

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MOUNTAIN VALLEY PIPELINE, LLC,

Plaintiff,

v.

Civil Action No. 2:17-cv-04214

AN EASEMENT TO CONSTRUCT,
OPERATE AND MAINTAIN A 42-INCH
GAS TRANSMISSION LINE ACROSS
PROPERTIES IN THE COUNTIES OF
NICHOLAS, GREENBRIER, MONROE,
and SUMMERS, WEST VIRGINIA, et
al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is plaintiff Mountain Valley Pipeline, LLC's ("MVP") motion, filed October 27, 2017, entitled "Motion for Partial Summary Judgment and Immediate Access to Survey the Easements Condemned." The court addresses the motion at this time only insofar as it seeks immediate access to survey the easements condemned with respect to the properties of those referred to in the motion as "Survey Landowners" to the extent they are located in the Counties of Nicholas, Greenbrier, Monroe, and Summers, West Virginia, and have not already been surveyed by agreement of the parties. By the court's order of December 27, 2017, responses to this motion, if any, were to be filed by December 29, 2017, to which replies, if any, were to be

filed by January 5, 2018. No responses were filed, and the motion is ripe for disposition.

In its motion, the movant specifically requests "access by January 15, 2018 . . . for purposes of surveying and identifying any protected species, wetlands, streams, or cultural resources that would require adjusting the construction plan." (Survey Mot. at 5, ¶ 9.)

In light of MVP's unopposed assertion that granting its motion "is in the public interest and will not affect the Survey Landowners' rights to receive just compensation," and that "[d]elaying MVP's access . . . will cause irreparable harm to the public, to MVP, and to its customers," (id. at 2), the court so finds and adds that the likelihood of success on the merits of the survey request is substantial and the likelihood of harm to the Survey Landowners by granting that relief is little.

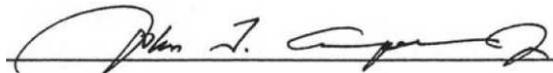
It is, accordingly, ORDERED that MVP's motion be, and hereby is, granted to the extent that it seeks access to the properties of the Survey Landowners that have not already been surveyed by agreement of the parties, and for the limited purposes described in the quoted portion of paragraph nine of the motion, stated above, and associated staking. The activities authorized by this order are not to be construed as

permitting the cutting or felling of trees or any other similar activity that interferes with the property rights of the Survey Landowners.

MVP is further directed to proceed with the posting of bond as set forth in its motion.

The Clerk is directed to forward copies of this written opinion to all counsel of record and to any unrepresented parties.

ENTER: January 12, 2018

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge