012.



Andrew D. Sims/Russell R. Barton

CAUSE NO. CV11-0798

STEVEN and SHYLA LIPSKY	§	IN THE DISTRICT COURT
	§	
	§	
v.	§	
	§	
DURANT, CARTER, COLEMAN	§	
LLC, SILVERADO ON THE BRAZOS	§	
DEVELOPMENT COMPANY #1	§	
LTD, JERRY V. DURANT, Individually	§	
JAMES T. COLEMAN, Individually,	§	PARKER COUNTY, TEXAS
ESTATE OF PRESTON CARTER,	§	
RANGE PRODUCTION COMPANY,	§	
And RANGE RESOURCES	§	
CORPORATION	§	
	§	
v.	§	
	§	
ALISA RICH	§	43 RD JUDICIAL DISTRICT

**NOTICE OF SUBPOENA AND
SUBPOENA DUCES TECUM TO SHARON WILSON**

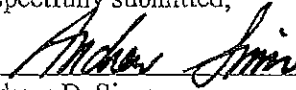
TO: Sharon L. Wilson
 1121 Belvedere Drive
 Allen, TX 75013

YOU WILL TAKE NOTICE that DEFENDANT RANGE PRODUCTION COMPANY is serving a subpoena for oral deposition and a subpoena duces tecum requesting the documents or tangible things in the possession, custody, or control of Sharon L. Wilson.

A subpoena and a subpoena duces tecum as authorized by Rule 176 will be served for the following:

See Exhibit A attached hereto and incorporated by reference.

Respectfully submitted,



Andrew D. Sims
State Bar No. 18415600
Russell R. Barton
State Bar No. 1857250
Troy D. Okruhlik
State Bar No. 24032924
HARRIS, FINLEY & BOGLE, P.C.
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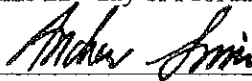
And

David Poole
State Bar No. 16123750
RANGE RESOURCES CORPORATION
100 Throckmorton, Suite 1200
Fort Worth, TX 76102

**ATTORNEYS FOR DEFENDANT RANGE
PRODUCTION COMPANY**

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this instrument has been provided to all attorneys of record of all parties to this cause (and to each other party who is not represented by an attorney of record) in accordance with TEX. R. CIV. P. 21a, on this 22nd day of February, 2012.



Andrew D. Sims

EXHIBIT A

THE STATE OF TEXAS
SUBPOENA AND SUBPOENA DUCES TECUM

CAUSE NO. CV11-0798

STEVEN and SHYLA LIPSKY § IN THE DISTRICT COURT
 §
 §
v. §
 §
DURANT, CARTER, COLEMAN §
LLC, SILVERADO ON THE BRAZOS §
DEVELOPMENT COMPANY #1 §
LTD, JERRY V. DURANT, Individually §
JAMES T. COLEMAN, Individually, § PARKER COUNTY, TEXAS
ESTATE OF PRESTON CARTER, §
RANGE PRODUCTION COMPANY, §
And RANGE RESOURCES §
CORPORATION §
 §
v. §
 §
ALISA RICH § 43RD JUDICIAL DISTRICT

TO: Sharon L. Wilson
1121 Belvedere Drive
Allen, TX 75013

YOU ARE HEREBY COMMANDED to appear at the instance of DEFENDANT RANGE PRODUCTION COMPANY at the place, date, and time specified below to testify in the above case at an oral deposition, and remain from day to day until the deposition is completed. The deposition will be taken orally, and will be videotaped.

DATE: March 14, 2012 or such other date as may be mutually convenient
TIME: 9:00 a.m.
PLACE: Law offices of Harris, Finley & Bogle, P.C.
777 Main Street, Suite 3600,
Fort Worth, Texas 76102
or such other location as may be mutually convenient

YOU ARE FURTHER COMMANDED to produce at the oral deposition the documents, tangible things, and electronic data requested in the Notice attached hereto as Exhibit A.

Further, data and information responsive to this Subpoena Duces Tecum that exists in electronic or magnetic form should also be produced in paper form in accordance with this Subpoena Duces Tecum and Rule 196.4 of the Texas Rules of Civil Procedure.

FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED IN CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.

This Subpoena Duces Tecum is issued at the instance Andrew D. Sims, Harris, Finley & Bogle, P.C., attorneys for Range Production Company, on February 22, 2012.

Respectfully submitted,



Andrew D. Sims
State Bar No. 18415600
Russell R. Barton
State Bar No. 1857250
Troy D. Okruhlik
State Bar No. 24032924
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And

David Poole
State Bar No. 16123750
RANGE RESOURCES CORPORATION
100 Throckmorton, Suite 1200
Fort Worth, TX 76102

**ATTORNEYS FOR DEFENDANT RANGE
PRODUCTION COMPANY**

WITNESS ACCEPTANCE

I acknowledge receipt of a copy of the foregoing subpoena duces tecum, together with the \$11 tendered therewith.

Date: _____

OFFICER'S RETURN

Came to hand this _____ day of _____, 2012, and executed this _____ day of _____, 2012, at _____ o'clock ____m. in the following manner: _____ by delivering to _____ a true copy hereof, and tendering \$11.00, which _____ accepted.

Returned this _____ day of _____, 2012.

Authorized Person/Constable/Sheriff: _____

County of _____, State of Texas

By: _____

Fees: \$ _____
(Must be verified if served outside the State of Texas)

State of _____, County of _____
Signed and sworn to before me by the said _____ before me this _____ day of _____, 2012, to certify which witness my hand and seal of office.

[Seal]

County of _____, State of _____

Exhibit A

Instructions

- 1) The singular form of a word includes the plural form of that word and vice versa.
- 2) The conjunctions "and" and "or" shall each be individually interpreted in every instance as meaning "and/or" and shall not be interpreted disjunctively to exclude any information otherwise within the scope of any specification.
- 3) Pursuant to Rule 196.4, the requests herein specifically include any documents, data, or information which may exist in electronic or magnetic form. Such documents, data, or information is requested in the form in which it is maintained by you in the ordinary course of your business or affairs.
- 4) Whenever documents exist in the form of computer tape, magnetic disks, or other electronic form, whether as separate files or a part of larger documents, the documents are to be produced in accurate and error-free computer-readable format with sufficient data file or data layout information to allow the documents to be read.
- 5) The request for production of documents includes the file or files in which the documents are contained or compiled. The request further includes all copies of any particular document that varies in any material way from the original, e.g., all documents with written notations, highlighting or marking thereon, or attached thereto, including the color of any such notations, markings or highlightings. Requests include all document drafts.
- 6) If any document requested was in your possession or control, but no longer is in your possession or subject to your control, state what disposition was made of it, the reason and date of such disposition.

Definitions

1) "All documents" refers to every "document" (as that term is defined herein), whether an original or copy, known to any individual or business organization to which this request is addressed, or to any officer, director, managing agent, file supervisor, or record keeper for such individual or organization, and every document which can be located or discovered by such persons through reasonably diligent efforts. The term "all documents" does not include multiple, identical copies.

2) "Person" includes and means any individual or entity, including, but not limited to, all natural persons, sole proprietorships, organizations, associations, companies, partnerships, joint ventures, corporations, trusts and estates, or any other form of business entity as the case may be.

3) "Document" and "documents" mean: (i) any and all written, typed, printed, reproduced, filmed, electronic, or recorded material, or (ii) any and all photographs, movies, videotapes, pictures, plans, drawings, or other representations of any kind, which pertain, describe, refer, or relate to the subject matter of a particular request, including, without limitation, the following:

(a) abstracts, advertisements, agreements, articles, audio tapes, binders, books, blueprints, cables, calendars, charts, checks, contracts, correspondence, data, databases, desk calendars, diagrams, diaries, dictation, drafts, drawings, e-mail, estimates, facsimile transmissions, file folders (electronic), files (electronic or paper), films, graphic representations, graphs, hand held computers (Blackberry, iPhone, iPad, Palm Pilots, etc.), illustrations, information, instructions, invoices, journals, learned treatises, ledgers, letters, letters of intent, lists, logs, manuals, memoranda, messages, minutes, money orders, notes, note pads, orders, organizers, papers, PDAs (personal desk assistants / personal digital assistants), photographs, pictures, PIMs (personal information managers) plans, publications (scientific and medical), pamphlets, quotes, receipts, recordings, releases, reports, resumes, settlement agreements, sketches, specifications, statements, summaries, telegrams, telexes, transcription of notes, transcriptions of tapes or recordings, work papers, worksheets, visual tapes, and any other writings, or tangible things in which any writing, typing, printing, photostatic, or other forms of communications are recorded or reproduced, as well as all notations on the foregoing;

(b) any electronic compilation of words, including, but not limited to, data, files, or information, including e-mail, *.jpg, *.txt, *.tif, *.mpeg, *.wav, *.wpd, *.doc, *.xls files, which have been saved to a computer network, computer hard drive, or other medium regularly used to store such words, data, or electronic or digital information, and without regard to whether or not a copy exists in paper form;

(c) any electronically stored data on magnetic or optical storage media as an "active" file or files (readily readable by one or more computer applications or forensics software); any "deleted" but recoverable electronic files on said media; any electronic file

fragments (files that have been deleted and partially overwritten with new data); and slack (data fragments stored randomly from random access memory on a hard drive during the normal operation of a computer [RAM slack] or residual data left on the hard drive after new data has overwritten some but not all of previously stored data);

- (d) originals and all other copies not absolutely identical to originals;
 - (e) all drafts and notes (whether typed, handwritten, or otherwise) made or prepared in connection with the document, whether used or not; and
 - (f) all file folders and envelopes containing documents.
- 4) "Communications" includes all emails, telephone logs, memoranda, letters, notes, correspondence, audio recordings, video recordings, and any other document evidencing or relating to the subject matter identified in the specific Request.
- 5) "Relating to," "regarding," or "referring to" mean directly or indirectly mentioning or describing, pertaining to, being connected with, or reflecting upon a stated subject matter.
- 6) "You" and "your," means Sharon Wilson, and any and all persons acting on your behalf.
- 7) "Residence" or "Property" means the approximate 13.7 acres of real property and improvements located at 127 River Oak Court, Weatherford, Texas, 76087, and made the subject of the above-numbered and styled cause.
- 8) "Water well" means the water well drilled on the Property located at 127 River Oak Court, Weatherford, Texas, 76087 that is the subject of the Lawsuit.
- 9) "Range" means Range Resources Corporation and Range Production Company, or either one of them, as well as any and all persons acting on their behalf.
- 10) "Lipsky" means Mr. or Mrs. Steven Lipsky, or both, and any persons acting on one or both of their behalves.
- 11) "Haley" means Mr. or Mrs. Rick Haley, or both, and any persons acting on one or both of their behalves.
- 12) "Wolf Eagle" means Wolf Eagle Environmental Engineers and Consultants or Wolf Eagle Environmental, LLC, and any other business name used by Alisa Rich for the environmental consulting company owned in whole or in part by Alisa Rich. The term "Wolf Eagle" also includes Alisa Rich individually.

13) The "EPA" means the United States Environmental Protection Agency, and includes all individuals acting on the EPA's behalf, including, but not limited to, Al Armendariz, John Blevins, Jerry Saunders, Chris Lister, Ron Van Wyk, Willie Lane, Jerry D. King, Carl E. Willis, Jeremy Seiger, Tucker Henson, Suzanne Murray, Ben Harrison, Cheryl Seager, James Allmand, James Jonas, Stephen Gilrein, David Garcia, Debra Griffin, Diana Taheri, Carol Peters, Esteban Hunter, Doug Beak, Michael Overbay, Cynthia Giles, Adam Kushner, Bernadette Rappold, Matt Bogoshian, Linda Huffinan, Larry Starfield, Katherine McCabe, Mark Pollins, Chris Wills, Scott McDonald, and any experts utilized by the EPA.

14) "Peck Water Well Service" means Peck Water Well Service, Inc., and any other business name used by Larry Peck for water well drilling owned in whole or in part by Larry Peck, and any employees or representative acting on its behalf, or on behalf of Larry Peck.

15) "Silverado on the Brazos Homeowner's Association" means the any and all homeowners' associations to which property owners in the Silverado on the Brazos development may or must belong, as well as any employees or representative acting on its behalf.

16) "Butler Well" means the Butler Unit Well 1H (permitted at Atwood, JB Survey, Abstract #802, Hood County, 660 feet from then line and 986 from the SE line).

17) "Teal Well" means the Teal Unit Well 1H (permitted at Atwood, JB Survey, Abstract #802, Hood County, 703 feet from then line and 948 from the SE line).

18) "Gas Wells" mean the Butler Well and the Teal Well.

19) "Railroad Commission" means the Railroad Commission of Texas.

20) "TCEQ" means that Texas Commission on Environmental Quality.

21) "DOJ" means the United States Department of Justice and includes all individuals acting on the EPA's behalf.

22) "Members of media" means newspaper reporters, television reporters, online reporters, radio reporters, bloggers, or other similar reporters, and includes, but is not limited to, Chris Hawes of WFAA Channel 8.

23) "Plaintiff's Original Petition" or "Original Petition" means the original petition filed in the above-numbered and styled cause by Plaintiffs Steven and Shyla Lipsky.

24) The "Lawsuit" means Cause No. CV11-0798 styled Steven and Shyla Lipsky v. Range Production Company and Range Resources Corporation, et al. v. Alisa Rich pending in the 43rd Judicial District, Parker County, Texas.

REQUESTS FOR PRODUCTION

Please produce the following items and tangible things, including all documents relating thereto:

1. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing air quality and and/or water quality at or near the Property and/or natural gas drilling at or near the Property.
2. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing the claims made by the Lipskys in the Lawsuit.
3. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing the Water Well.
4. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing Wolf Eagle.
5. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing Alisa Rich.
6. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing the EPA.
7. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing Range.
8. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing the Railroad Commission.
9. All communications between you and Steven and Shyla Lipsky, or either of them, from 2005 through the present, regarding, relating to, or referencing the Property.
10. All pictures or videos sent to you by Steven and Shyla Lipsky, or either of them, from 2005 through the present, depicting the Property, or the Water Well, or purporting to show gas in the water well.
11. All communications between you and Wolf Eagle, Alisa Rich, or both, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.

12. All communications between you and the EPA, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
13. All communications between you and the DOJ, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
14. All communications between you and the U.S. Government Accountability Office, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
15. All communications between you and the TCEQ, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
16. All communications between you and the Texas Railroad Commission, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
17. All communications between you and Hayley, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
18. All communications between you and filmmaker Josh Fox, from 2009 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
19. All communications between you and Wilma Subra, the Subra Company, or both, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
20. All communications between you and Ramon Alvarez, the Environmental Defense Fund, or both, from 2009 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
21. All communications between you and Jeremy Nichols, Wild Earth Guardians, or both, from 2009 until the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
22. All communications between you and Tom "Smitty" Smith, Public Citizen, or both, from 2009 until the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.

23. All communications between you and Jim Schermbeck, Downwinders at Risk, or both, from 2009 until the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
24. All communications between you and Kelly Haragan, The Environmental Clinic of the University of Texas; or both, from 2009 until the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
25. All communications between you and Cirrus Associates, LLC, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
26. All communications between you and members of the media, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
27. All communications between you and the DOJ, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
28. All communications between you and Allen Stewart, David Ritter, Stephanie Brooks, James Claunch, or Kirk Claunch, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
29. All communications between you and any other person, from 2009 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
30. All communications between you and any person, from 2005 through the present, regarding, relating to, or referencing testing of the Lipskys' water well.
31. All test results, laboratory results, analysis and reports, whether drafts or final, regarding the air quality, ambient air fugitive emissions, or alleged natural gas emissions, inside the residence at the Property or outside at the Property, or both.
32. All test results, laboratory results, analyses and reports, whether drafts or final, regarding the water well, or the quality of the water from the water well.
33. All reports, notes, memoranda, correspondence, maps, charts, diagrams, photographs, videotapes, exhibits, slides, models, compilations of data, and any other documents, materials or tangible things created or prepared by you, or otherwise in your possession, relating to the Property.

34. All reports, notes, memoranda, correspondence, maps, charts, diagrams, photographs, videotapes, exhibits, slides, models, compilations of data, and any other documents, materials or tangible things created or prepared by you, or otherwise in your possession, regarding, relating to, or referencing the water well.
35. All photographs and videotapes of the water well at the Property.
36. All documents regarding, relating to, or referencing posts or articles published on websites operated by you, in whole or in part, including but not limited www.texassharon.com, since 2005 relating to or mentioning Range.
36. All documents regarding, relating to, or referencing posts or articles published on websites operated by you, in whole or in part, including but not limited www.texassharon.com, since 2005 relating to or mentioning the Lawsuit or the claims made by the Lipskys in the Lawsuit.

315851.1

CAUSE NO. CV11-0798

Steven and Shyla LIPSKY,	§	
<i>plaintiffs,</i>	§	
v.	§	
	§	43RD JUDICIAL DISTRICT COURT
DURANT, CARTER, COLEMAN LLC,	§	
SILVERADO ON THE BRAZOS DEVELOPMENT	§	
COMPANY #1 LTD, Jerry V. DURANT,	§	
individually, James T. COLEMAN, individually,	§	PARKER COUNTY, TEXAS
ESTATE OF PRESTON CARTER, RANGE	§	
PRODUCTION COMPANY, and RANGE	§	
RESOURCES CORPORATION,	§	
<i>defendants,</i>	§	
	§	
v.	§	
	§	
Alisa RICE,	§	
<i>third-party defendant</i>	§	

MOTION TO QUASH SUBPOENA AND FOR PROTECTIVE ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Sharon L. Wilson (Wilson) and moves the Court to quash a subpoena and subpoena duces tecum served on her and to issue an order protecting her from oppressive discovery in a case in which she is not a party. In support of this Motion, Wilson would show as follows:

I.

Wilson is not a party to this case. She does, however, maintain a blog (TexasSharon.com), in which she discusses issues pertaining to oil and gas exploration. The defendants, Range Production Company and Range Resources Corporation (collectively Range) seek to depose Wilson even though any knowledge she has of the matters at issue in this case is secondhand and peripheral. Moreover, Range also has served on Wilson requests for production of documents.

Lipsky, et al. v. Durant, et al.; Motion to Quash Subpoena and for Protective Order -- p. 1 of 6 pgs.

The requests for production suggest that Range's true intent is to silence a critic rather than discover evidence relevant to the case. A true and correct copy of the subpoena (with duces tecum) is attached as Exhibit A.

II.

Many of the requests for production clearly seek documents that are not relevant to the subject matter of this case and are overly broad and unduly burdensome. For example:

- a. Request for Production No. 4 seeks all documents pertaining to communications between Steven and Shyla Lipsky and Wilson regarding, related to, or referencing Wolf Eagle (a third party defendant) without limiting the request to any issue in dispute in this case;
- b. A number of requests (e.g., 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 27, and 29) seek documents regarding communications between Wilson and third parties (e.g., the EPA, the Department of Justice, the U.S. Government Accountability office, the TCEQ, Texas Railroad Commission, the film maker Josh Fox, Wilma Subra, the Environmental Defense Fund, Wild Earth Guardians, Public Citizen, Downwinders at Risk, the Environmental Clinic of the University of Texas) "regarding, relating to or referencing" Range, without limiting the requests to matters pertaining to the lawsuit. Exacerbating the breadth of the requests, the terms "relating to", "regarding" or "referring to" are defined as "directly or indirectly mentioning or describing, pertaining to, being connected with or reflecting upon a stated subject matter." Range is defined as Range Resources Corporation and Range Production Company "as well as any and all persons acting on their behalf." Taking just one such request by way of example, and reading it in light of the definitions provided, Request Number 12 asks Wilson to produce all documents between her and the EPA that directly or indirectly mention or describe, pertain to, are connected with or reflect Range Resources Corporation, Range Production Company and/or any and all persons, acting on their behalf. The other requests are similar and seek documents that bear no relation to the subject matter of the pending litigation.

- c. Request for Production No. 29 requests documents pertaining to all communications between Wilson "and any other person from 2009 through the present" that directly or indirectly mention or describe or pertain to or reflect upon Range Resources Company and/or Range Production Company and/or any and all persons acting on their behalf.

III.

Additionally, a number of the Requests manifest the true intent of the subpoena and subpoena duces tecum: to harass Wilson and infringe upon her First Amendment rights. For example:

- a. Request for Production No. 26 requests all communications between Wilson and "members of the media" from 2005 through the present that directly or indirectly mention or describe or pertain to or reflect upon Range Resources Corporation and/or Range Production Company and/or any and all persons acting on their behalf;
- b. Request for Production No. 36 requests all documents regarding, relating to or referencing posts or articles published on websites operated by Wilson, in whole or in part, including but not limited to www.TexaSharon.com since 2005 relating to or mentioning Range Resources Corporation and/or Range Production Company and/or any and all persons acting on their behalf; and
- c. Request for Production No. 18 requests all communications between Wilson and film maker Josh Fox, from 2009 to the present, regarding, relating to, or referencing Range Resources Corporation and/or Range Production Company and/or any and all persons acting on their behalf.

IV.

The subpoena duces tecum served on Wilson is overbroad, unduly burdensome, and harassing. Moreover, it creates undue expense to Wilson, a nonparty. Many of the discovery requests don't even pretend to be limited to the subject matter of the underlying suit. And much of the discovery sought can be obtained from the parties, or is publicly available.

Lipsky, et al. v. Durant, et al.; Motion to Quash Subpoena and for Protective Order -- p. 3 of 6 pgs.

Most significantly, the subpoena duces tecum and the deposition itself, are a clear attempt to invade Wilson's rights under the First Amendment to the United States Constitution and chill her exercise of freedom of speech and of the press.

WHEREFORE, PREMISES CONSIDERED, the Movant requests that the Court, after notice and hearing, issue an order that the subpoena and subpoena duces tecum be stricken in their entirety and that her deposition not be taken. In the alternative, Movant requests that the subpoena duces tecum be reasonably limited to documents that are relevant to the subject matter of the underlying lawsuit, that are not available from the parties or public sources, that are not unduly burdensome, harassing or overbroad and that do not infringe upon Movant's First Amendment rights. Movant further requests in the alternative that her deposition be limited to the Movant's knowledge, if any, of matters directly related to the subject matter of the lawsuit. Movant requests such other and further relief to which she may be entitled.

Respectfully submitted,

REED, MCLAIN & GUERRERO, L.L.P.
3900 N. 10th Street, Suite 850
McAllen, TX 78501
Tel. No.: 956/631-5444
Fax No.: 956/631-9187

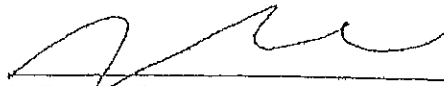
By: 

J. Scott McLain
State Bar of Texas No. 13735500

Attorney for Sharon L. Wilson

CERTIFICATE OF CONFERENCE

This will certify that I am in the process of conferring with Andrew Sims, counsel for Range Production Company. However, the imminence of the deposition necessitates the filing of the foregoing motion before the conference can be completed.



J. Scott McLain

CERTIFICATE OF SERVICE

On March 12, 2012, a copy of the foregoing Motion as sent by fax to:

Messrs. Andrew S. Sims, Russell R. Barton,
and Troy D. Okruhlik
HARRIS, FINLEY & BOGLE, P.C.
777 Main Street, Suite 3600
Fort Worth, TX 76102
fax: 817/332-6121

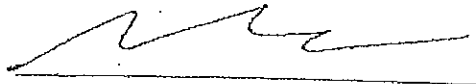
Mr. Mac Smith
VICK, CARNEY & SMITH, L.L.P.
111 York Avenue
Weatherford, TX 76086
fax: 817/596-8577

Mr. David Pole
RANGE RESOURCES CORPORATION
100 Throckmorton, Suite 1200
Fort Worth, TX 76102
fax: 817/869-9100
Attorneys for Defendant Range Production Company

Mr. David T. Ritter and Ms. Stephanie Sherman
ALLEN STEWART, P.C.
325 N. St. Paul Street, Suite 2750
Dallas, TX 75201
fax: 214/965-8701
Attorneys for Plaintiffs Steven Lipsky and Shyla Lipsky

Mr. George R. Carlton, Jr.
GODWIN RONQUILLO, P.C.
1201 Elm Street, Suite 1700
Dallas, TX 75270
fax: 214/760-7332
Attorney for Third-Party Defendant Allsa Rich

Mr. Albon O. Head, Jr., and
Ms. Sara Abbott McEown
JACKSON WALKER, L.L.P.
777 Main Street, Suite 2100
Fort Worth, TX 76102
fax: 817/870-5112
*Attorneys for Defendants Durant, Carter, Coleman LLC,
Silverado on the Brazos Development Company #1 LTD,
Jerry V. Durant, individually, James T. Coleman,
individually, Estate of Preston Carter,*



J. Scott McLain

EXHIBIT A

THE STATE OF TEXAS
SUBPOENA AND SUBPOENA DUCES TECUM

CAUSE NO. CV11-0798

STEVEN and SHYLA LIPSKY	§	IN THE DISTRICT COURT
	§	
	§	
v.	§	
	§	
DURANT, CARTER, COLEMAN	§	
LLC, SILVERADO ON THE BRAZOS	§	
DEVBLOPMENT COMPANY #1	§	
LTD, JERRY V. DURANT, Individually	§	
JAMES T. COLEMAN, Individually,	§	PARKER COUNTY, TEXAS
ESTATE OF PRESTON CARTER,	§	
RANGE PRODUCTION COMPANY,	§	
And RANGE RESOURCES	§	
CORPORATION	§	
	§	
	§	
v.	§	
	§	
ALISA RICH	§	43 RD JUDICIAL DISTRICT

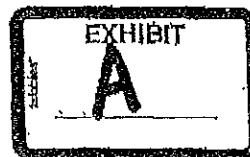
TO: Sharon L. Wilson
1121 Belvedere Drive
Allen, TX 75013

YOU ARE HEREBY COMMANDED to appear at the instance of DEFENDANT RANGE PRODUCTION COMPANY at the place, date, and time specified below to testify in the above case at an oral deposition, and remain from day to day until the deposition is completed. The deposition will be taken orally, and will be videotaped.

DATE: March 14, 2012 or such other date as may be mutually convenient
TIME: 9:00 a.m.
PLACE: Law offices of Harris, Finley & Bogle, P.C.
777 Main Street, Suite 3600,
Fort Worth, Texas 76102
or such other location as may be mutually convenient

YOU ARE FURTHER COMMANDED to produce at the oral deposition the documents, tangible things, and electronic data requested in the Notice attached hereto as Exhibit A.

Cause No. CV:11-0798
Notice of Subpoena and Subpoena Duces Tecum to Sharon L. Wilson

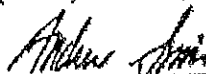


Further, data and information responsive to this Subpoena Duces Tecum that exists in electronic or magnetic form should also be produced in paper form in accordance with this Subpoena Duces Tecum and Rule 196.4 of the Texas Rules of Civil Procedure.

FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED IN CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.

This Subpoena Duces Tecum is issued at the instance Andrew D. Sims, Harris, Finley & Bogle, P.C., attorneys for Range Production Company, on February 22, 2012.

Respectfully submitted,



Andrew D. Sims
State Bar No. 18415600
Russell R. Barton
State Bar No. 1857250
Troy D. Okruhlik
State Bar No. 24032924
HARRIS, FINLEY & BOGLE, P.C.
777 Main Street, Suite 3600
Fort Worth, TX 76102
(817) 870-8700
(817) 332-6121 (fax)

Mac Smith
Texas Bar No. 18341800
VICK, CARNEY & SMITH, LLP
111 York Avenue
Weatherford, Texas 76086
Telephone: 817-596-5533
Telecopy: 817-596-8577

And

David Poole
State Bar No. 16123750
RANGE RESOURCES CORPORATION
100 Throckmorton, Suite 1200
Fort Worth, TX 76102

ATTORNEYS FOR DEFENDANT RANGE
PRODUCTION COMPANY

WITNESS ACCEPTANCE

I acknowledge receipt of a copy of the foregoing subpoena duces tecum, together with the \$11 tendered therewith.

Date: _____

OFFICER'S RETURN

Came to hand this _____ day of _____, 2012, and executed this _____ day of _____, 2012, at _____ o'clock _____ m. in the following manner: by delivering to _____ a true copy hereof, and tendering \$11.00, which _____ accepted.

Returned this _____ day of _____, 2012.

Authorized Person/Constable/Sheriff: _____

County of _____, State of Texas

By: _____

Fees: \$ _____
(Must be verified if served outside the State of Texas)

State of _____, County of _____
Signed and sworn to before me by the said _____ before me this _____ day of _____, 2012, to certify which witness my hand and seal of office.

[Seal]

County of _____, State of _____

Exhibit AInstructions

- 1) The singular form of a word includes the plural form of that word and vice versa.
- 2) The conjunctions "and" and "or" shall each be individually interpreted in every instance as meaning "and/or" and shall not be interpreted disjunctively to exclude any information otherwise within the scope of any specification.
- 3) Pursuant to Rule 196.4, the requests herein specifically include any documents, data, or information which may exist in electronic or magnetic form. Such documents, data, or information is requested in the form in which it is maintained by you in the ordinary course of your business or affairs.
- 4) Whenever documents exist in the form of computer tape, magnetic disks, or other electronic form, whether as separate files or a part of larger documents, the documents are to be produced in accurate and error-free computer-readable format with sufficient data file or data layout information to allow the documents to be read.
- 5) The request for production of documents includes the file or files in which the documents are contained or compiled. The request further includes all copies of any particular document that varies in any material way from the original, e.g., all documents with written notations, highlighting or marking thereon, or attached thereto, including the color of any such notations, markings or highlightings. Requests include all document drafts.
- 6) If any document requested was in your possession or control, but no longer is in your possession or subject to your control, state what disposition was made of it, the reason and date of such disposition.

Definitions

1) "All documents" refers to every "document" (as that term is defined herein), whether an original or copy, known to any individual or business organization to which this request is addressed, or to any officer, director, managing agent, file supervisor, or record keeper for such individual or organization, and every document which can be located or discovered by such persons through reasonably diligent efforts. The term "all documents" does not include multiple, identical copies.

2) "Person" includes and means any individual or entity, including, but not limited to, all natural persons, sole proprietorships, organizations, associations, companies, partnerships, joint ventures, corporations, trusts and estates, or any other form of business entity as the case may be.

3) "Document" and "documents" mean: (i) any and all written, typed, printed, reproduced, filmed, electronic, or recorded material, or (ii) any and all photographs, movies, videotapes, pictures, plans, drawings, or other representations of any kind, which pertain, describe, refer, or relate to the subject matter of a particular request, including, without limitation, the following:

(a) abstracts, advertisements, agreements, articles, audio tapes, binders, books, blueprints, cables, calendars, charts, checks, contracts, correspondence, data, databases, desk calendars, diagrams, diaries, dictation, drafts, drawings, e-mail, estimates, facsimile transmissions, file folders (electronic), files (electronic or paper), films, graphic representations, graphs, hand held computers (Blackberry, iPhone, iPad, Palm Pilots, etc.), illustrations, information, instructions, invoices, journals, learned treatises, ledgers, letters, letters of intent, lists, logs, manuals, memoranda, messages, minutes, money orders, notes, note pads, orders, organizers, papers, PDAs (personal desk assistants / personal digital assistants), photographs, pictures, PIMs (personal information managers) plans, publications (scientific and medical), pamphlets, quotes, receipts, recordings, releases, reports, resumes, settlement agreements, sketches, specifications, statements, summaries, telegrams, telexes, transcription of notes, transcriptions of tapes or recordings, work papers, worksheets, visual tapes, and any other writings, or tangible things in which any writing, typing, printing, photostatic, or other forms of communications are recorded or reproduced, as well as all notations on the foregoing;

(b) any electronic compilation of words, including, but not limited to, data, files, or information, including e-mail, *.jpg, *.txt, *.tif, *.mpeg, *.wav, *.wpd, *.doc, *.xls files, which have been saved to a computer network, computer hard drive, or other medium regularly used to store such words, data, or electronic or digital information, and without regard to whether or not a copy exists in paper form;

(c) any electronically stored data on magnetic or optical storage media as an "active" file or files (readily readable by one or more computer applications or forensics software); any "deleted" but recoverable electronic files on said media; any electronic file

fragments (files that have been deleted and partially overwritten with new data); and slack (data fragments stored randomly from random access memory on a hard drive during the normal operation of a computer [RAM slack] or residual data left on the hard drive after new data has overwritten some but not all of previously stored data);

- (d) originals and all other copies not absolutely identical to originals;
 - (e) all drafts and notes (whether typed, handwritten, or otherwise) made or prepared in connection with the document, whether used or not; and
 - (f) all file folders and envelopes containing documents.
- 4) "Communications" includes all emails, telephone logs, memoranda, letters, notes, correspondence, audio recordings, video recordings, and any other document evidencing or relating to the subject matter identified in the specific Request.
- 5) "Relating to," "regarding," or "referring to" mean directly or indirectly mentioning or describing, pertaining to, being connected with, or reflecting upon a stated subject matter.
- 6) "You" and "your," means Sharon Wilson, and any and all persons acting on your behalf.
- 7) "Residence" or "Property" means the approximate 13.7 acres of real property and improvements located at 127 River Oak Court, Weatherford, Texas, 76087, and made the subject of the above-numbered and styled cause.
- 8) "Water well" means the water well drilled on the Property located at 127 River Oak Court, Weatherford, Texas, 76087 that is the subject of the Lawsuit.
- 9) "Range" means Range Resources Corporation and Range Production Company, or either one of them, as well as any and all persons acting on their behalf.
- 10) "Lipsky" means Mr. or Mrs. Steven Lipsky, or both, and any persons acting on one or both of their behalves.
- 11) "Haley" means Mr. or Mrs. Rick Haley, or both, and any persons acting on one or both of their behalves.
- 12) "Wolf Eagle" means Wolf Eagle Environmental Engineers and Consultants or Wolf Eagle Environmental, LLC, and any other business name used by Alisa Rich for the environmental consulting company owned in whole or in part by Alisa Rich. The term "Wolf Eagle" also includes Alisa Rich individually.

13) The "EPA" means the United States Environmental Protection Agency, and includes all individuals acting on the EPA's behalf, including, but not limited to, Al Annandatz, John Blevins, Jerry Saunders, Chris Lister, Ron Van Wyk, Willie Lane, Jerry D. King, Carl B. Willis, Jeremy Seiger, Tucker Henson, Suzanne Murray, Ben Harrison, Cheryl Seager, James Allmand, James Jonas, Stephen Gilrein, David Garcia, Dobra Griffin, Diana Taheri, Carol Peters, Esteban Hunter, Doug Beak, Michael Overbay, Cynthia Giles, Adam Kushner, Bernadette Rappold, Matt Bogoshian, Linda Huffman, Larry Starfield, Katherine McCabe, Mark Pollins, Chris Wills, Scott McDonald, and any experts utilized by the EPA.

14) "Peck Water Well Service" means Peck Water Well Service, Inc., and any other business name used by Larry Peck for water well drilling owned in whole or in part by Larry Peck, and any employees or representative acting on its behalf, or on behalf of Larry Peck.

15) "Silverado on the Brazos Homeowner's Association" means the any and all homeowners' associations to which property owners in the Silverado on the Brazos development may or must belong, as well as any employees or representative acting on its behalf.

16) "Butler Well" means the Butler Unit Well 1H (permitted at Atwood, JB Survey, Abstract #802, Hood County, 660 feet from then line and 986 from the SE line).

17) "Teal Well" means the Teal Unit Well 1H (permitted at Atwood, JB Survey, Abstract #802, Hood County, 763 feet from then line and 948 from the SE line).

18) "Gas Wells" mean the Butler Well and the Teal Well.

19) "Railroad Commission" means the Railroad Commission of Texas.

20) "TCEQ" means that Texas Commission on Environmental Quality.

21) "DOJ" means the United States Department of Justice and includes all individuals acting on the EPA's behalf.

22) "Members of media" means newspaper reporters, television reporters, online reporters, radio reporters, bloggers, or other similar reporters, and includes, but is not limited to, Chris Hawes of WFAA Channel 8.

23) "Plaintiff's Original Petition" or "Original Petition" means the original petition filed in the above-numbered and styled cause by Plaintiffs Steven and Shyla Lipsky.

24) The "Lawsuit" means Cause No. CV11-0798 styled Steven and Shyla Lipsky v. Range Production Company and Range Resources Corporation, et al. v. Alisa Rich pending in the 43rd Judicial District, Parker County, Texas.

REQUESTS FOR PRODUCTION

Please produce the following items and tangible things, including all documents relating thereto:

1. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing air quality and and/or water quality at or near the Property and/or natural gas drilling at or near the Property.
2. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing the claims made by the Lipskys in the Lawsuit.
3. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing the Water Well.
4. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing Wolf Eagle.
5. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing Alisa Rich.
6. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing the EPA.
7. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing Range.
8. All communications between you and Steven and Shyla Lipsky, or either of them, from 2009 until the present, regarding, relating to, or referencing the Railroad Commission.
9. All communications between you and Steven and Shyla Lipsky, or either of them, from 2005 through the present, regarding, relating to, or referencing the Property.
10. All pictures or videos sent to you by Steven and Shyla Lipsky, or either of them, from 2005 through the present, depicting the Property, or the Water Well, or purporting to show gas in the water well.
11. All communications between you and Wolf Eagle, Alisa Rich, or both, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.

12. All communications between you and the EPA, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
13. All communications between you and the DOJ, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
14. All communications between you and the U.S. Government Accountability Office, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
15. All communications between you and the TCEQ, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
16. All communications between you and the Texas Railroad Commission, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
17. All communications between you and Hayley, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
18. All communications between you and filmmaker Josh Fox, from 2009 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
19. All communications between you and Wilma Subra, the Subra Company, or both, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
20. All communications between you and Ramon Alvarez, the Environmental Defense Fund, or both, from 2009 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
21. All communications between you and Jeremy Nichols, Wild Earth Guardians, or both, from 2009 until the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
22. All communications between you and Tom "Smitty" Smith, Public Citizen, or both, from 2009 until the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.

23. All communications between you and Jim Schembeck, Downwinders at Risk, or both, from 2009 until the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
24. All communications between you and Kelly Hatagan, The Environmental Clinic of the University of Texas, or both, from 2009 until the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
25. All communications between you and Circus Associates, LLC, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
26. All communications between you and members of the media, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
27. All communications between you and the DOJ, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
28. All communications between you and Allen Stewart, David Ritter, Stephanie Brooks, James Claunch, or Kirk Claunch, from 2005 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
29. All communications between you and any other person, from 2009 through the present, regarding, relating to, or referencing the Property, the Water Well, Range, or the claims made in the Lawsuit.
30. All communications between you and any person, from 2005 through the present, regarding, relating to, or referencing testing of the Lipskys' water well.
31. All test results, laboratory results, analysis and reports, whether drafts or final, regarding the air quality, ambient air fugitive emissions, or alleged natural gas emissions, inside the residence at the Property or outside at the Property, or both.
32. All test results, laboratory results, analyses and reports, whether drafts or final, regarding the water well, or the quality of the water from the water well.
33. All reports, notes, memoranda, correspondence, maps, charts, diagrams, photographs, videotapes, exhibits, slides, models, compilations of data, and any other documents, materials or tangible things created or prepared by you, or otherwise in your possession, relating to the Property.

34. All reports, notes, memoranda, correspondence, maps, charts, diagrams, photographs, videotapes, exhibits, slides, models, compilations of data, and any other documents, materials or tangible things created or prepared by you, or otherwise in your possession, regarding, relating to, or referencing the water well.
35. All photographs and videotapes of the water well at the Property.
36. All documents regarding, relating to, or referencing posts or articles published on websites operated by you, in whole or in part, including but not limited www.texasbaron.com, since 2005 relating to or mentioning Range.
36. All documents regarding, relating to, or referencing posts or articles published on websites operated by you, in whole or in part, including but not limited www.texasbaron.com, since 2005 relating to or mentioning the Lawsuit or the claims made by the Lipskys in the Lawsuit.

315&51.1

From: Alisa Rich <rich@wolfeagleenvironmental.com>
Date: August 12, 2010 3:24:35 PM CDT
To: lipsky@mac.com
Subject: gas fired microturbine

Steve,

I left a message for you earlier today regarding an air test at the wellhead. Yes, I know it is expensive - but after serious consideration I am strongly recommending we take an air sample 5 feet away from the hose that is hooked up to the well head. This is my thinking...

TCEQ does not have any jurisdiction over water, only the RRC - and you saw how helpful they were. Just wait, it gets better. However, TCEQ has total jurisdiction over air emissions. Once the natural gas leaves the water it is an airborne issue, and therefore falls into their laps to get involved - which they will jump because they are in the middle of SunSet Review (oversight by EPA).

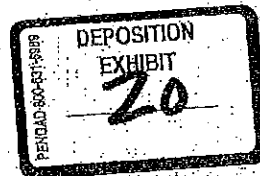
Also, I can then contact the EPA and discuss the fact that we have a multi-issue environmental concern, including potential for explosion AND impact to human health (especially children) they will be very receptive.

It is worth every penny if we can get jurisdiction to EPA who oversees TCEQ. I would like to get my tech out there tomorrow if you approve of this strategy. Please advise.

Second issue - harnessing natural gas for energy. What you are looking for is called a gas fired microturbine. This is a smaller scale turbine much like is used in generation of electric power from natural gas. They are sized for residential use. Capacity is approximately 25-500 KW of electricity and their size is about the size of a 55-gallon barrel. They tell me there are easy to install and really efficient. I do not know an installer right off but I am sure I can find one pretty quick. Free energy... great idea. But let's get your water fixed first.

Regards,
Alisa

Alisa Rich, MPH, PhD
President
Wolf Eagle Environmental
682-502-6056 office
682-502-6069 fax



This message contains information that may be privileged or confidential and is the property of Wolf Eagle Environmental. It is intended only for the person to whom it is addressed. If you are not the intended

recipient, you are not authorized to read, print, retain, copy, disseminate, distribute, or use this message or any part thereof. If you receive this message in error, please notify the sender immediately and delete all copies of this message. Wolf Eagle Environmental does not represent itself as a professional engineering firm in the State of Texas.

D

TXsharon
<sharon@gmail.com>
12/07/2010 05:09 PM

To: Al Armendariz
cc: "ralvarez@edf.org", Jeremy Nichols, "smitty@citizen.org",
"schermebeck@aol.com",
"KHARAGAN@LAW.UTEXAS.EDU", David Gray
bcc:
Subject: Re: EPA enforcement action on natural gas drilling in
Parker/Hood County

Yee haw! Hats off to the new Sheriff and his deputies!

From my iPhone

On Dec 7, 2010, at 4:54 PM, Armendariz.Al@epamail.epa.gov wrote:

Hi Everybody,

We're about to make a lot of news. The first story has already been printed. There'll be an official press release in a few minutes. Also, time to Tivo channel 8. Bug David for more info.

<http://www.wfaa.com/news/local/EPA-orders--111474704.html>

Makes me think about the first time I saw a FLIR camera video years ago on Jeremy's website from a Colorado investigation, or when I first appreciated the magnitude of poor fluid management practices from pictures and video on Sharon's blog.

Thank you both for helping to educate me on the public's perspective of these issues. And thank you all for your continued support and friendship.

Its been a crazy few days.

Best always,

Al

EPA acts after water contaminated by drilling in Parker County

by CHRIS HAWES

[Bio](#) | [Email](#) | Follow: [@ChrisHawesCh8](#)

WFAA

Posted on December 7, 2010 at 4:26 PM

MTC00038

Updated today at 4:26 PM

PARKER COUNTY — News 8 has learned the EPA has issued an emergency order after the agency says a natural gas company's operations contaminated drinking water in Parker County. It's the first confirmed case of its kind in the Barnett Shale. This afternoon the EPA issued an emergency order to Range Resources under the Safe Drinking Water Act. The order alleges natural gas from a Range Resources well contaminated two private drinking water wells, which draw water from the same aquifer. The company's been ordered to supply the families with clean drinking water, as well as monitors inside their homes, to assess methane levels. The EPA's also ordered Range to take the necessary action to halt the flow of methane into the water supply. EPA regional administrator Al Armendariz tells News 8 the EPA decided to issue the order after the Railroad Commission of Texas declined to act in the case.

MTC00039

Shale Gas Watchdog: Sharon Wilson Fills Void Left by Industry Lapdogs

Press Action

Tuesday, March 06, 2012

http://www.pressaction.com/news/weblog/full_article/sharonwilson03062012/

By Press Action

"When oil and gas producers confined themselves to fracking in the wide-open spaces of Texas and Oklahoma, nobody much gave a damn." –Jeff Goodell, "The Big Fracking Bubble: The Scam Behind the Gas Boom"

Not everyone in Texas kowtows to the natural gas industry. Texas may have the reputation of being a state where the industry always gets what it wants, especially at the legislative and regulatory levels. But at the grassroots, where activist Sharon Wilson is fighting to raise awareness about the dangers of natural gas drilling, more and more Texans are getting to know the ugly truth about the industry.

Wilson, organizer for Earthworks' Texas Oil & Gas Accountability Project, believes the best opportunities for making a difference are found at the local level. She gives talks to community groups, big and small, in gas producing regions up and down the state.



Getting local groups to speak in one voice against gas drilling is sometimes easier said than done. Recently, in Fort Worth, a group was fighting to keep salt water injection disposal wells out of the city limits. "That is kind of just kicking the can out into another community that is less fortunate," Wilson said in a recent conversation with Press Action. "What works best most of the time is to have small community groups that band together."

Aside from explaining the negative health impacts associated with gas drilling in the Barnett Shale in North Texas or the Eagle Ford Shale in South Texas, Wilson seeks to empower community groups by suggesting tools for defending themselves. For example, she recommends that groups and individuals operate a website or blog that they update regularly, providing the latest information on the effects of the gas industry's activities in their communities.

By maintaining blogs that focus on the activities of gas operators at the community level, people who search online "will get an answer that is very local and that really helps a lot, especially in Texas because Texans don't like anybody else telling them what to do," Wilson said.

For example, one neighbor will say, "There was a horrible toxic chemical release last night. Two of my children woke up with bloody noses. I have a rash. My husband has a headache," Wilson explained. "And then they'll say, 'Funny thing, I had a rash last night too.' And then they'll start connecting the dots. Organizing by neighborhood and

community is probably one of the best ways to go as far building an opposition."

Building an Insurgency

Wilson gained national attention last fall when she exposed the radical tactics used by the natural gas industry in its fight against the growing anti-shale gas movement.

In November, Wilson attended a gas industry conference in Houston for public relations professionals called "Media & Stakeholder Relations: Hydraulic Fracturing 2011," where she recorded presentations by industry officials. At the conference, Matt Carmichael, external affairs manager at Anadarko Petroleum Corporation, suggested attendees "download the U.S. Army/Marine Corps Counterinsurgency Manual because we are dealing with an insurgency."

Matt Pitzarella, director of corporate communications and public affairs at Range Resources, a leading U.S. shale gas producer, followed Carmichael on the conference agenda and explained how his company has hired several former U.S. military psychological operations, or psy-ops, experts. "It was like he didn't want to be outdone by Carmichael," Wilson said. "He bragged about this psy-ops. I was like, 'Holy cow! I can't believe I'm hearing this.'"

On Wilson's recording, Pitzarella can be heard saying: "We have several former psy-ops folks that work for us at Range because they're very comfortable in dealing with localized issues and local governments. Really all they do is spend most of their time helping folks develop local ordinances and things like that. But very much having that understanding of psy-ops in the Army and in the Middle East has applied very helpfully here for us in Pennsylvania."

Thanks to Wilson's gumshoe work, a conference designed to hone the skills of corporate communications professionals and refine the message of shale gas producers turned into a public relations disaster. "What's ironic is this conference was promoted as the new way forward for an industry that was losing the war on fracking," Wilson said. "But nothing has changed. It was the same old lies."

Along with the recommendation of hiring former military psy-ops experts, one of the other key takeaways from the conference was to make better use of social media, including Twitter and Facebook, she said.

Each week, Earthworks plans to release excerpts from the recordings Wilson made at the PR conference. Two weeks ago, for example, the group released an excerpt of the comments of another Anadarko Petroleum official, who can be heard recommending that attendees avoid the term "biocide" when describing the chemicals used in the hydraulic fracturing process. "We talk about biocides. Wow, that's a big word. That's bleach. So we've got to start talking bleach," the Anadarko official said. "So we need to kind of bring what we put in there down to where people can understand."

In response to her activism, Wilson has appeared on the radar of the gas industry's attack groups. "You're nobody until Energy In Depth writes about you," she said. "We wear that as a badge of honor. You can be very proud that you're having an impact if they do that."

All across the country, activists are getting noticed by energy companies and, in some cases, are gaining the upper hand. Environmental and citizen groups are using various tactics, some more effective than others, to express their frustration with how energy

companies conduct their business. Along with concerns about the impact of energy resource extraction, activists are also targeting the companies that burn fossil fuels.

"Non-governmental organizations like Sierra Club and Greenpeace are targeting utilities, particularly ones that rely heavily on coal, in an effort to change decision-making in the executive suites," said John Egan, president of Egan Energy Communications Inc., a utility-industry public relations firm. "Utilities have the tools and opportunities to respond effectively when they are targeted by guerrilla protests, but utilities face significant organizational challenges. Historically, they have been unable to move as quickly as protesters and are uncomfortable with the kind of direct confrontation espoused by activists."

The Sierra Club's recent campaign, AEP: What's Your Number? and the Sierra Club's ongoing Occupy Duke protests are "eye-catching attempts launched to shame utilities into changing their business practices," argued Egan. These actions, as well as coordinated public campaigns in some states against electric utility companies installing smart meters in homes, have had an impact. According to Egan, public dissatisfaction with utilities "can carry significant consequences—financial, operational, and managerial—that utilities ignore at their peril."

As highly regulated entities, electric utilities can be more easily swayed by public opinion than companies that operate at the upstream end of the industry. Natural gas producers have historically conducted business with much less oversight than utility companies. But times have changed for the exploration and production sector, thanks to the dedication of Wilson and other nongovernmental watchdogs.

"The trouble started in 2007, when drilling operators made a run on the Marcellus Shale, a broad region of gas reserves that stretches through Pennsylvania and up into Ohio and New York," Jeff Goodell, author of *Big Coal: The Dirty Secret Behind America's Energy Future* and other energy-related books, explains in an article in the current issue of *Rolling Stone* magazine. "Almost overnight, fracking's technological miracle was recast as the next great environmental menace."

The growing resistance to hydraulic fracturing in the Marcellus Shale forced the gas industry to create groups such as the Marcellus Shale Coalition, America's Natural Gas Alliance and Energy In Depth to tell the industry's side of the story. Before gas companies moved into regions of the country unaccustomed to large-scale oil and gas activity, the industry operated under a relative cloak of anonymity. But that changed when the companies started poking around in states like Pennsylvania and New York. Local residents wanted to know what the gas companies were really doing and, once the drilling started, they wanted the companies to be forthright about the potential risks involved in the industrial process known as hydraulic fracturing.

Having never faced such strong suspicion or opposition, the gas industry initially hid behind the argument that releasing the chemical contents of their fracking fluid would amount to giving away a trade secret that could harm their competitive position among their fellow drillers. But eventually the companies realized they needed to throw the public a bone to get them off their backs. About a year ago, the industry unveiled a database, located at www.fracfocus.org, as a place for companies to voluntarily list the contents of the fluid used in hydraulic fracturing.

At the Houston public relations conference, one of the buzzwords was "transparency,"

Wilson said. "If we don't have anything to hide then we should stop hiding," the company officials said. But Wilson doesn't believe the industry really wants transparency. They wouldn't be hiring former military psy-ops experts or closely monitoring the activities of anti-drilling activists if they wanted to build honest relationships with the communities in which they operate, she said.

EPA Finds a Friend in Texas

Aside from counseling community groups, Wilson provides assistance to the nation's big environmental groups. "Many actually have come to me when they need legitimacy —because Earthworks organizes on a very grassroots, on-the-ground level," she said.

In 2010, the Environmental Defense Fund paid to fly Wilson to the U.S. Environmental Protection Agency's offices in North Carolina to present four case studies of the health impacts caused by shale gas production in the Barnett Shale in Texas. She met with EPA officials in the Office of Air Quality Planning and Standards who were working on new rules for the oil and gas industry.

The EPA officials in North Carolina "were so impressed by the information I had presented to them that EDF then flew me to D.C. to meet with Gina McCarthy's team to present the same case study," Wilson said. McCarthy is assistant administrator of EPA's Office of Air and Radiation.

"While I was meeting with Gina McCarthy, she said it would really be helpful to us if you could get this information out to a wider audience in Texas because every time we try to do something to help Texas, then your governor sues us," Wilson said.

A few months after the meeting with McCarthy, Earthworks issued a report, titled "Natural Gas Flowback: How the Texas Natural Gas Boom Affects Health and Safety," that was widely circulated in Texas. Among the recommendations in the report were:

- The Texas Commission on Environmental Quality should step up its efforts to protect public health by strictly enforcing emission limits from oil and gas exploration and production equipment.
- The Texas Railroad Commission should implement rules requiring closed-loop drilling systems and water-based drilling fluids.
- The Texas Water Development Board should exercise its authority to evaluate groundwater resources and the impact that hydraulic fracturing withdrawal is having on groundwater resources.
- Authority to regulate air emissions from oil and gas exploration and production equipment should be overseen by the U.S. EPA.

Last July, the EPA issued regulations "to reduce harmful air pollution from the oil and natural gas industry while allowing continued, responsible growth in U.S. oil and natural gas production." Wilson welcomed the EPA's decision to develop the rules but described them as "not anywhere near stringent enough."

In Texas, Wilson realizes she faces an uphill battle to get the gas industry to clean up its act and ensure that communities are protected. She has no faith in the state regulatory system. "They're industry lapdogs, not citizen watchdogs," she said.

But she is beginning to notice a slight shift in public opinion. "It's kind of sad, but the best way to raise awareness is to have them drill next to somebody and let them find out how horrible it is," she said. "And they change their mind about drilling."

In Arlington, Texas, for example, a group of Tea Party activists are now having second thoughts about gas drilling. "They were very much for drilling. They just knew they were going to get rich. They were screaming about property rights and then they drilled next to them and now they're writing emails saying, 'we've been misled,'" Wilson said. "They hate the government and don't want anything regulated except oil and gas. Even some Tea Party people now seem to like the EPA in regard to this one very narrow issue."

Earthworks' EARTHblog can be found here. [Click here to visit Sharon Wilson's blog.](#) Wilson can also be found on [Twitter](#) and [Facebook](#).

Top photo, Sharon Wilson (Courtesy photo)

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Barnett Shale Emissions Meeting in Fort Worth

by TXsharon on November 20, 2009

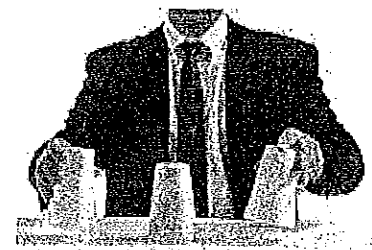
in Air pollution, Barnett Shale

I just got home from the meeting in Fort Worth about the toxic drilling emissions. Due to a massive traffic jam, I missed most of the meat of the meeting, Deborah Rogers' presentation. Someone please send me a copy of her presentation so I can turn it into a pdf and post it for everyone to read. Here's a little about Deborah:

Deborah Rogers, owner of Deborah's Farmstead, a dairy just west of Fort Worth, which she started on land that she and her husband bought from her Grandfather, turning it back into a working farm. Deborah has a herd of 85 dairy goats and makes artisanal cheeses, which have won several national awards and much acclaim. She currently serves on the Advisory Council for the Federal Reserve Bank of Dallas. She has become involved in a campaign to promote greater awareness of the environmental impact of a producing well near her farm

I just got in on the tail end and here are a few notes to summarize what i heard:

- The drillers over estimate production by 3 times what can be extracted because the reserve price drives stock prices.
- Historical production data – financial data is based on production that is not there or not recoverable.
- Recently, Aubrey McClendon said Chesapeake has only drilled 15% of the wells they plan to drill. That means another 60,000 to 70,000 wells will be drilled.



- The drilling treadmill = The drillers have to drill more wells to maintain the production levels and they have to drill more to support their debt.
- The technology exists to reduce air emissions by 99%
- Every \$1.00 spent on reducing air emissions gains \$9.00 in recovered product.

Fort Worth needs a moratorium for 6 to 12 months.

The next speaker was Dr. Michael Honeycutt, Toxicology Division Director, Texas Commission on Environmental Quality, Austin

The Toxicology Division helps focus TCEQ resources on areas with the greatest potential risks by:

- assessing risks to human health from exposure to environmental pollutants and
- reviewing models, data, assessments, permits, and cleanup plans for possible risks to human health, and estimating their effects on overall air and water quality.

Here's a summary of his presentation:



Dr. Honeycutt, by his own admission, knows not one single thing about drilling for natural gas but he can sure tap dance. More study required for...oh, about 20 years. The crowd was clearly unimpressed and hostile.

NOTE: TCEQ is trying to make it all about benzene and completely dismisses the neurotoxins which Dr. Theo Colborn says are the main concern. Ironic that Megan Collins from DISH, TX was sitting in the audience listening. I asked Dr. Honeycutt about the neurotoxins and pointed out that TCEQ didn't even test for the full range of toxins. They did not test for the sulfides even though one DISH resident has tested positive for Carbon Disulfide. (Most DISH residents can't afford the testing.) He said that they couldn't test for everything at once. (Huh?) I reminded him that Alisa Rich with Wolfe Environmental can test for everything, as she did at DISH, TX and at Deborah Rogers'. **Maybe the TCEQ should hire Alisa.**

Honeycutt interview on WFAA

The last speaker was Dr. David Sterling, Professor and Chair, Department of Environmental and

Occupational Health, School of Public Health at the University of North Texas Health Science Center in Fort Worth.

He received his PhD in 1986 from the University of Texas School of Public Health in Houston, TX, and is a certified industrial hygienist with training in toxicology and epidemiology, and expertise in exposure evaluation and risk assessment methodologies. Previously he was the Director of the Division of Environmental and Occupational Health at Saint Louis University School of Public Health and Co-Director for the Midwest OSHA Educational Center. Dr. Sterling has been involved with environmental and occupational based research, teaching and service activities for over 30 years. Areas of recent research include: exposure and health risk to lead and other related chemicals from mining, mine processing activities, smelters, and paint; methods for reduction of asthma morbidity and mortality in school aged children; air pollution impact on emergency department visits for children with asthma and other respiratory disease, and cardiopulmonary illness on older people; manganese exposure to workers and risk of parkinsonism; and asbestos exposure and disease risk.

Dr. Sterling didn't have a presentation and he only spoke briefly. Here's a summary:

- We need more study.
- We need more study to see **IF** we need emission controls.
- We need more study.

Okay so...

YAY Deborah!



{ 11 comments... read them below or add one }

Cheap Tricks and Costly Truths November 20, 2009 at 6:11 am

It would be interesting to see if either of these doctor experts have rec'd large monetary gifts as of late...or better yet...where do they live? Probably not next door to a well, huh?

Reply

Anonymous November 20, 2009 at 6:57 am

Over estimated reserves? The SEC could have a field day with that.

Tap dancing by Dr. Honeycutt will not fix benzene's toxicity. Cancer & leukemia are waiting in the wings for those around benzene.

I wonder if the goats & other livestock affected by drilling are like the canary in the coal mine. Think about it.

Reply

TXsharon November 20, 2009 at 12:34 pm

It's not just benzene! Don't buy that line they are trying to sell! The neurotoxins are worse than the benzene and TECQ didn't even test for everything. He told me that they can't test for everything so I said, "Well Elisa and Wolf can so maybe you should hire her." He didn't have any response for that.

Reply

Tim Ruggiero November 20, 2009 at 1:02 pm

I was disappointed not only in the turn out at last night's meeting, but also the substance. I learned nothing new. If I didn't know any better, I would think these 'panelists' (with the exception of Rogers) were running for office. Non-committal in their answers, and well-versed in "We need to look into that more".

How many people are going to die, become stricken with life-threatening diseases and disorders, how many children have to be sacrificed before actual action is taken?

If we wait until that money grabbing ass from Chesapeake has his way, we won't be able to turn around without running into a gas tank or drilling rig.

Reply

TXsharon November 20, 2009 at 1:13 pm

I wish we hadn't missed Roger's presentation. What we saw was hard-hitting no BS. I'm going to try to get a copy of her presentation to post online.

Reply

Jerry Lobdill November 20, 2009 at 2:12 pm

This is what I said would happen at this meeting. This is typical of the presentations that FWLNA has been producing over the past year and a half.

God bless Deb Rogers for recognizing what is going on in the Barnett Shale and standing up.

Were there many industry shills in the audience? Were written questions collected and presented to the panel by the moderator? Were they softball questions?

That is what happened in all the previous FWLNA presentations.

Reply

Cheap Tricks and Costly Truths November 20, 2009 at 9:14 pm

Tim, we all wonder the same thing. Maybe it's time for some peaceful resistance. How many tree huggers does it take, chained to a rig to bring in the national media? It's apparent we've need a

substantial catalyst; got to get the attention of someone else for transformation to occur.

Reply

Anonymous November 21, 2009 at 3:55 am

Where are the pastors and other religious leaders who have responsibilities for the spiritual (and physical/psychological since they're all connected)nourishment, health, and growth of their members? They have a duty to take a position and speak up @ this crisis in their communities. For Christians, we're supposed to "salt and light" in the world. It sure is getting dark and tastiing very bland out here where your "flock" live. Additionally, where are the family physicians and health care professionals, whose duties focus on the health and well-being (physical and emotional) of their patients, many of whom are their neighbors and fellow citizens. Maybe, they're too busy working on getting certified in specialties like oncology and endocrinology—apparently areas with growth potential, business-financial wise that is. In the event of a catastrophe, guess who will "pick up all the pieces"? Not the gassers—they'll be way to busy getting "lawyered up" (another growth industry—thanks to the Barnett Shale and the invaders who came in the Texas-sized Trojan Horse that was pulled right into the town squares/communities by willing leaders and officials.)

Reply

TXsharon November 21, 2009 at 3:58 am

I'll be posting a shocking response from one of Fort Worth's spiritual leaders. I thought I would save it for Sunday. It's heartbreaking.

Reply

Anonymous November 21, 2009 at 7:27 am

If you want more study and low numbers from air measurements, then the WCEQ is your organization to do the appointed chore! 100% success ratio. Need I say more?

Reply

Anonymous November 23, 2009 at 7:36 am

Now, Dr. Honeycutt wants voluntary benzene cuts, wwile more study is needed:

<http://www.star-telegram.com/local/story/1782464.html>

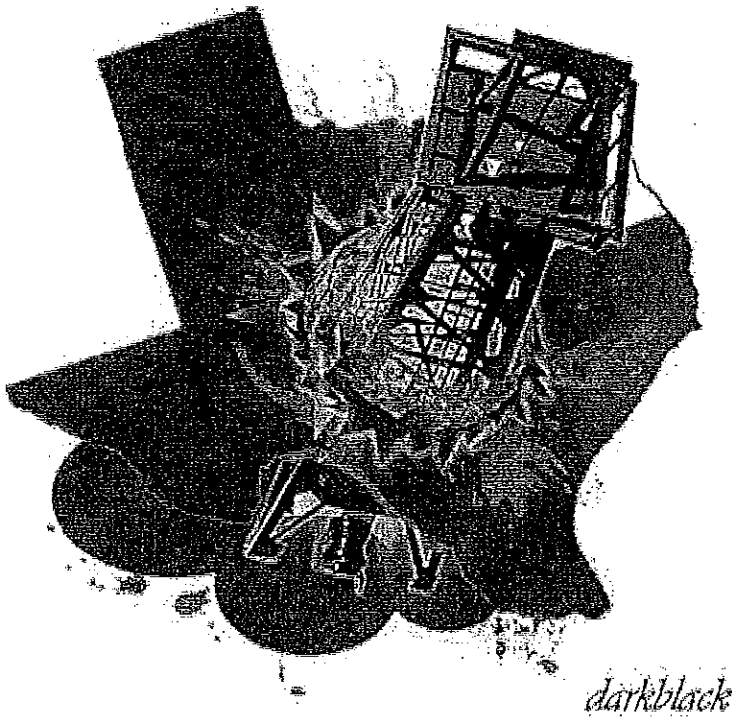
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- o Video and question for Dallas and Denton drilling task force members
- o Video: Dirty Dallas Drilling
- o New Eagle Ford Shale blog: Eagle Ford Watch
- o I'm watching the Denton drilling task force and live tweeting
- o Video: EPA's Hydraulic Fracturing Study Update
- o UT fracking study confirms that fracking is not the worst thing about fracking
- o Eagle Ford Shale learns fracking is not the worst thing about fracking
- o CEOs of top oil and gas companies coming to Dallas
- o ALERT: defend the protections for schools and parks in Dallas from gas drilling
- o Patton Boggs threatened scientists to prevent release of diesel exhaust health study
- o Don't let the door...
- o Introducing In Their Own Words. Post #1: fracking biocides are just bleach
- o FBI Criminal Division
- o LNG: An update on exporting US shale gas to Asia
- o Range Resources attorney abusive in deposition
- o I guess fracking really does create jobs.
- o Meet Judge Trey Loftin who ruled in favor of serial polluter Range Resources in Parker County water contamination case.
- o Hey Dallas watch this video of XTO fracking in a residential area
- o Ruling in Range Resources water contamination case is wrong
- o Arlington wakes up endlessly to fracking reality



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TCEQ Tap Dances on Barnett Shale Air in DISH, TX

by TXsharon on December 15, 2009

in DISH, TCEQ

I'll have more later on last night's public meeting in DISH, Texas, but I can't wait to post this alarming fact:

TCEQ has taken no enforcement action in Denton County since 2006!

Denton County has high levels of hydrocarbons in the air—the highest levels in the entire Barnett Shale. DISH, a tiny town in Denton County has amazing levels of carcinogens and toxins in the air. Last night, TCEQ officials talked about their “enforcement arm” but apparently someone industry has twisted that arm off.



UPDATE: See the Denton Record Chronicle report by Peggy Heinkel-Wolfe. This report accurately captures the atmosphere at the meeting last night.

Dish official wants Congressional investigation
TCEQ, Railroad Commission pressed for answers to air quality concerns

Additionally:

Reply

Anonymous December 16, 2009 at 1:37 am

Nothing about carbon disulphide is in the 2 news pieces about this Meeting I've looked at.

Reply

Anonymous December 16, 2009 at 5:07 am

After hearing about Wolfe Eagle vs. TCEQ benzene readings, I think the US EPA should audit regional and state environmental agencies for competence and accuracy in their monitoring.

If a regional/state agency flunks, they should be REQUIRED to use a independent certified tester.

DISH, and a water pollution case in Missouri, call into question how competent government agencies can be about testing.

Reply

TXsharon December 16, 2009 at 1:00 pm

Mayor Tillman stated that should TCEQ find they are unable to handle the situation, they should step aside and let EPA take over.

Reply

Anonymous January 2, 2010 at 8:17 pm

Having dealt with TCEQ for many years in our small business, I am not surprised by anything they do – or don't do, as the case may be. This agency is totally "owned" by big bidness – petrochemical and others who swell the campaign coffers of the Texas right. It has been my experience that when an ordinary Texan breaks one of their loosey-goosey rules, woe be to him who does not know an influential Republican! The wrath of the TCEQ will descend upon his head in a righteous fury.

Reply

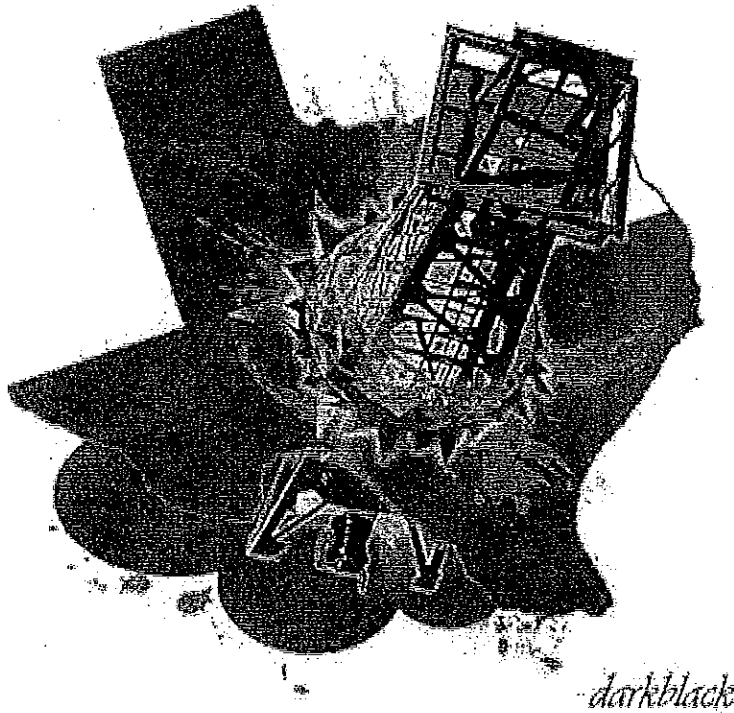
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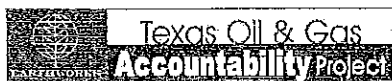
Website

- o Video: Dirty Dallas Drilling
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Correcting a mistake

by TXsharon on July 27, 2010

in TCEQ

I remember when Runner Susan found the disaster affectionately known as Shanty Town, the inspector from the Texas Railroad Commission chastised her by saying, "Everyone makes mistakes."

Okay, it's true that everyone makes mistakes but calling Shanty Town a mistake is quite a stretch and not taking responsibility for that mistake is intolerable. Unlike most mistakes, the Shanty Town mistake could have blown up an entire neighborhood.

Recently a mistake was made in something I posted. How to make Barnett Shale emissions safe for human health contained a few mistakes. The comments from both industry and competitors were brutal rabid and highly exaggerated, probably because those commenting (oh yes, I know who you are) had been caught, as I mentioned, in their own mistakes. But few and far between are those who admit their mistake.

Sharon, thank you for contacting me regarding the obvious error. The document attached was not the correct document. Wolf Eagle formally recants the last document and attaches the correct document below. Your efforts in presenting correct information is applauded. We apologize for the confusion to your readers, whether friend or foe.

The error was discussed with the Town of Flower Mound Staff and clarified. Thank you for contacting us immediately.

Alisa Rich, MPH, PhDc
 President
 Wolf Eagle Environmental

ESL Comparison

City	ESL	ppbv	ug/m3
124			
125			
126			
127			
128			
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134			
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As you can see, TCEQ has raised some of the ESLs and raised some of them by quite a bit.



{ 1 comment... read it below or add one }

Tim Ruggiero July 27, 2010 at 3:00 am

"Tim,
 TCEQ has always shown these values as both ppbv and ug/m3 shown side by side in a table... I'm sorry there is no conspiracy here but it is what it is... Wolf Eagle just did a lousy job. Opps I'm mean made a mistake...
 Rick"

What now, Ricky?

Reply

Leave a Comment

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E-mail *

Website



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Tools to fight back in the Barnett Shale

by TXsharon on March 21, 2010

in TCEQ

**We CAN fight back!
We CAN get better regulation!**

Here are some steps you can take to help protect your investment in your property and your environment. The data we collect from using these tools will provide the leverage we need to push the Recipe for Successful Drilling in Barnett Shale Communities and Towns.

Before the drilling starts:

1. Get baseline testing for air, soil and water. This will be critical evidence in the event you have contamination.

- Armstrong Forensic Laboratory
- Wolf Eagle Environmental

2. Get a property appraisal.

During the drilling process:

1. Be observant and pay close attention to what's happening.
2. Take photos and video for documentation.



3. Call the TCEQ with a complaint each time you smell any odors.

- TCEQ Complaint Hotline: Open for business
- Follow up with an Open Records Request using the TECQ online form to obtain all test results and any video taken.
- Send your results to me so we can compile the data for leverage.

4. Get private testing if the emissions become a problem.

- Armstrong Forensic Laboratory
- Wolf Eagle Environmental

After the well is completed:

1. Be observant and pay close attention to what's happening.
2. Take photos and video for documentation.
3. Call the TCEQ with a complaint each time you smell any odors.

- TCEQ Complaint Hotline: Open for business
- Follow up with an Open Records Request using the TECQ online form to obtain all test results and any video taken.
- Send your results to me so we can compile the data for leverage.

4. Follow up with private testing to confirm that your environment has been polluted

- Armstrong Forensic Laboratory
- Wolf Eagle Environmental

This system is working. Recently the TCEQ took an enforcement action against a Barnett Shale operator and more enforcement actions are planned. We are gathering documentation to use as leverage to get better regulation.

from: Tim Ruggiero
to: Wise County Alliance for Responsible Drilling
date: Sat, Mar 20, 2010 at 6:34 PM

I'm hearing that if enough people file enough complaints, that eventually the TCEQ can shut down a well. Even if this isn't true, the complaints, accompanied by those odor logs are what justify the TCEQ to take enforcement action against the operator.



{ 5 comments... read them below or add one }

Anonymous March 22, 2010 at 3:26 pm

Appreciate the information. We really need it. Alright Flower Mound, Lewisville, and Grapevine, heads-up!

Reply

scubawithdogs March 24, 2010 at 1:21 am

Come on! We have to get this information out to our neighbors who do not have or do not know how to use the internet.

Door to door flyers, pass out flyers with petitions, info tubes in your front yards, yard signs, student rally, anything let's think of ways to help educate the public to be able to better safeguard their neighborhoods.

I will help! Any ideas let's hear it, spread the word!

Reply

scubawithdogs March 24, 2010 at 2:54 am

COME ON IT IS A CHALLENGE. I will distribute more information than anyone and will buy dinner for anyone who proves they have beaten me. COME ON I AM EASY TO BEAT. IT COULD BE A FREE DINNER. WE JUST NEED TO DISTRIBUTE AS MUCH INFORMATION AS POSSIBLE REGARDING MEETING FOR CITY COUNCIL AND NEIGHBORHOOD MEETINGS. REPORT INFORMATION TO TCEQ AND OTHER AGENCY IN TEXAS.

GET INVOLVED YOU CAN DO IT, IF IT SOUNDS LIKE I AM BEGGING I AM AND THE BEGGING IS DIFFICULT FOR ME. SO HELP ANYWAY YOU KNOW HOW.

COME ON TRY AND PUT OUT MORE FLYERS THAN ME AND MY 3 TRUST CANINE COMPANIONS.

WE WILL SPANK YOU BUTTS OR AT LEAST GIVE IT A GOOD NIP IN THE BUD! LET US ALL GET INVOLVED! IT IS JUST LEG WORK.

Reply

TXsharon March 24, 2010 at 3:01 am

I've got to make a flier to distribute but first I have to attend a meeting tomorrow night and another one Thursday night. And that means I need to get my thoughts together as to what I'm going to say. So, it might take a while to get that flier whipped out. =)

Right now, I'm going to bed.

Reply

scubawithdogs March 24, 2010 at 3:31 am

ok

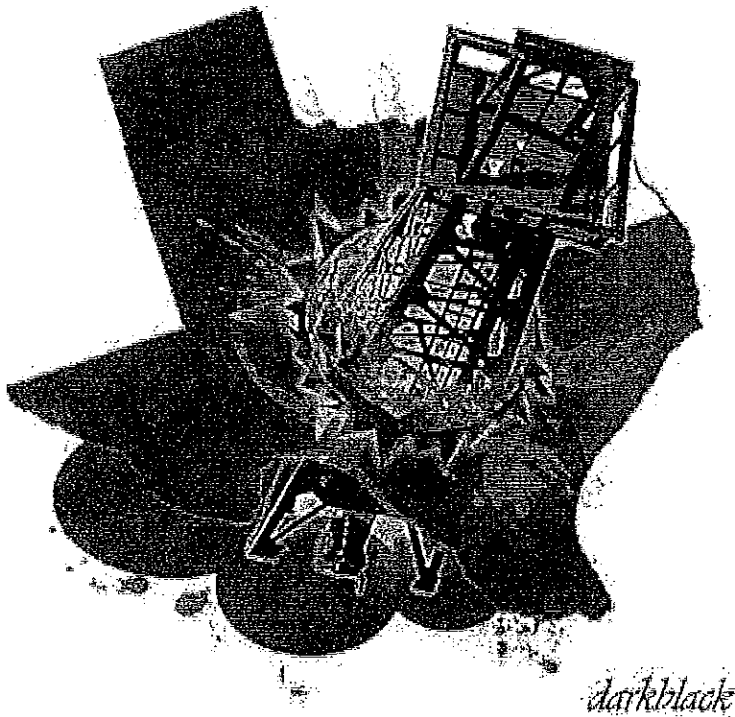
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DOCKET NO. 7B-0268629

1 COMMISSION CALLED HEARING)
2 TO CONSIDER WHETHER) Before the
3 OPERATION OF THE RANGE)
4 PRODUCTION COMPANY BUTLER)
5 UNIT, WELL NO. 1H(RRC NO.)
6 253732) AND THE TEAL UNIT,)
7 WELL NO. 1H(RRC NO. 253729),)
8 NEWARK, EAST (BARNETT SHALE))
9 FIELD, HOOD COUNTY, TEXAS,)
10 ARE CAUSING OR CONTRIBUTING)
11 TO CONTAMINATION OF CERTAIN) RAILROAD COMMISSION
12 DOMESTIC WATER WELLS IN) OF TEXAS
13 PARKER COUNTY, TEXAS)

14 ORAL AND VIDEOTAPED DEPOSITION OF
15 STEVEN P. LIPSKY
16 JANUARY 14, 2011
17 -----

18 ORAL AND VIDEOTAPED DEPOSITION OF STEVEN P. LIPSKY,
19 produced as a witness at the instance of the Range
20 Production Company and duly sworn, was taken in the
21 above styled and numbered cause on January 14, 2011,
22 from 9:41 a.m. to 4:58 p.m., before Gaylord Sturgess,
23 Certified Shorthand Reporter No. 744 in and for the
24 State of Texas, reported by Stenographic method at the
25 Law Offices of Taylor, Olson, Adkins, Sralla & Elam,
6000 Western Place, Suite 200, Fort Worth, Texas,
pursuant to the Texas Rules of Civil Procedure, Notice
(and the provisions stated on the record).

Job No. 9625 (110114GAS)
(GS-1104-mb)

1 Q When did she begin doing any testing in
2 your house?

3 A It was either -- I think it was the first
4 week of August; and maybe even late July. I don't
5 have it here in front of me. It's...

6 Q How did you come about hiring Alisa Rich
7 at Wolf Eagle Environmental?

8 A Called back to the Health Department.
9 The woman there told me to watch gas land, watch gas
10 land, and then someone referred me to her and others.

11 Q And who was this woman at the Health
12 Department?

13 A I have no idea. Whoever answered the
14 phone at the Health Department.

15 Q Was that in Parker County?

16 A That was actually back again when we had
17 it tested. We called the same department that was
18 here in Fort Worth. That would be Tarrant County.

19 Q When you say she told you to watch gas
20 land, what is "gas land"?

21 A A documentary footage about problems with
22 water wells that could light a fire.

23 Q Did you watch gas land?

24 A I'm sorry to say, yes.

25 Q Sir?

1 A Yes, I did.

2 Q After watching gas land, what did you do?

3 A Called everybody I could think of to try
4 to find out what was wrong.

5 Q And do you recall who gave you the name
6 of Alisa Rich, or Wolf Eagle Environment?

7 A No, I can't remember their name.

8 Q Do you remember it was a woman that
9 referred you to her?

10 A It was a woman, yeah, but I can't
11 remember her name. I haven't talked to her for a long
12 time.

13 Q What context did you know her?

14 A I didn't. She -- I -- contacted me,
15 again, I think through the website "gas land," because
16 I made a note on there. And I got referrals of numbers
17 for EPA, Railroad Department; I mean, everywhere.
18 TCEQ, I mean, just attorneys, this, that.

19 I mean, anything and everybody. Testing
20 facility, people that do it. It was a whole list of
21 names. And I just basically used that list and
22 started calling.

23 Q As I understand it, some lady or woman
24 referred you to Alisa Rich at Wolf Eagle?

25 A Yes, sir. And the EPA and everything

1 else, yes. It was a whole list of people.

2 Q Okay. The EPA referred you to Alisa Rich
3 at Wolf Eagle?

4 A No.

5 MR. STEWART: Objection, form.

6 A No.

7 Q Do you know who referred you to her?

8 A Yeah. I mean, I just don't have her
9 name. I could -- maybe it's somewhere, but I don't
10 have it with me.

11 Q Do you know where she worked?

12 A No, no. She didn't -- I have no idea. I
13 think she's in Texas, though.

14 Q Do you know what her phone number is?

15 A No.

16 Q You don't know what organization she
17 works with or works for?

18 A No. It's an organization -- but I don't
19 know what -- I don't even know the name of it right
20 now.

21 Again, I was more interested in names and
22 numbers.

23 Q Did you call the EPA?

24 A Yes.

25 Q What were you told?

1 A That the Railroad Commission handled it.

2 Q Who did you talk to at the EPA?

3 A The first person, I'm not sure. I even
4 called Austin at one time I think, so I'm not sure
5 exactly who the first person was.

6 Q Did you talk to anyone at the Railroad
7 Commission?

8 A Yes.

9 Q Who did you talk to?

10 A Again, the first time, I think just the
11 receptionist.

12 Q Do you know any names of anyone you
13 talked to --

14 A Vinson, Bubba, Doug Allman are the two
15 main people that I probably dealt with. Maybe some
16 others, but I can't -- I only talked to them once or
17 twice.

18 Q Did you talk to any of those people
19 before you engaged Alisa Rich at Wolf Eagle?

20 A Yes. The answer is yes.

21 Q Did you ever ask anyone that you felt
22 like was knowledgeable about environmental services
23 who would be a reputable person to provide such
24 services?

25 A I didn't know anyone.

H



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GASLAND: With never before seen footage from Texas.

by TXsharon on October 24, 2010

in Gasland,ShaleTest

Fort Worth Texas–ShaleTest will host the award winning and highly acclaimed documentary “Gasland” for a screening at the Lander’s Machine Shop Art Studio at 217 E Broadway in Fort Worth, TX.

Josh Fox will join the ShaleTest Board of Directors for a screening of the documentary in an intimate setting at the Lander’s Machine Shop on the Southside of Fort Worth. There will be **never before seen footage from right here in Texas** during this screening, and a question and answer session with the producer. After the viewing there will be an after party with Josh, and food and beverages will be provided. Please join the ShaleTest Board of Directors in welcoming Josh Fox and his award winning documentary to Fort Worth.

ShaleTest was formed by DISH, TX Mayor Calvin Tillman, and Wise County property owner Tim Ruggiero. Other founding board members include founder of the BlueDaze website and Texas Oil and Gas Accountability Project community organizer Sharon Wilson, Susan Knoll, of Bartonville TX and Cora Bell of Corinth TX.

Activities will begin at 6:30 PM with the screening beginning at 7:00 PM. Suggested donations are \$ 12 general admission, \$ 7 for students and \$ 50 for the after party. Tickets can be purchased in advance at www.shaletest.org.

When: October 26, 2010, 6:30 PM

Where: Lander's Machine Shop Art Gallery, 217 E. Broadway, Fort Worth, TX

For More Information

Contacts

* Calvin Tillman, Mayor, DISH, TX
(940) 453-3640, tillman4council@aol.com.

Tim Ruggiero
(917) 763-8901, truggiero@gmail.com

Sharon Wilson
(940) 389-1622, sharson@gmail.com

Links:

www.shaletest.org

www.gaslandthemovie.com



{ 1 comment... read it below or add one }

Anonymous October 25, 2010 at 7:56 pm

Any hints as to what the new footage is? There is sooooo much content to choose from.

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commentluv

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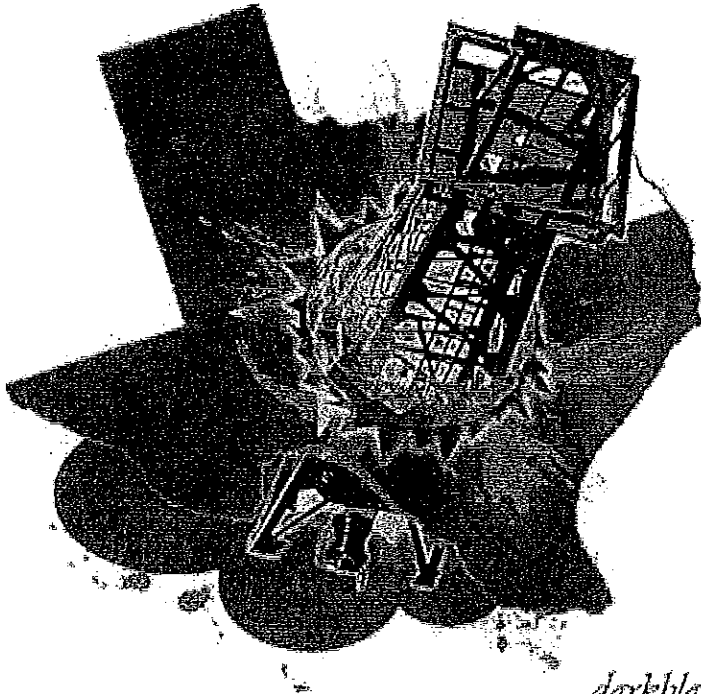
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- GhostBlogger on I've been served!
- Stan Scobie on Medford Oklahoma evacuated due to leak at ONEOK natural gas facility

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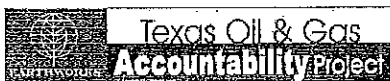
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- Medford Oklahoma evacuated due to leak at ONEOK natural gas facility
- Dear, Dear Readers
- Michael Kehs responds to Rolling Stone for CHK Chesapeake Energy
- Landowner alleges RRC Range Resources caused him to lose job
- Proof positive that the fracking industry does not know what the frack they are doing
- Chesapeake vents fracking Flowback putting another Arlington community at risk
- The fracking scam exposed in the Rolling Stone
- Meet Barry Smitherman new chairman of Texas Railroad Commission
- ABC's TV Foreign Correspondent: Meet the Frackers

- o I've been served!
- o Blogging from Dallas Drilling Task Force meeting
- o Video and question for Dallas and Denton drilling task force members
- o Video: Dirty Dallas Drilling
- o New Eagle Ford Shale blog: Eagle Ford Watch
- o I'm watching the Denton drilling task force and live tweeting
- o Video: EPA's Hydraulic Fracturing Study Update



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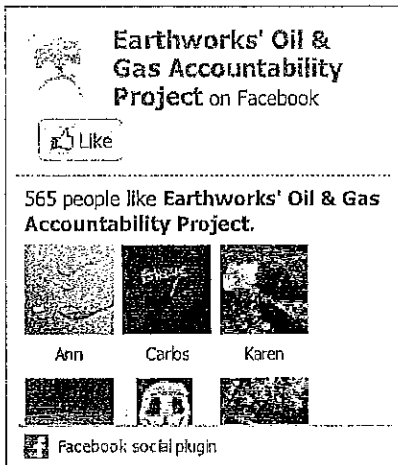


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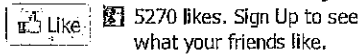
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Range Resources attorney abusive in deposition

by TXsharon on February 21, 2012

in ISEO,PSYOPS,Range Resources

I spent several hours today wading through the deposition of Mr. Lipsky by Range Resources' attorney. Mean, nasty and unethical must be a requirement for association with Range Resources. I don't know Lipsky. I met him briefly at the plea to jurisdiction hearing in Weatherford. After reading the abuse this man suffered in deposition, my regard for him is high.

You can download a copy of the deposition [HERE](#).

After all day of brutal grilling, Lipsky ends with this:

My water lights on fire. I want to know why. Okay? Just someone — the Railroad Commission definitely didn't come there to help me find out. Everyone's putting — hopefully, I just want, if I have to pay the money myself, which I already have, get the geologists or whatever, I just want to know what happened. I want to know if we have to leave. I want to know if we can stay. I want to know if it's coming through the ground. We want our lives back.

How many times have I heard these words? No, you can't stay. None of us can. They are making this whole area uninhabitable.

In case you've forgotten, Range Resources uses PSYOPS in our neighborhoods and they have a SLAPP suit against the Lipskys. Meet Judge Trey Loftin who ruled in favor of serial polluter Range Resources in Parker

County water contamination case.



{ 11 comments... read them below or add one }

Tim Ruggiero February 22, 2012 at 8:11 pm

I travel around the country almost every week. In the evenings, sitting in my hotel room, while I'm catching up on emails or reports, I have the TV on. I've lost count of how many commercials I've seen touting the importance of frack gas..excuse me, 'natural gas'. ANGA's latest commercials have variety of actors playing the part of 'Americans' from different age groups and ethnicity, all talking about 'energy independence', 'jobs', "American resource", 'clean burning' and on and on. All of which raises a question- especially for you, Industry PR mouthpieces-can you name one other company, corporation or industry that routinely takes out full page ads in national newspapers, runs TV commercials on a constant basis, or spends so much time, money and resources not so much advertising what they do, but rather JUSTIFYING it? Watch those commercials carefully..listen to the words used, and decide for your self what the frackers are really up to?

Reply

Hilarity Ensues February 22, 2012 at 8:45 pm

So we have a homeowner with a nice home and family, living their life, and then one day, he can set his water on fire. So he does what anyone else would likely do, is to start to ask questions. Why is this happening? What is causing this? Is my family and home in danger? Unfortunately for these folks, they put some faith in the Texas Railroad Commission, which is supposed to be actually conducting investigations and regulating this Industry. Unfortunately for Texans, the Commissioners see their job as more of a cheerleader for Industry rather than a police officer which they should be. So the TRRC shows up, have themselves a little look around, and decide after their 10 minute investigation, nothing's wrong. The TRRC never finds anything wrong, ever. They can't, for one simple reason: those political and campaign contribution checks to these simpletons would stop.

Industry pays big bucks for the TRRC to find nothing, do nothing and keep their mouth shut. TRRC Commissioners like Jones and Porter feel obligated to do something, so they whip out the pom poms and start cheering. Meanwhile, back at the ranch, the nice homeowners aren't getting very good answers, so they decide to find out for themselves. Enter Alisa Rich, who does some testing. Finds some serious problems with the water. Rich knows all too well the zero value in the TRRC, so she might have gone so far to URGE the homeowners to contact the EPA. The nerve of this woman! So, not knowing what else to do, the nice homeowners call the EPA. EPA arrives, and they, too find some serious problems going on. TRRC gets their knickers in a twist, and starts bashing the EPA, insisting the State has jurisdiction, not the Feds, so y'all git. The EPA does not git, and Matt Pitzarella starts working on the SPIN. Maybe makes a 'donation' to a certain judge in Parker County who is up for re-election. Nice Homeowner has had enough, sues Range. Range Resources, the ever-popular Good Neighbor, sues the nice homeowner and Rich. Sues Nice Homeowner because he called the real regulators, and sues Rich to shut her up. Judge realizes his hands are dirty, and finds a reason to get the case out of his court.

So let this be a lesson to y'all: When Good Neighbors like Range Resources show up in your backyard, you just better lie down and take it. That's the lesson the TRRC and Range want you to learn. My two cents is for you to be a Stephanie Hallowich or a Ron Gulla, both of which took Range full on in PA after Range ruined their homes.

Reply



TXsharon February 22, 2012 at 9:17 pm

Thank you for the super comment. I saw that this case was posted on Drilling Ahead today so I thought I would invite them to view the video and decide for themselves if it is deceptive. As you might expect, it's not going too well.

It's hard to get a man to understand something when his paycheck depends on not understanding.—Upton Sinclair.

Reply



TXsharon February 22, 2012 at 9:40 pm

What the hell? Here is the link:

<http://www.drillingahead.com/page/owner-of-contaminated-water-well-in-parker-county-texas-loses-in->

Reply

Tim Ruggiero February 22, 2012 at 9:42 pm

This isn't over. Al Stewart is a tough, unrelenting attorney with a great team. Range Resources are an unscrupulous bunch who will gladly spend millions to protect their billions and too arrogant to see that public perception is everything. I can only hope to make it to the actual trial. (assuming that Range does not come to their senses and fold before then)

Reply



TXsharon February 22, 2012 at 9:49 pm

I read every word of that deposition and I fell deeply in love with Al.

If Al doesn't get Range, Karma will.

Reply

Anonymous February 22, 2012 at 9:03 pm

Good blog above Tim. The frackers are ONLY UP TO Screwing us out of what we have. They will do

what ever they want to whenever they want to do it so as to allow the \$\$\$\$ to flow out of the hole. We (the peasants) have no help what so ever. I now of nothing that we can do except RUN.
PS: Also, do not spend any money for a residential home in Tx, other than what is needed for minimal survival.

Reply

Tim Ruggiero February 22, 2012 at 9:25 pm

There are a few areas 'off the frackin shale', such as where we live now. There were a handful of dry holes drilled back in the 80's, but nothing since. If companies like Chesapeake and their Ponzi schemes don't take them down, there's some possibility that after they have completely ruined and tore up Fort Worth, they will find themselves in our backyards in Pilot Point/Aubrey. That said, having 33 other states getting fracked, a diminishing fresh water supply, and a growing demand, where does one go?

Reply



TXsharon February 22, 2012 at 9:27 pm

We stand and fight.

Reply



TXsharon February 22, 2012 at 10:21 pm

From our friends at Drilling Ahead:
Comment by Ryan 8 minutes ago

TXsharon:

I am sorry to break this to you make sure you are properly anchored in you computer chair. OK there has not and will not ever be ethics in the oilfield. You are fighting a losing battle WE own the board and WE play the game, you on the other hand spectate and benefit! We all know it for what it is, find a new hobby!

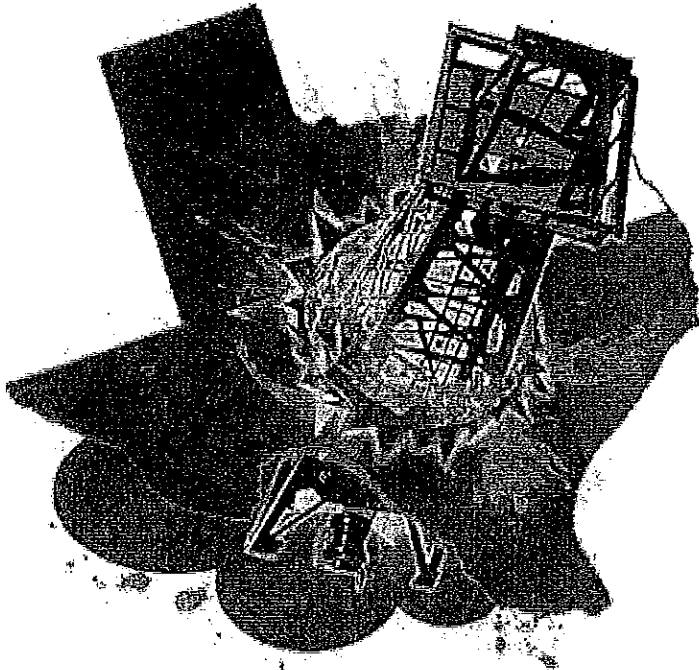
Oh and always remember.... every battle is won before it is ever fought!

Read more: http://www.drillingahead.com/page/owner-of-contaminated-water-well-in-parker-county-texas-loses-in-?commentId=3116006%3AComment%3A225122&xg_source=msg_com_page#ixzz1nAwPw6kY

Reply

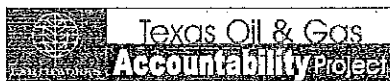
Engelbert Humperdinck February 29, 2012 at 10:46 am

So Range gives us another example of how abusive they by subpoenaing Sharon. Wonderful. It's like they can't help themselves.



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
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Range Resources plea to jurisdiction in fracking water contamination case

by TXsharon on December 1, 2011

in ISEO, Range Resources

Hello Fracking Insurgents,

I am in Parker County at a hearing where Range Resources has filed a plea to jurisdiction in the water contamination case where EPA had to step in. If the judge grants this motion, it means the Texas Railroad Commission is the final authority in fracking water contamination cases. It means you can't sue for damages if the Big Gas Mafia fracks up your water. It would be a disaster for all Texas water drinkers.

Keep your fingers crossed. I will update this post with the decision.

UPDATE: Range's attorney has admitted that it is "abundantly clear" that the geology in this area is unpredictable.

Yet, Range cut corners and did the least cementing job that was required. They CANNOT be trusted to do the right thing and protect our water.

UPDATE 2: No ruling until January. The judge thought both sides presented compelling evidence.



29
Like 29

{ 4 comments... read them below or add one }

Westchester Neighbor December 1, 2011 at 11:30 am

Wow. How LUCKY that would be for the Chairwoman of the Texas Railroad Commission and her family's business!

Reply



Kim Feil December 1, 2011 at 11:46 am

<http://videocenter.denverpost.com/services/player/bcpid934052406?bctid=1301488841001>

For those following other water contamination cases, a nearby petroleum company has leaked – seeped goo oily junk from ground sourcing 1/2 mile away into a creek that feeds Denver's water system. Another fossil fuel water disaster...I wonder if this happened in Texas how our RRC would figure out a way to get them off the hook? PS the fumes in the area require respirators for the clean up efforts.

Reply

Anonomous December 1, 2011 at 5:47 pm

Our 3rd branch of gubment at work, wasting our tax money. Nothing to help the ordinary peasants. There needs to be a 50% reduction in budget funding for the courts & cops in Tx.

Reply



TXsharon December 1, 2011 at 8:03 pm

I will fill you in more on this in the morning. Right now, I'm wiped out.

The judge is really sharp and he was not enthralled with Range's slick attorney. He absolutely feels the full weight of this decision but it is very narrow legally.

Today it was blatantly obvious that Range contaminated that water well.

Reply

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commentluv

Previous post: US net fuel exporter at our fracking expense.

Next post: Decision in Range Resources case would make Big Gas Mafia untouchable in Texas

-

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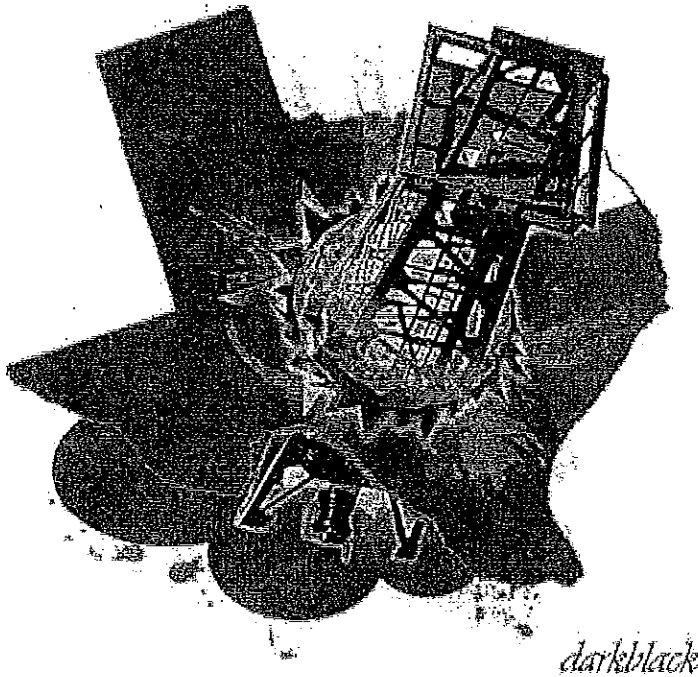
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- FM WatchDog on I guess fracking really does create jobs.
- TXsharon on I guess fracking really does create jobs.
- Tillotson on I guess fracking really does create jobs.
- I guess fracking really does create jobs. on Strip Joints and Prostitutes: Here's what America's Natural Gas Alliance did for you today

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- Arlington wakes up endlessly to fracking reality

- o Diverse group protests Keystone XL pipeline in Paris Texas
- o Massive fish kill from Magnablend fracking chemical spill
- o Keystone XL proceeds in Texas without permit
- o Happy unimaginative, consumerist, entirely arbitrary, manipulative and shallow interpretation of a romance day!
- o Forbes: Chesapeake desperate to solve financial problems
- o Jones resigned from Texas Railroad Commission
- o Standing near Eagle Ford Shale fracking melts shoes.
- o Three lies the oil and gas industry will tell you by Ed Ireland
- o MEDIA ADVISORY: In Texas Private Property a Growing Issue for Keystone Pipeline
- o Middle class schools in Denton and Tarrant get drilled and fracked more
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Decision in Range Resources case would make Big Gas Mafia untouchable in Texas

by TXsharon on [December 2, 2011](#)

in ISEO,Range Resources,Uncategorized

My dear friend, Laura Paskus, wrote another one of her powerful essays, Curiosity Prevails Over Despair. While Laura feels despair over the affects of climate change and the spoilage by reckless development of her favorite childhood forest area, her young daughter, driven by curiosity, finds many things to celebrate among the spoilage.

I held that image yesterday when my alarm when off at 5:00 AM and as I drove over two hours in crushing traffic to the Weatherford, Texas 43rd District Court to attend a hearing on Range Resources' plea to jurisdiction. If the judge rules in Range Resources' favor, the Big Gas Mafia will be untouchable in Texas. To read more about this case click on the ISEO category and click through several pages to the beginning.

When I was about nine, my pediatrician warned my mother that I would be one who dragged home stray puppies and fought for the underdog in society. I remember that conversation vividly. How could he know such a thing about me by looking in my ears and listening to my heartbeat? I've always wondered why championing the underdog should require a warning.

Okay. I will own that. I fight for the underdog. But, I'm also curious as all get out and I'm driven by the desire to leave behind a world that is habitable for Laura's daughter, Reilly Ruggiero, Emma Parr, my sons and all your children, even the Gashole's children.

It was curiosity that drove me to pay a lot of money--\$1.00 per page--for the court documents out of my own pocketbook. That is part of my contribution to this cause. You can make your contribution here—help me help you.

The Cliff Notes version of the plea to jurisdiction, as I understand it, goes like this (I am not an attorney so this is a

layperson's understanding.):

1. The Texas Railroad Commission (TRC) called for a hearing to determine if Range Resources contaminated or contributed to the contamination of the Lipsky water well. (NOTE: TRC Chairman, Elizabeth Ames Jones, did not recuse herself from this case despite the fact that she has a clear conflict of interest.)
2. Since the Lipskys' received the hearing notice with only three weeks to prepare a case, their attorneys called for a hearing to dismiss the Lipsky's as a party to the hearing.
 1. You are not bound by a court decision to which you were not a party.
 2. Range Resources spent \$3 million preparing for this hearing. What regular citizen can shell out \$3 million to prepare a case in only three weeks?
3. The TRC **RULED** that the Lipsky's were not a party to the hearing.
4. Range Resources objected to the ruling but the TRC upheld their **RULING**.
5. Range Resources did not appeal the decision—they could have.
6. The TRC held the hearing and **RULED** that Range Resources did not cause or contribute to the contamination of the Lipsky water well. (They did not hear the Lipskys' evidence because of the **PRIOR RULING** that the Lipsky's were not a party.)
7. Range Resources did not object to that ruling.
8. Range Resources filed a motion for a plea to jurisdiction that the TRC ruling at the hearing settled the matter and any civil proceedings would be a **COLLATERAL ATTACK**.
9. Lipsky's attorneys filed a response pointing out that the Lipskys cannot be bound by that ruling because they were not a party to the hearing. Therefore they did not get to present their evidence.
10. Range Resources wants the ruling in #6 to stand because they like that ruling but they don't want the ruling in #3 to stand because they don't like that one at all.
11. If the judge finds in Range Resources' favor the **Big Gas Mafia in Texas will be virtually untouchable in any cases of water contamination.**

Are you with me?

Here are a few of my favorite moments from yesterday's hearing:

The attorney for Range Resources, we'll call him Smarmy, elaborated in great detail about how "abundantly clear" it is that the area has "angular and nonconforming and unpredictable geology" with many natural pathways for gas to migrate.

The judge may be from a small Texas town but he is astute and seemed unimpressed with Range Resources' attorney and his "reputation for being skilled in these cases." He wondered aloud if there is no problem, then why would all these people (about 24 all sitting on the Lipsky side) show up in his tiny courtroom. So he asked about the well casing and wanted to know how the toluene got in the Lipsky's water. (Toluene does not occur naturally in water and is associated with fracking.)

NOTE: Here is something that many of you may not know: Natural gas wells are not cased all the way down. Statewide rules only require casing to go 200' below potable water. I don't know how far down the potable water is in Parker County but in Denton County it's about 800'. Most Barnett Shale wells are 8,000' to 12,000' deep. As you can see, that leaves a lot of area exposed and makes a perfect pathway for migration.

The attorney quickly pointed out that Range Resources' cementing job complies with TRC rules and **the open space is actually filled up with drilling mud.**

1. Range Resources was "abundantly" aware that the geology in that area is "unpredictable" yet they cut corners and only did the bare minimum required under TRC rules.
2. Drilling mud contains toluene.

Another favorite moment came when Smarmy showed video clips from the deposition of the Lipsky expert, Wayman Travis Gore, Jr., who is with PGH engineers, a petroleum engineering firm. The video clips were edited to only include a portion of Gore's answer. The judge was not impressed with the editing job and asked for the full deposition so he could see what part was edited out.

First a little background: There is some naturally occurring methane in some of the water wells in that area of Parker County. A picture of a water well near the Lipsky's that is flaring off gas has been passed around a lot by the Big Gas Mafia. That water well was drilled into a pocket of gas so essentially it was a gas well not a water well. The Lipsky's was a water well until Range Resources drilled near them. Now it is a gas well.

My curiosity kicked in and I had to get the Gore deposition to see what was edited out and it is "abundantly clear" that Smarmy exercised poor judgment in including this clip.

Here is what Smarmy showed us:

Q: Is it possible that some of the natural gas, other than the natural gas in the Lipsky water well, is occurring naturally?

A: I think, based upon the tests that were conducted that showed small amounts of natural gas in the other water wells, I think it would be reasonable to conclude that some small amount might be in the Lipsky well naturally.

Here is the complete answer:

A: I think, based upon the tests that were conducted that showed small amounts of natural gas in the other water wells, I think it would be reasonable to conclude that some small amount might be in the Lipsky well naturally. Not to the—I mean, clearly, the condition of the well as I understand it, and the quantity of gas that's there, it is more than just a small amount; it's a lot.

So, could a very small part of that be part of some natural occurrence unrelated, perhaps. But I think, given what we've discussed here today, that **the only logical explanation to me that will explain what is occurring at the Lipsky well is due to the completion and lack of surface casing in the Teal and the Butler wells.**

And here's a little more from the Gore depo:

Q: Is it possible—is it possible that the natural gas in the Lipsky water well, all of it, is occurring naturally? Is it possible?

A: I think the possibility would be so remote that I would venture to say that it would not be possible, given the contrast between the performance of the Lipsky well and the other wells that we know about.

So, while—is it possible? I think it would—I think it would be so low that it would be unreasonable to—kind of going back to more likely than not, I don't think that would be a reasonable conclusion.

Is there some slight minute possibility? Perhaps. But I really don't think that would be reasonable.


Smarmy also gave the aquifer drawdown excuse and I've already been over that one.

I think the judge feels the weight of this decision. He talked about a moral and ethical decision but also said he is bound by law. He thought both sides made compelling cases. He asked the Lipsky attorneys for some additional material. He will make his decision in early January.

On December 19, 2011, there will be a hearing on the Range Resources counter suit that is essentially a SLAPP suit against the Lipskys and Alisa Rich.

UPDATE: Another example of Range Resources cutting corners: Here's the poop on Range Resources' toxic spill in the Barnett Shale.



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Tracy December 2, 2011 at 5:38 pm

This is insane! I don't understand why this obvious corruption isn't being investigated at the Federal level. Our state is being taken over by the big oil and gas companies. They can get away with anything. It's absurd!! I never had anything against the oil and gas industry but I do now. It's out of control. They've ruined me (and a lot of other people) financially and it's condoned my own government. I just don't get it.

Reply

Alyssa Burgin December 2, 2011 at 6:00 pm

And now they have to face this vicious and vindictive SLAPP suit, which is all about punishing the whistleblowers and intimidating those who would follow them. This is insane, like part of a dark parallel universe. Thanks to you, Sharon, for being on the side of the 'little people'—because we obviously can't count on our government.

Reply

Westchester Neighbor December 3, 2011 at 2:00 am

Well, I'm exhausted. I just read this and clicked through all the links that go all the way back to 2007. What an amazing amount of work, Sharon. I hope this judge gets it right. He would, if he read even a small part of what you have documented over the years.

Reply

FrackingCrazy December 3, 2011 at 8:30 am

I wonder if they presented the data from the EPA,

When EPA stated Range Resources contaminated the Trinity Aquifer.

Reply



TXsharon December 3, 2011 at 10:02 am

The EPA evidence has nothing to do with this hearing. This is a purely a rule of law hearing. It's a decision on whether the Lipsky's get to bring a civil suite against Range or if they are bound by the TRC decision to which they were not a party.

IIMO, Range has to win this because it is so CLEARLY OBVIOUS that their actions caused the contamination. If they win this, it is game over and they get off free. If they don't win this hearing, there will be a civil suite and they will lose.

Reply

Christine Heinrichs December 6, 2011 at 1:36 pm

Thanks, Sharon, for interpreting this legal situation and shining the light of day on it. My faith is in the judge to find the reasonable and just decision.

Reply

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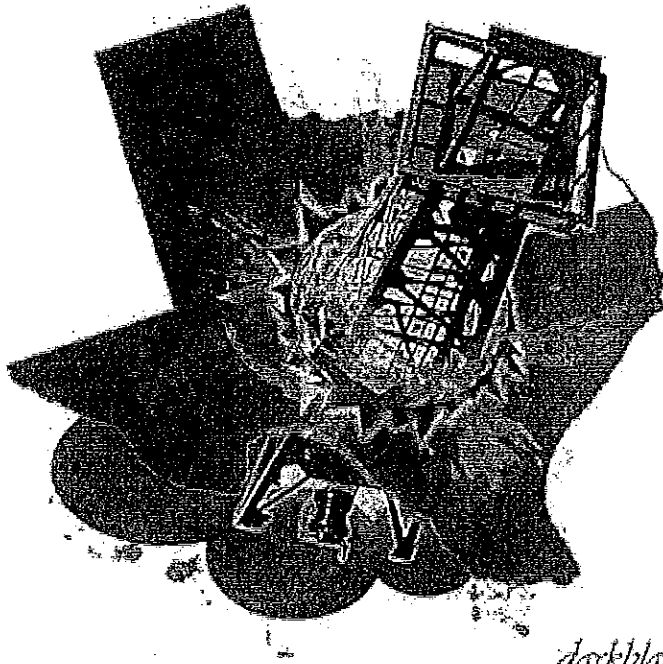
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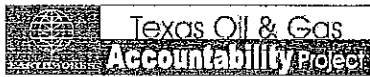
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DOCKET NO. 7B-0268629

COMMISSION CALLED HEARING)
TO CONSIDER WHETHER) Before the
OPERATION OF THE RANGE)
PRODUCTION COMPANY BUTLER)
UNIT, WELL NO. 1H(RRC NO.)
253732) AND THE TEAL UNIT,)
WELL NO. 1H(RRC NO. 253729),)
NEWARK, EAST (BARNETT SHALE))
FIELD, HOOD COUNTY, TEXAS,)
ARE CAUSING OR CONTRIBUTING)
TO CONTAMINATION OF CERTAIN) RAILROAD COMMISSION
DOMESTIC WATER WELLS IN) OF TEXAS
PARKER COUNTY, TEXAS)

ORAL AND VIDEOTAPED DEPOSITION OF
STEVEN P. LIPSKY
JANUARY 14, 2011

ORAL AND VIDEOTAPED DEPOSITION OF STEVEN P. LIPSKY,
produced as a witness at the instance of the Range
Production Company and duly sworn, was taken in the
above styled and numbered cause on January 14, 2011,
from 9:41 a.m. to 4:58 p.m., before Gaylord Sturgess,
Certified Shorthand Reporter No. 744 in and for the
State of Texas, reported by Stenographic method at the
Law Offices of Taylor, Olson, Adkins, Sralla & Elam,
6000 Western Place, Suite 200, Fort Worth, Texas,
pursuant to the Texas Rules of Civil Procedure, Notice
(and the provisions stated on the record).

Job No. 9625 (110114GAS)
(GS-1104-mb)

1 you today?

2 A Yeah. Yes.

3 Q If you would, look at the last page of
4 Exhibit 16.

5 Can you tell me what that says and what
6 it means?

7 (Short pause.)

8 A To tell you the truth, I have absolutely
9 no idea. What is this, 217 East Broadway -- Rendon?
10 Oh, oh, I think I know what this is. I think that
11 might be the address where they had the filming -- the
12 showing of gas scent.

13 THE REPORTER: Gas what?

14 THE WITNESS: Documentary. I think
15 that's the address where they gave us if we already
16 saw it. We just heard that they were in Fort Worth,
17 and that was the address that they were playing it at.

18 Q And who provided you that information
19 with that address?

20 A I can't remember who told me. It could
21 have been David. It could have been -- I'm not sure.
22 Just someone told me they were coming in this area.
23 So...

24 Q And "they" is who, who is, they are
25 coming in this area?

1 A The people who are -- the guy and the
2 people who put together gas --

3 Q Did you go see it at the Broadway address
4 there shown?

5 A We went there. We didn't watch the
6 movie. We saw it already.

7 Q And who's "we," when you say, we went
8 there?

9 A Me and my wife.

10 Q And when did you go to watch that or to
11 participate in the gathering?

12 A I don't know. Two and a half months ago.
13 I don't know. Do you have a date? Again, somewhere
14 around there.

15 Q How many people attended the gathering?

16 A I don't know. I thought it would be
17 more. Maybe a hundred.

18 Q Was Alisa Rich there?

19 A No.

20 Q Was anyone there from the EPA?

21 A No.

22 Q Who sponsored the meeting or the event?

23 A I'm not sure, but I think it was -- I
24 think like a testing company maybe. That's what it
25 looked like.

1 Q Do you remember the name of the testing
2 company?

3 A It might be that Shell test.org.

4 Q Did you get any names of anyone or cards
5 from anyone at the meeting?

6 A Yeah. I met Josh, the Director of the
7 show.

8 Q Anyone else?

9 A He was the main -- no, there was no one
10 else we really knew and ever met. And I don't think
11 we ever met again.

12 Q Did anyone speak or give a presentation,
13 or did they just show the film?

14 A Josh gave a short presentation, and they
15 showed the film. And then, again, we left because
16 we'd already seen the film before, and there was no
17 reason to sit there and watch it again. We had it at
18 home.

19 Q Do you remember when you wrote those
20 notes down?

21 A I'm guessing it was probably right about
22 the same time that they came to Fort Worth. Again, to
23 tell you the truth I think David gave it to me.

24 Q David Ritter?

25 A Yeah.

1 Q Did he go to the presentation, too, or do
2 you know?

3 A Not at Fort Worth, but I don't know if he
4 went to a different one, I don't know.

5 Q What is Exhibit 17?

6 A That's -- that's missing one. Those are
7 all the phone calls that I, personally, made to the
8 Railroad Department.

9 Q And when you say it's missing one, what
10 do you mean by that?

11 A I just added one later because I missed
12 one. It was somewhere down in the 811 area, a call.
13 I missed it from my other phone records. I decided it
14 was just one call that I didn't carry over.

15 Q Do you maintain phone records of all your
16 phone calls?

17 A The phone company does.

18 Q And have you acquired all those records?

19 A We just took them out of our folder.

20 Q And who is "we"?

21 A Me and my wife.

22 Q Did you prepare that list of phone calls
23 that's marked as Exhibit 17 for this deposition today,
24 or why did you prepare that list of phone calls?

25 A To show how I tried -- how hard I tried