



For Immediate Release

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First Response to Survey Suits Filed in Nelson Court

Michael Derdeyn, of Lenhart Pettit, PC, has filed in the Nelson Circuit Court a motion to dismiss Atlantic Coast Pipeline, LLC's lawsuits to force entry onto the property of certain Nelson landowners in order to survey for a high-pressure, 42" natural gas pipeline. The lawsuits rely on a Virginia statute purporting to allow such entry by a gas company after the company has given landowners certain notices.

After Dominion spokesman Jim Norvelle first announced the lawsuits on Christmas Eve, the Nelson community quickly organized to support affected landowners and to respond to protect their property rights. On January 3rd, one pipeline-fighting group, Free Nelson, organized a well-attended "Ban the Grinch" party for landowners and community members to celebrate Nelson's strong community spirit and provide a forum to share resources.

Friends of Nelson, a separate group also fighting the pipeline in Nelson, quickly started a Landowner Defense fund and began considering legal options. Friends of Nelson retained Mr. Derdeyn to represent some of the first landowners to be served, hoping to set a positive precedent for all the similar suits that would follow.

Yesterday Mr. Derdeyn filed demurrers (motions to dismiss) on behalf of five couples in Nelson County. He urges the court to dismiss on two separate bases.

First, Atlantic Coast Pipeline (ACP), which has brought the suits, has no right under the statute to access landowner property because ACP never sent any notices as required by the statute. Instead, only the wholly separate corporation of Dominion Transmission sent notices, and Dominion, if it has any right to enter under the statute, cannot under Virginia law transfer that right to another company. Accordingly, ACP lacks "standing."

Second, the survey statute is unconstitutional under the Virginia constitution, because it allows a "taking" of private property, meaning the loss of the property owner's exclusive use, but doesn't provide any compensation for this taking.

ACP has yet to complete service on all of its sued landowners in Nelson, and has withdrawn the suit in at least three cases due to route confusion.