

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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| IN RE PENNEAST PIPELINE | : | First Filed Civ. A. No.: 18-1585 |
| COMPANY, LLC | : | (See Exhibit A for all Case Numbers) |
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| | : | ORDER |
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THIS MATTER is before the Court on Plaintiff PennEast Pipeline Company, LLC’s (“PennEast”) application for orders of condemnation and orders granting preliminary injunctive relief under the federal power of eminent domain pursuant to the Natural Gas Act (“NGA”), 15 U.S.C. § 717f(h), authorizing immediate access to and possession of the rights of way (“Rights of Way”) as defined in the respective Verified Complaints in Condemnation of Property Pursuant to Federal Rule of Civil Procedure 71.1¹, for the purpose of “constructing, operating, and maintaining a natural gas transmission pipeline and appurtenant facilities (part of an interstate natural gas transmission system) and conducting all other activities required by the Order of the Federal Energy Regulatory Commission [(‘FERC’) issuing certificates (‘FERC Certificates’)] dated January 19, 2018, [FERC] Docket No. CP15-558-000 (‘FERC Order’)” (Am. Not. of Condemn. 2; Compl. ¶ 8). PennEast’s request is made in advance of any award of just compensation.

In response thereto, upon the request of PennEast, and for good cause appearing, the Court entered an Order to Show Cause ordering Defendants to show cause why an order for condemnation should not be granted. Having heard the arguments of the parties pursuant to Federal

¹ PennEast filed verified complaints in over 130 cases related to the properties referenced therein. The Court refers to the filings in this litigation generally. Case-specific orders will be filed in due course as set forth herein.

Rule of Civil Procedure 78(a), and having carefully reviewed the numerous submissions filed in support of and in opposition to PennEast's application and in response to the Order to Show Cause, for the reasons set forth in the accompanying Opinion, and for good cause shown,

IT IS on this 14th day of December 2018,

ORDERED that the State Defendants' request for dismissal is **DENIED**; and it is further

ORDERED that PennEast's application for orders of condemnation and for preliminary injunctive relief allowing immediate possession of the respective Rights of Way in advance of any award of just compensation is **GRANTED**, and it is further

ORDERED that PennEast shall post security in the form of a surety bond into the Court's Registry pursuant to Local Civil Rule 67.1(a) in the amount of three times the appraised value for the Rights of Way as determined by the independent appraiser retained by PennEast; and it is further

ORDERED that, upon PennEast's post of appropriate security, PennEast is authorized to immediately enter and take possession of the Rights of Way for all purposes allowed under the FERC Order, and it is further

ORDERED that this Order does not affect Defendants' rights to receive just compensation for the condemnation of the Rights of Way; and it is further

ORDERED that the Court, on its own motion, hereby appoints, at the sole cost and expense of PennEast, the following individuals as Special Masters/Condemnation Commissioners to adjudicate and determine the quantum of just compensation:

- The Honorable James R. Zazzali, C.J. (ret.)
Gibbons P.C.
One Gateway Center
Newark, New Jersey 07102
jzazzali@gibbonslaw.com

- The Honorable Joel A. Pisano, U.S.D.J. (ret.)
Walsh Pizzi O'Reilly Falanga LLP
One Riverfront Plaza
1037 Raymond Blvd., Suite 600
Newark, New Jersey 07102
jpisano@walsh.law
- The Honorable Kevin J. O'Toole
O'Toole Scrivo Fernandez Weiner Van Lieu, LLC
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- Joshua Markowitz, Esq.
Markowitz Law Firm LLC
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joshm@mgs-law.com
- Shoshana Schiff, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
Roseland, New Jersey 07068
sschiff@msbnj.com

and it is further

ORDERED that the Court, along with the Special Masters/Condemnation Commissioners, shall hold a case management conference on February 14, 2019, at 10:00 a.m. in Courtroom 1 of the Clarkson S. Fisher U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, regarding the protocol for determining just compensation; and it is further

ORDERED that PennEast shall provide via CM/ECF by no later than January 4, 2019, revised, case-specific forms of orders, which reflect the Court's decision as set forth herein and which include descriptions of the property, the Rights of Way, the appraisal for the Rights of Way, and the amount of the bond, to be calculated at a rate of three times the appraisal amount; and it is finally

ORDERED that, in the event of a violation of this Order by property owners, the United States Marshal Service, or a law enforcement agency it designates, shall be authorized to investigate and to arrest, confine in prison and/or bring before the Court any persons found to be in violation and in contempt of this Order, pending his/her compliance with this Order.

/s/Brian R. Martinotti
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE