

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
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Granted Appeal Summary

Case

FRED W. VEST v. MOUNTAIN VALLEY PIPELINE, LLC
(Record Number 191014)

From

The Circuit Court of Roanoke County; D. Carson, Judge.

Counsel

Evans G. Edwards and Thomas J. Bondurant (Gentry Locke) for appellant.

Wade W. Massie and Seth M. Land (Penn, Stuart & Eskridge) for appellee.

Assignments of Error

1. The trial court erred in denying Vest summary judgment on his trespass counterclaim, and instead granting summary judgment for MVP.
 - a. The trial court erred in ruling in favor of MVP, because MVP failed to comply with either the plain meaning of the natural gas surveying statute's notice of intent to enter provision (Va. Code § 56-49.01(C)) or the most reasonable alternative interpretation of that provision.
 - b. The trial court erroneously adopted MVP's interpretation of Va. Code § 56-49.01(C) and failed to give effect to the legislative intent and different language contained in that section and § 56-49.01(B).
 - c. The trial court should have granted Vest summary judgment, because MVP failed to give proper notice to Vest under Va. Code § 56-49.01(C), and its surveyors trespassed when they entered upon his land without his permission on April 9, 2016.
2. The trial court erred in granting MVP summary judgment on Vest's trespass counterclaim; the record contains a genuine dispute of material fact whether MVP waived any limited statutory privilege it had to survey when it agreed to reschedule surveying to later in April yet sent its surveyors onto Vest's land anyway on April 9.