

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WAYNE LAND AND MINERAL	:	
GROUP, LLC,	:	
	:	
Plaintiff,	:	Civil Action No.
	:	3:16-cv-00897
	:	
v.	:	(Judge Mariani)
	:	
DELAWARE RIVER BASIN	:	
COMMISSION,	:	
	:	
Defendant, and	:	
	:	
DELAWARE RIVERKEEPER	:	
NETWORK and MAYA K. VAN	:	
ROSSUM, THE DELAWARE	:	
RIVERKEEPER	:	
	:	
Intervenors-	:	
Defendants.	:	(Electronically Filed)

STIPULATION TO STAY CASE

WHEREAS, in the above-captioned action (the “Action”), Plaintiff Wayne Land and Mineral Group, LLC (“WLMG”) seeks a declaration that its planned natural gas development activities and facilities are not a “project” and therefore are not subject to defendant Delaware River Basin Commission’s (“DRBC”) project review authority under Section 3.8 of the Delaware River Basin Compact (“Compact”). *See, e.g.*, Complaint (Doc. 1), WLMG’s responses and briefs filed in response to motions for summary judgment (Docs. 183-186);

WHEREAS, the DRBC and Intervenors Delaware Riverkeeper Network and Maya K. Van Rossum contend that WLMG intends to undertake a “project” and is not entitled to the relief it seeks. *See, e.g.*, motions for summary judgment and supporting briefs (Docs. 169, 171, 175, 191, 192).

WHEREAS, on February 25, 2021, DRBC adopted regulations which, among other things, prohibit high volume hydraulic fracturing (“HVHF”) in hydrocarbon-bearing rock formations within the Delaware River Basin (“Basin”). *See* DRBC Resolution No. 2021-01 and 18 C.F.R. § 440.3(b).

WHEREAS, on April 13, 2021, DRBC filed a Suggestion of Mootness and Motion to Dismiss (Doc. 216) (“Motion”) asserting that the prohibition of HVHF has rendered the Action moot;

WHEREAS, WLMG has opposed the dismissal of the Action as moot and the parties have briefed the Motion (Docs. 217-219).

WHEREAS, the prohibition of HVHF is currently being challenged in *Yaw v. DRBC*, No. 2:21-cv-00119-JP (E.D. Pa.), and may be challenged in additional lawsuits; and

WHEREAS, at a conference with the Court on May 18, 2021, the parties stated their desire to stay the Action without prejudice to their respective positions on the Motion;

NOW THEREFORE, the parties stipulate and request the Court order as follows:

1. The Action is stayed until further order of the Court.
2. The stay is without prejudice to the parties' respective positions on the Motion or the mootness of the Action.
3. The parties shall submit a joint report to the Court every six months informing the Court of the status of the legal challenges to the prohibition of HVHF in the Basin and the view of the parties regarding whether the stay should remain in effect. At its discretion, the Court *sua sponte* or upon request of one or more of the parties may schedule a conference to discuss whether the stay should continue in effect.

AGREED to this 20th day of May, 2021.

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APPROVED AND SO ORDERED:

Dated: May __, 2021

Robert D. Mariani
United States District Judge