

Publications

Oil and Gas Alert: Pennsylvania Judge Allows Seismic Activity Testing to Continue on Public Roads

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Kevin M. Gormly and Melissa McCoy Gormly, attorneys in the Vorys Pittsburgh office and members of the energy group, recently obtained a preliminary injunction in the U. S. District Court for the Western District of Pennsylvania on behalf of ION Geophysical Corporation. In the case, Hempfield Township attempted to prevent ION from conducting seismic testing on the township's roads and rights-of-way. Instead of passing an ordinance regulating or banning seismic testing, the township had its solicitor send ION a letter informing ION that the township would not permit such seismic activity.

On April 10, the Court granted ION's motion for preliminary injunction, determining that the company would likely succeed on its claim that the township's conduct violated ION's substantive and procedural due process rights and Ion's equal protection rights under the U.S. Constitution. The Court further concluded that seismic testing is in the public interest stating, "[t]he evidence here did establish that seismic testing not only provides valuable data for the economic benefit of those who extract oil and gas, but also it provides valuable data for use in subsequent extraction of oil and gas to prevent unsafe and dangerous circumstances from occurring."

Click [here](#) for a copy of the opinion.