

43rd Judicial District Court

TREY E. LOFTIN
District Judge

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February 16, 2012

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Re:

Cause No. CV11-0798, Steven and Shyla Lipsky vs. Durant, Carter, Coleman, LLC et al

Counsel:

Attached is the Order on Plaintiff's Sec. 27 Anti-Slapp Motion to Dismiss Range's Counter Claims.

Sincerely,

District Judge

CAUSE NO. CV11-0798

REGEIVED AND FILED FOR RECORD

CAUSE NO. CVII-0/98

STEVEN and SHYLA LIPSKY

٧.

DURANT, CARTER, COLEMAN
LLC, SILVERADO ON THE BRAZOS
DEVELOPMENT COMPANY #1
LTD, IERRY V. DURANT, Individually,
JAMES T. COLEMAN, Individually,
ESTATE OF PRESTON CARTER,
RANGE PRODUCTION COMPANY,
And RANGE RESOURCES
CORPORATION

٧.

ALISA RICH

IN THE DISTRICT COLORED 16 PM 5: 10

SHARENA GILLILAGO DISTRICT CLERK PARKER COUNTY, TEXAS CLERK

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PARKER COUNTY, TEXAS

43rd JUDICIAL DISTRICT

ORDER DENYING PLAINTIFF'S SEC. 27 ANTI-SLAPP MOTION TO DISMISS RANGE'S COUNTER CLAIMS

The Court, having reviewed the law and the evidence as well as motions, briefs and arguments of counsel in this case, denies Plaintiff's Sec. 27 Anti-Slapp Motion to Dismiss Range's Counter Claims.

The Court references with concern the actions of Mr. Steven Lipsky, under the advice or direction of Ms. Alisa Rich, to intentionally attach a garden hose to a gas vent – not to a water line – and then light and burn the gas from the end nozzle of the hose. This demonstration was not done for scientific study but to provide local and national news media a deceptive video, calculated to alarm the public into believing the water was burning. There is further evidence that Rich knew the regional EPA administration and provided or assisted in providing additional misleading information (including the garden hose video) to alarm the EPA. Moreover, the emails in question which refer to this deceptive garden hose demonstration as a "strategy" appear to support that a "meeting of the minds" took place and that a reasonable trier of fact could believe, together with other evidence, that the elements of a conspiracy to defame Range exist.

Therefore, pursuant to Texas Civil Practice and Remedies Code, Sec. 27 as a finding of fact and conclusion of law, the Court observes that Range has presented sufficient clear and specific evidence to maintain a prima facia case with regard to the counter claim against Plaintiffs and the third party action against Alisa Rich in that a reasonable trier of fact could believe that a conspiracy to defame Range existed between the Lipskys and Ms. Rich.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Sec. 27 Anti-Slapp Motion to Dismiss Range's Counter Claims is hereby denied.

Signed on 16 day of February, 2012.

Chris-

Presiding Judge