

Publications

Mineral Owners File Lawsuit Alleging New York's Bans on Oil and Gas Development Violate the Fifth Amendment's Takings Clause

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On April 16, 2026, father and son Thomas and Madison Woodward filed a complaint in the federal court for the Northern District of New York against state officials, alleging that New York's bans on oil and gas development by prohibiting certain methods used for natural gas extraction constitute an unconstitutional taking of property.^[1] The Woodwards are represented by the Pacific Legal Foundation.^[2]

In 2011, the Woodwards purchased property in western New York.^[3] Underlying this property is the Marcellus and Utica Shale formation, which extends across the border into Pennsylvania and through Ohio and West Virginia.^[4] The complaint details that because of its low permeability, extracting natural gas from the Marcellus and Utica Shale formations requires fracture stimulation—and the only commercially viable method of fracture simulation is high-pressure hydraulic fracturing.^[5] New York, however, has banned high-pressure hydraulic fracturing, along with other fracturing techniques including CO₂ and gel propane fracturing.^[6]

As permitted by New York law, the Woodwards severed the surface and mineral estates of the property at issue.^[7] In their complaint, the Woodwards claim that New York's bans, codified by statute in 2020 and 2024, on high-pressure hydraulic fracturing and other fracturing techniques "has taken all economically beneficial use of the [their] severed mineral estate."^[8] For relief, the Woodwards are seeking a declaratory judgment that the development bans violate their Fifth Amendment rights, as well as a permanent injunction preventing state officials from enforcing it.^[9]

If ultimately successful, the lawsuit will significantly expand the area of potential development of the Marcellus and Utica shale formations. Vorys will continue to monitor the lawsuit and its outcome for its clients.

[1] The complaint can be accessed at this url: https://pacificlegal.org/wp-content/uploads/2026/04/Woodward-v.-Lefton_PLF-Stamped-Complaint_4.16.26.pdf.

[2] Pacific Legal Foundation's article on this case can be accessed at this url: https://pacificlegal.org/case/woodward-new-york-fracking-ban/?utm_source=docket&utm_medium=email&utm_campaign=woodward&utm_content=enr.

[3] Complaint at ¶ 2.

[4] Complaint at ¶ 3, 20.

[5] Complaint at ¶ 22.

[6] Complaint at ¶ 31-39.

[7] Complaint at ¶ 8.

[8] Complaint at ¶ 81; see NY ECL § 23-0501; NY ECL § 23-0501(3)(a).

[9] Complaint at pg. 17.