

## FACTS FROM THE RECENT DIMOCK TRIAL

On March 10, 2016 a federal trial concluded with the jury finding for the plaintiffs in the amount of \$4.24 million against Cabot Oil & Gas Corporation for a nuisance claim.

Cabot disagrees with the jury's findings and is actively pursuing all possible legal action in the matter.

For current information on this matter, please visit [wellsaidcabot.com/legal](http://wellsaidcabot.com/legal).

Regardless of the outcome, there are several important findings to know from this case:

**What the case wasn't about:** The plaintiffs' attorney acknowledged the case had nothing to do with hydraulic fracturing, toxins, or Marcellus gas ending up in drinking water.

- a. "This is not a case — this is not a case about toxic materials ending up in the water," she told the jury. "We do not have proof of that. We don't have proof of that. This is not about fracking fluid appearing in the water. Hydraulic fracturing materials, we don't have proof of that," Ms. Leslie Lewis.<sup>1</sup>
- b. "In this case, and this is a fact, we're not dealing with Marcellus gas." - Ms. Lewis.
- c. The United States Environmental Protection Agency (EPA) tested the water at one of the residences and declared in July 2011 that the water was fit for human consumption and there were no "toxins" detected.<sup>2</sup>

**Dismissed claims:** During the trial the court dismissed the claim that Cabot had acted negligently in conducting its operations. In doing so, the judge dismissed allegations of property devaluation in the case as one plaintiff constructed a 26-room, 7,000 square foot home on the property years after the initial claims of decreased water quality. Moreover, the court refused to apply presumptive liability to Cabot or to allow the jury to even consider awarding punitive damages.

- a. "And, with respect to this property, the only evidence that I have received from the plaintiffs is evidence that indicates a dramatic increase in the value of the property."<sup>3</sup>

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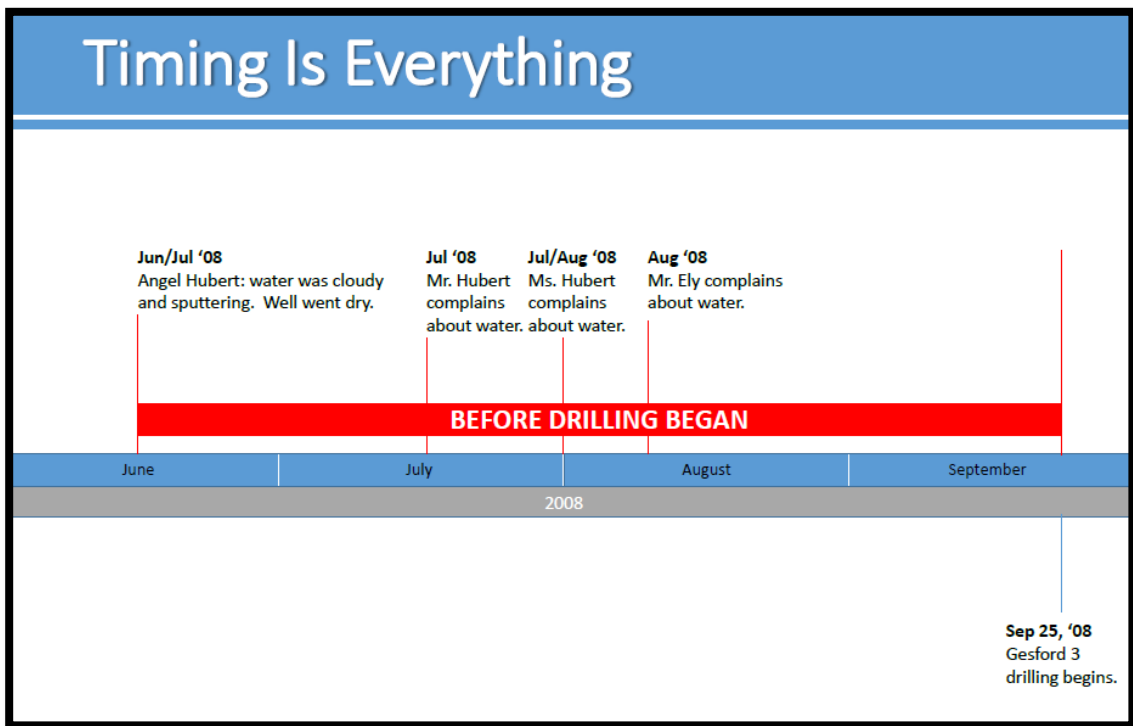
<sup>1</sup> <https://www.facebook.com/notes/fracknation/breaking-news-dimock-plaintiffs-admit-in-court-no-scientific-proof-water-contami/1034521416612725>

<sup>2</sup> <http://naturalgasnow.org/dimock-plaintiffs-concede-theres-no-toxic-content/>

<sup>3</sup> <http://naturalgasnow.org/judge-ends-part-dimock-case-no-evidence-damages/>

**Naturally occurring:** During the trial, two life-long residents of Susquehanna County testified they had methane their water decades before any drilling in the area. This testimony was corroborated by historical accounts from the 19<sup>th</sup> century to present. In fact, one of the witnesses worked on Carter Road and remembers having natural gas in the water decades ago.

**It's all about the timing:** The timeline of concerns does not match up with Cabot's operations. Mr. Ely's claims of contaminated water began in August 2008 (the exact time varies depending on when he was asked) while Cabot began drilling the gas wells in question until late September 25, 2008.<sup>4</sup> Other plaintiffs claimed their water problems began even earlier in July 2008. Effectively, they are alleging an effect before there was a cause.



<sup>4</sup> <http://marcellusdrilling.com/2016/02/guest-post-dimock-plaintiff-exposed-under-cross-examination/>