

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

CONSTITUTION PIPELINE
COMPANY, LLC

Plaintiff,

v.

A PERMANENT EASEMENT FOR 2.28
ACRES, PERMANENT ACCESS
EASEMENT FOR 2.31 ACRES,
TEMPORARY EASEMENTS FOR 2.68
ACRES AND EXCLUSIVE RIGHTS
EASEMENT FOR 0.11 ACRES, IN
MASONVILLE, DELAWARE COUNTY,
NEW YORK, TAX PARCEL NUMBER
160.-1-19,
STONE MOUNTAIN MANAGEMENT, LLC,
et al.

Defendants.

CIVIL ACTION

Case No. 3:14-cv-02107-NAM-RFT

Electronically Filed

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, Constitution Pipeline Company, LLC ("Constitution"), and Defendant Stone Mountain Management, LLC (hereafter, "Stone Mountain") as follows:

Constitution initiated the above-captioned condemnation action by filing a Verified Complaint on December 22, 2014.

Constitution sought to acquire certain Rights of Way on the Property (as those terms are defined in the Verified Complaint) owned by Stone Mountain.

Chesapeake Appalachia, LLC ("Chesapeake") was also named as a defendant because it holds a leasehold interest on the Property; however, Chesapeake was dismissed from the action on March 18, 2015. Dkt. No. 17.

Constitution filed a Motion for Partial Summary Judgment regarding its substantive right to condemn the Rights of Way and Omnibus Motion for Preliminary Injunction for Possession of Rights of Way by February 16, 2015 Pursuant to the Natural Gas Act and Federal Rules of Civil Procedure 71.1 and 65. Dkt. Nos. 4, 6.

On February 19, 2015, the Court entered Orders granting partial summary judgment to Constitution on its right to condemn the Rights of Way and granting Constitution access to and possession of the Rights of Way upon posting a bond in the amount of \$28,000. Dkt. Nos. 12, 13.

On March 3, 2015, Constitution posted a bond in the amount of \$28,000 (the "Bond") as security for the payment of just compensation. Dkt. No. 15.

The parties have settled all issues relating to access, possession, compensation and damages, such that there is no longer a need for the Court to enter an Order as to title or just compensation for the Rights of Way.

The condemnation action can now be dismissed, the case marked closed and the Bond released.

DATED: October 23, 2015

By: s/Elizabeth U. Witmer
Elizabeth U. Witmer
Bar Roll No. 519082

Telephone: 610-251-5062
Email: ewitmer@saul.com
Attorneys for Plaintiff
Constitution Pipeline Company, LLC

So Ordered: Norman A. Mordue
Hon. Norman A. Mordue

DATED: 10/26, 2015

Stone Mountain Management, LLC

By: Lon Thomas
Lon Thomas
Managing Member

Telephone:
Email: