

DISTRICT COURT, DELTA COUNTY, COLORADO 501 Palmer Street, #338, Delta, CO 81416 Phone Number: 970-874-6280	COURT USE ONLY
Plaintiff: SG INTERESTS I, LTD., a Texas limited partnership v. Defendant: Peter T. Kolbenschlag, a/k/a Pete Kolbenschlag	
Attorney for Plaintiff: William E. Zimsky, Atty. Reg.#: 25318 Abadie & Schill PC 555 Rivergate Lane, Suite B-180 Durango, CO 81301 Phone Number: (970) 385-4401 FAX Number: (970) 385-4901 E-mail: bill@abadieschill.com	Case Number: 2017CV030026 Division: 1
SUMMONS	

TO: Peter T. Kolbenschlag, a/k/a Pete Kolbenschlag
229 Highway 133
Paonia, CO 81428-6116

TO THE ABOVE NAMED DEFENDANT:

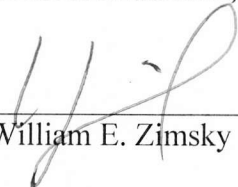
YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court an answer or other response to the attached Complaint. If service of the Summons and Complaint was made upon you within the State of Colorado, you are required to file your answer or other response within 21 days after such service upon you. If service of the Summons and Complaint was made upon you outside of the State of Colorado, you are required to file your answer or other response

within 35 days after such service upon you. Your answer or counterclaim must be accompanied with the applicable filing fee.

If you fail to file your answer or other response to the Complaint in writing within the applicable time period, the Court may enter judgment by default against you for the relief demanded in the Complaint without further notice.

Dated this 22nd day of February, 2017.

ABADIE & SCHILL, P.C.



William E. Zimsky

This Summons is issued pursuant to Rule 4, C.R.C.P., as amended. A copy of the Complaint must be served with this Summons. This form should not be used where service by publication is desired.

WARNING: A valid summons may be issued by a lawyer and it need not contain a court case number, the signature of a court officer, or a court seal. The plaintiff has 14 days from the date this summons was served on you to file the case with the court. You are responsible for contacting the court to find out whether the case has been filed and obtain the case number. If the plaintiff files the case within this time, then you must respond as explained in this summons. If the plaintiff files more than 14 days after the date the summons was served on you, the case may be dismissed upon motion and you may be entitled to seek attorney's fees from the plaintiff.

DISTRICT COURT, DELTA COUNTY, COLORADO 501 Palmer Street, #338, Delta, CO 81416 Phone Number: 970-874-6280	DATE FILED: February 21, 2017 2:56 PM FILING ID: 6FEE08853BEB3 CASE NUMBER: 2017CV30026
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COMPLAINT	

COMES NOW Plaintiff SG Interests I, Ltd. (“SGI”), by and through its attorneys, Abadie & Schill, PC, and for its complaint against Defendant Peter T. Kolbenschlag, a/k/a Pete Kolbenschlag, states and alleges as follows:

I. PARTIES, JURISDICTION AND VENUE

1. SGI is a limited partnership duly organized under the laws of the State of Texas with its principal place of business located at 100 Waugh Drive, Suite 400, Houston, Texas

77007. SGI is currently authorized to do business in Colorado and is currently doing business in Colorado. SGI maintains an office in La Plata County, Colorado.

2. Defendant Peter T. Kolbenschlag, a/k/a Pete Kolbenschlag, is an individual who resided in Delta County, Colorado, during all times pertinent hereto and who currently resides in Delta County, Colorado.

3. This action alleges tortious conduct committed in Colorado by a citizen of Colorado. Thus, this Court has jurisdiction to hear this case. COLO. CONST. art. VI, § 9. Venue is proper in Delta County because the Defendant is a resident of Delta County. C.R.C.P. 98(c)(1).

II. GENERAL ALLEGATIONS

4. SGI is an oil and gas exploration and production company that conducts operations in, among other places, Garfield, Gunnison, and Pitkin Counties, Colorado.

5. SGI was the lessee of eighteen federal oil and gas leases issued by the United States Bureau of Land Management (“BLM”) covering minerals owned by the United States located in Garfield, Pitkin, Gunnison, and Mesa Counties, Colorado. These leases covered lands within an area commonly referred to as the Thompson Divide, which is located in the White River National Forest.

6. On November 17, 2016, the BLM issued a Record of Decision that cancelled all eighteen of SGI’s leases in the Thompson Divide area.

7. On November 28, 2016, the Glenwood Springs Post Independent, a general circulation newspaper serving Garfield County, Colorado, published an article headlined “Divide lease decision likely to land in court.” A copy of that article is attached hereto as Exhibit 1.

8. The article discussed the BLM’s November 17, 2016 Record of Decision. The article stated that SGI “vowed to take legal action based on evidence it says points to collusion between the Obama administration and environmental interests to reach a ‘predetermined political decision.’ ” The article quoted Robbie Guinn, accurately described as vice-president of SGI, in which he states that “[SGI] will seek lost profits in the courts.”

9. The article states that Mr. Guinn pointed to testimony he gave to the Subcommittee on Natural Resources referring to BLM communications that SGI obtained through a Freedom of Information Act request as the basis for SGI’s legal action.

10. On November 29, 2016, Defendant Kolbenschlag published a written comment to the article that was published on the Glenwood Springs Post Independent’s website. A copy of the comment is attached hereto as Exhibit 2.

11. In that comment, Defendant Kolbenschlag falsely asserted that:

While SGI alleges "collusion" let us recall that it, SGI, was actually fined for colluding (with GEC) to rig bid prices and rip off American taxpayers. Yes, these two companies owned by billionaires thought it appropriate to pad their portfolios at the expense of you and I and every other hard-working American.

The reference to “GEC” is to Gunnison Energy Corporation.

12. Defendant Kolbenschlag is the owner and principal of Mountain West Strategies, Ltd. According to Mountain West Strategies, Ltd.’s website, Kolbenschlag “has over 20 years experience crafting, running, and winning successful issue

campaigns, including media relations, campaign development, grassroots response, event planning, and strategic research.” <http://mountainweststrategies.com>

13. According to its website, Mountain West Strategies, Ltd. provides the following type of services:

Mountain West Strategies specializes in public outreach and community engagement in western Colorado, eastern Utah, and the Mountain West.

Getting the On-the-Ground Response

With years of experience working on public lands, energy, and recreation resource issues, Mountain West Strategies can provide research and analysis, strategic planning, media development, stakeholder relations, and the campaign management to create effective community-based action.

<http://mountainweststrategies.com/services>

III. CLAIM FOR RELIEF – LIBEL PER SE

14. Plaintiff incorporates and re-alleges paragraphs 1-13 above.

15. Kolbenschlag’s assertion that “SGI . . . was actually fined for colluding (with GEC) to rig bid prices and rip off American taxpayers” constitutes a statement of fact and not an opinion.

16. Kolbenschlag caused this assertion to be published on the Glenwood Springs Post Independent’s website.

17. The substance and gist of Kolbenschlag’s assertion that “SGI . . . was actually fined for colluding (with GEC) to rig bid prices and rip off American taxpayers” is contrary to the true facts and reasonable people reading the assertion would be likely to think significantly less favorably about SGI than they would if they knew the true facts.

18. Kolbenschlag has “more than twenty years experience working on public lands, energy, and recreation resource issues,” and holds himself out as an expert in “research and analysis, strategic planning, media development, stakeholder relations, and the campaign management to create effective community-based action.” As an expert in creating effective community-based action, Kolbenschlag was aware at the time he made his false assertion of the need to disseminate truthful information in connection with commenting on issues involving public lands and energy. Based on that experience and expertise, at the time that Kolbenschlag published his comment he either knew that his assertion that SGI was fined for colluding with GEC “to rig bid prices” was false or he made the assertion with malice and a reckless disregard as to whether the assertion was false.

19. An assertion that a company was fined by the federal government for collusion and bid rigging is defamatory because it tends to harm the company’s reputation by lowering the company in the estimation of at least a substantial and respectable minority of the community.

20. No extrinsic evidence or innuendo is necessary to show that Kolbenschlag’s assertion that SGI was fined for collusion and bid rigging is defamatory in nature or that the assertion was made about SGI.

21. Kolbenschlag’s assertion that SGI was fined for collusion and bid rigging caused SGI actual damages, including, but not limited to, impairment of SGI’s reputation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court to enter judgment in its favor and against Defendant as follows:

- A. Actual damages in an amount to be proven at trial;
- B. Costs and attorneys' fees as provided by statute; and
- C. For such other relief as this Court may deem just and proper, including pre- and post-judgment interest.

Dated this 21st day of February, 2017.

ABADIE & SCHILL, PC

/s/ William E. Zimsky

William E. Zimsky

Attorneys for Plaintiff SG Interests I, Ltd.

Plaintiff's Address:

100 Waugh Drive
Suite 400
Houston, Texas 77007

Divide lease decision likely to land in court

November 28, 2016

A recent U.S. Bureau of Land Management decision regarding 65 previously issued oil and gas leases on the White River National Forest, including the cancellation of 25 leases in the Thompson Divide area, is almost certain to end up in federal court.

THOMPSON DIVIDE
CASE NUMBER: 2017CV30026

What form that will take over what claims, and which entities decide to seek legal remedies, is a matter for lawyers working on both sides of the ongoing dispute to determine.

The formal Record of Decision issued Nov. 17 in Denver and signed by state BLM Director Ruth Welch and Interior Department Deputy Secretary Michael Connor stipulates that any challenges must come in federal district court, rather than by administrative appeal.

One of the energy companies whose 18 Divide-area leases southwest of Glenwood Springs were canceled vowed to take legal action based on evidence it says points to collusion between the Obama administration and environmental interests to reach a "predetermined political decision."

"We will seek lost profits in the courts," Robbie Guinn, vice president for Houston-based SG Interests, reiterated last week.

Guinn pointed to testimony he gave in July to the Subcommittee on Natural Resources in Washington referring to BLM communications obtained through a Freedom of Information Act request as the basis for that legal action.

In that testimony, Guinn argued that what should have been a routine unitization, or grouping, of oil and gas leases in SG's Lake Ridge Unit in advance of seeking drilling permits, ended up becoming politicized and resulted in the retroactive review of the 65 leases.

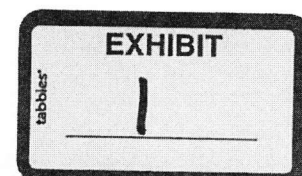
Key to the argument will also likely be a new U.S. Geological Survey study released in the spring that suggests a far greater amount of recoverable natural gas within northwestern Colorado's Piceance Basin than earlier believed.

Meanwhile, Don Simpson, vice president for Colorado-based Ursa Resources, the holder of the other seven canceled Thompson Divide leases, said Ursa is still weighing its options.

"We still have to read through the [record of decision], which is pretty voluminous," Simpson said Monday, adding, "we did find it a little bit presumptuous to say it was a balanced settlement and that industry bought into it."

It's also possible the Carbondale-based Wilderness Workshop and other environmental groups could challenge the decision with regard to the 40 leases that were not canceled.

"We are very supportive of the decision to protect that much of the Thompson Divide," Peter Hart, staff attorney for the Wilderness Workshop, said of the canceled leases. "But we remain critical of the decision not to provide adequate protections on those leases that lie within and just outside the Divide."



The BLM decision allowed all but about a dozen of those 40 leases to continue under the less-restrictive 1993 leasing rules in place when they were issued between 1995 and 2012. Several of those leases are in production or tied to those in production through unitization.

The other dozen or so leases are to follow rules contained in the amended 2015 White River Forest leasing management plan that prohibits surface development.

"This part of the decision fails to ensure that future development will protect clean air and water, wildlife and other important values," Hart said in a statement issued when the decision was announced.

"The plan rolls back protections that were proposed as recently as last November for lands in the Willow Creek, Mamm Peak and Battlement Mesa roadless areas," Hart continued. "These areas lie within and immediately west of the Thompson Divide, and they are just as ecologically important as the lands where BLM has canceled leases."

Hart said the Wilderness Workshop is still weighing its response. Any legal challenges could be filed independently, or in conjunction with other groups that share the same concerns, he said.

David Ludlam, executive director for the West Slope Colorado Oil and Gas Association, wouldn't rule out the prospect of having the canceled leases reinstated under the incoming Trump administration.

Interior Secretary Sally Jewell, who was on hand for the BLM announcement in Denver, said she believes the decision will hold up legally given the lengthy environmental review that was meant to address deficiencies in the original lease analyses.

"If a pathway exists for righting this constitutional wrong administratively, we'll certainly pursue it," Ludlam said.

He conceded, however, that any court remedy would likely be aimed at seeking just compensation for the canceled leases.

As it stands, the BLM proposes to reimburse a total of about \$1 million to SG and Ursa, which it says represents the amount paid at auction for the leases more than a dozen years ago.

Guinn said SG will seek damages above and beyond that amount, given the investment the company has made toward developing the leases and for potential future production.

Ludlam said West Slope COGA could join in whatever legal challenge arises if it seems appropriate.

"We will intervene in any lawsuit or legal filing where our experience and involvement in this issue can help support the sanctity of commercial contract and lease rights moving forward," he said.

The Wilderness Workshop's Hart said he's confident the decision to cancel leases will stand, saying it was based on overwhelming local public input and wasn't directed out of Washington.

"We think the public has spoken on this, and the agency decision to the extent that it protects natural resources is a good one," Hart said.

1/10/2017

Divide lease decision likely to land in court | PostIndependent.com

Divide lease decision likely to land in court

November 28, 2016

3 Comments

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Add a comment...



Pete Kolbenschlag

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"High Country Citizens' Alliance public lands director Matt Reed said, "It seems to me that it's proof of collusion to defraud the American public, to defraud the federal government. It makes me question that if [GEC and SGI] are going to be less than honest in a federal lease sale, how can the public trust them when they say they'll be good environmental stewards and try to protect water quality and air quality?" He adds, "It certainly raises some questions."

And from the US Justice Dept <https://www.justice.gov/.../justice-department-settlement...>

"Today's unprecedented antitrust enforcement action involving illegal bidding at Bureau of Land Management auctions, demonstrates the U.S. government's resolve to ensure there is vigorous competition for federal oil and gas rights," said Sharis A. Pozen, Acting Assistant Attorney General in charge of the Department of Justice's Antitrust Division. "At a time of budgetary constraint, it is crucial that the federal government receive the most competitive prices for these important leases, which ultimately benefits American taxpayers."

Like · Reply · Nov 29, 2016 5:10am · Edited



Yurra Connard

http://www.bozemandailychronicle.com/.../article_ce98c318...

Like · Reply · Nov 29, 2016 10:36am

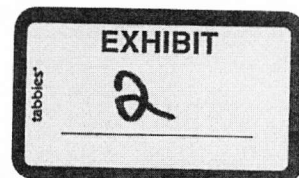


Sean Berry

Well hopefully the companies will fight this BS moved by the department of Interior and the Obama administration my guess is this will all be overturned and the leases will be reinstated!

Like · Reply · Nov 30, 2016 12:03pm

Facebook Comments Plugin



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Attorney for Plaintiff: William E. Zimsky Abadie & Schill, P.C. 555 Rivergate Lane, Suite B4-180 Durango, Colorado 81301 Phone Number: 970.385.4401 E-mail: bill@abadieschill.com FAX Number : 970.385.4901 Atty. Reg. #: 25318	Case Number: 2017CV _____ Division Courtroom
DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT	

- This cover sheet shall be filed with each pleading containing an initial claim for relief in every district court civil (CV) case, and shall be served on all parties along with the pleading.** It shall not be filed in Domestic Relations (DR), Probate (PR), Water (CW), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.
- Check one of the following:**
 - This case is governed by C.R.C.P. 16.1 because:
 - The case is not a class action, domestic relations case, juvenile case, mental health case, probate case, water law case, forcible entry and detainer, C.R.C.P. 106, C.R.C.P. 120, or other similar expedited proceeding; AND
 - A monetary judgment over \$100,000 is not sought by any party against any other single party. This amount includes attorney fees, penalties, and punitive damages; it excludes interest and costs, as well as the value of any equitable relief sought.
 - This case is not governed by C.R.C.P. 16.1 because (check ALL boxes that apply):
 - The case is a class action, domestic relations case, juvenile case, mental health case, probate case, water law case, forcible entry and detainer, C.R.C.P. 106, C.R.C.P. 120, or other similar expedited proceeding.

A monetary judgment over \$100,000 is sought by any party against any other single party. This amount includes attorney fees, penalties, and punitive damages; it excludes interest and costs, as well as the value of any equitable relief sought.

Another party has previously indicated in a Case Cover Sheet that the simplified procedure under C.R.C.P. 16.1 does not apply to the case.

NOTE: In any case to which C.R.C.P. 16.1 does not apply, the parties may elect to use the simplified procedure by separately filing a Stipulation to be governed by the rule within 49 days of the at-issue date. See C.R.C.P. 16.1(e). In any case to which C.R.C.P. 16.1 applies, the parties may opt out of the rule by separately filing a Notice to Elect Exclusion (JDF 602) within 35 days of the at-issue date. See C.R.C.P. 16.1(d).

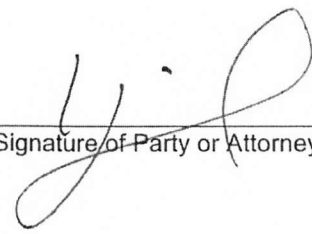
A Stipulation or Notice with respect to C.R.C.P. 16.1 has been separately filed with the Court, indicating:

C.R.C.P. 16.1 applies to this case.

C.R.C.P. 16.1 does not apply to this case.

3. This party makes a **Jury Demand** at this time and pays the requisite fee. See C.R.C.P. 38. (Checking this box is optional.)

Date: 2-21-17



Signature of Party or Attorney for Party