

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DAVID C. BAILEY, : NO. 08 – 02,327
Plaintiff :
: CIVIL ACTION – LAW

DAVID C. BAILEY and CECELIA BAILEY, Trustees of :
David C. Bailey Trusts, :
Additional Plaintiffs :

ANADARKO E&P COMPANY, LP, CHESAPEAKE :
APPALACHIA, LLC, MITSUI E&P USA, LLC and :
STATOIL USA ONSHORE PROPERTIES, INC., :
Involuntary Plaintiffs :

vs. :

GEORGE A. ELDER a/k/a G.A. ELDER, WILLIAM :
HOYT and MARY HOYT, MARK HOYT and ANNA :
HOYT, EDWARD C. HOYT and CORDELIA IDA :
HOYT, THEODORE R. HOYT, GEORGE S. HOYT, :
ELK TANNING COMPANY, CENTRAL :
PENNSYLVANIA LUMBER COMPANY, their :
successors, heirs, administrators and assigns or anyone :
claiming by, through or under them, :
Defendants :

vs. :

HOYT ROYALTY, LLC, :
Additional Defendant :

.....
HOYT ROYALTY, LLC, TRUSTEES OF THE :
MARGARET E. HAIGHT TRUST, KAROL :
TARNOWSKI, THOMAS PEDDER BISPHAM, :
SYDNEY WYNNE WOODWARD, GERTRUDE :
WEBER, JOHN WEDEL, MATT WEDEL, JAY WEDEL, :
KAREN ELITHIA WEDEL, ANN HOYT WEBER, :
CAROLINE HOKE WEBER, HELEN HOYT WEBER, :
VIRGINIA FOOTE HAGGERTY, NATHAN CLARK :
SWEET, JOHN WEBER SWEET, and all other unknown :
heirs, successors and assigns of William Hoyt, Mark Hoyt: :
Edward C. Hoyt, Theodore R. Hoyt and George S. Hoyt, :
Individually, jointly and/or t/a “Hoyt Brothers”, :
Counterclaim Plaintiffs :

vs. :

DAVID C. BAILEY, DAVID C. BAILEY and CECELIA
BAILEY, Trustees of David C. Bailey Trusts,
ANADARKO E&P COMPANY, LP, CHESAPEAKE
APPALACHIA, LLC, MITSUI E&P USA, LLC,
STATOIL USA ONSHORE PROPERTIES, INC.,
ELK TANNING COMPANY and CENTRAL
PENNSYLVANIA LUMBER COMPANY,
Cross-claim and Counterclaim Defendants

vs.

INTERNATIONAL DEVELOPMENT CORPORATION
and BONNELL RUN HUNTING AND FISHING
CORPORATION,
Additional Counterclaim Defendants

OPINION IN SUPPORT OF ORDER OF DECEMBER 10, 2014,
IN COMPLIANCE WITH RULE 1925(A) OF
THE RULES OF APPELLATE PROCEDURE

Additional Defendant has appealed this court’s Order of December 10, 2014, which granted Additional Plaintiffs’ Motion for Summary Judgment with respect to Count 2 of its Second Amended Complaint.¹ The reasons for the court’s ruling may be found in the opinion issued in support of the Order of December 10, 2014.

Dated: January 14, 2015

Respectfully submitted,

Dudley N. Anderson, Judge

cc: Scott A. Williams, Esq.

¹ Count 3 was dismissed. Counts 1 and 4 were not addressed, and there remain pending as well counterclaims and cross-claims. Moreover, final judgment on Count 2 has never been entered. The court thus believes the appeal is pre-mature.

Ronald Hicks, Esq., Meyer, Unkovic & Scott, LLP
535 Smithfield Street, Suite 1300, Pittsburgh, PA 15222
John Snyder, Esq., McQuaide Blasko Law Offices
811 University Drive, State College, PA 16801
Michael O'Brien, Esq., Oliver, Price & Rhodes
P.O. Box 240, Clarks Summit, PA 18411
Matthew Sepp, Esq., Morgan Lewis & Bockius LLP
One Oxford Centre, 32nd floor, Pittsburgh, PA 15219
Marc Drier, Esq.
Randall Sees, Esq.
Gary Weber, Esq.
Hon. Dudley Anderson