

# CLEAN AIR COUNCIL

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## **Clean Air Council and Impacted Landowners Defeat Sunoco Efforts to Throw Out Lawsuit Challenging Mariner East Pipelines**

*Philadelphia, PA* - The Philadelphia County Court of Common Pleas today rejected Sunoco Pipeline L.P.'s attempts to throw out a lawsuit challenging Sunoco's Mariner East pipeline projects. The Court ruled that plaintiffs Clean Air Council and two impacted landowners have standing to bring the case and the Court has jurisdiction to hear it.

If approved, the Mariner East projects would transport natural gas liquids—primarily ethane, propane, and butane—from Ohio, West Virginia, and Western Pennsylvania to the Marcus Hook Industrial Complex near Philadelphia for export overseas. Clean Air Council and the Law Offices of Pinnola and Bomstein argue that Sunoco should not be allowed to use eminent domain to build its Mariner East pipelines because Sunoco has not obtained the approvals necessary to give it rights of condemnation and because the projects would not serve any public need in the Commonwealth of Pennsylvania. While Sunoco has been asserting to landowners along the proposed Mariner East route that it has the right to use eminent domain to build the projects through their properties, this decision makes very clear that Sunoco's right of eminent domain is not nearly so well established as it has been trying to convince citizens it is.

The Court also agreed with the plaintiffs that those living nearby the pipeline have the legal standing to sue because residents living near the pipeline projects would be affected by the pipelines even if their land would not be taken for the route.

“This is a great victory for Pennsylvania residents and landowners,” said Joseph Otis Minott, Esq., Executive Director and Chief Counsel of Clean Air Council. “Today, the Court declared that Pennsylvania citizens threatened by these pipelines have a right to have their legal claims move forward, despite Sunoco's attempts to shut the courtroom doors on them. We appreciate the Court's thoughtful and well-reasoned opinion.”

“As best we can tell, this is the first time that a Court of Common Pleas opinion has recognized the broad range of legal and constitutional issues posed by these interstate pipeline projects,” said Michael Bomstein, attorney for plaintiffs deMarteleire and Bomstein. “By refusing to

dismiss our suit and certifying the matter for appeal at this stage, the Court now has set the stage for a statewide ruling on whether Sunoco can continue to get away with using eminent domain for private profit at the expense of the environment and the citizens of the Commonwealth,” said attorney Bomstein.

Sunoco Pipeline is expected to appeal the ruling to the Pennsylvania Superior Court within a month.

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*The Clean Air Council is a nonprofit environmental organization headquartered in Philadelphia, Pennsylvania. For more than 40 years, the Council has fought to improve air quality across Pennsylvania and the Mid-Atlantic region. The Council has members throughout Pennsylvania who support its mission to protect everyone’s right to breathe clean air.*