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EDITOR'S PICK

## State grand jury probing natural gas drilling calls Hallowich as a witness

Barbara Miller Feb 20, 2019 Updated 53 min ago



Stephanie Hallowich of Hickory speaks outside the Hilton Garden Inn at Southpointe in July 2010 about her negative experiences with gas drilling.

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A prominent litigant in a landmark case involving a previously sealed settlement with parties from the natural gas industry was among those subpoenaed to testify before a grand jury convened in Pittsburgh by the state attorney general.

Stephanie Hallowich who, with her family of Mt. Pleasant Township, drew wide attention to their plight a decade ago, is bound by a legal settlement's confidentiality agreement. The sole exception is that she is permitted to cooperate with an authority issuing a subpoena, attorney Peter Villari confirmed Tuesday.

Villari, who practices in Conshocken, Montgomery County, said the agreement requires that defendants in Hallowich's case be notified if she is subpoenaed. Villari said she was in touch with him and that she is in compliance.

"I have no idea what the topic is," Villari said, noting that Hallowich remains bound by the confidentiality agreement she reached with Range Resources and other Marcellus Shale-related firms she signed in August 2011 in Washington County Court.

State law has no blanket prohibition against grand jury witnesses revealing what went on during the closed-door proceedings unless a judge orders the witness not to talk.

A motion filed by the *Pittsburgh Post-Gazette* earlier this month in Washington County Court to unseal several motions in another gas drilling lawsuit indicates that state Attorney General Josh Shapiro's office sent letters to those attorneys stating his office has "assumed jurisdiction over several criminal investigations involving environmental crimes in Washington County."

Stephanie and Christopher Hallowich and their children were the subject of national and international news reports in addition to local and regional news reports.

At the request of the *Observer-Reporter* and the *Post-Gazette*, then-President Judge Debbie O'Dell in 2013 unsealed a legal agreement involving the family and their claims that nearby Marcellus Shale gas drilling by Range and other industry defendants caused them harm.

The Hallowiches' total settlement was \$750,000. After attorneys' fees, they received \$594,820. The litigants established an arbitration process to "assess and adjudicate any possible future claims of personal injury" for members of the family, including medical examinations of the children.

O'Dell Seneca, who wrote that she "found no case establishing a constitutional right of privacy

for businesses” in the Hallowich case, retired from the bench in 2015.

Another Washington County judge, meanwhile, has scheduled a hearing for next month on the *Post-Gazette's* request to unseal records a case involving an Amwell Township impoundment operated by Range Resources.

Stacey Haney and her two children; Loren and Grace Kiskadden; and Beth, John and Ashley Voyles, all of Banetown, Amwell Township, sued Range Resources-Appalachia and others in the natural gas industry, claiming personal injury and property damage resulting from well water contaminated during hydraulic fracturing on the nearby Yeager property and impoundment.

The newspaper's attorney noted in a petition filed last week with Washington County Court the attorney general's office sent a letter to attorneys representing plaintiffs and defendants noting that the attorney general had taken over the criminal investigation in Washington County and that “one of the potential criminal investigations involves your respective clients.”

Motions and orders by Washington County President Judge Katherine B. Emery were filed under seal last June and September in the case in which Haney was the lead plaintiff.

“The *Post-Gazette* respectfully requests that it be permitted to intervene in the proceedings in order to assert the public's right of access to the sealed motions and sealed orders,” according to the newspaper's attorney, Frederick N. Frank.

In his petition, Frank cited the Hallowich case as one of several precedents.

“Significant to this matter is the critical role the press plays in our democracy,” Frank wrote, asserting the public's right of access to judicial proceedings.

“We wholeheartedly support the *Post-Gazette's* efforts to unseal this record,” said Elizabeth Rogers, executive editor of the *Observer-Reporter*.

Washington County Judge Michael Lucas has scheduled arguments on the matter for March 25, and ordered that 10 days beforehand, the parties produce an answer to the newspaper's petition and demonstrate reasons why the record should remain sealed.

According to an *Observer-Reporter* news story in June of last year about the book “Amity and Prosperity,” the suit brought by the Haney, Kiskaddens and Voyleses was settled earlier in 2018 under undisclosed terms.

The book's author, Eliza Griswold, first wrote about Haney in The New York Times Magazine in 2011. Haney filed suit against Range in 2012 after family pets died and children became sick.

The author was adamant that "Amity and Prosperity" was "not another book about the evils of fracking," but instead about how extraction industries impact communities, for better and for worse.

Range, in a statement last year, said it is "very proud of its operations and commitment to the community, which have combined to generate a large amount of public support across Washington County.

"We take the accusations made in this book very seriously, and maintain our long-standing position that our operations at the Yeager well site did not impact the water supplies or cause any adverse health impacts to the family members or animals detailed in the book. Although we have not had a chance to read the book in its entirety, it is clear the narrative is driven by unfounded accusations that contradict the findings of the Pennsylvania Department of Environmental Resources, Pennsylvania courts, the U.S. Environmental Protection Agency and multiple expert analyses."

Washington County District Attorney Gene Vittone said his office "hasn't received that many" environmental complaints, but when it does, he forwards them to the state attorney general's office.

"They have the expertise to handle it," Vittone said, and the attorney general has broader authority regionally. Shapiro's office also has "civil remedies."

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Staff Writer Barbara S. Miller is a graduate of Washington & Jefferson College. She covers Washington County government, courts and general assignments.

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