

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

<b>PENNECO OIL COMPANY, INC. and</b>	)	
<b>PENNECO PIPELINE CORPORATION,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 16-1918</b>
	)	<b>Chief Judge Joy Flowers Conti</b>
<b>ENERGY CORPORATION OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

**AND NOW**, this 15th day of February, 2018, upon consideration of the parties’ motions for summary judgment and the related submissions and for the reasons set forth in the accompanying opinion, **IT IS HEREBY ORDERED** as follows:

1. The motion for summary judgment filed on behalf of Defendant Energy Corporation of America (ECF NO. 31) is **GRANTED** in part, and **DENIED** in part.
  - A. The Motion is **DENIED** with respect to Plaintiffs’ claim asserted in Count II.
  - B. The Motion is **GRANTED** with respect to Plaintiffs’ claim asserted in Count III. Count III of the Amended Complaint is hereby **DISMISSED**. Judgment as a matter of law is hereby entered in favor of defendant Energy Corporation of America and against plaintiffs Penneco Oil Company, Inc. and Penneco Pipeline Corporation with respect to Count III.
  - C. The Motion is **DENIED** with respect to plaintiffs’ claim asserted in Count I seeking partial confirmation of the Arbitrator’s Award.
  
2. The partial motion for summary judgment filed on behalf of Penneco Oil Company, Inc. and Penneco Pipeline Corporation (ECF No. 34) is **GRANTED**. Judgment as a matter of law is hereby entered in favor of plaintiffs Penneco Oil Company, Inc. (“Penneco Oil”) and Penneco Pipeline Corporation and against defendant Energy Corporation of America with respect to Count II.

3. The court hereby **VACATES** paragraph 4 of the Award of Arbitrator issued on October 27, 2016.
4. This action is hereby **REMANDED** to the American Arbitration Association for a *de novo* determination of Penneco Oil Company, Inc. and Penneco Pipeline Corporation's entitlement to attorney's fees pursuant to Paragraph 21 of the Drilling and Operating Agreement.
5. Upon Plaintiffs' submission of the American Arbitration Association's determination of the attorneys' fees to the court, the court will enter an Order scheduling proceedings for the confirmation of the Arbitration Award, as modified to include the attorneys' fees. This case will be administratively closed pending that submission.

By the court:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge