



1    **INCHAMBERS PROCEEDING**

2    Present: Judge Pozonsky; Atty. Peter Villari;  
3    Atty. Erin McDowell; Atty. James Swetz; Stephanie  
4    Hallowich; Christopher Hallowich; Erick Rigby, law  
5    clerk, Joshua Camson, law clerk; Mary Anne Curran, court  
6    reporter.

7

8                   THE COURT: Good morning.

9                   MR. CAMSON: (Inaudible comment to judge.)  
10    They wanted me to tell you they object.

11                   THE COURT: We'll deal with it afterwards.

12                   MR. VILLARI: This is a more complete  
13    packet. It actually has the joint scheduling order.  
14    Everything under it is in order. The only thing that's  
15    not in it was the actual settlement agreement, the  
16    matters we wanted to be sealed and not exposed to the  
17    docket at any time until it was sealed.

18                   THE COURT: I don't need the scheduling  
19    order.

20                   If you'll identify yourself.

21                   MRS. HALLOWICH: Stephanie Hallowich.

22                   THE COURT: And your address, current  
23    address?

24                   MRS. HALLOWICH: 123 Hidden Valley Road,  
25    McMurray.

1 THE COURT: And your name and address?

2 MR. HALLOWICH: Christopher Hallowich,  
3 123 Hidden Valley Lane, McMurray, Pa.

4 THE COURT: Have each of you had the  
5 opportunity to review the Plaintiff's Petition For  
6 Approval of Settlement of Minors' Action pursuant to our  
7 local court rules?

8 MRS. HALLOWICH: Yes.

9 MR. HALLOWICH: Yes.

10 THE COURT: That was prepared by your  
11 attorney, Mr. Villari. Is that correct?

12 MRS. HALLOWICH: Yes.

13 THE COURT: Do either of you have any  
14 questions with regard to the proposed settlement of  
15 minors' claim that is set forth in the petition?

16 MRS. HALLOWICH: No.

17 THE COURT: And is it your request that the  
18 Court sign off on the petition as it has been presented  
19 to the Court by your counsel, Mr. Villari?

20 MRS. HALLOWICH: Yes.

21 MR. HALLOWICH: Yes.

22 THE COURT: Mr. Villari, there is some  
23 additional information maybe that you want to ask for  
24 the record, just to make sure that it is clear.

25 MR. VILLARI: I can, Your Honor.

1           You're both aware that, in exchange for the  
2 sum of \$750,000, you have given up all rights that you  
3 may have against all of the defendants in this case now  
4 and forever?

5           MRS. HALLOWICH: Yes.

6           MR. HALLOWICH: Yes.

7           MR. VILLARI: You accept that?

8           MRS. HALLOWICH: Yes.

9           MR. VILLARI: You also understand that in  
10 exchange for that sum, you are required to turn over  
11 your home to the defendants in exchange for which you  
12 will be able to buy a new home?

13          MRS. HALLOWICH: Yes.

14          MR. VILLARI: You have relinquished and  
15 given up all rights to that real property?

16          MRS. HALLOWICH: Yes.

17          MR. VILLARI: Do you understand that by this  
18 agreement each of you have been subjected to a  
19 confidentiality agreement, and I'll use this phrase, for  
20 want of a better one, which is in essence a gag order?  
21 You are not to comment, as I read it, in any fashion  
22 whatsoever about Marcellus Shale/fracking activities,  
23 and you accept that?

24          MR. HALLOWICH: Unfortunately, yes.

25          MRS. HALLOWICH: Yes.

1           MR. VILLARI: I would correct for the  
2 record, I did not draft this totally. There is an  
3 agreement that was drafted with all counsel involved.  
4 You understand that --

5           THE COURT: It was just my reference that  
6 the petition was submitted by you as their attorney. I  
7 stand corrected for the record.

8           MR. VILLARI: You both understand and accept  
9 that as written the settlement agreement may apply to  
10 your children's First Amendment rights as well?

11          MRS. HALLOWICH: Yes.

12          MR. VILLARI: I ask you these questions so  
13 that there is no disagreement in the future that I fully  
14 advised you as to what the intent and scope of that  
15 agreement may be. You understand that?

16          MRS. HALLOWICH: Yes.

17          THE COURT: Sir, it's just for the record, I  
18 need you to verbalize the response, that's all.

19          MR. VILLARI: Yes.

20          MR. HALLOWICH: Yes.

21          MR. VILLARI: And you accept that because  
22 you, as adults and as legal guardians and parents of  
23 these children, are accepting these terms and conditions  
24 because you believe it is in the best interests of not  
25 only them but your family?

1 MR. HALLOWICH: Yes, and health reasons.  
2 We needed to do this in order to get them out of this  
3 situation.

4 MR. VILLARI: Stephanie, yes?

5 MRS. HALLOWICH: Yes.

6 MR. VILLARI: You understand, Stephanie, I  
7 asked you specifically because, in fact, I continue to,  
8 regardless of what may be said about you on the Internet  
9 and blogs, and it continues, you cannot respond and you  
10 will not respond?

11 MRS. HALLOWICH: Yes.

12 MR. VILLARI: Chris?

13 MR. HALLOWICH: Yes.

14 MR. VILLARI: Neither can you do that on  
15 her behalf?

16 MR. HALLOWICH: Yes.

17 MR. VILLARI: You understand that our firm  
18 has reduced its fee to \$150,000, and you accept that as  
19 fair compensation for the work we have done?

20 MRS. HALLOWICH: Yes.

21 MR. HALLOWICH: Yes.

22 MR. VILLARI: Do you understand our firm has  
23 also incurred costs on your behalf in the amount of  
24 \$5,179.63. That sum of money will also be reimbursed to  
25 our firm. You accept that we have incurred those costs

1 and that they were fair and reasonable?

2 MRS. HALLOWICH: Yes.

3 MR. HALLOWICH: Yes.

4 MR. VILLARI: You authorized the  
5 reimbursement of the fees and costs to our firm?

6 MRS. HALLOWICH: Yes.

7 MR. HALLOWICH: Yes.

8 MR. VILLARI: Defense counsel have any  
9 questions? Given what I consider to be the somewhat  
10 unusual nature of the overall agreement, I want to make  
11 sure that my clients fully understood the extent under  
12 the confidentiality order. So if either of you have any  
13 questions that you feel I have missed in order that they  
14 on the record accept their obligations, I would  
15 encourage you to ask those questions now.

16 THE COURT: If you have no questions,  
17 that's fine. But I would ask you each to identify  
18 yourselves for the record and who each of you represent.

19 MR. SWETZ: This is James Swetz. I'm  
20 counsel for Range Resources. I have no further  
21 questions.

22 MS. MCDOWELL: Erin McDowell for Markwest.  
23 I have no further questions.

24 MR. VILLARI: One last question. You  
25 understand that this record has also been requested to

1 be sealed and that you have consented to it being  
2 sealed, which means that no one from this point forward  
3 will ever be able to review this record or have any  
4 understanding of what has happened here today or in the  
5 past lawsuit in which you, yourselves, were the  
6 defendants?

7 MRS. HALLOWICH: Yes.

8 MR. HALLOWICH: In order to protect the  
9 children, yes.

10 MR. VILLARI: You accept that?

11 MRS. HALLOWICH: Yes.

12 THE COURT: Is it your specific request  
13 after review of the petition and your review of your  
14 legal rights that it is your specific request on each of  
15 your behalves individually and on behalf of your  
16 children that the Court sign off on the order approving  
17 the settlement?

18 Is that your request, sir?

19 MR. HALLOWICH: Yes.

20 MRS. HALLOWICH: Yes.

21 THE COURT: Certainly, the Court believes  
22 that you've had ample opportunity to review your legal  
23 rights and it would appear to the Court that you are  
24 knowingly, willingly and voluntarily and intelligently  
25 requesting of the Court that I sign off on the order.



1 The Court is, in fact, prepared to do so and will do so.

2 Just for the record, Mr. Villari, I'm not  
3 certain what information you need for me to sign off on  
4 for the Prothonotary to seal this record, so I will sign  
5 the order that you have set forth which sets forth the  
6 breakdown of the settlement. It is indicating that it  
7 is an approval of the settlement in the amount set  
8 forth. But relative to the sealing of the record, if  
9 there is a separate document that the Prothonotary needs  
10 for me to sign, I certainly will do so.

11 MR. VILLARI: I do believe this is a  
12 separate proposed order that was prepared by all  
13 counsel, but I would like defense counsel to make sure  
14 that I'm correct about that.

15 MS. MCDOWELL: Correct, that we would first  
16 need to have this order to seal signed by you, Your  
17 Honor, and then to follow the petition.

18 THE COURT: Mr. Hallowich, do you have some  
19 questions for your counsel? If you want, we can go off  
20 the record if you want to ask Mr. Villari some  
21 questions.

22 MR. VILLARI: Why don't we go off the record  
23 first.

24 (An off the record discussion was held.)

25 MR. VILLARI: If it's a statement showing --

1 MRS. HALLOWICH: I'm sorry --

2 THE COURT: No need to apologize.

3 MRS. HALLOWICH: We have agreed to this  
4 because we needed to get the children out of there for  
5 their health and safety. My concern is they're minors.  
6 I'm not quite sure I fully understand. We know we're  
7 signing for silence forever, but how is this taking away  
8 our children's rights being minors now? I mean, my  
9 daughter is turning 7 today, my son is 10. How -- I  
10 guess that concerns me that we need to keep them safe,  
11 but --

12 THE COURT: Do you want to address that?

13 MR. VILLARI: I have counseled both Chris  
14 and Stephanie, as drafted, the order could be read to  
15 forever bar their two children from ever commenting on  
16 anything to do with fracking or Marcellus Shale. I have  
17 counseled them that they are minors. I, frankly, Your  
18 Honor, as an attorney, to be honest with you, I don't  
19 know if that's possible that you can give up the First  
20 Amendments rights of a child. I don't know. The  
21 defense has requested that be a part of the petition as  
22 worded. I will tell you honestly we objected, but again  
23 it was a take it or leave it situation and these people  
24 have made, I think, a wise decision on behalf of their  
25 family. They continue to offer this concern to defense

1 counsel. We're not objecting to this settlement --

2 MRS. HALLOWICH: No, no --

3 MR. VILLARI: -- we're not consenting.

4 MRS. HALLOWICH: -- no.

5 MR. VILLARI: But I will tell you as an  
6 attorney, I just don't know whether you can affect the  
7 First Amendment rights of a minor in a proceeding like  
8 this, and the agreement does do that, in my opinion.  
9 That's why I have counseled them. I have told them in  
10 an abundance of caution, and I'll be frank with you, to  
11 protect my law firm because I don't feel like someone  
12 coming around when they turn 18 and saying, "Look what  
13 you did to me." The fact remains as written it could  
14 easily be used against the two of them when they become  
15 of majority. I think that does --

16 THE COURT: Does defense counsel have any  
17 comment for the record?

18 MR. SWETZ: I just want to stress that this  
19 agreement was consented to.

20 MR. VILLARI: It was.

21 MR. SWETZ: We've all agreed to the  
22 provisions. The plaintiffs, the punitive plaintiffs in  
23 this case, the Hallowiches, are defined as the whole  
24 family. That's the way the contract has been written.  
25 That's what we've agreed to. Putting aside all these

1 other issues and sort of ancillary topics, that's what  
2 the settlement says, and that's what we've agreed to at  
3 this point.

4 MR. VILLARI: That's precisely why I so  
5 counseled my clients, Your Honor, because, as they have  
6 indicated, it is directed at the family, and these two  
7 minor children are part of the family. Again, I will  
8 say I have practiced 30-some years. I will say on the  
9 record I've never seen a request like this nor in my  
10 research that I can find anything that says it can be  
11 done, but they have made a choice, and it is a choice  
12 that they have been counseled on and --

13 THE COURT: So noted.

14 MR. VILLARI: That's all I can say. And,  
15 Chris, I don't have an answer for you or Stephanie other  
16 than what I've already told you, and I'm glad you  
17 brought this up because I want the Court to understand  
18 that is a possibility.

19 THE COURT: Nor does the Court have an  
20 answer for you, and I would agree with counsel that I  
21 don't know. That's a law school question, I guess.

22 MR. SWETZ: I guess our position is it does  
23 apply to the whole family. We would certainly enforce  
24 it.

25 THE COURT: Right, and candidly, you, as

1 the parents and the guardians, are bound by it. As it  
2 relates to your children, should they violate the terms  
3 and conditions, that would be up to defendants to  
4 enforce the provisions in whatever fashion and before  
5 whatever court that it might be appropriate.

6 MR. VILLARI: The two of you can make a CYA  
7 speech where you stand on the record --

8 THE COURT: Correct.

9 MR. VILLARI: I just don't know.

10 MRS. HALLOWICH: No.

11 MR. HALLOWICH: If I may, no matter where  
12 we live, they're going to be amongst other children that  
13 are children of people within this industry, and they're  
14 going to be around it every single day of their life,  
15 that if they, in turn, say one of the illegal words when  
16 they're outside of our guardianship, we're going to have  
17 difficulty controlling that. We can inform them. We  
18 can tell them they cannot say this, they cannot say  
19 that, but if on the playground --

20 THE COURT: So noted.

21 MR. VILLARI: I understand, you will do and  
22 you have accepted to do the best you can as parents to  
23 prevent that from happening.

24 MRS. HALLOWICH: Yes.

25 MR. HALLOWICH: Yes.

1                   THE COURT:     Based on the information before  
2 the Court, the Court will direct that the joint motion  
3 to file a petition for approval under seal of the  
4 confidential agreement attached thereto is granted, and  
5 the Court will sign that particular order, and at the  
6 request of the plaintiffs, the Court will now sign off  
7 on the order as well.

8                   MR. VILLARI:   Thank you, Your Honor.

9                   THE COURT:     You're quite welcome. I'll get  
10 that to you for filing. I'm going to have my clerks go  
11 with you --

12                   MS. MCDOWELL:   Thank you.

13                   THE COURT:     -- so that everything can be  
14 filed properly of record.

15                   MR. SWETZ:     Thank you for accommodating us.

16                   THE COURT:     You're welcome, no problem.

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18                   (The proceeding concluded.)

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C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the above cause, and that this copy is a correct transcript of the same.

/s/ Mary Anne Curran  
Mary Anne Curran, Court Reporter

The foregoing record of the proceedings at the hearing in the above cause is directed to be filed.

/s/ Debbie O'Dell-Seneca PJ  
DEBBIE O'DELL-SENECA, PRESIDENT JUDGE

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