

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

STECKMAN RIDGE GP, LLC, et al)

Plaintiff,)

vs.)

No.: 3:08-CV-179-KRG

EXCLUSIVE NATURAL GAS)

STORAGE EASEMENTS BENEATH)

Eminent Domain

TWO PARCELS OF 183.73 and)

35.27 ACRES, MORE OR LESS)

LESS, IN MONROE TOWNSHIP,)

FILED ELECTRONICALLY

BEDFORD COUNTY,)

COMMONWEALTH OF)

PENNSYLVANIA; and 8.58 ACRES)

OF LAND, MORE OR LESS, IN)

MONROE TOWNSHIP, BEDFORD)

COUNTY, COMMONWEALTH)

OF PENNSYLVANIA; and)

PAUL C. STUP and HELEN T. STUP,)

Defendants.)

ANSWER OF CONDEMNES TO COMPLAINT IN EMINENT DOMAIN

Paul C. Stup and Helen T. Stup, husband and wife, owners of properties identified by the plaintiff in paragraph 9 of its complaint and more particularly described on Exhibits B-1 and B-2, made a part of the complaint, hereafter called "Condemnees," by Thomas J. Dempsey, Esquire, their attorney, answer the complaint of Steckman Ridge, LP, as follows:

First Defense

The complaint of the plaintiff should be dismissed as premature because the Certificate of Public Convenience issued by the Federal Energy Regulatory Commission, upon which, the condemnation is based, is the subject of a Motion for Rehearing premised upon a recent interest expressed by an energy company in developing and extracting natural gas from the Marcellus Shale formation which would be curtailed, to the loss of the citizens of the United States, by the proposed Steckman Ridge gas storage field. The Order Granting Rehearing for Further Consideration was entered at Docket No.CP08-15-001.

Second Defense

Alternatively, to dismissing the complaint, all proceedings should be suspended until the issues raised in the motion for rehearing are resolved by the Federal Energy Regulatory Commission.

Third Defense

If the condemnation is not dismissed, the Condemnees claim entitlement to the payment of just compensation for the taking of part of their property.

Condemnees demand a JURY TRIAL.

/s/ Thomas J. Dempsey

Thomas J. Dempsey

Pa. I.D. #00508

Attorney for Paul C. Stup and Helen T. Stup

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