

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

NEXUS GAS TRANSMISSION, LLC,	:	Case No. 5:17-cv-2062 (Lead Case)
	:	5:17-cv-2066 (Member Case)
Plaintiff,	:	
	:	
v.	:	Judge John R. Adams
	:	
CITY OF GREEN, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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**JOINT NOTICE AND STIPULATION OF DISMISSAL BETWEEN NEXUS AND DEFENDANTS: 2.00 ACRES ± PERMANENT EASEMENT, AND 3.2 ACRES ± TEMPORARY EASEMENT OF LAND IN CITY OF GREEN, SUMMIT COUNTY, OHIO; 0.0147 ACRES ± PERMANENT EASEMENT AND 0.0 ACRES ± TEMPORARY EASEMENT OF LAND IN CITY OF GREEN, SUMMIT COUNTY, OHIO; CERTAIN INTEREST(S) IN CHRISTMAN ROAD, COMET ROAD, GREENSBURG ROAD, KILLINGER ROAD, KOONS ROAD, MASSILLON / HWY 241 ROAD, MAYFAIR ROAD, S. ARLINGTON ROAD, S. MAIN STREET, THURSBY ROAD, AND WISE ROAD IN CITY OF GREEN, OHIO; AND THE CITY OF GREEN, OHIO**

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NOW COME Plaintiff NEXUS Gas Transmission, LLC (“NEXUS”) and the following Defendants: 2.00 Acres ± Permanent Easement and 3.2 Acres ± Temporary Easement of Land in City of Green, Summit County, Ohio; 0.0147 Acres ± Permanent Easement and 0.0 Acres ± Temporary Easement of Land in City of Green, Summit County, Ohio; Certain Interests in Christman Road, Comet Road, Greensburg Road, Killinger Road, Koons Road, Massillon Road (HWY 241), Mayfair Road, S. Arlington Road, S. Main Street, Thursby Road, and Wise Road, in the City of Green, Ohio; and the City of Green, Ohio (collectively, “Defendants”), by and through counsel, and hereby stipulate and agree as follows:

1. Defendant, the City of Green, Ohio (“City”), was named as the fee owner of the defendant-properties more fully described at Exhibits A-1 and A-2 to the Complaint in the above-captioned proceeding.

2. Certain interests in the following road(s) located within the City of Green, Ohio (Mayfair Road, Greensburg Road, Massillon Road [HWY 241], Koons Road, Thursby Road, Koons Road, S. Arlington Road, Killinger Road, Christman Road, Comet Road, S. Main Street, Wise Road, and Killinger Road) were named as defendants in the above-captioned proceeding, and which are more fully identified in Exhibit A-37 to the Complaint, in the above-captioned proceedings.

3. Defendants have entered into an easement agreement and other settlement documents with NEXUS; and NEXUS and Defendants have otherwise resolved their dispute(s). Accordingly, both parties have agreed to dismiss and/or withdraw, with prejudice, any pending causes of action, claims, counterclaims, motions, opposition(s), defenses, and/or other pleadings in the above-captioned proceeding (collectively “Claims”).

4. The City shall dismiss with prejudice all pending lawsuits, appeals or other legal actions currently pending that are adverse to NEXUS, including but not limited to the appeal to the Sixth Circuit from this lawsuit styled *NEXUS Gas Transmission, LLC v. City of Green, Ohio, et al.*, Case No. 5:17-cv-02062, N.D. of Ohio (Appeal Case No. 18-3112); *City of Green, Ohio v. Ohio Environmental Protection Agency and NEXUS Gas Transmission, LLC (Intervenor)*, Case No. 17-4016, U.S. Court of Appeals for the Sixth Circuit; and *City of Green v. Butler*, Case No. ERAC 17-6940.

5. The City shall refrain, directly or indirectly, from interfering with the NEXUS project. The City shall also refrain from joining or appearing as a party in any future regulatory or other legal proceedings intended to oppose, delay, stay, and/or block the NEXUS project, other than to enforce the terms of the parties’ easement and/or other settlement documents.

6. Pursuant to Fed. Civ. R. 71.1(i)(1)(B), Defendant and NEXUS hereby stipulate to the dismissal of Defendants from this action, and stipulate to the withdrawal and/or dismissal of any and all claims and/or defenses, if any, asserted by Defendants against NEXUS.

7. Alternatively, the parties request the Court construe this Joint Notice and Stipulation of Dismissal as a motion to dismiss Defendants and the above-listed roadway(s)/property/properties pursuant to Fed. R. Civ. P. 71.1(i)(2) and/or Fed. R. Civ. P. 21, and dismiss Defendants and the above-listed roadway(s)/property/properties accordingly.

8. The Court shall retain jurisdiction for the limited purpose of enforcing the terms of the parties' settlement

Respectfully submitted,

<p><u>/s/ Jennifer A. Flint</u>                  James J. Hughes, III (0036754)                  Jennifer A. Flint (0059587)                  Daniel E. Gerken (0088259)                  Kara H. Herrnstein (0088520)                  BRICKER &amp; ECKLER LLP                  100 S. Third Street                  Columbus, Ohio 43215                  Telephone: (614) 227-2300                  Facsimile: (614) 227-2390                  jjhughes@bricker.com                  jflint@bricker.com                  dgerken@bricker.com                  kherrnstein@bricker.com  <i>Counsel for Plaintiff, NEXUS Gas                  Transmission, LLC</i></p>	<p><u>/s/ Diane A. Calta [per email auth. 2/7/18]</u>                  Diane A. Calta (0070453)                  City of Green Director of Law                  1755 Town Park Boulevard                  Green, Ohio 44232                  T: 330.896.6615                  F: 330.896.6606                  dcalta@cityofgreen.org  <i>Counsel for Defendants</i></p>
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the preceding Joint Notice and Stipulation of Dismissal was electronically filed through the Court’s ECF system which, accordingly, will send notification of such filing to the attorneys of record who have made an appearance in this action; and I hereby certify that a copy of the preceding Joint Notice and Stipulation of Dismissal was served upon the following via ordinary U.S. Mail, postage prepaid, this 9th day of February 2018:

Aqua Ohio, Inc. c/o Corporation Service Company, Statutory Agent 50 W. Broad St., Ste. 1330 Columbus, OH 43215	William T. Tropf Cindy R. Tropf 10625 Cleveland Ave. N.W. Uniontown, OH 44685
Huntington National Bank c/o Richard A. Cheap, Statutory Agent 41 S. High St. Columbus, OH 43215	PNC Bank, N.A. c/o Corporation Service Company 50 West Broad St., Ste. 1330 Columbus OH 43215
Dean Nielson, Esq. Chemical Bank 999 E. Main Street Ravenna, Ohio 44266 <i>Counsel for Chemical Bank, successor in                  interest to First Place Bank and Talmer Bank                  and Trust</i>	Buckeye Pipe Line Company, LP, Successor- in-Interest to Buckeye Pipe Line Company c/o Corporation Service Company, Statutory Agent 50 W. Broad St., Ste. 1330 Columbus, OH 43215

*/s/ Jennifer A. Flint*  
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 Jennifer A. Flint (0059587)