

IN THE CIRCUIT COURT OF
HARRISON COUNTY, WEST VIRGINIA

ROBERT ANDREWS,)
DEBORAH ANDREWS,)
RODNEY ASHCRAFT,)
KATHERINE ASHCRAFT,)
LINDSEY FEATHERS,)
APRIL GOLDEN,)
ROBERT GOLDEN,)
M.G., a minor,)
by and through his father)
ROBERT GOLDEN,)
DANIEL KINNEY,)
SHARON KINNEY,)
KAYLA LOWTHER,)
DOUGLAS MAZER,)
CATHERINE MAZER,)
CHARLES A. MAZER,)
SHAWN MAZER,)
CHARLES T. MAZER,)
SUSAN MAZER,)
GREGG MCWILLIAMS,)
MARY MIKOWSKI,)
ERIC NICHOLAS,)
DAVID SCOTT NUTT, JR.)
ROBERT SIDERS, and)
BETTY SIDERS,)

Plaintiffs,)

v.)

ANTERO RESOURCES)
CORPORATION, ANTERO)
RESOURCES BLUESTONE,)
LLC, and HALL DRILLING, LLC,)

Defendants.)

CASE NO. 13-C-434-3

HON. JUDGE Matish

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs Robert Andrews, Deborah Andrews, Rodney Ashcraft, Katherine Ashcraft, Lindsey Feathers, April Golden, Robert Golden, M.G., a minor by and through his father Robert Golden, Daniel Kinney, Sharon Kinney, Kayla Lowther, Douglas Mazer, Catherine Mazer,

Charles A. Mazer, Shawn Mazer, Charles T. Mazer, Susan Mazer, Gregg McWilliams, Mary Mikowski, Eric Nicholas, David Scott Nutt, Jr., Robert Siders, and Betty Siders (hereinafter sometimes collectively referred to as “Plaintiffs”), by and through counsel, Aaron L. Harrah, James C. Peterson, and THE LAW FIRM of HILL, PETERSON, CARPER, BEE and DEITZLER, PLLC, for their cause of action against Defendants Antero Resources Corporation, Antero Resources Bluestone, LLC, and Hall Drilling, LLC, (hereinafter sometimes collectively referred to as “Defendants”), state and allege as follows:

NATURE OF CASE

1. This is an action by residents and/or owners of property in Harrison County, West Virginia for private temporary continuing abatable nuisance and negligence/recklessness against Defendants Antero Resources Corporation, Antero Resources Bluestone, LLC, and Hall Drilling, LLC for damages arising from Defendants’ oil and/or natural gas drilling, exploration, extraction, pipeline construction, water processing, and related acts and/or omissions described more fully below.

2. Plaintiffs, Plaintiffs’ homes, Plaintiffs’ properties, and Plaintiffs’ quality of life have all been negatively impacted and Plaintiffs are no longer able to enjoy their lives and use and enjoy their homes and properties in the way they previously enjoyed prior to Defendants’ acts and/or omissions described herein.

PARTIES

3. Plaintiffs Robert Andrews and Deborah Andrews are husband and wife who reside at 1461 Stillhouse Road, Salem, West Virginia. They have resided on their property since 1992.

4. Plaintiffs Rodney Ashcraft and Katherine Ashcraft are husband and wife who reside at 1155 Stillhouse Road, Salem, West Virginia. They have resided on the property since 1961.

5. Plaintiff Lindsey Feathers resides with the Mazer family at 1742 Stillhouse Road, Salem, West Virginia. She has resided at this address at various relevant times from 2011 and currently resides there full-time.

6. Plaintiffs Robert Golden and April Golden are husband and wife who, along with their minor son, M.G., reside at 1336 Cherry Camp Road, Salem, West Virginia. The Golden's have resided on the property continuously since 2001 and their minor son, M.G., has resided on the property since he was born.

7. Plaintiffs Daniel Kinney and Sharon Kinney are husband and wife who, along with Sharon's son, David Scott Nutt, Jr., reside at 1104 Cherry Camp Road, Salem, West Virginia. They purchased their property in 1975 and have continuously resided there since that time.

8. Plaintiff Kayla Lowther resides at 974 Cherry Camp Road, Salem, West Virginia. She has resided at that address during all relevant times herein.

9. Plaintiffs Douglas Mazer, Catherine Mazer, Shawn Mazer, and Charles A. Mazer, reside at 1742 Stillhouse Road, Salem, West Virginia. Plaintiffs Douglas Mazer and Catherine Mazer are husband and wife and are the parents of two, adult sons, Shawn and Charles A. Mazer. They have resided at that property since 2001.

10. Charles T. Mazer and Susan Mazer are husband and wife who reside at 146 Rainbow Ranch Road, Salem, West Virginia. They acquired the property in 1975 and have continuously resided there since that time.

11. Plaintiffs Gregg McWilliams and Mary Mikowski are husband and wife who reside at 219 Haymond Woods Road, Salem, West Virginia. They acquired their property in 1997 and have continuously resided there since that time.

12. Plaintiff Eric Nicholas resides at 974 Cherry Camp Road, Salem, West Virginia. He has resided at the property since 1974.

13. Plaintiffs Robert Siders and Betty Siders are husband and wife who reside at 457 Haymond Woods Road, Salem, West Virginia. They acquired their property in 1968 and have resided there continuously since that time.

14. Defendant Antero Resources Corporation is a foreign corporation authorized to do business in West Virginia. Its principal place of business is located at 1625 17th Street, Suite 300, Denver, Colorado, 80202. It may be served with process through its registered agent, CT Corporation System, 5400 D Big Tyler Road, Charleston, West Virginia, 25313.

15. Defendant Antero Resources Bluestone, LLC, is a foreign limited liability company authorized to do business in West Virginia. Its principal office address is located at 1625 17th Street, Denver, Colorado, 80202. It may be served with process through its registered agent, CT Corporation System, 5400 D Big Tyler Road, Charleston, West Virginia, 25313.

16. Defendants Antero Resources Corporation and Antero Resources Bluestone, LLC shall hereinafter be referred to collectively as "Antero."

17. Defendant Hall Drilling, LLC, ("Hall Drilling") is a domestic limited liability company authorized to do business in West Virginia. Its principal place of business is located at 981 East Washington Avenue, Ellenboro, West Virginia, 26346. It may be served with process through its registered agent, Ginnie Morrison, at P.O. Box 249 Ellenboro, West Virginia, 26346.

18. Hall Drilling is a natural gas drilling company that has, or at relevant times, had a leasing partnership with Bluestone Energy Partners. Bluestone Energy Partners was a general partnership authorized to do business in the state of West Virginia that merged with Antero Resources Corporation to form Antero Resources Bluestone, LLC, in late 2010.

JURISDICTION AND VENUE

19. Jurisdiction is appropriate in this Court because Plaintiffs reside in West Virginia and Defendants regularly conduct business in West Virginia.

20. Venue is appropriate in this Court because the Plaintiffs reside in Harrison County, West Virginia, Defendants' natural gas activities at issue in this action were conducted in Harrison County, West Virginia, Defendant Hall Drilling is a West Virginia domiciled business entity and the harms complained of herein occurred in Harrison County, West Virginia.

GENERAL ALLEGATIONS

21. Plaintiffs incorporate the preceding paragraphs as though fully set forth herein.

22. Plaintiffs all have possessory interests in their property in Harrison County, West Virginia.

23. Since living in Harrison County, the Plaintiffs had come to expect and enjoy the quiet, fresh air, fresh water, privacy, darkness of night, and overall peacefulness of the area.

24. As a result of Defendants' natural gas exploration, extraction, transportation and associated activities in close proximity to their properties, Plaintiffs have suffered and continue to suffer significant damages to their rights to the use and enjoyment of their property for which they are entitled to compensation.

25. Defendants are, and/or were at all times relevant hereto, engaged in drilling activities, and/or had others engage in such drilling activities on their behalf, and owned,

operated, and/or maintained several natural gas wells in Harrison County, West Virginia, on or in close proximity to Plaintiffs' homes and/or property.

26. At all times mentioned herein, in order to extract natural gas from its wells, Defendants used a drilling process known as horizontal drilling and hydraulic fracturing. Hydraulic fracturing requires the discharge of enormous volumes of hydraulic fracturing fluids otherwise known as "fracking fluid" or "drilling mud" into the ground under extreme pressure in order to dislodge and discharge the gas contained under the ground.

27. The composition of "fracking fluid" and/or drilling mud includes chemicals that are hazardous and toxic.

28. Diesel fuel, water-based fluids, and/or synthetic mineral oil-based fluids, and lubricating materials, also consisting of hazardous and toxic chemicals, are utilized during drilling and well operations.

29. Upon reasonable information and belief, Defendants have repeatedly operated their wells in such a manner that unreasonably and substantially interferes with Plaintiffs' use and enjoyment of their property, and caused Plaintiffs a substantial loss of quality of life.

30. Upon reasonable information and belief, Defendants' natural gas wells have been grossly and negligently mismanaged, resulting in several spills that discharged onto nearby land and water bodies on or near Plaintiffs' property and into open and negligently managed reserve pits.

31. Upon reasonable information and belief, Defendants' natural gas activities have contaminated Plaintiffs' water supply and damaged the integrity of Plaintiffs' water for drinking, bathing, and other household use. Defendants advised one or more Plaintiffs not to use or drink their well water.

32. In constructing, operating, and maintaining their natural gas wells, Defendants have frequently and intermittently caused or contributed to cause the creation of one or more of the following conditions on and/or near the property of the Plaintiffs' which include, but are not limited to, the following:

- a. excessive heavy equipment and truck traffic which caused damage to roads and caused Plaintiffs' homes to vibrate on several occasions, caused excessive diesel fumes and other emissions from the trucks, caused damage to Plaintiffs' driveways, caused significant danger to Plaintiffs through such excessive traffic and improper and erratic driving of heavy equipment and trucks, and has caused significant delay in Plaintiffs' ability to come and go from their property causing them to miss or be late for work and/or other appointments;
- b. drilling activities which caused Plaintiffs' homes or buildings on their land to vibrate on several occasions, thereby causing damage;
- c. excessive lights;
- d. excessive noise;
- e. excessive dust;
- f. excessive emissions;
- g. emissions of radioactive or potentially radioactive materials;
- h. excessive road damage, which caused damage to Plaintiffs' vehicles;
- i. damage and/or the threat of damage to springs and residential water lines and wells;
- j. damage and/or the threat of damage to ponds and other water bodies;
- k. explosions at the natural gas wells; and

1. harassment and/or menacing, intimidating, disrespectful, arrogant, and obnoxious behavior towards Plaintiffs by Defendants, and/or others on their behalf.

33. Defendants constructed and have maintained a natural gas pipeline from their wells ("Pipeline"), portions of which run through property owned and/or rightfully occupied by the Plaintiffs and/or near property owned and/or rightfully occupied by the Plaintiffs, in order to transport natural gas.

34. In constructing, controlling, and maintaining the Pipeline, Defendants have frequently and repeatedly caused or contributed to the creation of one or more of the following conditions on and/or near the property of the Plaintiffs:

- a. excessive heavy equipment and truck traffic, which caused damage to roads and caused Plaintiffs' homes to vibrate on several occasions;
- b. pipeline construction activities which caused Plaintiffs' homes to vibrate on several occasions;
- c. removal of, and/or damage to trees, plants, and vegetation on and/or visible from Plaintiffs' properties;
- d. excessive lights;
- e. excessive noise;
- f. excessive dust;
- g. excessive emissions; and
- h. harassment and/or menacing, intimidating, disrespectful, arrogant, and obnoxious behavior towards Plaintiffs by Defendants, and/or others on their behalf.

35. Defendants, as part of their natural gas exploration and production, built, control, and maintain a Water Processing Station that is on or near some of Plaintiffs' properties.

36. Said Processing Station brings with it frequent and excessive truck traffic, unannounced road blockages and road closures that adversely affect Plaintiffs.

COUNT I—TEMPORARY PRIVATE NUISANCE (ALL DEFENDANTS)

37. Plaintiffs incorporate all preceding paragraphs above as if fully set forth herein.

38. Defendants, by their acts and/or omissions, including those of their officers, agents, contractors, and/or employees, and improper ownership, control, operation, and maintenance of their wells, Pipeline, and Water Processing Station in close proximity to Plaintiffs' properties have frequently caused, created, and maintained unreasonable, private, temporary, continuing, and abatable invasions of Plaintiffs' use and enjoyment of their properties.

39. Defendants' conduct constitutes a frequent and continued nuisance to Plaintiffs.

40. Defendants, by their acts and/or omissions, including those of their officers, agents, contractors, and/or employees have negligently, intentionally, or otherwise frequently, repeatedly, and unreasonably impaired the Plaintiffs' private use and enjoyment of their property by improperly engaging in natural gas activities and causing the following conditions which include, but are not limited to:

- a. discharges of industrial waste;
- b. discharges of industrial waste onto Defendants' property and property on or near Plaintiffs' property;
- c. discharges and improper disposal of purportedly radioactive materials onto its property and property on or near Plaintiffs' property;
- d. damages to land;
- e. methane migration;

- f. excessive noise;
- g. excessive truck and heavy machinery use and traffic;
- h. excessive lights;
- i. excessive odors;
- j. excessive emissions;
- k. excessive traffic;
- l. excessive road use and erratic driving that caused collisions with some of Plaintiffs' vehicles;
- m. excessive road damage, which caused damage to Plaintiffs' vehicles;
- n. disruption to Plaintiffs' access to roads and/or their property;
- o. excessive air pollution, contamination and other damages to Plaintiffs' property from frequent, improper flaring; and
- p. a hostile and harassing environment.

41. As a direct and proximate result of Defendants' repeated acts and/or omissions in the operation of their wells, Pipeline, and Water Processing Station, Plaintiffs have suffered frequent, substantial, and significant impairment to their use and enjoyment of property, including, but not limited to, some or all of the following: property damage, substantial discomfort, inconvenience, annoyance, offense to the senses, angst, anxiety, distress, disgust, embarrassment, fear, concern, difficulty sleeping, health concerns, deprivation of the ability to further develop the property, destruction of the serenity of the property, and concern for water and air quality, for which they are entitled to compensation.

42. Defendants, including their officers, agents, and/or employees knew or should have been substantially certain that their natural gas activities would create and maintain such a repeated and continuing nuisance to these Plaintiffs.

43. Each of the aforesaid frequent or repeating injurious conditions created by Defendants are reasonably and practicably abatable through better operation, procedures, management, repair, technology, oversight, maintenance, or otherwise.

44. However, Defendants have failed to take known reasonable, practicable, and necessary steps to abate, minimize, or eliminate such conditions.

45. Defendants' use of property and the impairment to Plaintiffs' use and enjoyment of property has been and is unreasonable and abnormally dangerous.

46. Defendants have repeatedly concealed the dangerous nature of their natural gas activities and the impact these activities have upon nearby landowners and the environment.

47. As a result, Defendants are liable for all of the damages and injuries to the Plaintiffs caused by their repeated acts and/or omissions and natural gas exploration activities, and their failure to abate such nuisances.

48. Further, some or all of the repeated acts and/or omissions of Defendants described herein, including those of its officers, agents, contractors, and/or employees, were intentional and/or grossly, recklessly, and/or wantonly negligent, and were done with utter disregard for the Plaintiffs' rights and therefore, Plaintiffs are entitled to an award of punitive damages.

COUNT II—CONTINUING NEGLIGENCE (ALL DEFENDANTS)

49. Plaintiffs incorporate the preceding paragraphs above as if fully set forth below.

50. Defendants, at all times relevant herein, owed the following duties of reasonable care to Plaintiffs' which include, but are not limited to:

- a. reasonably and responsibly own, operate, control, and maintain their wells, Pipeline, and Water Processing Station so as not to injure Plaintiffs or otherwise impair their use and enjoyment of their property;
- b. take all measures reasonably necessary to inform and protect the Plaintiffs from dangerous and/or unreasonable well, Pipeline, and Water Processing Station activities;
- c. properly manage and dispose of residual waste from their activities;
- d. properly manage their wells, Pipeline, and Water Processing Station;
- e. mitigate noise, light and dust;
- f. mitigate excessive odors;
- g. mitigate emissions;
- h. not cause damage to land; and
- i. prevent releases of hazardous, toxic, and/or radioactive substances into the air, land, and water.

51. Defendants, including their officers, agents, contractors, and/or employees, have frequently breached these duties of care to Plaintiffs, and were otherwise repeatedly and frequently negligent, thereby directly and proximately causing significant damages to Plaintiffs for which they are entitled to compensation.

52. Defendants, including their officers, agents, and/or employees, should have taken reasonable precautions and measures to prevent and/or mitigate the problems caused by their activities.

53. As a direct and proximate result of Defendants' acts and omissions stated herein, including those of their officers, agents, contractors, and/or employees, Plaintiffs have repeatedly suffered damages for which they are entitled to compensation.

54. Further, some or all of the acts and/or omissions of Defendants described herein, including those of their officers, agents, contractors, and/or employees, were intentional and/or grossly, recklessly, and/or wantonly negligent, and were done with utter disregard for the Plaintiffs' rights and therefore, Plaintiffs are entitled to an award of punitive damages.

WHEREFORE, the Plaintiffs pray for judgment, jointly and severally, against Defendants Antero Resources Corporation, Antero Resources Bluestone, LLC, and Hall Drilling, LLC, awarding Plaintiffs actual damages in a fair and reasonable sum and in an amount to be determined at trial by jury sufficient to compensate Plaintiffs: for the interference of their right to the use and quiet enjoyment of their respective properties; for punitive damages to be determined at trial in an amount set by law or the trier of fact sufficient to punish Defendants Antero Resources Corporation, Antero Resources Bluestone, LLC, and Hall Drilling, LLC; for the above-described conduct and to deter others from like conduct; that the costs of this action be assessed against Defendants Antero Resources Corporation, Antero Resources Bluestone, LLC, and Hall Drilling, LLC; and for such other and further relief as the Court may deem just and appropriate.

JURY DEMAND

Plaintiffs hereby demand trial by jury on all issues so triable.

Plaintiffs,

By Counsel



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