

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

15-0545

REGIS F. LUTZ, et al.,)	CASE NO. 4:09-cv-2256
)	
)	
PLAINTIFFS,)	JUDGE SARA LIOI
)	
vs.)	
)	
CHESAPEAKE APPALACHIA, L.L.C.,)	
)	
)	
DEFENDANT.)	

ORDER CERTIFYING QUESTION TO OHIO SUPREME COURT

Pursuant to Rule 9 of the Rules of Practice of the Supreme Court of Ohio, this Court respectfully certifies a question to the Supreme Court of Ohio.

1. Name of Case

Lutz, et al. v. Chesapeake Appalachia, L.L.C., No. 4:09-cv-02256 (N.D. Ohio).

2. Statement of Facts

This case is a putative class action in which plaintiffs (landowner-lessors) claim that defendant (lessee) underpaid their gas royalties under the terms of their respective leases. It is undisputed that the lessee (and working interest holders) bear all production costs—*i.e.*, the costs of producing gas from below-ground and bringing it to the wellhead. The dispute centers on post-production costs—*i.e.*, the costs incurred after the gas is produced at the wellhead and before it is sold farther downstream. Those post-production costs may include the cost of gathering the gas from various wells, the cost to process and compress the gas, and the cost of transporting the gas to the point of sale, among others. At issue is whether defendant is permitted

RECEIVED
APR 06 2015
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
APR 06 2015
CLERK OF COURT
SUPREME COURT OF OHIO

to deduct post-production costs from plaintiffs' royalties and, if so, how those costs are to be calculated.

The leases of the named plaintiffs have the following three variant royalty clauses.

[1] The royalties to be paid by Lessee are.... (b) on gas, including casinghead gas or other gaseous substance, produced and sold or used off the premises or for the extraction of gasoline or other product therefrom, the market value at the well of one-eighth of the gas so sold or used, provided that on gas sold at the wells the royalty shall be one-eighth of the amount realized from such sale.

or

[2] Lessee to receive the field market price per thousand cubic feet for one-eighth (1/8) of all gas marketed from the premises.

or

[3] Lessee covenants and agrees to deliver to the credit of the Lessor, as royalty, free of cost, in the pipeline to which the wells drilled by the Lessee may be connected the equal one-eighth part of all Oil and/or Gas produced and saved from said leased premises.

Courts across the country are split as to whether these types of royalty clauses allow the lessee to deduct post-production costs from gas royalties. The question driving this case is a question of state law. Although neighboring states have addressed the issues presented by the parties in their federal lawsuit, there is no controlling precedent in the decisions of the Ohio Supreme Court.

The discussion in *Poplar Creek Dev. Co. v. Chesapeake Appalachia, L.L.C.*, 636 F.3d 235 (6th Cir. 2011), is helpful in framing the question this Court certifies. Applying Kentucky law, the U.S. Court of Appeals for the Sixth Circuit explained the issue and resolution as follows:

These cases arise out of a dispute over the respective rights of lessors and lessees under Kentucky oil and gas leases. Both actions are resolved by determining whether Kentucky law allows lessees, in calculating gas royalty payments, to take into account certain post-production costs as an offset against the value or proceeds upon which royalty payments are based. ...

[W]e hold that Kentucky follows the “at-the-well” rule, which allows for the deduction of post-production costs before paying appropriate royalties. ...

The dispositive issue in this case is the meaning of “wholesale market value of such gas at the well” in the parties’ royalty clause and the propriety, under Kentucky law, of deducting post-production costs from the lessor’s royalties. A number of courts in gas-producing states across the country have considered the meaning of similar royalty clauses in deciding which marketing or post-production costs, if any, are to be borne by the royalty owner. The decisions of these courts, however, have not been uniform. There are two diverse viewpoints, with some decisions picking and choosing between the two, depending on the specific cost under consideration. At one end of the spectrum is the view that, because the operator has an implied duty or an implied covenant to market the gas, all post-production costs must be borne by the operator. ... Poplar Creek advocates for this view, which the parties term the “marketable product” rule.

At the other end of the spectrum, several courts have held that while there is an implied duty or covenant to market the gas, this duty does not extend to expenses incurred in sales not at the wellhead; post production costs are to be shared proportionately by the working interest and royalty owners. ... Chesapeake advocates for this rule, which the parties term the “at the well” rule.

Id. at 237, 240-41 (citations omitted).

3. Question Certified

This Court certifies to the Ohio Supreme Court the following question, which may be determinative of these proceedings:

Does Ohio follow the “at the well” rule (which permits the deduction of post-production costs) or does it follow some version of the “marketable product” rule (which limits the deduction of post-production costs under certain circumstances)?

4. Names of Parties

The plaintiffs in this action are: Regis & Marion Lutz; Leonard Yochman; Joseph Yochman; and C.Y.V., L.L.C.

The defendant in this action is Chesapeake Appalachia, L.L.C. All claims against previously-named defendants have been dismissed.

5. Names of Counsel

Plaintiffs' counsel in this action are:

James A. Lowe (Ohio Bar No. 0002495)
Lowe Eklund & Wakefield Co., LPA
1660 West Second Street
610 Skylight Office Tower
Cleveland, OH 44113-1454
(216) 781-2600 (Telephone)
(216) 781-2610 (Facsimile)
jlowe@lewlaw.com

Robert C. Sanders (pro hac vice)
Law Office of Robert C. Sanders
12051 Old Marlboro Pike
Upper Marlboro, MD 20772
(301) 574-3400 (Telephone)
rcsanders@rcsanderslaw.com

Defendant's counsel in this action are:

Daniel T. Donovan (Ohio Bar No. 0067833)
Ragan Naresh (pro hac vice)
Kirkland & Ellis LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005
(202) 879-5000 (telephone)
(202) 879-5200 (Facsimile)
daniel.donovan@kirkland.com
ragan.naresh@kirkland.com

Kevin C. Abbott (Ohio Bar No. 0091504)
Nicolle R. Snyder Bagnell (Ohio No. 0091442)
Reed Smith LLP
225 Fifth Avenue
Pittsburgh, Pennsylvania 15222
(412) 288-3804 (Telephone)
(412) 288-3063 (Facsimile)
kabbott@reedsmith.com
nbagnell@reedsmith.com

6. Moving Party

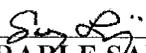
The Court designates Chesapeake Appalachia, L.L.C. as the moving party.

ORDER

In accordance with Rule 9.03(A) of the Rules of Practice of the Supreme Court of Ohio, the Clerk of the United States District Court for the Northern District of Ohio is hereby instructed to serve copies of the certification order upon counsel for the parties and to file this certification order under the seal of this Court with the Supreme Court of Ohio, along with appropriate proof of service.

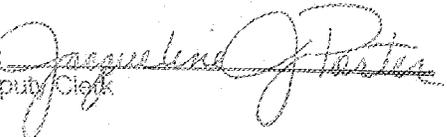
IT IS SO ORDERED.

Dated: April 1, 2015



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

I hereby certify that this instrument is a true and correct copy of the original ~~as file in my office.~~
Attest: Gen M. Smith, Clerk
U.S. District Court
Northern District of Ohio

By 
Deputy Clerk

U.S. District Court
Northern District of Ohio (Youngstown)
CIVIL DOCKET FOR CASE #: 4:09-cv-02256-SL
Internal Use Only

Lutz et al vs. Chesapeake Appalachia, LLC, et al.
Assigned to: Judge Sara Lioi
Demand: \$5,000,000
Case in other court: 6th Circuit, 10-04538
6th Circuit, 11-03034
Cause: 28:1332 Diversity-Other Contract

Date Filed: 09/30/2009
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Regis F. Lutz

represented by Robert C. Sanders
12051 Old Marlboro Pike
Upper Marlboro, MD 20772
301-574-3400
Email: robert.sanders@verizon.net
ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
Lowe, Eklund & Wakefield
610 Skylight Office Tower
1660 West Second Street
Cleveland, OH 44113
216-781-2600
Fax: 216-781-2610
Email: jlowe@lewlaw.com
ATTORNEY TO BE NOTICED
Bar Status: Active

Plaintiff

Marion L. Lutz

represented by Robert C. Sanders
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Active

Plaintiff

Leonard W. Yochman

represented by Robert C. Sanders
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Active

Plaintiff

Joseph L. Yochman

represented by Robert C. Sanders
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Active

Plaintiff

C.Y.V. LLC

represented by Robert C. Sanders
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
(See above for address)

ATTORNEY TO BE NOTICED
Bar Status: Active

V.

Defendant

Chesapeake Appalachia, LLC

represented by Nicolle R. Snyder Bagnell
Reed Smith - Pittsburgh
225 Fifth Avenue
Pittsburgh, PA 15222
412-288-7112
Fax: 412-288-3063
Email: nbagnell@reedsmith.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Active

Daniel T. Donovan
Kirkland & Ellis - Washington
Ste. 1200
655 Fifteenth Street, NW
Washington, DC 20005
202-879-5000
Fax: 202-879-5200
Email: daniel.donovan@kirkland.com
ATTORNEY TO BE NOTICED
Bar Status: Active

Jonathan T. Blank
McGuire Woods - Charlottesville
300 Court Square Bldg,
310 Fourth Street, NE
Charlottesville, VA 22902
434-977-2509
Fax: 434-980-2258
Email: jblank@mcguirewoods.com
ATTORNEY TO BE NOTICED
Bar Status: Phv

Kevin C. Abbott
Reed Smith - Pittsburgh
Ste. 1200
225 Fifth Avenue
Pittsburgh, PA 15222
412-288-3804
Fax: 412-288-3036
Email: kabbott@reedsmith.com
ATTORNEY TO BE NOTICED
Bar Status: Active

Leonard J. Marsico
McGuire Woods
23rd Floor
Dominion Tower
625 Liberty Avenue
Pittsburgh, PA 15222
412-667-7987
Fax: 412-661-7956
Email: lmarsico@mcguirewoods.com
ATTORNEY TO BE NOTICED
Bar Status: Active

Ragan Naresh
Kirkland & Ellis - Washington
Ste. 1200
655 Fifteenth Street, NW
Washington, DC 20005
202-879-5000
Fax: 202-879-5200
Email: ragan.naresh@kirkland.com
ATTORNEY TO BE NOTICED
Bar Status: Active

Yvette G. Harmon
McGuire Woods - New York
7th Floor
1345 Avenue of the Americas
New York, NY 10105

212-548-7014
Fax: 212-715-2309
Email: yharmon@mcguirewoods.com
ATTORNEY TO BE NOTICED
Bar Status: Phv

Defendant

Columbia Energy Group
TERMINATED: 07/05/2013

represented by Jonathan T. Blank
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

Leonard J. Marsico
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Active

Matthew John Fischer
Schiff Hardin - Chicago
6600 Willis Tower
233 South Wacker Drive
Chicago, IL 60606
312-876-1000
Email: mfischer@schiffhardin.com
ATTORNEY TO BE NOTICED
Bar Status: Phv

Yvette G. Harmon
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

Defendant

NiSource, Inc.
TERMINATED: 07/05/2013

represented by Jonathan T. Blank
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

Leonard J. Marsico
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Active

Matthew John Fischer
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

Yvette G. Harmon
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

Counter-Claimant

Chesapeake Appalachia, LLC

represented by Nicole R. Snyder Bagnell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Active

Daniel T. Donovan
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Active

Jonathan T. Blank
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Phv

Kevin C. Abbott
(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Active

Leonard J. Marsico
(See above for address)
ATTORNEY TO BE NOTICED

Bar Status: Active

Ragan Naresh
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Active

Yvette G. Harmon
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Phv

V.
Counter-Defendant
 C.Y.V. LLC

represented by Robert C. Sanders
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Active

Counter-Defendant
 Marion L. Lutz

represented by Robert C. Sanders
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Active

Counter-Defendant
 Regis F. Lutz

represented by Robert C. Sanders
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Active

Counter-Defendant
 Joseph L. Yochman

represented by Robert C. Sanders
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Active

Counter-Defendant
 Leonard W. Yochman

represented by Robert C. Sanders
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Phv

James Allison Lowe
 (See above for address)
 ATTORNEY TO BE NOTICED
Bar Status: Active

[Email All Attorneys](#)

[Email All Attorneys and Additional Recipients](#)

Date Filed	#	Docket Text
09/30/2009	1	Complaint with jury demand <i>Class Action Complaint</i> against Chesapeake Appalachia, LLC, Columbia Energy Group, NiSource, Inc.. Filing fee paid \$ 350, receipt number 0647-3759258. Filed by Joseph L. Yochman, Regis F. Lutz, Leonard W. Yochman, Marion L. Lutz, C.Y.V. LLC. (Attachments: # 1 Civil Cover Sheet, # 2 Summons) (Lowe, James) (Entered: 09/30/2009)

		09/30/2009)
09/30/2009		(Court only) Utility Event adding attorney Robert C. Sanders for C.Y.V. LLC, for Marion L. Lutz, for Regis F. Lutz, for Joseph L. Yochman, and for Leonard W. Yochman. (H,LA) (Entered: 09/30/2009)
09/30/2009		Judge David D. Dowd, Jr assigned to case. (H,LA) (Entered: 09/30/2009)
09/30/2009		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Benita Y. Pearson. (H,LA) (Entered: 09/30/2009)
09/30/2009	<u>2</u>	Original Summons and Magistrate Consent Form issued for service upon Chesapeake Appalachia, LLC, Columbia Energy Group and NiSource, Inc. (Attachments: # <u>1</u> Magistrate Consent Form) (H,LA) (Entered: 09/30/2009)
10/06/2009		Notice to Attorney Robert C. Sanders. The Court finds no record of your being admitted to practice in the Northern District of Ohio. Pursuant to LR 83.5, please apply for admission or file a motion to be admitted pro hac vice within 10 business days. The local rules and the attorney admission application are available on the court's web site at: www.ohnd.uscourts.gov. If you are not the attorney of record in this case, file a motion to withdraw as attorney pursuant to LR 83.9 within 10 business days. Notice sent to attorney by US Mail on 10/6/2009. (P,G) (Entered: 10/06/2009)
10/15/2009	<u>3</u>	Return of Service by attorney by Certified Mail executed upon NiSource, Inc. on 10/9/2009 filed on behalf of Leonard W. Yochman; Marion L. Lutz; Regis F. Lutz; Joseph L. Yochman; C.Y.V. LLC. Related document(s) <u>1</u> . (Lowe, James) Modified text to note service by attorney, not service by Clerk on 11/5/2009 (S,He). (Entered: 10/15/2009)
10/21/2009	<u>4</u>	Motion for Extension of Time to File Pro Hac Vice Motion of Attorney Robert Sanders filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. (Lowe, James) (Entered: 10/21/2009)
10/22/2009		Order [non-document] granting Motion for Extension of Time to File Pro Hac Vice Motion of Attorney Robert Sanders (Related Doc # <u>4</u>). Approved Judge David D. Dowd, Jr. on 10/22/2009. (M,De) (Entered: 10/22/2009)
10/22/2009	<u>5</u>	Motion for attorney Robert C. Sanders to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-3794914, filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>1</u> , <u>4</u> . (Attachments: # <u>1</u> Sanders Cert of Good Standing)(Lowe, James) (Entered: 10/22/2009)
10/23/2009	<u>6</u>	Order regarding <u>5</u> Motion for attorney Robert C. Sanders for admission to Appear Pro Hac Vice. The motion for admission does not entirely satisfy the requirements of Local Rule 83.5(h) with respect to the required statement indicating whether the attorney has ever been disbarred or suspended from practice before any court, department, bureau or commission of any State or the United States, or has ever received any reprimand from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar. The Court grants leave to supplement the motion for admission pro hac vice in accordance with the requirements of the recently amended Local Rule. Signed by Judge David D. Dowd, Jr. on 10/23/2009. (M,De) (Entered: 10/23/2009)
10/23/2009	<u>7</u>	Supplement to <u>5</u> Motion for attorney Robert C. Sanders to Appear Pro Hac Vice. Filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>1</u> , <u>6</u> , <u>4</u> . (Lowe, James) Modified text on 10/26/2009 (S,He). (Entered: 10/23/2009)
10/26/2009		Order [non-document] granting Motion for appearance pro hac vice by Robert C. Sanders for plaintiff's (Related Doc # <u>5</u> and <u>7</u>) and reminding counsel that he is required to register for CM/ECF and to file and receive all documents electronically. Local counsel is directed to notify counsel of this requirement. Admission has been checked with the Maryland website. Approved by Judge David D. Dowd, Jr. on 10/26/2009.(M,De) (Entered: 10/26/2009)
10/29/2009	<u>8</u>	Motion for attorney Yvette Harmon to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-3807535, filed by Columbia Energy Group, NiSource, Inc.. (Attachments: # <u>1</u> Affidavit in Support of Motion for Leave to Appear Pro Hac Vice, # <u>2</u> Proposed Order)(Marsico, Leonard) (Entered: 10/29/2009)
10/29/2009	<u>9</u>	Motion for attorney Jonathan Todd Blank to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-3807579, filed by Columbia Energy Group, NiSource, Inc. (Attachments: # <u>1</u> Affidavit in Support of motion for Leave to Appear Pro Hac Vice, # <u>2</u> Proposed Order)(Marsico, Leonard) (Entered: 10/29/2009)
10/29/2009	<u>10</u>	Motion for extension of time until November 19, 2009 to answer <i>Complaint</i> filed by Columbia Energy Group, NiSource, Inc. Related document <u>1</u> . (Attachments: # <u>1</u> Proposed Consent Order for Extension of Time to File Responsive Pleading) (Marsico, Leonard) Modified text on 10/30/2009 (M,TL). (Entered: 10/29/2009)
10/29/2009	<u>11</u>	Return of Service by attorney by certified mail executed upon Columbia Energy Group on 10/27/2009 filed on behalf of Leonard W. Yochman; Marion L. Lutz; Regis F. Lutz; Joseph L. Yochman; C.Y.V. LLC Related document(s) <u>1</u> , <u>2</u> . (Lowe, James) Modified text to note service by attorney, not service by Clerk on 11/5/2009 (S,He). (Entered: 10/29/2009)
10/30/2009		(Court only) Staff Note Regarding Pro Hac Vice Motions from attorneys Jonathan Todd Blank & Yvette Harmon. The attorneys' bar status was verified. Related document(s) <u>8</u> , <u>9</u> . (C,KA) (Entered: 10/30/2009)
10/30/2009		Order [non-document] granting defendants NiSource, Inc. and Columbia Energy Group's <u>10</u> Motion for extension of time until November 19, 2009 to answer <i>Complaint</i> . Approved by Judge David D. Dowd, Jr. on 10/30/09.(S,He) Modified to add names of defendants in text on 10/30/2009 (S,He). (Entered: 10/30/2009)
10/30/2009	<u>12</u>	Order regarding <u>8</u> Motion for attorney Yvette Harmon to Appear Pro Hac Vice. The motion for admission does not entirely satisfy the requirements of Local Rule 83.5(h) with respect to the required statement indicating whether the attorney has ever been disbarred or suspended from practice before any court, department, bureau or commission of any State or the United States, or has ever received any reprimand from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar. The Court grants leave to supplement the motion for admission pro hac vice in accordance with the requirements of the recently amended Local Rule. Signed by Judge David D. Dowd, Jr. on 10/30/09. (S,He) (Entered: 10/30/2009)
10/30/2009	<u>13</u>	Motion for extension of time until November 19, 2009 to answer <i>Complaint</i> filed by Defendant Chesapeake Appalachia, LLC. Related document(s) <u>1</u> . (Attachments: # <u>1</u> Proposed Order)(Marsico, Leonard) (Entered: 10/30/2009)

10/30/2009		(Court only) Staff Notes: Return of service filed with unissued summons, attorney notified. Attorney's office served all parties with unissued summons; Pam at attorney's office will review local rules for service of process. Related document 11 . (M,TL) (Entered: 10/30/2009)
10/30/2009	14	Order regarding 9 Motion for attorney Jonathan Todd Blank to Appear Pro Hac Vice. The motion for admission does not entirely satisfy the requirements of Local Rule 83.5(h) with respect to the required statement indicating whether the attorney has ever been disbarred or suspended from practice before any court, department, bureau or commission of any State or the United States, or has ever received any reprimand from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar. The Court grants leave to supplement the motion for admission pro hac vice in accordance with the requirements of the recently amended Local Rule. Signed by Judge David D. Dowd, Jr. on 10/30/09. (S,He) (Entered: 10/30/2009)
10/30/2009		Order [non-document] granting defendant Chesapeake Appalachia, LLC's 13 Motion for extension of time until November 19, 2009 to answer complaint. Approved by Judge David D. Dowd, Jr. on 10/30/09. (S,He) (Entered: 10/30/2009)
11/02/2009	15	Return of Service of unissued summons by attorney by copy delivered to an agent authorized by appointment or by law to receive it whose name is CT Corporation Systems executed upon Chesapeake Appalachia, LLC on 10/30/2009 filed on behalf of Leonard W. Yochman; Marion L. Lutz; Regis F. Lutz; Joseph L. Yochman; C.Y.V. LLC Related document(s) 1 , 2 . (Lowe, James) Summons used for this Return of Service was not the originally issued summons by the Clerk. Address of defendant was modified after the Clerk signed and sealed. Modified text on 11/5/2009 (S,He). (Entered: 11/02/2009)
11/05/2009		Notice by Clerk that Chesapeake Appalachia, LLC.; Columbia Energy Group; and NiSource, Inc. failed to file a corporate disclosure statement as required by Local Rule 3.13(b). (M,De) (Entered: 11/05/2009)
11/05/2009	16	Supplement to 8 Motion for attorney Yvette Harmon to Appear Pro Hac Vice filed by Chesapeake Appalachia, LLC, Columbia Energy Group, NiSource, Inc. Related document(s) 12 . (Marsico, Leonard) Modified text on 11/6/2009 (S,He). (Entered: 11/05/2009)
11/05/2009	17	Supplement to 9 Motion for attorney Jonathan Todd Blank to Appear Pro Hac Vice filed by Chesapeake Appalachia, LLC, Columbia Energy Group, NiSource, Inc. Related document(s) 14 . (Marsico, Leonard) Modified text on 11/6/2009 (S,He). (Entered: 11/05/2009)
11/06/2009	18	Corporate Disclosure Statement (unsigned) by Chesapeake Appalachia, LLC identifying Corporate Parent Chesapeake Energy Corporation, Other Affiliate Chesapeake Operating, Inc. filed by Chesapeake Appalachia, LLC. (Marsico, Leonard) Modified text to note unsigned document on 11/9/2009 (S,He). (Entered: 11/06/2009)
11/06/2009	19	Corporate Disclosure Statement (unsigned) by Columbia Energy Group identifying Corporate Parent NiSource, Inc. filed by Columbia Energy Group. (Marsico, Leonard) Modified text to note unsigned document on 11/9/2009 (S,He). (Entered: 11/06/2009)
11/06/2009	20	Corporate Disclosure Statement (unsigned) by NiSource, Inc. identifying Other Affiliate Columbia Energy Group filed by NiSource, Inc. (Marsico, Leonard) Modified text to note unsigned document on 11/9/2009 (S,He). (Entered: 11/06/2009)
11/06/2009	21	Notice of Magistrate Consent form. (M,De) (Entered: 11/06/2009)
11/09/2009		(Court only) Utility event editing case flags. MissingCDS flag removed. (S,He) (Entered: 11/09/2009)
11/09/2009		Order [non-document] granting Motion for appearance pro hac vice by attorney Yvette Harmon for Columbia Energy Group and NiSource, Inc. (Related Doc # 8). Counsel is reminded that she is required to register for CM/ECF and to file and receive all documents electronically. See LR 5.1(c). Local counsel is directed to notify counsel of this requirement. Approved by Judge David D. Dowd, Jr. on 11/9/2009. (M,De) Modified text on 11/9/2009 (M,De). (Entered: 11/09/2009)
11/09/2009		Order [non-document] granting Motion for appearance pro hac vice by attorney Jonathan T. Blank for Columbia Energy Group and NiSource, Inc. (Related Doc # 9). Counsel is reminded that he is required to register for CM/ECF and to file and receive all documents electronically. See LR 5.1(c). Local counsel is directed to notify counsel of this requirement. Approved by Judge David D. Dowd, Jr. on 11/9/2009. (M,De) (Entered: 11/09/2009)
11/09/2009	22	FILING ERROR - Praecipe not uploaded - attorney to refile Praecipe for issuance of Alias Summons for <i>Chesapeake Appalachia, LLC and Columbia Energy Group</i> filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) 1 , 2 . (Lowe, James) Modified on 11/10/2009 (S,He). (Entered: 11/09/2009)
11/10/2009	23	Case Management Conference Scheduling Order with case management conference to be held on 12/11/2009 at 10:30 a.m. in Chambers 402 before Judge David D. Dowd Jr. Signed by Judge David D. Dowd, Jr. on 11/9/2009. (Attachments: # 1 Appendix K, # 2 Discovery Plan, # 3 Local Rule 30.1, # 4 Map) (M,De) (Entered: 11/10/2009)
11/10/2009	24	Praecipe for issuance of Alias Summons for <i>Columbia Energy Group and Chesapeake Appalachia, LLC</i> filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) 1 , 2 . (Attachments: # 1 Summons)(Lowe, James) (Entered: 11/10/2009)
11/12/2009	25	Alias Summons issued for service upon Chesapeake Appalachia, LLC, Columbia Energy Group. (P,G) (Entered: 11/12/2009)
11/18/2009	26	Return of Service by Certified Mail, Return Receipt Requested executed upon NiSource, Inc. on 11/12/2009 filed on behalf of Leonard W. Yochman; Marion L. Lutz; Regis F. Lutz; Joseph L. Yochman; C.Y.V. LLC Related document(s) 1 , 3 , 2 . (Lowe, James) (Entered: 11/18/2009)
11/18/2009	27	Return of Service by Personal Service executed upon Chesapeake Appalachia, LLC on 11/16/2009 filed on behalf of Leonard W. Yochman; Marion L. Lutz; Regis F. Lutz; Joseph L. Yochman; C.Y.V. LLC Related document(s) 15 , 1 , 24 , 25 . (Lowe, James) (Entered: 11/18/2009)
11/19/2009	28	Motion to dismiss case filed by Chesapeake Appalachia, LLC, Columbia Energy Group, NiSource, Inc.. (Attachments: # 1 Brief in Support of Motion to Dismiss)(Blank, Jonathan) (Entered: 11/19/2009)
11/23/2009	29	Return of Service by Certified Mail Return Receipt Requested executed upon Columbia Energy Group on 11/19/2009 filed on behalf of Leonard W. Yochman; Marion L. Lutz; Regis F. Lutz; Joseph L. Yochman; C.Y.V. LLC Related document(s)

		1, 2. (Lowe, James) (Entered: 11/23/2009)
11/30/2009	30	Notice of Service of <i>Plaintiffs' Rule 26(a)(1) Initial Disclosures</i> filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) 23. (Lowe, James) (Entered: 11/30/2009)
12/07/2009	31	Notice of Service of <i>Defendants' Rule 26(a)(1) Initial Disclosures</i> filed by Chesapeake Appalachia, LLC, Columbia Energy Group, NiSource, Inc.. (Blank, Jonathan) (Entered: 12/07/2009)
12/07/2009	32	Report of Parties' Planning Meeting <i>Pursuant to Rule 26(f)</i> . Parties do not consent to this case being assigned to the magistrate judge, filed by All Parties. (Blank, Jonathan) (Entered: 12/07/2009)
12/10/2009	33	Opposition to 28 Motion to dismiss case <i>Rule 12(b)(6) Motion of Defendants</i> filed by All Plaintiffs. (Attachments: # 1 Exhibit)(Lowe, James) (Entered: 12/10/2009)
12/10/2009	34	First Preliminary Estimate/Budget of Amount of Fees and Expenses of <i>Plaintiffs</i> filed by All Plaintiffs. Related document(s) 23. (Lowe, James) (Entered: 12/10/2009)
12/11/2009		Minutes of proceedings [non-document] before Judge David D. Dowd, Jr. Case Management Conference held on 12/11/2009. (Court Reporter: none) Time: 1 hour 15 minutes. (S,He) (Entered: 12/11/2009)
12/14/2009	35	Order regarding 33 Plaintiffs Regis F. Lutz, Leonard W. Yochman, C.Y.V. LLC, Joseph L. Yochman, and Marion L. Lutz, Opposition to 28 Defendants Columbia Energy Group, Chesapeake Appalachia, LLC, and NiSource, Inc. Motion to dismiss case. Defendants' reply should be filed by December 23, 2009. Also due by December 23, 2009 is plaintiffs' motion for class certification. Defendants should inform the Court by January 8, 2010 what discovery, if any, is needed by defendants before responding to the class certification motion. If defendants maintain that discovery is necessary, plaintiffs may respond by January 15, 2010. After the Court rules on the discovery issue, it will establish a schedule to complete briefing on plaintiffs' motion for class certification. Signed by Judge David D. Dowd, Jr. on 12/14/2009. (M,De) (Entered: 12/14/2009)
12/18/2009	36	Motion for attorney Matthew J. Fischer to Appear Pro Hac Vice Filing fee \$ 100, receipt number 0647-3882332, filed by Columbia Energy Group, NiSource, Inc. (Attachments: # 1 Affidavit)(Marsico, Leonard) Modified on 12/18/2009 to add attorney's name (G,CA). (Entered: 12/18/2009)
12/18/2009		(Court only) Staff Note Regarding Pro Hac Vice Motion from attorney Matthew J. Fischer. The attorney's bar status was verified active. Related document(s) 36. (G,CA) (Entered: 12/18/2009)
12/18/2009		Order [non-document] granting 36 motion for appearance pro hac vice by attorney Matthew John Fischer for Columbia Energy Group and NiSource, Inc. Attorney Matthew John Fischer is reminded that he is required to register for CM/ECF and to file and receive all documents electronically. Local counsel is directed to notify counsel of this requirement. (Admission status with the State of Illinois has been checked and attorney is in good standing). Approved by Judge David D. Dowd, Jr. on 12/18/2009. (S,He) (Entered: 12/18/2009)
12/21/2009	37	Motion for Class Certification filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) 1. (Attachments: # 1 Brief in Support, # 2 Exhibit "A", # 3 Exhibit "B", # 4 Exhibit "C", # 5 Exhibit "D")(Lowe, James) (Entered: 12/21/2009)
12/23/2009	38	Reply to response to 28 Motion to dismiss case filed by All Defendants. (Blank, Jonathan) (Entered: 12/23/2009)
12/29/2009	39	Motion for Leave to File Surreply In Opposition to Motion to Dismiss filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) 38, 33. (Attachments: # 1 Surreply)(Lowe, James) (Entered: 12/29/2009)
12/29/2009		Order [non-document] granting Plaintiffs' Motion for leave to file surreply (Related Doc # 39). It is Plaintiffs' responsibility to separately file their surreply that was attached to their motion. Approved by Judge David D. Dowd, Jr. on 12/29/2009. (M,De) (Entered: 12/29/2009)
12/29/2009	40	Sur-Reply to 28 Motion to Dismiss Case filed by All Plaintiffs. (Lowe, James) Modified to correct link on 12/30/2009 (S,He). (Entered: 12/29/2009)
12/30/2009	41	Letter to The Honorable David D. Dowd, Jr. filed by All Plaintiffs. (Lowe, James) (Entered: 12/30/2009)
12/30/2009	42	Letter to The Honorable David D. Dowd, Jr. filed by All Defendants. (Blank, Jonathan) (Entered: 12/30/2009)
12/30/2009	43	Letter to The Honorable David D. Dowd, Jr. in Response to Plaintiffs' 12/30/2009 Letter filed by All Defendants. (Blank, Jonathan) (Entered: 12/30/2009)
01/04/2010	44	Letter Responsive to Ms. Hamon's Letter of Dec 30 2009 Responding to Plaintiff's Letter of Same Date filed by All Plaintiffs. Related document(s) 41, 43, 42. (Lowe, James) (Entered: 01/04/2010)
01/05/2010	45	Order of Recusal. This case is returned to the Clerk for reassignment to another judge. Signed by Judge David D. Dowd, Jr. on 1/5/2010. (M,De) (Entered: 01/05/2010)
01/05/2010		Judge Sara Lioi assigned to case. Judge David D. Dowd, Jr. terminated. (M,TL) (Entered: 01/05/2010)
01/06/2010		(Court only) Utility event editing case flags. LC1 flag added. (P,J) (Entered: 01/06/2010)
01/07/2010	46	Letter to The Honorable Sara Lioi filed by All Defendants. (Blank, Jonathan) (Entered: 01/07/2010)
01/08/2010	47	Order: The Court will conduct a telephone conference, with counsel only, on Thursday, January 14, 2010 at 11:00 a.m. At that conference, the Court will discuss the facts of the case with counsel and will determine an appropriate case management plan, including whether any form of alternative dispute resolution might be desirable. Counsel for the plaintiffs shall be responsible for setting up the call and shall join the Court (330-252-6060) when all counsel are on the line. Judge Sara Lioi on 1/8/2010. (P,J) (Entered: 01/08/2010)
01/08/2010	48	Motion for order to modify date and time for telephone conference filed all plaintiffs. Related document(s) 47. (Lowe, James) Modified filers on 1/11/2010. (S,HR). (Entered: 01/08/2010)

01/08/2010	<u>49</u>	Response to <u>35</u> Court's December 14, 2009 Order filed by Chesapeake Appalachia, LLC, Columbia Energy Group, NiSource, Inc. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-3, # <u>4</u> Exhibit A-4, # <u>5</u> Exhibit A-5, # <u>6</u> Exhibit B-1, # <u>7</u> Exhibit B-2, # <u>8</u> Exhibit B-3, # <u>9</u> Exhibit B-4, # <u>10</u> Exhibit B-5, # <u>11</u> Exhibit C-1, # <u>12</u> Exhibit C-2, # <u>13</u> Exhibit C-3, # <u>14</u> Exhibit C-4, # <u>15</u> Exhibit C-5) (Related Doc # <u>37</u>)(Blank, Jonathan) Filer advised to convert document to a text-searchable format and to describe exhibits on all future filings.(S,HR). Modified on 1/13/2010 to term motion (D,S). Modified on 1/13/2010 to create link (D,S). (Entered: 01/08/2010)
01/11/2010		Order [non-document] granting joint motion to modify date and time of telephone conference (Related Doc # <u>48</u>). The Court will conduct a telephone conference, with counsel only, on 1/12/2010 at 10:00 AM. At that conference, the Court will discuss the facts of the case with counsel and will determine an appropriate case management plan, including whether any form of alternative dispute resolution might be desirable. Counsel for the plaintiffs shall be responsible for setting up the call and shall join the Court (330-252-6060) when all counsel are on the line. Judge Sara Lioi on 1/11/2010.(P,J) (Entered: 01/11/2010)
01/11/2010	<u>50</u>	Response to <u>49</u> Proposed Class Certification Discovery filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Lowe, James) Atty advised to name all exhibits on future filings (S,HR). Modified on 1/13/2010 to establish links (D,S). (Entered: 01/11/2010)
01/12/2010		Minutes of proceedings [non-document]. A telephone conference was conducted on 1/12/10 by Judge Sara Lioi. Attorneys James Lowe and Robert Sanders participated on behalf of the plaintiffs and Attorneys Jonathan Blank and Yvette Harmon participated on behalf of the defendants. The Court reviewed with counsel the matters that are presently pending in the case and indicated a preference to resolve the fully-briefed motion to dismiss (Doc. # <u>28</u>) before moving on to other matters and before setting any case management deadlines. The Court will conduct oral argument on the motion to dismiss on 2/11/10 at 8:30 a.m. Each side will be allotted one hour for argument. Attorney Sanders indicated that he is in the process of preparing a motion for partial summary judgment which he intended to file before the hearing on the motion to dismiss; however, the Court requested that any such dispositive motion(s) be deferred until after the motion to dismiss is resolved. If all or part of the case survives the motion to dismiss, the Court will conduct another conference to determine an appropriate course of action for the remainder of the case, including class certification matters. The Court also notes that defendants' counsel indicated their intent to file a reply to the opposition to class certification discovery; leave is granted to do so. (Court reporter: None) (Time: 20 minutes) (P,J) (Entered: 01/12/2010)
01/19/2010	<u>51</u>	Reply in Support of Defendants' Proposed Class Discovery filed by All Defendants. Related document(s) <u>49</u> . (Attachments: # <u>1</u> Exhibit A - Thacker Brief Opposing Class Certification, # <u>2</u> Exhibit B - Thacker August 5, 2009 Opinion, # <u>3</u> Exhibit C - Poplar Creek July 2, 2009 Opinion) (Blank, Jonathan) (Entered: 01/19/2010)
02/09/2010	<u>52</u>	Joint Motion to continue the February 11, 2010 Hearing on Defendants' Motion to Dismiss (Related document # <u>28</u>) filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman, Chesapeake Appalachia, LLC, Columbia Energy Group, NiSource, Inc.. (Blank, Jonathan) Modified on 2/10/2010 to create link (P,G). (Entered: 02/09/2010)
02/09/2010		Order [non-document] granting joint motion to continue motion hearing scheduled for 2/11/2010. (Related Doc # <u>52</u>). Motion Hearing rescheduled to 2/25/2010 at 8:30 AM in Courtroom 530 before Judge Sara Lioi. Judge Sara Lioi on 2/9/2010.(P,J) (Entered: 02/09/2010)
02/12/2010	<u>53</u>	Motion for Leave to File Plaintiffs' Supplemental Memorandum in Opposition to Defendants' Motion to Dismiss with Order filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>33</u> , <u>39</u> , <u>28</u> , <u>40</u> . (Attachments: # <u>1</u> Supp Memo in Opp to Deft Mot to Dismiss, # <u>2</u> Order)(Lowe, James) Attorney advised to convert documents to a text-searchable format on future filings (P,G). (Entered: 02/12/2010)
02/16/2010	<u>54</u>	Order: Effective immediately, any document (including the currently proposed supplemental memorandum attached to Motion No. 53) that is filed in non-compliance with Electronic Filing Policies and Procedures and the User's Manual (both available on the court's public website) shall be stricken from the record. Judge Sara Lioi on 2/16/2010. (P,J) (Entered: 02/16/2010)
02/16/2010	<u>55</u>	Order granting plaintiffs' motion for leave to file supplemental memorandum in opposition to defendants' motion to dismiss. (Related Doc # <u>53</u>). Defendants may file a responding supplemental memorandum on or before 2/24/2010, if they choose. Judge Sara Lioi on 2/16/2010.(P,J) (Entered: 02/16/2010)
02/24/2010	<u>56</u>	Supplemental Memorandum in opposition to Defendants' <u>28</u> Motion to Dismiss filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>53</u> , <u>55</u> , <u>54</u> . (Lowe, James) Modified text on 2/24/2010 (S,HR). (Entered: 02/24/2010)
02/24/2010		(Court only) Utility Event Terminating Motions. <u>56</u> Motion to supplement filed by Regis F. Lutz, Leonard W. Yochman, C.Y.V. LLC, Joseph L. Yochman, Marion L. Lutz. Document filed was a supplemental memoranda and not a motion. (S,HR) (Entered: 02/24/2010)
02/24/2010	<u>57</u>	Supplemental Memorandum in Support of <u>28</u> Motion to dismiss case filed by All Defendants. (Attachments: # <u>1</u> Exhibit A - Yochman 7/2/70 Lease, # <u>2</u> Exhibit B - Lutz 9/15/71 Lease, # <u>3</u> Exhibit C - Lutz 3/7/70 Lease, # <u>4</u> Exhibit D - Lutz 8/31/06 Modification, # <u>5</u> Exhibit E - Yochman 7/2/06 Modification)(Blank, Jonathan) (Entered: 02/24/2010)
02/25/2010		Minutes of proceedings [non-document]. On 2/25/10, oral argument was conducted before Judge Sara Lioi regarding <u>28</u> defendants' Rule 12(b)(6) motion to dismiss. Attorney Robert Sanders argued on behalf of the plaintiffs; Attorney Yvette Harmon argued on behalf of the defendants, accompanied by Attorneys Jonathan Blank and Matthew Fischer. Defendants' party representative, Richard Farmer, was also in attendance. The Court heard the parties arguments, accepted into the record a single Exhibit A (from the plaintiffs) and took the motion under advisement. (Court Reporter: Lori Callahan) (Time: 2 hours, 45 minutes) (P,J) (Entered: 03/16/2010)
02/26/2010	<u>58</u>	Motion for Leave to File Three Page Post Hearing Memorandum in Opposition to Defendants' Motion to Dismiss filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>53</u> , <u>56</u> , <u>55</u> . (Attachments: # <u>1</u> Post Hearing Memo in Opp to Deft Mot to Dismiss, # <u>2</u> Proposed Order)(Lowe, James) (Entered: 02/26/2010)

03/01/2010	<u>59</u>	STRICKEN, per order of 6/18/10 <u>68</u> . First Amended complaint for Class Action against All Defendants. Filed by all plaintiffs (Lowe, James). Modified text on 3/2/2010 (P,G). Modified to strike on 11/30/2010 (H,SP). (Entered: 03/01/2010)
03/02/2010		Order [non-document] granting 58 plaintiffs' motion for leave to file post-hearing memorandum in opposition to defendants' motion to dismiss. Defendants are granted 14 days to file a responsive post-hearing memorandum. Judge Sara Lioi on 3/2/2010.(P,J) (Entered: 03/02/2010)
03/02/2010	<u>60</u>	Post Hearing Memorandum In Support of 58 Motion for Leave to File Three Page Post Hearing Memorandum in Opposition to Defendants' Motion to Dismiss filed by All Plaintiffs. (Lowe, James) Modified text on 3/3/2010 (P,G). (Entered: 03/02/2010)
03/02/2010	<u>61</u>	Corrected First Amended complaint against All Defendants. Filed by Regis F. Lutz, Marion L. Lutz. (Lowe, James) (Document not signed) Modified text on 3/3/2010 (P,G). (Entered: 03/02/2010)
03/02/2010	<u>62</u>	Letter to The Honorable Sara Lioi filed by All Plaintiffs. Related document(s) <u>59</u> , <u>1</u> , <u>61</u> . (Lowe, James) (Entered: 03/02/2010)
03/04/2010	<u>63</u>	Motion to strike Plaintiffs' First Amended Complaint and Corrected First Amended Complaint filed by Chesapeake Appalachia, LLC, Columbia Energy Group, NiSource, Inc. (Related document(s) <u>59</u> , <u>61</u>). (Attachments: # <u>1</u> Exhibit 1 - Rule 1)(Blank, Jonathan) Modified text on 3/5/2010 (P,G). Modified on 6/21/2010 to note Motion Stricken (P,G). Modified action of 6/21/10 modification, on 11/30/2010 (H,SP). (Entered: 03/04/2010)
03/05/2010	<u>64</u>	Motion for leave to File Corrected First Amended Complaint filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>63</u> , <u>61</u> . (Attachments: # <u>1</u> Memo in Support of Motion and Opposition to Plaintiffs' Motion to Strike, # <u>2</u> Corrected First Amended Complaint, # <u>3</u> Order on Motion for Leave to File)(Lowe, James) Modified text on 3/8/2010, attorney notified of proper case number for future filings(P,G). (Entered: 03/05/2010)
03/12/2010	<u>65</u>	Post-Hearing Memorandum in Support of Defendants' Motion to Dismiss (Related document # <u>28</u>) filed by All Defendants. (Attachments: # <u>1</u> Exhibit 1 - Legislative History of R.C. 2305.041) (Blank, Jonathan) Modified text on 3/15/2010 and created link (P,G). (Entered: 03/12/2010)
03/19/2010	<u>66</u>	Opposition to <u>64</u> Motion for leave to File Corrected First Amended Complaint filed by All Defendants. (Blank, Jonathan) (Entered: 03/19/2010)
03/24/2010	<u>67</u>	Reply to response to <u>64</u> Motion for leave to File Corrected First Amended Complaint Plaintiffs' Reply Memorandum in Support of Their Motion for Leave to File Corrected First Amended Complaint filed by All Plaintiffs. (Lowe, James) (Entered: 03/24/2010)
06/18/2010	<u>68</u>	Memorandum Opinion and Order: Defendants' motion to dismiss (Doc. No. <u>28</u>) is granted; plaintiffs' motion for leave to file a corrected first amended complaint (Doc. No. <u>64</u>) is denied; and defendants' motion to strike plaintiffs' first amended complaint (Doc. No. <u>63</u>) is granted. Judge Sara Lioi on 6/18/2010. (P,J) (Entered: 06/18/2010)
06/18/2010	<u>69</u>	Judgment Entry: For the reasons set forth in the contemporaneously filed Memorandum Opinion and Order, the above-captioned case is dismissed. Case closed, with each party to bear its own costs. (Related Doc # <u>68</u>). Judge Sara Lioi on 6/18/2010. (P,J) (Entered: 06/18/2010)
06/28/2010	<u>70</u>	Motion to alter/amend judgment or, in the Alternative, Motion for Relief from Judgment filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>69</u> , <u>68</u> . (STRICKEN per <u>73</u> Order 6/30/2010: Attachments: # <u>1</u> Brief in Support)(Lowe, James). Modified text on 6/29/2010 (P,G). (Additional attachment added on 6/30/2010: # <u>2</u> Revised Brief) (P,J). Modified text on 6/30/2010 (P,J). (Entered: 06/28/2010)
06/29/2010		Order [non-document] directing a response to <u>70</u> plaintiffs' Motion to alter/amend judgment or, in the Alternative, for Relief from Judgment by 7/20/2010 and a reply, if any, by 7/27/2010; no extensions will be granted. Judge Sara Lioi on 6/29/2010. (D,S) Modified text on 6/29/2010 to reflect non-document order (P,J). (Entered: 06/29/2010)
06/29/2010	<u>71</u>	Motion for leave to file substitute memorandum in support of <u>70</u> Motion to alter/amend judgment or, in the alternative, for relief from judgment. Filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>69</u> , <u>68</u> . (Attachments: # <u>1</u> Brief in Support)(Lowe, James) Modified text on 6/30/2010 (S,HR). (Entered: 06/29/2010)
06/29/2010	<u>72</u>	Supplement to <u>71</u> Motion for leave to file substitute memorandum to <u>70</u> Motion to alter/amend judgment, filed by all plaintiffs. Related document(s) <u>69</u> , <u>68</u> . (Lowe, James) Modified text on 6/30/2010 (S,HR). (Entered: 06/29/2010)
06/30/2010	<u>73</u>	Order granting <u>71</u> plaintiffs' motion for leave to substitute a more legible version of the brief in support of motion to alter or amend judgment. The Court directs the Clerk to add Doc. No. [71-1] as attachment 2 to Doc. No. <u>70</u> , indicating in the docket text that Doc. No. [70-1] is stricken from the record. The substituted brief shall be deemed timely filed as of June 28, 2010. Judge Sara Lioi on 6/30/2010.(P,J) (Entered: 06/30/2010)
07/20/2010	<u>74</u>	Opposition to <u>70</u> Motion to alter/amend judgment or, in the Alternative, for Relief from Judgment Motion for relief from filed by All Defendants. (Blank, Jonathan) Modified text on 7/21/2010 (P,G). (Entered: 07/20/2010)
07/27/2010	<u>75</u>	Reply in support of Plaintiffs' <u>70</u> Motion to alter/amend judgment or, in the alternative, for relief from judgment filed by All Plaintiffs. (Lowe, James) Modified on 7/28/2010 to create link (P,G). (Entered: 07/27/2010)
11/22/2010	<u>76</u>	Memorandum Opinion and Order: The Court sees no reason to revisit its opinion of June 18, 2010 under either Rule 59 or Rule 60. Therefore, plaintiffs' motion (Doc. No. <u>70</u>) is denied. Judge Sara Lioi on 11/22/2010. (P,J) (Entered: 11/22/2010)
11/29/2010	<u>77</u>	NOTICE OF APPEAL to the 6th Circuit Court of Appeals from the <u>76</u> Memorandum Opinion and Order of 11/22/10, and the <u>68</u> Memorandum Opinion and Order and <u>69</u> Judgment Entry of 6/18/10, filed by all plaintiffs. (Filing fee of \$455 paid, receipt number 0647-4420045) (Lowe, James). Modified text on 11/30/2010 (H,SP). (Entered: 11/29/2010)
12/08/2010	<u>78</u>	Acknowledgment from the USCA for Sixth Circuit of receipt of <u>77</u> Notice of Appeal (USCA# 10-4538). Date filed in USCA 12/7/10. (H,SP) (Entered: 12/08/2010)

12/22/2010	<u>79</u>	AMENDED NOTICE OF APPEAL to the 6th Circuit Court of Appeals from the <u>68</u> Memorandum Opinion and Order and <u>69</u> Judgment Entry of 6/18/10 and from the <u>76</u> Memorandum Opinion and Order of 11/22/10, filed by All Plaintiffs (Related document <u>77</u>). (Filing fee of \$455 paid, receipt number 0647-4460517) (Lowe, James). Modified text on 12/22/2010 (H,SP). (Entered: 12/22/2010)
01/13/2011	<u>80</u>	Acknowledgment from the USCA for Sixth Circuit of receipt of <u>79</u> Amended Notice of Appeal (USCA# 11-3034). Date filed in USCA 1/11/11. (H,SP) (Entered: 01/13/2011)
05/29/2013	<u>81</u>	Information copy of opinion from the USCA for the Sixth Circuit: Reversing that portion of the District Court's judgment dismissing plaintiffs' breach of contract claim, affirming the remainder of the judgment, and remand the case to the District Court for further proceedings consistent with this opinion re <u>77</u> Notice of Appeal (USCA# 10-4538) and <u>79</u> Amended Notice of Appeal (USCA# 11-3034). This is not a mandate order. Circuit Judges: Gibbons, Griffin and Donald. Date issued by USCA 5/29/13 (Attachments: # <u>1</u> Judgment)(H,SP) (Entered: 05/29/2013)
06/26/2013	<u>82</u>	Appeal Order from USCA for the Sixth Circuit: Denying the petition for rehearing re <u>81</u> Information Copy (USCA# 10-4538 & 11-3034). Date issued by USCA 6/24/13 (H,SP) (Entered: 06/26/2013)
07/05/2013	<u>83</u>	True copy of mandate from the USCA for the Sixth Circuit: Reversing in part, affirming in part and remanding for further proceedings re <u>77</u> Notice of Appeal (USCA# 10-4538) and <u>79</u> Amended Notice of Appeal (USCA# 11-3034). Date issued as mandate 7/3/13, Costs: None (Related document <u>81</u>) (H,SP) (Entered: 07/05/2013)
07/05/2013		(Court only) Utility Event terminating defendants Columbia Energy Group and NiSource, Inc. (See 7/19/2013 Minutes Entry from Status Conference). (P,J) (Entered: 07/19/2013)
07/09/2013	<u>84</u>	Joint Motion for (Status Conference) filed by All Parties. (Harmon, Yvette) Modified text on 7/10/2013 (R,Sh). (Entered: 07/09/2013)
07/10/2013		(Court only) Utility Event adding attorney Daniel T. Donovan,Ragan Naresh for Chesapeake Appalachia, LLC. Related document(s) <u>84</u> . (P,G) (Entered: 07/10/2013)
07/11/2013		Order [non-document] granting joint motion for status conference. (Related Doc # <u>84</u>). Status Conference, with counsel only, set for 7/19/2013 at 1:00 PM in Chambers 526, U.S. District Court, Akron, before Judge Sara Lioi. Judge Sara Lioi on 7/11/2013.(P,J) (Entered: 07/11/2013)
07/11/2013		Random Re-Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Kathleen B. Burke. (S,He) (Entered: 07/11/2013)
07/19/2013		Minutes of proceedings [non-document] before Judge Sara Lioi. A status conference was conducted on 7/19/13 by Judge Sara Lioi. Attorney Robert Sanders attended on behalf of plaintiffs. Attorney Daniel Donovan attended on behalf of defendant Chesapeake Appalachia, LLC. Attorneys Jonathan Blank and Yvette Harmon attended on behalf of Columbia Energy Group and NiSource, Inc. After discussion with the Court, the Court and all counsel agreed that Columbia Energy Group and NiSource, Inc. are no longer in the case because the only claims wherein they were named in the complaint (Doc. No. 1) have been dismissed and any challenge to that dismissal was abandoned on appeal. (See, Doc. No. 81 at 1060.) The Court directs the Clerk to term these two defendants on the docket effective 7/5/13, the date of the mandate from the Sixth Circuit Court of Appeals (Doc. No. 83). Counsel for the plaintiff and remaining defendant (Chesapeake Appalachia, LLC) also agreed that only Count I (breach of contract) remains for resolution. Counsel supplied the Court with proposed case management deadlines relating to class certification. With some modifications discussed with counsel, these deadlines will be issued by separate order. (Counsel for defendant Chesapeake Appalachia, LLC agreed to provide to the Court a proposed order reflecting the agreed upon dates.) Counsel for the plaintiffs and defendant Chesapeake Appalachia, LLC also agreed to private mediation during the month of October 2013. Counsel will jointly arrange for the mediation and will advise the Court immediately should the mediation resolve all, or any portion of, the case. Counsel also agreed that a second mediation would be advisable during the month of November 2014, should the case survive to that date. (Court reporter: None) (Time: 60 minutes) (P,J) (Entered: 07/19/2013)
07/24/2013	<u>85</u>	Proposed Scheduling Order filed by Chesapeake Appalachia, LLC. (Donovan, Daniel) Modified text on 7/25/2013 (R,Sh). (Entered: 07/24/2013)
07/25/2013	<u>86</u>	Scheduling Order: Defendants' responsive pleading due 8/30/2013; Fact discovery on class certification issues to commence 9/13/2013; The parties shall engage in mediation in Washington, DC 10/31/2013; Fact discovery on class certification issues to close 3/14/2014; Plaintiffs' motion for class certification and disclosure of expert reports in support of class certification (if any) due 5/12/2014; Expert discovery of plaintiffs' experts in support of class certification (if any) to close 7/14/2014; Defendants' opposition brief to class certification and rebuttal expert reports in opposition to class certification (if any) due 9/10/2014; Expert discovery of defendants' experts in opposition to class certification (if any) to close 10/10/2014; Plaintiffs' reply brief in support of class certification due 10/31/2014; The parties shall engage in mediation 11/14/2014; Hearing on plaintiffs' class certification motion 12/11/2014 at 9:00 AM. Judge Sara Lioi on 7/25/2013. (P,J) (Entered: 07/25/2013)
07/30/2013	<u>87</u>	Attorney Appearance by Kevin C. Abbott filed by on behalf of Chesapeake Appalachia, LLC. (Abbott, Kevin) (Entered: 07/30/2013)
08/30/2013	<u>88</u>	Answer to <u>1</u> Complaint, , Counterclaim against All Plaintiffs filed by Chesapeake Appalachia, LLC. (Donovan, Daniel) (Entered: 08/30/2013)
10/01/2013	<u>89</u>	Motion for Leave to File Answer to Counterclaim filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>88</u> . (Attachments: # <u>1</u> Answer to Counterclaim)(Lowe, James) (Entered: 10/01/2013)
10/01/2013	<u>90</u>	Plaintiffs' Notice That Their Motion for Leave to File Answer to Counterclaim is Unopposed filed by All Plaintiffs. Related document(s) <u>88</u> , <u>89</u> .(Lowe, James) (Entered: 10/01/2013)
10/02/2013		Order [non-document] granting, for good cause show, counter-defendants' Motion for leave to file their answer to the counterclaim (Related Doc # <u>89</u>); counsel shall forthwith file the document attached to the motion. Judge Sara Lioi on 10/2/13.(D,S) (Entered: 10/02/2013)

10/02/2013	<u>91</u>	Answer to Defendant's Counterclaim filed by All Plaintiffs. Related document(s) <u>90</u> , <u>88</u> , <u>89</u> . (Lowe, James) (Entered: 10/02/2013)
10/17/2013	<u>92</u>	Joint Motion to Amend Scheduling Order filed by Defendant Chesapeake Appalachia, LLC. Related document(s) <u>86</u> . (Donovan, Daniel) (Entered: 10/17/2013)
10/18/2013		Order [non-document] granting Joint Motion for order permitting the mediation to occur no later than the week ending 12/6/13 (Related Doc # <u>92</u>); all other case management deadlines are unaffected by this order (Related Doc # <u>86</u>). Judge Sara Lioi on 10/18/13. (D,S) (Entered: 10/18/2013)
11/12/2013	<u>93</u>	Consent Motion for protective order filed by Defendant Chesapeake Appalachia, LLC. (Attachments: # <u>1</u> Proposed Order)(Donovan, Daniel) (Entered: 11/12/2013)
11/13/2013	<u>94</u>	Order: The Court has examined the proposed protective order and finds it lacking in at least one essential respect: it fails to make clear that there will be no restrictions at trial on the use of materials subject to the order. See Local Rules, N.D. Ohio, App. L, Paragraph 9. Accordingly, the motion is denied without prejudice to renewal upon the inclusion of the requisite language, as suggested by Paragraph 9 of the Court's form order. (Related Doc # <u>93</u>). Judge Sara Lioi on 11/13/2013.(P,J) (Entered: 11/13/2013)
11/20/2013	<u>95</u>	Consent Motion for protective order filed by Defendant Chesapeake Appalachia, LLC. (Attachments: # <u>1</u> Proposed Order)(Donovan, Daniel) (Entered: 11/20/2013)
11/25/2013	<u>96</u>	Stipulated Protective Order. (Related Doc # <u>95</u>). Judge Sara Lioi on 11/25/2013. (Attachments: # <u>1</u> Exhibit A)(P,J) (Entered: 11/25/2013)
01/28/2014	<u>97</u>	Joint Status Report and Motion to Amend Scheduling Order and Memorandum in Support filed by Chesapeake Appalachia, LLC. (Attachments: # <u>1</u> Proposed Order Amended Scheduling Order)(Donovan, Daniel) (Entered: 01/28/2014)
01/30/2014	<u>98</u>	Amended Scheduling Order: Fact discovery on class certification issues to close 5/14/2014; Plaintiffs' motion for class certification and disclosure of expert reports in support of class certification (if any) due 7/11/2014; Expert discovery of plaintiffs' experts in support of class certification (if any) to close 9/2/2014; Defendants' opposition brief to class certification and rebuttal expert reports in opposition to class certification (if any) due 11/7/2014; Expert discovery of defendants' experts in opposition to class certification (if any) to close 12/5/2014; Plaintiffs' reply brief in support of class certification due 1/9/2015; The parties shall engage in mediation 1/23/2015; Hearing on plaintiffs' class certification motion 2/9/2015 at 9:00 AM. (Related Doc # <u>86</u> , <u>97</u>). Judge Sara Lioi on 1/30/2014. (P,J) (Entered: 01/30/2014)
02/20/2014	<u>99</u>	Joint Motion for Approval of Amendment to Protective Order filed by Defendant Chesapeake Appalachia, LLC. Related document <u>96</u> (Attachments: # <u>1</u> Proposed Order)(Donovan, Daniel) Modified text for title on 2/21/2014 (R,Sh). (Entered: 02/20/2014)
02/25/2014	<u>100</u>	Order granting joint motion for approval of amendment to protective order. (Related Doc # <u>99</u> , <u>96</u>). Judge Sara Lioi on 2/25/2014.(P,J) (Entered: 02/25/2014)
02/25/2014	<u>101</u>	Amended Stipulated Protective Order. Judge Sara Lioi on 2/25/2014. (P,J) (Entered: 02/25/2014)
03/24/2014	<u>102</u>	Notice of Service of Plaintiff Marion L. Lutz's First Set of Requests for the Production of Documents filed by Marion L. Lutz. Related document(s) <u>1</u> .(Lowe, James) (Entered: 03/24/2014)
03/26/2014	<u>103</u>	Consent Motion to Amend Scheduling Order and Memorandum in Support filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>98</u> , <u>86</u> . (Attachments: # <u>1</u> Proposed Order) (Lowe, James) Modified text for double wording on 3/27/2014 (R,Sh). (Entered: 03/26/2014)
03/27/2014	<u>104</u>	Amended Scheduling Order granting plaintiffs' consent motion to amend scheduling order (Related Doc # <u>103</u>). The following schedule shall govern proceedings in this matter. Dispositive motions, if any, may be filed in accordance with the Federal Rules of Civil Procedure. July 14, 2014--Fact discovery on class certification issues to close; September 11, 2014--Plaintiffs' motion for class certification and disclosure of expert reports in support of class certification (if any) due; November 12, 2014--Expert discovery of plaintiffs' experts in support of class certification (if any) to close; January 7, 2015--Defendant's opposition brief to class certification and rebuttal expert reports in opposition to class certification (if any) due; February 5, 2015--Expert discovery of defendant's experts in opposition to class certification (if any) to close; March 9, 2015--Plaintiffs' reply brief in support of class certification due; March 23, 2015--The parties shall have engaged in mediation; April 9, 2015--Hearing on plaintiffs' class certification motion shall begin at 9:00 a.m. Judge Sara Lioi on 3/27/2014.(P,J) (Entered: 03/27/2014)
04/22/2014	<u>105</u>	FILING ERROR. Wrong event used. Filer refiled complete subpoena returned executed document. Return of Service by Clerk by certified mail executed upon NiSource, Inc., filed on behalf of All Plaintiffs (Lowe, James) Modified text on 4/23/2014 (R,Sh). (Entered: 04/22/2014)
04/22/2014	<u>106</u>	FILING ERROR. Wrong event used. Filer refiled complete subpoena returned executed document. Return of Service by Clerk by certified mail executed upon Columbia Energy Group, filed on behalf of All Plaintiffs (Lowe, James) Modified text on 4/23/2014 (R,Sh). (Entered: 04/22/2014)
04/23/2014	<u>107</u>	Subpoena Returned Executed; served upon NiSource, Inc. by Certified Mail Return Receipt Requested on 04/14/2014 filed on behalf of All Plaintiffs (Lowe, James) (Entered: 04/23/2014)
04/23/2014	<u>108</u>	Subpoena Returned Executed; served upon Columbia Energy Group by Certified Mail Return Receipt Requested on 04/14/2014 filed on behalf of All Plaintiffs (Lowe, James) (Entered: 04/23/2014)
05/19/2014	<u>109</u>	Motion for Order Overruling Objections of Columbia Energy Group to Subpoena Duces Tecum filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) <u>107</u> . (Attachments: # <u>1</u> Brief in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Proposed Order)(Lowe, James) Modified text on 5/19/2014 (S,R). Modified to indicate exhibits are not described on 5/20/2014 (R,Sh). (Entered: 05/19/2014)

05/19/2014	110	Motion Order Overruling Objections of NiSource, Inc. to Subpoena Duces Tecum filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) 107 . (Attachments: # 1 Brief in Support, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Proposed Order) (Lowe, James) Modified to indicate exhibits not described, filer notified on 5/20/2014 (R,Sh). (Entered: 05/19/2014)
06/02/2014	111	Opposition to 110 Motion Order Overruling Objections of NiSource, Inc. to Subpoena Duces Tecum, 109 Motion Order Overruling Objections of NiSource, Inc. to Subpoena Duces Tecum filed by Columbia Energy Group, NiSource, Inc.. (Attachments: # 1 Exhibit 1- CEG's Supplemental Responses and Objections to Plaintiff's Subpoena, # 2 Exhibit 2- NiSource's Supplemental Responses and Objections to Plaintiff's Subpoena)(Harmon, Yvette) (Entered: 06/02/2014)
06/10/2014	112	Reply to 111 Opposition to 110 Motion for Order Overruling Objections of NiSource, Inc. to Subpoena Duces Tecum, 109 Motion for Order Overruling Objections of NiSource, Inc. to Subpoena Duces Tecum filed by All Plaintiffs. (Lowe, James) Modified text on 6/11/2014 (H,KR). (Entered: 06/10/2014)
07/31/2014	113	Joint Motion Mooting 109 and 110 Motions for Orders Overruling Objections of NiSource, Inc. and Columbia Energy Group to Subpoena Duces Tecum and Memorandum in Support filed by Columbia Energy Group, NiSource, Inc.. (Harmon, Yvette) Modified text on 8/4/2014 (H,KR). (Entered: 07/31/2014)
08/01/2014		Order [non-document] denying as moot Motion for order overruling objections (Related Doc # 109) in light of resolution of the issue as expressed in Doc # 113 . Judge Sara Lioi on 8/1/14.(D,S) (Entered: 08/01/2014)
08/01/2014		Order [non-document] denying as moot Motion for order overruling objections (Related Doc # 110) in light of resolution of the issue as expressed in Doc # 113 . Judge Sara Lioi on 8/1/14.(D,S) (Entered: 08/01/2014)
08/04/2014		(Court only) Utility Event Terminating Motions 113 . (H,KR) (Entered: 08/04/2014)
08/06/2014	114	Motion for partial summary judgment filed by Defendant Chesapeake Appalachia, LLC. (Attachments: # 1 Brief in Support, # 2 Exhibit A - Bowles Declaration, # 3 Exhibit A-1, # 4 Exhibit A-2, # 5 Exhibit A-3, # 6 Exhibit A-4, # 7 Exhibit A-5, # 8 Exhibit A-6, # 9 Exhibit B - Naresh Declaration, # 10 Exhibit B-1, # 11 Exhibit B-2, # 12 Exhibit B-3, # 13 Exhibit B-4, # 14 Exhibit B-5, # 15 Exhibit B-6, # 16 Exhibit B-7, # 17 Exhibit B-8, # 18 Exhibit B-9, # 19 Exhibit B-10, # 20 Exhibit B-11, # 21 Exhibit B-12, # 22 Exhibit B-13, # 23 Exhibit B-14, # 24 Exhibit B-15, # 25 Exhibit B-16, # 26 Exhibit B-17, # 27 Exhibit B-18, # 28 Exhibit B-19, # 29 Exhibit B-20, # 30 Exhibit B-21, # 31 Exhibit B-22, # 32 Exhibit B-23, # 33 Proposed Order)(Donovan, Daniel) (Entered: 08/06/2014)
08/06/2014	115	Statement of Undisputed Material Facts filed by Chesapeake Appalachia, LLC. Related document(s) 114 . (Donovan, Daniel) Modified text on 8/11/2014 (S,HR). (Entered: 08/06/2014)
08/07/2014	116	Order setting dispositive motion briefing deadlines and advising the parties of the Court's requirements with respect to future filings. Any opposition to defendant's motion for partial summary judgment (Doc. # 114) shall be filed by 9/5/2014 and any reply shall be filed by 9/19/2014. (See order for future filing requirements.) Judge Sara Lioi on 8/7/2014. (S,He) (Entered: 08/07/2014)
08/11/2014	117	Notice of Filing Transcripts filed by Chesapeake Appalachia, LLC. (Attachments: # 1 Exhibit A - 5/28/14 Leonard Yochman Deposition, # 2 Exhibit B - 5/28/14 30(b)(6) CYV, LLC Deposition, # 3 Exhibit C - 5/28/14 Joseph Yochman Deposition, # 4 Exhibit D - 5/29/14 Regis Lutz Deposition, # 5 Exhibit E - 5/29/14 Marion Lutz Deposition, # 6 Exhibit F - 7/1/14 30(b)(6) CYV, LLC Deposition)Related document(s) 114 .(Donovan, Daniel) (Entered: 08/11/2014)
09/05/2014	118	Cross Motion for partial summary judgment filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) 116 , 114 . (Attachments: # 1 Plaintiffs' Memorandum in Support of Their Cross Motion for Partial Summary Judgment and in Opposition to Defendant's Motion for Partial Summary Judgment, # 2 Exhibit 1 Tawney - Trial Court's Finding of Fact and Conclusions of Law, # 3 Exhibit 2 Tawney - Royalty Check Stubs, # 4 Exhibit 3 Thacker - Royalty Check Stubs, # 5 Exhibit 4 McCracken Deposition in Thacker, # 6 Exhibit 5 Case Law - Busbey v. Russell, # 7 Exhibit 6 Compressor Facility Agreement, # 8 Exhibit 7 News Article, # 9 Proposed Order)(Lowe, James) (Entered: 09/05/2014)
09/11/2014	119	Motion for class certification filed by C.Y.V. LLC, Marion L. Lutz, Regis F. Lutz, Joseph L. Yochman, Leonard W. Yochman. Related document(s) 104 . (Attachments: # 1 Plaintiffs' Memorandum in Support of Their Motion for Class Certification, # 2 Exhibit 1 Lutz and Stankowski Leases, # 3 Exhibit 2 Grima Lease, # 4 Exhibit 3 Mary Yochman Lease, # 5 Exhibit 4 Tawney Findings of Fact, # 6 Exhibit 5 Ohio Check Stubs, # 7 Exhibit 6 West Virginia Check Stubs, # 8 Exhibit 7 Kentucky Check Stubs, # 9 Exhibit 8 Deposition of Steve McGracken, # 10 Exhibit 9 Declaration of Oscar Hartman, # 11 Exhibit 10 Thacker - Am. Compl., # 12 Thacker - Motion for Settlement Class, # 13 Exhibit 12 Thacker - Order on Settlement Class, # 14 Exhibit 13 Thacker - Motion for Final Approval, # 15 Exhibit 14 Thacker - Order on Final Approval, # 16 Exhibit 15 Healy - Am. Compl., # 17 Exhibit 16 Healy - Motion on Settlement Class, # 18 Exhibit 17 Healy - Order on Settlement Class, # 19 Exhibit 18 Healy - Motion for Final Approval, # 20 Exhibit 19 Healy - Order on Final Approval, # 21 Exhibit 20 Class Leases, # 22 Exhibit 21 Chesapeake's New Lease Form, # 23 Proposed Order)(Lowe, James) (Entered: 09/11/2014)
09/19/2014	120	Reply in support of 114 Motion for partial summary judgment and Opposition to 118 Cross Motion for partial summary judgment filed by Chesapeake Appalachia, LLC. (Donovan, Daniel) Modified text on 9/22/2014 (H,KR). (Entered: 09/19/2014)
10/03/2014	121	Reply (not text searchable) memorandum in support of 118 Cross Motion for partial summary judgment filed by All Plaintiffs. (Attachments: # 1 Exhibit 1 Gas Lease Form Used by EQT)(Lowe, James) Modified text and added that the document is not text searchable. Attorney Lowe has been notified to file all future documents as such on 10/6/2014 (H,KR). (Entered: 10/03/2014)
10/06/2014	122	Supplemental Authority in Support of 118 Motion for Partial Summary Judgment filed by All Plaintiffs. Related document(s) 121 . (Attachments: # 1 Exhibit 1 Schmidt v. Texas Meridian Resources, # 2 Exhibit 2 Baldwin's Ohio Practice)(Lowe, James) Modified text on 10/8/2014 (H,KR). (Entered: 10/06/2014)
10/23/2014	123	Consent Motion to Amend Scheduling Order filed by Defendant Chesapeake Appalachia, LLC. (Attachments: # 1 Proposed Order)(Donovan, Daniel) Modified duplicate exhibit on 10/27/2014 (H,KR). (Entered: 10/23/2014)

10/30/2014	<u>124</u>	Order granting consent motion to amend the current scheduling order (Related Doc # <u>123</u>). All future dates set forth in the Court's Amended Scheduling Order (Doc. No. <u>104</u>) are stayed until further order of this Court. Within 10 business days of the Court's resolution of the pending summary judgment motions, should the case survive, the parties shall submit a proposed amended schedule governing future class certification proceedings, including depositions and briefing. Consistent with the Court's standard practice, beginning 45 calendar days from the date of this Order, counsel shall submit Status Reports to the Court and shall continue such reports every 45 days during the pendency of this matter. These are to be procedural reports; they are not to contain substantive discussions of the merits of any claims or defenses asserted. Failure to file Status Reports will affect the Court's willingness to grant requested extensions of time to perform any acts required under this Order or under any applicable federal or local rule of procedure. Repeated failures to file Status Reports may result in additional sanctions, including dismissal of claims or defenses under Rule 41(b) of the Federal Rules of Civil Procedure. Judge Sara Lioi on 10/30/2014. (P,J) (Entered: 10/30/2014)
12/15/2014	<u>125</u>	Joint Status Report filed by Chesapeake Appalachia, LLC. (Donovan, Daniel) (Entered: 12/15/2014)
01/29/2015	<u>126</u>	Joint Status Report filed by Chesapeake Appalachia, LLC. (Donovan, Daniel) (Entered: 01/29/2015)
03/13/2015		Minutes of proceedings [non-document] before Judge Sara Lioi. An impromptu telephone conference was conducted on 3/12/15 by Judge Sara Lioi. Attorneys Robert Sanders and James Lowe participated on behalf of plaintiffs and Attorney Daniel Donovan participated on behalf of defendant. The Court will issue a separate order memorializing the discussion. (Court reporter: none) (Time: 20 minutes) (P,J) (Entered: 03/13/2015)
03/13/2015	<u>127</u>	Order: After the discussion held with counsel on 3/12/2015, the Court concludes that the motions for summary judgment (Doc. Nos. <u>114</u> and <u>118</u>) should be, and hereby are, administratively denied, without prejudice to renewal at an appropriate time. Further, the Court directs counsel to confer in good faith and to propose a draft order certifying the appropriate question(s) to the Ohio Supreme Court, taking care to frame the issues in a balanced and neutral way, and to conform the draft order to the directives of Rule of Practice XVIII. The order, in Word format, shall be emailed to the Court's law clerk by no later than noon on Friday, March 20, 2015. The Court will then work with counsel to finalize the order and thereafter issue a final certifying order. Judge Sara Lioi on 3/13/2015. (P,J) (Entered: 03/13/2015)
03/13/2015		Order [non-document]: In view of <u>127</u> Order regarding anticipated certification to the Ohio Supreme Court, <u>119</u> plaintiffs' motion for class certification is denied without prejudice to renewal at an appropriate time. Judge Sara Lioi on 3/13/2015. (P,J) (Entered: 03/13/2015)
03/27/2015	 <u>128</u>	(Court only) Staff Note: During a telephone conference on 3/13/15, the Court requested that the parties confer and submit a joint proposed order certifying a question to the Ohio Supreme Court. The attached document was submitted by defendant Chesapeake Appalachia only. (P,J) (P,J). (Entered: 03/27/2015)
03/27/2015		Order [non-document]: The Court directed the parties to confer and submit a joint proposed order certifying a question to the Ohio Supreme Court. The parties were unable to reach agreement. Defendant submitted its proposed certification order; plaintiffs submitted nothing. Using defendant's submission as a starting point, the Court has now drafted what it intends to file with the Ohio Supreme Court. This draft is being contemporaneously emailed to counsel by the Court's law clerk. The Court will conduct a telephone conference with counsel only at 10:00 AM on Tuesday, 3/31/15, for the purpose of a final review of the proposed order. The telephone conference will be initiated by plaintiffs' counsel. After all counsel are on line, plaintiffs' counsel is to place the call to the Chambers of the Honorable Sara Lioi at (330) 252-6060. Judge Sara Lioi on 3/27/2015. (P,J) (Entered: 03/27/2015)
03/30/2015	 <u>129</u>	(Court only) Staff Note: Following the Court's order scheduling this case for a status conference, plaintiffs' counsel submitted the attached document, representing that it was originally sent by email to the Court's law clerk on 3/20/15. Counsel did not realize that the email was never received, having gotten no delivery failure message. (P,J) (P,J). (Entered: 03/30/2015)
03/30/2015		Notice [non-document]: The Telephone Conference set for 3/31/2015 is RESCHEDULED to 4/1/2015 at 10:00 AM before Judge Sara Lioi. The Court will initiate the call to counsel. (P,J) (Entered: 03/30/2015)
04/01/2015		Minutes of proceedings [non-document]: A telephone conference was conducted on 4/1/15 by Judge Sara Lioi. Attorney Robert Sanders participated on behalf of plaintiffs; Attorneys Daniel Donovan and Kevin Abbot participated on behalf of defendant. The Court discussed with counsel its proposed certification order. The Court advised that the order would be revised as discussed, and the Court's law clerk would distribute the revision by email to counsel, who should promptly advise whether further discussion will be required. If so, the Court will reconvene the phone conference at 2:30 p.m. on 4/1/15. If no further discussion is required, the Court will forthwith file the certification order. (Court reporter: None) (Time: 45 minutes) (P,J) (Entered: 04/01/2015)
04/01/2015	<u>130</u>	Order Certifying Question to Ohio Supreme Court. In accordance with Rule 9.03(A) of the Rules of Practice of the Supreme Court of Ohio, the Clerk of the United States District Court for the Northern District of Ohio is hereby instructed to serve copies of the certification order upon counsel for the parties and to file this certification order under the seal of this Court with the Supreme Court of Ohio, along with appropriate proof of service. Judge Sara Lioi on 4/1/2015. (P,J) (Entered: 04/01/2015)
04/01/2015		Remark: Copy of Order Certifying Question to Ohio Supreme Court (Doc. No. <u>130</u>) sent electronically to counsel; Certified copy of Order Certifying Question to Ohio Supreme Court (Doc. No. <u>130</u>) and copy of docket sheet sent by clerk to Ohio Supreme Court on 4/1/2015. (P,J) (Entered: 04/01/2015)