

IN THE CIRCUIT COURT OF DODDRIDGE COUNTY, WEST VIRGINIA

MATTHEW L. HAMBLET,

Petitioner,

vs.

Case No. 10-P-15

JAMES MARTIN, in his official capacity as DIRECTOR, OFFICE OF OIL AND GAS, WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION; OFFICE OF OIL AND GAS, WV DEP; and; EQT PRODUCTION COMPANY,

Judge John L. Henning

Respondents.

ORDER OF CERTIFICATION

WHEREAS, the Circuit Court of Doddridge County, at hearing in this matter held the 5th day of July, 2011, has denied Respondents', James Martin, Director, Office of Oil and Gas, West Virginia Department of Environmental Protection and Office of Oil and Gas, WV DEP ("collectively OOG"), Motions to Dismiss and Respondent EQT Production Company's Motion to Dismiss Matthew L. Hamblet's Petition in this matter; and,

WHEREAS both OOG and EQT Production Company have advised the Court of their desire to appeal the Court's ruling by way of certified question:

The Circuit Court of Doddridge County does hereby CERTIFY the following question to the West Virginia Supreme Court of Appeals, pursuant to West Virginia Code §58-5-2 and in accordance with Rule 17 of the West Virginia Rules of Appellate Procedure:

"Does the West Virginia Supreme Court of Appeal's opinion in State ex. Rel. Lovejoy v. Callaghan, 576 S.E.2d 246, 213 W.Va. 1 (2002) interpret the relevant statutes, when read in *para materia*, to permit a surface owner to seek judicial review of the West Virginia Department of Environmental Protection, Office of Oil and Gas's issuance of a well work permit for a horizontal Marcellus well?"


The Circuit Court of Doddridge County answers the question affirmatively.

Furthermore, by Order of the Court and mutual agreement of the parties, the proceedings in this case will be stayed pending resolution or review of the certified question by the West Virginia Supreme Court of Appeals.

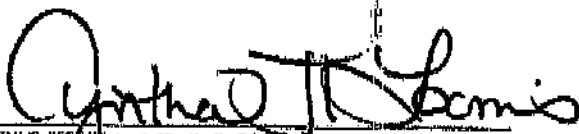
The parties to this case are hereby ORDERED to prepare a joint appendix of the record sufficient to permit review of the certified questions.

The Circuit Clerk of Doddridge County is hereby ORDERED to transit a true copy of this Order of Certification as well as a list of the docket entries in the case to the office of the Clerk of the Supreme Court of Appeals of West Virginia.

ENTERED this 9th day of August, 2011.


HONORABLE JOHN L. HENNING
CIRCUIT COURT JUDGE

Prepared by:


CYNTHIA J.T. LOOMIS
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ENTERED IN Misc. BOOK
No. 4 AT PAGE 460
THIS 10th DAY OF August
YEAR 2011 DWIGHT E. MOORE
CIRCUIT CLERK