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Attorneys for Plaintiffs

**HOMEOWNERS AGAINST LAND
TAKING-PENNEAST, INC.**
557 Rosemont Ringoes Road
P.O. Box 32
Sergeantsville, NJ 08557

RUSSELL POLES,
118 Worman Road,
Stockton, NJ 08559

DEBORAH SCOBLINK-KING,
945 Sergeantsville Road,
Stockton, NJ 08559

TERESE BUCHANAN,
156 Lower Creek Road,
Stockton, NJ 08559

JOE BUCHANAN,
156 Lower Creek Road,
Stockton, NJ 08559

**Superior Court of New Jersey
Chancery Division : Hunterdon
County**

Docket No.

Civil Action

Verified Complaint

**WILLIAM MARKUS,
98 Featherbed Road,
Stockton, NJ 08559**

**VIOLA MARKUS,
98 Featherbed Road,
Stockton, NJ 08559**

**JACQUELINE EVANS,
112 Worman Road,
Stockton, NJ 08559**

**THE NEW JERSEY CONSERVATION
FOUNDATION,
170 Longview Road,
Far Hills, NJ 07931**

Plaintiffs,

v.

**PENNEAST PIPELINE COMPANY LLC,
One Meridian Boulevard, Suite 2C01,
Wyomissing, PA 19610**

Defendant.

Plaintiffs Homeowners Against Land Taking-PennEast, Inc. (“HALT”), Russell Poles, Deborah Scoblink-King (“King”), Terese and Joe Buchanan, William and Viola Markus, Jacqueline Evans, and the New Jersey Conservation Foundation (“NJCF”), by and through counsel, allege and complain of the Defendant, PennEast Pipeline Company, LLC (“PennEast”), as follows:

PRELIMINARY STATEMENT

1. Defendant PennEast, a citizen of New Jersey, has repeatedly and unlawfully entered onto the property of homeowners, landowners, and non-profits in rural Hunterdon and

Mercer Counties, New Jersey in a multi-year campaign of trespass and nuisance that violates New Jersey law. Indeed, Defendant has admitted multiple acts of trespassing. Plaintiffs are citizens of New Jersey asking this Court to protect their property rights by barring further unlawful entries and the use of any information unlawfully obtained through Defendant's past misconduct.

2. Defendant is attempting to evade New Jersey law to conduct surveys of Plaintiffs' property. There are strong private profit incentives that explain Defendant's haste to conduct surveys: the surveys are a prerequisite to governmental approvals of an interstate natural gas pipeline project which Defendant believes will be highly profitable for itself and its investors. To obtain approval for the project, PennEast must receive a Certificate of Public Convenience and Necessity under Section 7 of the Natural Gas Act from the Federal Energy Regulatory Commission (FERC). 15 U.S.C. § 717f. Under federal law (the Natural Gas Act and the National Environmental Policy Act), civil surveys of potentially impacted properties are required to fully document the costs of a new pipeline on environmental, economic, archaeological, historical, community, and cultural resources and to establish whether a project produces net public benefits.

3. Defendant has now reached a critical time period in the pendency of its federal application and for completing these surveys. On March 29, 2016, FERC, the federal agency that will decide whether to approve any pipeline route through Hunterdon and Mercer Counties, publicly announced a project timeline that sets a deadline for survey completion by June or July, 2016. Time is of the essence for Plaintiffs as Defendant PennEast will rush to complete final surveys of lands and resources in Hunterdon and Mercer Counties that landowners have so far denied. If PennEast represents that the unlawfully conducted surveys are admissible and FERC

determines that all environmental analysis is complete, PennEast would have cleared a major obstacle towards being able to exercise blanket condemnation over Plaintiffs' properties through Eminent Domain, likely leaving Plaintiffs without an adequate or effective remedy.

4. But Defendant's private incentives to meet a project schedule do not justify the violation of New Jersey law protecting property owners from trespass. This matter is governed entirely by state law. FERC has not and cannot authorize Defendant to access Plaintiffs' private lands in New Jersey for such surveys at the current time. In fact, FERC has directed Defendant to acquire all survey permissions from landowners voluntarily. Nor does Defendant qualify under New Jersey law to access these lands without landowner permission. In fact, acquiring voluntary survey permissions from landowners is so important during the pendency of a FERC application that the natural gas transmission industry has adopted a standard protocol to all section 7 applicants to *only* survey with landowner permission. Because no provision of law confers survey authority, any surveys conducted without consent are unlawful and therefore inadmissible in any civil proceeding.

5. Nearly seventy percent of New Jersey landowners in Hunterdon and Mercer Counties—including the Plaintiffs—have denied Defendant PennEast's survey requests. Yet, PennEast and its agents have resorted to tricks and subterfuge to circumvent, frustrate, and nullify landowner survey permission denials. On multiple occasions, Defendant has completed surveys by disregarding landowner survey permission denials, ignoring or destroying posted "No Trespass" signs, and violating New Jersey law, federal policy and its own industry standard. Despite acknowledged trespassing "mistakes," PennEast has repeated a pattern and practice of unauthorized entries, in some cases surveying the same or neighboring properties where prior trespasses were reported. On maps submitted to federal agencies, PennEast has represented that

it has conducted surveys on properties where PennEast lacked landowner consent. When confronted, surveyors have lied or misled landowners about the surveyor's authority, who they worked for, and why they had trespassed. In one trespass, surveyors even fled the scene to avoid confrontation with the landowner and police. Unfortunately for the surveyors, they left their equipment behind for the police to catalogue in police reports.

6. As a direct result of Defendant's deliberate invasion of Plaintiffs' rights and unauthorized physical entry onto the Plaintiffs' properties, residents and families in Hunterdon and Mercer County have been deprived of the quiet enjoyment of their homes, properties, and livelihoods. Plaintiffs have been threatened, misled, and coerced by Defendant and its agents. Essential plant and animal species on nature preserves have been trampled upon and harmed. The nature and extent of Defendant's trespasses has alarmed an entire community, including the Plaintiffs. As a result, Plaintiffs now live in constant apprehension that Defendant PennEast surveyors will return to their property without consent and without authority, as they have done previously. Plaintiffs no longer feel safe in their homes because of PennEast's blatant and repeated violations of New Jersey citizens' property rights and the laws of the state of New Jersey.

7. Landowner apprehension and concerns are compounded by PennEast's pattern of conducting aerial surveys using low-flying planes and helicopters. These flights have hovered at dangerously low altitudes and for extended periods of time from early morning through late evening. The flights create substantial noise, occur frequently, and startle Plaintiffs, their children, and their livestock. These disruptions of the quiet enjoyment of landowners' homes, property and livelihoods invade Plaintiffs' privacy and have become a constant, terrifying presence in Plaintiffs' daily lives. Despite receiving notice from Plaintiffs of the severe impacts

of the overflights on Plaintiffs' health and safety, Defendant PennEast has ignored Plaintiffs' complaints because the surveys help PennEast achieve its ultimate goal of building a natural gas pipeline for its private gain.

8. Plaintiffs have repeatedly alerted local lawmakers, law enforcement agencies, and FERC to Defendant's repeated trespasses by posting trespass information, police reports, videos, photographs and other direct evidence on the FERC official record for Defendant's application. But FERC only focuses on the content of surveys that have been submitted by PennEast and ignores the manner in which these results have been collected; only this Court has the power to remedy the violations of state law by barring further trespasses and banning the use of any underlying survey data. For its part, Defendant has responded to landowner allegations and evidence of trespass in New Jersey with letters to FERC disclaiming responsibility and conflating the clear evidence to the contrary with cleverly worded letters and statements about "taking trespass on private property seriously" and about its "zero tolerance policy" towards trespass without actually denying that Defendant PennEast's trespasses have occurred and continue to occur. At this point, it is apparent that Defendant PennEast will not be deterred, constrained or sanctioned by FERC for violating New Jersey law and Plaintiffs' rights. Therefore, Defendant's unlawful trespasses and nuisance will only be stopped if this Court grants the relief sought in this complaint.

9. Plaintiffs are entitled to protection under New Jersey law through injunctive and declaratory relief in this Court. Plaintiffs have been directly harmed, harassed and abused by Defendant's misconduct. Plaintiffs' action for injunctive and declaratory relief is brought to prevent Defendant PennEast from profiting from its unlawful activities, and to prevent

Defendant PennEast from using the fruits of its unlawful trespassing campaign to defraud the public and FERC.

NATURE OF THE ACTION

10. Plaintiffs seek injunctive and declaratory relief against PennEast for trespasses onto Plaintiffs' properties and for private nuisances created by PennEast's aerial surveys.

JURISDICTION AND VENUE

11. This Court has jurisdiction over this action pursuant to N.J. Ct. R. 4:3-1 because the primary relief Plaintiffs seek is equitable in nature.

12. Defendant PennEast is subject to personal jurisdiction under N.J. Ct. R. 4:4-4. Defendant PennEast is registered to conduct business in New Jersey as a limited liability company and proposes to construct a natural gas pipeline through this jurisdiction. Defendant has had numerous contacts with the jurisdiction as part of the pipeline project and the Plaintiffs' claims arise directly from the Defendant's conduct within the jurisdiction. The Court thus has specific jurisdiction over the Defendant. In addition, as a Limited Liability Company, PennEast is a citizen of every state where its members are citizens. Because Defendant's members, New Jersey Resources and South Jersey Industries are citizens of New Jersey, PennEast is also a citizen of New Jersey. Therefore, the Court has general jurisdiction over the Defendant as a citizen.

13. Venue is proper under N.J. Ct. R. 4:3-2 because the named Plaintiffs and many HALT members own affected property located within Hunterdon County.

PARTIES

14. HALT is a non-profit corporation formed in January 2016 to, among other things, protect and represent land and homeowner interests in New Jersey from current and prospective

injuries from PennEast's proposed pipeline. HALT's members include over seventy individuals who live and own property in Hunterdon and Mercer Counties, where PennEast proposes to build its pipeline. HALT members own properties that PennEast has entered without consent to conduct land surveys, and that PennEast has flown over for aerial surveys.

15. Plaintiff Deborah Scoblink-King holds title to property located at 945 Sergeantsville Road, Stockton, NJ 08559. Plaintiff is a member of HALT.

16. Plaintiff Russell Poles holds title to property located at 118 Worman Road, Stockton, NJ 08559. Plaintiff is a member of HALT.

17. Plaintiffs Terese and Joe Buchanan hold title to property located at 156 Lower Creek Road, Stockton, NJ 08559 (Block 33, Lot 19). Plaintiffs are members of HALT.

18. Plaintiffs William and Viola Markus hold title to property located at 98 Featherbed Road, Stockton, NJ 08559 (Block 26, Lot 16.02). Plaintiffs are members of HALT.

19. Plaintiff Jacqueline Evans holds title to property located at 112 Worman Road, Stockton, NJ 08559 (Block 53, Lot 1.03). Plaintiff is a member of HALT.

20. The New Jersey Conservation Foundation (NJCF) is a non-profit organization with headquarters at 170 Longview Road, Far Hills, NJ 07931. NJCF's mission is to preserve and protect New Jersey's land and natural resources. As part of this mission, NJCF is working to protect itself and its members from the harms that PennEast's proposed pipeline will cause NJCF, the Plaintiffs, and other citizens of New Jersey. NJCF owns 20,000 acres of land and has protected an additional 125,000 acres of land in New Jersey, including in the affected counties of Hunterdon and Mercer. NJCF is an owner of the Copper Creek Preserve (Lot 12, Block 31.01) in Kingwood Township.

21. PennEast is a Delaware Limited Liability Company whose principal place of business is One Meridian Boulevard, Suite 2C01, Wyomissing, Pennsylvania 19610. PennEast is authorized to conduct business as a foreign limited liability company in the State of New Jersey. PennEast is not a public utility.

22. PennEast is a joint venture owned by six existing companies: AGL Resources Inc.; New Jersey Resources; South Jersey Industries; UGI Energy Services; PSEG Power LLC; and Spectra Energy Partners, LP. New Jersey Resources' principal place of business is 1415 Wyckoff Road, Wall, NJ 07719. South Jersey Industries' principal place of business is 1 South Jersey Plaza, Folsom, NJ 08037.

STATEMENT OF FACTS

The Necessity of Landowner Surveys for Pipeline Permitting

23. PennEast proposes to build a 118-mile natural gas pipeline from Luzerne County, Pennsylvania to Mercer County, New Jersey, crossing through Plaintiffs' properties in Hunterdon and Mercer Counties. To build this pipeline, PennEast must first conduct site-specific surveys on properties it intends to cross, including those owned by the Plaintiffs.

24. Without these surveys, PennEast cannot obtain federal permission to construct its pipeline.

25. To conduct these surveys, PennEast and its agents have repeatedly violated Plaintiffs' fundamental property rights under New Jersey law by entering Plaintiffs' properties without authority or consent and by flying helicopters and planes at dangerously low altitudes over Plaintiffs' properties for extended periods of time and at all hours of the day and night.

26. The fruits of these unlawfully conducted surveys have been and will be submitted to FERC as a basis for federal authorization, and the harm from this action is likely to be irreversible and irreparable absent injunctive relief from this court.

27. The trespasses and nuisances leave Plaintiffs afraid to leave their houses and properties, afraid for their own safety, and afraid for the safety of their children and livestock.

PennEast's Proposed Pipeline Project

28. The violations of Plaintiffs' rights began around the time that PennEast initiated the so-called pre-filing process with the Federal Energy Regulatory Commission (FERC) for a Certificate of Public Convenience and Necessity on October 7, 2014. During this process, PennEast began sending surveyors to enter properties, including Plaintiffs', to gather information for the FERC application.

29. On September 24, 2015, PennEast filed an application (CP15-558-000) with FERC for a Certificate of Public Convenience and Necessity under Section 7 of the Natural Gas Act. PennEast must provide FERC with additional survey information to support its application before FERC can grant a Certificate.

30. FERC is currently considering PennEast's application, but it has not granted the Certificate. Nor has it made any finding that the proposed project is a public necessity or provides any public benefit.

31. None of PennEast's entries onto Plaintiffs' lands have been authorized by federal or state law.

32. Federal law does not authorize PennEast to enter private property for any purpose, including to conduct surveys.

33. PennEast has not followed the appropriate procedures to obtain permission under New Jersey law to enter private property to conduct civil surveys. PennEast is not eligible for any state authorization to enter private property for any purpose, including conducting surveys, and has not applied to the Board of Public Utilities for authority to condemn the Plaintiffs' lands, and thus has no authority to survey private land under any provision of New Jersey law.

34. In fact, Kingwood Township informed PennEast in writing that New Jersey law does not even give PennEast any authority to conduct surveys from public roads, let alone private property.

35. Because PennEast has no authority under state or federal law to enter private property to conduct surveys, the only lawful way to do so is through obtaining consent from the landowner.

36. Accordingly, FERC has directed PennEast to acquire landowner permission for any and all surveys PennEast conducts. FERC, however, does not enforce New Jersey state laws or its policy directive if PennEast fails to seek landowner consent.

37. The trade association representing nearly the whole interstate natural gas transmission pipeline industry, the Interstate Natural Gas Association of America, also emphasizes that companies should work together and seek consent before conducting surveys, and that no federal authority exists prior to a FERC decision.

PennEast's Requests for Access to Plaintiffs' Land

38. PennEast is prohibited from entering private land to conduct surveys without the permission of the landowner.

39. Acknowledging that it needed landowner permission before entering private property, PennEast has repeatedly requested Plaintiffs' permission to enter their land.

40. PennEast sent letters to Plaintiffs and other HALT members requesting permission to enter private property to perform surveys. PennEast representatives have also requested permission in person and by telephone.

41. In response to each of PennEast's requests, Plaintiffs have refused to grant PennEast permission to enter their land to conduct surveys. Plaintiffs Evans, King, the Buchanans, the New Jersey Conservation Foundation, and dozens of other HALT members have sent PennEast letters explicitly denying any permission to come onto their property for surveys or for any other reasons.

42. Several Plaintiffs also posted "No Trespassing" signs and anti-PennEast Pipeline signs on their property.

PennEast's Unauthorized Trespasses

43. Despite Plaintiffs' clear refusals of permission, PennEast entered Plaintiffs' properties to conduct the surveys. PennEast must complete civil surveys to obtain FERC's approval, and has shown it is willing to ignore the law and violate Plaintiffs' property rights to get what it needs.

44. In several instances, PennEast has admitted it entered property without any permission or authority.

45. On December 10, 2014, the New Jersey Conservation Foundation (NJCF) sent PennEast a letter stating that PennEast did not have permission to enter any property owned by NJCF. Despite the denial, PennEast's agent, Western Land Services, entered the Copper Creek Preserve, jointly owned by NJCF, to conduct bat surveys on July 27, 2015. In addition to lacking NJCF consent for the entries, surveyors entered the Preserve at night despite clearly posted signs on the Preserve stating it is only open during the day. On August 11, 2015 PennEast

acknowledged that Western Land Services was its agent and that it had entered onto NJCF's property on July 27 without the necessary permission.

46. However, PennEast's "apology" letter was incomplete and rife with misrepresentations. Although the letter acknowledged trespasses on the evening of July 27, it failed to mention the same agents returned to trespass again on the same NJCF property on consecutive days after July 27th.

47. PennEast did not acknowledge that its agents actually entered Copper Creek Preserve again on July 29, 2015.

48. On July 29, 2015, the surveyors were seen and confronted by two landowners who live close to the Preserve.

49. In addition, PennEast's response claimed its agents did not disturb NJCF's land and that no surveys or data were collected. However, during the July 29th survey, a neighboring farmer saw bat nets and equipment on Copper Creek Preserve and video recorded PennEast's agents removing bats from the nets for collection. In addition, during the July 29 trespass the surveyors damaged crops when entering and exiting the Preserve.

50. Plaintiff King has also suffered from PennEast's unauthorized entries. In August 2014, Plaintiff King found a note on her gate from Western Land Services (WLS), the agent of PennEast.

51. King's gate is about 250 feet onto King's property and she has multiple "No Trespassing" signs posted in plain view on her property. WLS ignored these "No Trespassing" signs and entered King's property to post the note on her gate. On September 2nd, after King complained about the trespass, WLS apologized and admitted the unauthorized entry onto her property.

52. PennEast did not stop with just the one trespass on King's property.

53. On September 15, 2014 WLS sent King a letter asking for permission to enter her land to conduct surveys on behalf of UGI Energy and PennEast. On September 23, King sent a letter denying access to her property for surveys or any other purpose. Despite that denial and its agent's previous acknowledgement of the prior trespass, on January 16, 2016 a PennEast surveyor, Audrius Dobilas, entered onto King's property again to conduct surveys.

54. Most Plaintiffs have not even received the courtesy of an apology for PennEast's trespasses. When confronted by several of the Plaintiffs, PennEast has responded with misrepresentations and hostility, if it has responded at all.

55. Plaintiff Poles did not get a chance to confront PennEast about its trespass because surveyors fled when he tried to approach them.

56. On June 27, 2015, PennEast entered Plaintiff Russell Poles' property and set up survey stakes, even though Poles had posted "No Trespassing" and anti-pipeline signs in plain view on his property. When Poles tried to confront the surveyors, they drove off, leaving their equipment 25 to 30 feet onto his property. The officer at the scene observed the equipment and noted that a vehicle had driven onto the property to deliberately run over anti-pipeline signs.

57. PennEast agents frequently ignore the "No Trespassing" signs posted on Plaintiffs' land and enter the land anyways.

58. On August 7, 2015, a surveyor for Western Land Services, acting on behalf of PennEast, entered the property of HALT member Rebecca Hoff at 892 Sergeantsville Road, Stockton, NJ 08559 (Block 53, Lot 2). The surveyor walked past clearly posted "No Trespassing" signs on her driveway and knocked on her front door to request survey access, which she denied.

59. Letters explicitly denying access have fared no better than “No Trespassing” signs to deter PennEast from unauthorized land entries.

60. PennEast ignored Plaintiffs Terese and Joe Buchanan’s April 13, 2015 letter denying PennEast permission to enter their property. The Buchanans own property at 156 Lower Creek Road, Stockton, NJ 08559. On or about July 23, 2015, several PennEast surveyors parked their trucks on the Buchanans’ neighbor’s land and entered onto the Buchanans’ property. The neighbor photographed the trucks and surveyors and witnessed them walking on the Buchanans’ property.

61. Similarly, on November 10, 2014, the Hunterdon Land Trust, a non-profit organization who preserves New Jersey lands for conservation and recreational purposes, denied PennEast any permission to enter Trust lands to conduct surveys. This denial extended to the Muddy Run Preserve, which Hunterdon Land Trust owns, and which has endangered species habitats and streams classified as Category 1 due to their exceptional ecological significance that could be threatened by surveying activities. Although the Preserve is open to the public, it is only open for purposes consistent with the conservation easement on the land. PennEast’s surveys are inconsistent with this easement and therefore the Trust denied access for those surveys. On September 30, 2015 PennEast workers ignored the denial letter, entered onto the Muddy Run Preserve, and began conducting surveys on the land. The police arrived and advised the workers that they had no authority to enter the property.

62. The harm from PennEast’s trespasses is compounded by repeated misleading statements to landowners. When caught trespassing on property, PennEast’s agents often misrepresent who they are working for, and change their story multiple times to try to avoid liability.

63. On January 4, 2016, a truck entered onto the Buchanans' driveway and drove slowly down the driveway for 20 minutes. When confronted by a neighbor, Becky Mazzei, the operator of this truck lied and told her he was there for solar installation on a neighboring property. This was not true.

64. When shown a picture of a USIC truck that was operated by a PennEast agent, Audrius Dobilas, in January in other parts of Stockton, Ms. Mazzei confirmed it was the truck she saw on the Buchanans' property. This truck had a Texas license plate Redacted

65. Several days later, a police report confirmed that the operator, Dobilas, of the same USIC truck with license plate Redacted was working for UGI Energy, an affiliate of PennEast. When asked who he was conducting surveys for, Dobilas has given multiple different stories to shield PennEast from responsibility.

66. As a result of the false stories, landowners have experienced stress and anxiety and had to expend their own resources to investigate and document Dobilas' connection to PennEast.

67. After entering into multiple different driveways on Sergeantsville Road, Dobilas was pulled over by Officer Gray on January 13, 2016. At that time, Dobilas claimed he worked for "Call Before You Dig" but his work order said he was working for UGI Energy. UGI Energy is the project manager for the PennEast project.

68. In a confrontation the same day with Plaintiff Evans, Dobilas told her he worked for a gas company.

69. Later that day, also in Plaintiff Jacqueline Evans' presence, Dobilas claimed he worked for a buyer's realtor when he entered 35 Yard Road, a house which was for sale. Evans

called the realtor listed on the yard sign and both the realtor and homeowner indicated that Dobilas had no permission to be on the land.

70. In less than two weeks, Dobilas claimed he worked for a solar company, a gas company, Call Before You Dig, and a buyer's realtor, when in reality his work order was for the project manager for the PennEast project.

71. The unconsented entries perpetrated by Dobilas all occurred along the proposed PennEast pipeline pathway.

72. The Plaintiffs have witnessed trespasses on their own properties and the properties of their neighbors. The Plaintiffs are in constant fear that strangers will enter their land for surveys. Plaintiffs have had to disrupt their daily lives to patrol their properties to prevent PennEast's trespasses and ensure their own safety.

73. For example, on March 24, 2016, PennEast trucks stopped on the road in front of Plaintiffs Viola and William Markus' property and began walking towards their land to enter for surveys. William Markus stopped the surveyors from entering his property and asked what they were doing. The surveyors indicated they had permission from the landowner, whose name they said was Markus. Mr. Markus told them they were misinformed, that they still had no right to enter his property and that they were trespassing.

74. Without Mr. Markus' vigilance, PennEast would have trespassed on his land. This would have been at least the second time PennEast entered the Markus' property unconsented.

75. Color-coding in PennEast's application filed with the Delaware River Basin Commission (DRBC) on February 8, 2016, shows the Markuses' property was "surveyed" according to PennEast's records. While the Markuses do not know when this survey occurred, it was definitely unauthorized. On one occasion, the Markuses invited PennEast to come to their

property to make PennEast aware that the Markuses were building a garage on the property PennEast proposed to cross. However, that invitation was for a limited purpose and the Markuses at no point rescinded their prior denial of survey access. The survey that gathered data for the DRBC application was unconsented.

76. PennEast has no authority under New Jersey law to enter land for surveys without landowner consent.

77. Nor does it have any federal authority from FERC to enter land for surveys because its application has not been approved.

78. Defendant's ground surveys disrupt Plaintiffs' lives. Plaintiffs have become incredibly fearful as a result of Defendant's frequent presence along the edge of and on Plaintiffs' properties. Because of PennEast's prior trespasses, Plaintiffs fear another entry onto their land every time they see the surveyors, even if the surveyors claim they will stay on the road. PennEast's surveyors have lied to Plaintiffs so frequently that Plaintiffs must spend significant time monitoring the surveyors to try to stop the pattern of trespasses.

79. PennEast's surveys on the New Jersey Conservation Foundation's Copper Creek Preserve disturbed bat and plant species that are essential to the Preserve's character. The Preserve contains sensitive vegetation that is very difficult to avoid trampling in the dark, which is when PennEast's agents were trespassing. In addition, setting up the bat mist-nets on the creek beds would have been impossible to do without impacting fragile herbaceous species surrounding the stream and disturbing the highly-erodible soil along the streambanks. The entries onto the Preserve threaten NJCF's entire mission in owning the Preserve, namely to protect natural lands in New Jersey and protect and enhance rare plant and animal species.

80. The trespasses have occurred along PennEast's proposed pipeline pathway. Because PennEast has routinely violated property rights of landowners on the pipeline pathway, and Plaintiffs continue to live on this path, Plaintiffs no longer feel secure or safe in their homes.

PennEast's Aerial Surveys

81. Beyond the invasive ground surveys, PennEast also has conducted aerial surveys over Plaintiffs' lands using low-flying planes and helicopters. These overflights are loud and frequent and terrify the Plaintiffs and their children and livestock.

82. PennEast has frequently flown helicopters and planes over Plaintiffs' properties to conduct aerial surveys. The helicopters and planes often fly at altitudes of about 200-300 feet. These flights are directly over land owned by the Plaintiffs.

83. The aerial surveys last for multiple hours during the day and occur frequently. The helicopters hover over the same properties for as long as a half an hour before moving slightly further away and hovering for another half an hour, resulting in hours of noise at the same properties.

84. The volume of the noise produced by the planes and helicopters is substantial.

85. The Plaintiffs live in a residential and rural area with little industrial noise. The extremely loud and sudden appearance of helicopters and low-flying planes is very startling, frightening, and disruptive in this setting.

86. On many occasions, helicopters and planes have flown very low over Plaintiffs Terese and Joe Buchanan's house. The flights invade the privacy of the Buchanans' home and are extremely loud. PennEast's frequent overflights have destroyed the Buchanans' peaceful enjoyment of their land.

87. On August 26, 2015, a plane flew at extremely low altitudes and scared Terese Buchanan.

88. Upon information and belief, this same plane was seen two more times near Plaintiffs' property and was flying at very low altitudes. These low flights were video-recorded by a neighbor who feared the plane would crash because it flew so low to the ground. Plaintiffs reported these flights to the FAA because of safety concerns. The FAA indicated the pipeline companies could be involved in the flights.

89. On September 16, 2015 a plane hovered and circled above the Buchanans' property and dipped very close to houses and barns. The noise from this plane was deafening and could be heard in the area for several hours. Plaintiffs reported these flights to the FAA.

90. On November 3, 2015 at 10:00pm a helicopter flew over the Buchanans' house at around 200 feet in altitude and was so loud it sounded like it would crash through the house. It hovered over the Plaintiffs' property and other properties along the pipeline route.

91. PennEast informed the Delaware Township Police that it would be conducting additional helicopter surveys after November 23, 2015 and the Police notified Township residents. Upon information and belief, these helicopter surveys were conducted on or after November 23, 2015.

92. On December 7, 2015 a helicopter flew over the Buchanans' house at very low altitudes, causing extreme noise. The FAA confirmed that PennEast operated the helicopter.

93. On March 31, 2016 at 8:30am a helicopter flew over the Buchanans' property, creating substantial noise early in the morning. A second helicopter flew over the house 15 minutes later. Both flew along the pipeline route.

94. Plaintiff Evans has also been subjected to the noise from frequent flights over her property.

95. Plaintiff Evans has three small children and the noise from the overflights terrify them. Plaintiff Evans has also been severely impacted, to the point where the sound of any aircraft causes significant anxiety.

96. From September 18-20, 2015, a low-flying plane circled Plaintiff Evans' property daily between 7:00am and 7:30pm. These flights were only around 200-300 feet above the property and created continual and substantial noise for days on end, disturbing Plaintiff and her children. This same plane flew over her property on October 10, 2015.

97. Helicopters have hovered over Plaintiff Jacqueline Evans' house as late as 10:00pm, frightening her young children while they were attempting to sleep. On February 26, 2016 a helicopter flew over Evans' house and along the pipeline path at only about 150-200 feet above ground.

98. Plaintiffs and their children have suffered stress, anxiety, and fear from these aerial surveys, especially because they were flown at low and unsafe altitudes. Plaintiffs have endured stomach pains and lack of sleep from the extremely loud noises.

99. PennEast's helicopter flights have frightened Plaintiff Jacqueline Evans' sheep and chickens, which are part of her farming business. The noise from the helicopters has impacted the chickens' ability to lay eggs, which impacts the Plaintiff financially because she relies on egg sales for income.

100. Many of Plaintiff HALT's members own horses and are concerned about the helicopter and plane noises spooking the horses. This endangers the horses themselves and those working with them. HALT member Richard Kohler owns a horse breeding business that has

been impacted by the aerial surveys. HALT members no longer feel they can leave their homes during the day for fear of the anticipated danger to their animals from the aerial surveys.

101. PennEast's submissions to FERC and the Delaware River Basin Commission contain data that PennEast admits was collected in 2015 by aerial survey. PennEast's March 11, 2016 filing with FERC claims they ceased aerial surveys after July 2015, but this statement is clearly false.

102. The FAA has confirmed that the helicopter that appeared over Plaintiffs' property on December 7, 2015 was operated by PennEast or its affiliates. In addition, PennEast gave notice to the Delaware Township Police that they would conduct surveys in November 2015.

103. On November 28, 2015, the Delaware Township sent PennEast a letter informing it of the harms that the aerial surveys were causing to landowners. PennEast continued aerial surveys after this letter was sent.

Count One

Trespass

104. Plaintiffs reallege and incorporate each and every allegation set forth above as if fully set forth and restated herein.

105. Unauthorized entry onto the property of another is an actionable trespass under New Jersey law. PennEast has committed multiple trespasses.

106. Plaintiffs have exclusive ownership of the properties that were subject to PennEast's trespasses.

107. PennEast had no authorization to conduct surveys.

108. Although not required by any law, prior to any unauthorized entries, many of the Plaintiffs had denied PennEast permission to enter their land for any purposes either by letter, by posted “No Trespassing” signs, or both.

109. PennEast entered onto Plaintiffs’ properties without consent and without authorization.

110. PennEast’s unauthorized and unconsented entries onto Plaintiffs’ properties were trespasses under New Jersey law.

111. Plaintiffs have suffered and will continue to suffer irreparable harm from PennEast’s ongoing trespasses. PennEast has repeatedly trespassed on properties owned by named Plaintiffs and other HALT members. The frequency of these entries and their location along the pipeline pathway demonstrate that future trespasses on named Plaintiffs’ and other HALT members’ properties are extremely likely.

112. Thus, Plaintiffs have no adequate remedy at law because of PennEast’s pattern and practice of trespassing and the imminent threat of future violations. Moreover, once the civil surveys are completed and submitted as part of the application for a federal certificate, PennEast will have cleared a major obstacle on the way to seeking the right to use Eminent Domain to take Plaintiffs’ properties, as part of its authorization to build the pipeline under the Certificate of Public Convenience and Necessity, and the harm from the use of unlawfully obtained data from the prior trespasses is likely irreversible after PennEast has mistakenly represented that it is admissible under state law.

113. Therefore, Plaintiffs are entitled to injunctive relief preventing PennEast from any future entry onto property held by named Plaintiffs and other members of HALT.

114. Plaintiffs are also entitled to a declaration that prior entries were unlawful trespasses.

115. In addition, Plaintiffs are entitled to injunctive relief preventing PennEast from using survey data obtained through these unlawful trespasses in any filings with FERC or other state and federal agencies. To allow PennEast to use unlawfully obtained data would leave the Plaintiffs without an adequate remedy for the trespasses committed.

116. Plaintiffs are also entitled to an Order by the Court compelling the Defendant to turn over to Plaintiffs all data obtained through these unlawful trespasses.

Count II

Private Nuisance

117. Plaintiffs reallege and incorporate each and every allegation set forth above as if fully set forth and restated herein.

118. Defendant PennEast's aerial surveys intentionally and unreasonably interfere with Plaintiffs' use and enjoyment of their properties, so the surveys are a private nuisance and should be enjoined.

119. Defendant's aerial surveys are intentional because they continued even after PennEast was informed of the harms to landowners by Plaintiffs' comments on the FERC docket and by the Delaware Township letter.

120. Defendant's surveys deliberately disturb the Plaintiffs' peaceful enjoyment of their properties.

121. Defendant's aerial surveys are unreasonable and cause significant harm. The aerial surveys are unreasonable because of their frequency, duration, the excessive volume they produce, and because they are located in a quiet, rural area.

122. The surveys are also unreasonable because they are at extremely low altitudes over populated areas.

123. The harm the aerial surveys cause the Plaintiffs is significant and far exceeds a mere trifling annoyance.

124. The overflights harm Plaintiffs' businesses and the noise has affected Plaintiffs' mental and physical health as well as their sleep.

125. Plaintiffs are frequently afraid of injury due to the unsafe altitudes at which PennEast has flown its aircraft.

126. Plaintiffs are also fearful because of the invasion of privacy these surveys represent.

127. The Plaintiffs' day-to-day use and peaceful enjoyment of their properties is completely disrupted by these aerial surveys.

128. All factors show that Defendant's aerial surveys are intentional, unreasonable, substantially interfere with Plaintiff's use of their land, and cause significant harm.

129. Therefore, Defendant is liable for private nuisance.

130. The surveys occur frequently and are likely to continue to occur unless enjoined. Thus, Plaintiffs have suffered and will continue to suffer irreparable harm from the Defendant's nuisance. Plaintiffs have inadequate remedy at law because monetary damages cannot adequately address the ongoing and significant harms from this nuisance.

131. Therefore, Plaintiffs are entitled to injunctive relief preventing PennEast from any future aerial surveys in the vicinity of named Plaintiffs' and HALT members' properties.

132. In addition, Plaintiffs are entitled to injunctive relief preventing PennEast from using survey data obtained through aerial surveys in any filings with FERC or other state and federal agencies. To allow PennEast to use data obtained by creating a nuisance would result in inadequate remedy for the Plaintiffs for the nuisance.

Relief Requested

WHEREFORE, Plaintiffs, by counsel, respectfully request that this Court enter an Order granting the following relief:

(1) As to both Counts, enjoin Defendant PennEast from (a) conducting any future ground surveys on properties owned by named Plaintiffs, NJCF, or any other members of HALT; (b) conducting any future aerial surveys by plane, helicopter, or other aircraft in the airspace above the properties owned by named Plaintiffs, NJCF, or any other members of HALT; (c) retaining or using for any purpose any data collected from prior ground or aerial surveys on or over named Plaintiffs' or HALT members' land; (d) restraining any further entries without express written consent from landowners;

(2) As to both Counts, compel Defendant to disclose a list of all properties surveyed in New Jersey, the data collected during such surveys, and the agents, surveyors, or employees who conducted such surveys;

(3) As to Count I, declare that Defendant committed trespass when it entered each of Plaintiffs' properties without consent and that any data from unlawfully obtained trespasses is admissible in any civil proceedings;

(4) As to Count I, compel the Defendant to (a) turn over to each Plaintiff all originals of any and all data obtained by any surveys on that Plaintiff's property that were unlawful trespasses; (b) destroy any and all copies of data obtained by any surveys Defendant conducted

without named Plaintiffs' or HALT members' consent; and (c) inform any other entities to whom Defendant provided data obtained by trespass that the information was illegally obtained;

(5) As to all Counts, award Plaintiffs their reasonable attorneys' fees, legal fees, and costs, and such other and further relief as the Court deems just and appropriate under the circumstances.

Respectfully submitted,

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Attorneys for Plaintiffs

Dated: May 2, 2016

DESIGNATION OF TRIAL COUNSEL

Pursuant to N.J. Ct. R. 4:25-4, Jefferson T. Barnes is hereby designated as trial counsel on behalf of Plaintiffs in the within matter.

WATTS, TICE AND SKOWRONEK
Attorneys for Plaintiffs

By: _____
Jefferson T. Barnes

Dated: May 2, 2016

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify, pursuant to N.J. Ct. R. 4:5-1, that the matter in controversy is not, to the best of my knowledge, information and belief, the subject of any other action pending in any Court or pending arbitration proceeding. I further certify that no other Court action or arbitration is contemplated by plaintiff herein and that no other person, party or claim should be joined as a party to this action at the present time.

WATTS, TICE AND SKOWRONEK
Attorneys for Plaintiffs

By: _____
Jefferson T. Barnes

Dated: May 2, 2016

CERTIFICATION PURSUANT TO R. 4:5-1(B)(3)

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with N.J. Ct. R. 1:38-7(b).

WATTS, TICE AND SKOWRONEK

Attorneys for Plaintiffs

By: _____
Jefferson T. Barnes

Dated: May 2, 2016

Verification

I, Jacqueline Evans, of full age, certify:

I am a Plaintiff in the within action. I am familiar with the allegations contained in the Complaint because in preparation for this lawsuit, I assisted in gathering police reports, pictures, and other evidence from the other Plaintiffs. I also have personal knowledge of the claims related to my property.

I have read the Complaint and certify that the allegations contained in the Complaint are true to the best of my knowledge and belief.

I certify that the foregoing statements made by me are true. I am aware that if any are willfully false, I am subject to punishment.

Jacqueline Evans
Plaintiff

Dated: May 2, 2016

Verification

I, Terese Buchanan, of full age, certify:

I am a Plaintiff in the within action. I have personal knowledge of the claims related to my property. I have read the Complaint and certify that the allegations contained in the Complaint, specifically Paragraphs 17, 40–41, 60, 63–64, 86–93, 98, and 102, are true to the best of my knowledge and belief.

I certify that the foregoing statements made by me are true. I am aware that if any are willfully false, I am subject to punishment.

Terese Buchanan
Plaintiff

Dated: May 2, 2016

Verification

I, Russell Poles, of full age, certify:

I am a Plaintiff in the within action. I have personal knowledge of the claims related to my property. I have read the Complaint and certify that the allegations contained in the Complaint, specifically Paragraphs 16, 40, 42, and 55–56, are true to the best of my knowledge and belief.

I certify that the foregoing statements made by me are true. I am aware that if any are willfully false, I am subject to punishment.

Russell Poles
Plaintiff

Dated: May 2, 2016

Verification

I, Viola Markus, of full age, certify:

I am a Plaintiff in the within action. I have personal knowledge of the claims related to my property. I have read the Complaint and certify that the allegations contained in the Complaint, specifically Paragraphs 18, 41, and 73–75, are true to the best of my knowledge and belief.

I certify that the foregoing statements made by me are true. I am aware that if any are willfully false, I am subject to punishment.

Viola Markus
Plaintiff

Dated: May 2, 2016

Verification

I, Tom Gilbert, of full age, certify:

I am the Campaign Director at Plaintiff the New Jersey Conservation Foundation. I have personal knowledge of the claims related to the Foundation's property. I have read the Complaint and certify that the allegations contained in the Complaint, specifically Paragraphs 20, 40-41, 45-48, and 79, are true to the best of my knowledge and belief.

I certify that the foregoing statements made by me are true. I am aware that if any are willfully false, I am subject to punishment.

Tom Gilbert
Campaign Director at Plaintiff New Jersey
Conservation Foundation

Dated: May 2, 2016