

Ohio Appeals Court Remands Case to Trial Court for Assessment of “Reasonableness” in Delay of Repairs to Well

In *Dennison Bridge, Inc. v. Resource Energy, L.L.C.*, the Ohio Court of Appeals for the Seventh District found that the reasonableness of a delay in repairing a well created a question of fact in the termination of an oil and gas lease for non-production. The court reversed a grant of summary judgment to the oil and gas company for an 18-month delay. The court discussed, but did not adopt, a bright line time for when a delay is reasonable or not, preferring to examine the facts of the case. The court further affirmed its prior decision rejecting the argument that the lease was void for being a perpetual lease.

The case will be used by both producers and landowners in future cases involving non-production and lease terminations. The decision comes from the pivotal Seventh Appellate District which is the intermediate appellate court for the counties in Ohio that are heavily involved in the oil and gas industry including Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Monroe, and Noble counties.

Please contact any of the following Roetzel attorneys should you have questions regarding the subject matter of this alert.

Dan Hilson

Legislation & Regulatory Compliance
614.723.2060 | dhilson@ralaw.com

Matthew D. Austin

Labor & Employment
614.723.2010 | maustin@ralaw.com

Shane Farolino

Environmental, Regulatory & Emergency Response
330.849.6680 | sfarolino@ralaw.com

Steve Funk

Enforcement of Easement Rights and Oil & Gas Leasing Disputes
330.849.6602 | sfunk@ralaw.com

Erika Haupt

Estate & Succession Planning
614.723.2037 | ehaupt@ralaw.com

Ron Lee

Toxic Exposures and Insurance Litigation
330.849.6648 | rllee@ralaw.com

Don Mason

Public Utilities
614.723.2011 | dmason@ralaw.com

Randy Moore

Oil & Gas Litigation, Leasing & Well Development
330.849.6627 | rmoore@ralaw.com

Moira Pietrowski

Litigation
330.849.6761 | mpietrowski@ralaw.com

Doug Spiker

OSHA, Employment & Workers' Compensation
216.696.7125 | dspiker@ralaw.com

Brian Tarian

Workers' Compensation
614.723.2028 | btarian@ralaw.com

Steve Thompson

Oil & Gas Title Examination
239.649.2709 | sthompson@ralaw.com

Mike Yashko

Mineral Rights, Land Acquisition & Well Development
239.338.4249 | myashko@ralaw.com