

ORIGINAL

IN THE SUPREME COURT OF OHIO

REGIS F. LUTZ, et al.,	:	Supreme Court
	:	Case No. 2015-0545
Plaintiffs-Respondents,	:	
	:	On Review of Certified Questions
vs.	:	From the United States District Court,
	:	Northern District of Ohio,
CHESAPEAKE APPALACHIA, L.L.C.,	:	Eastern Division
	:	
Defendant-Petitioner.	:	Case No. 4:09-cv-2256

**AMICUS BRIEF OF THE OHIO OIL AND GAS ASSOCIATION URGING THIS COURT
TO ACCEPT CERTIFIED QUESTION**

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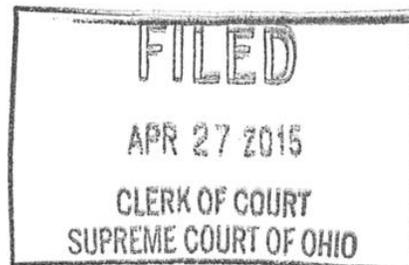
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Date: April 27, 2015

There are tens of thousands of conventional oil and gas wells in Ohio and in recent years more than 1,450 very costly horizontal shale wells have been drilled with many more on the horizon. Well operators pay royalty to the fee mineral owners and the question certified to this Court by the District Court addresses an important legal issue that affects how royalties will be determined.

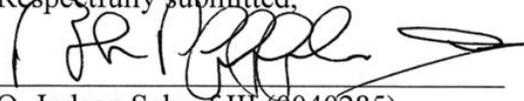
The Ohio Oil and Gas Association has more than 3,000 members involved in the Ohio oil and gas industry in Ohio. Members include not only well drillers and operators, but also landowners, contractors and suppliers, unions, banks and other capital providers, accountants, engineers, lawyers, manufacturers, and other natural gas consumers.

Virtually, all wells are drilled pursuant to one or more oil and gas leases. These written instruments govern the calculation and payment of royalties. *Harris v Ohio Oil Co.*, 57 Ohio St. 118, 129, 48 N.E. 502 (1897). Some leases go into great detail about the calculation of royalties, but many, including the leases involved in the District Court litigation, do not. Traditionally, Ohio courts have resolved royalty issues by application of long accepted rules for construction of written instruments, but recently some, including the Plaintiffs in this action, have asserted that a different approach is required for oil and gas lease issues.

The Ohio Oil and Gas Association believes strongly that uncertainty with respect to the manner in which royalty disputes will be addressed benefits no one, and respectfully urges this Court to accept and answer the District Court's question.

DATED: April 27, 2015

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2015, a copy of the foregoing was sent by regular U.S.

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