

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

AMY BLOUGH, INDIVIDUALLY,
AND AS THE ADMINISTRATRIX
FOR THE ESTATE OF JAY
BLOUGH, DECEASED,

Plaintiff,

v.

MOUNTAIN VALLEY PIPELINE,
LLC, and PRECISION PIPELINE,
LLC,

Defendants.

JURY TRIAL DEMANDED

CIVIL DIVISION

No.

COMPLAINT IN CIVIL ACTION

Filed on Behalf of Plaintiff

Counsel of Record for This Party:

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MOUNTAIN VALLEY PIPELINE,
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NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE OR KNOW A LAWYER, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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COMPLAINT IN CIVIL ACTION

Plaintiff, Amy Blough, Individually, and as the Administratrix for the Estate of Jay Blough, Deceased, by and through her attorneys, files the within Complaint, alleging the following in support:

THE PARTIES

Plaintiff

1. The Plaintiff, Amy Blough (“Blough”), is an adult individual currently residing at 1779 Scullton Road, Rockwood, Pennsylvania 15557.
2. Blough is the Administratrix of the Estate of Jay Blough, deceased, her husband, who was tragically killed on Sunday, March 25, 2018.

3. On September 24, 2018, Letters of Administration were issued by Sharon K. Ackerman, Register of Wills of Somerset County, Pennsylvania, and granted to Plaintiff, Amy Blough.

4. This action is brought to recover damages for and on behalf of Amy Blough, individually, and as the Administratrix for the Estate of Jay Blough, deceased.

5. The adult individuals entitled by law to recover damages pursuant to this action under the Estate of Jay Blough are:

- a. Amy Blough (Wife of Jay Blough)
- b. Jayme Blough (son of Jay and Amy Blough)
1779 Scullton Road
Rockwood, Pennsylvania 15557
- c. Kyle Blough (son of Jay and Amy Blough)
660 White Oak Street
Rockwood, Pennsylvania 15557
- d. Karley Leydig (daughter of Jay and Amy Blough)
5341 Kingwood Road
Markleton, Pennsylvania 15551

6. The right to bring this action is conferred upon Plaintiff by virtue of the operation of the following laws:

- a. Provisions of the Wrongful Death Act, 42 Pa. C.S.A. §8301, and any amendments thereto; and
- b. Provisions of the Survival Act, 42 Pa. C.S.A. §8302, and any amendments thereto.

THE DEFENDANTS

7. Defendant, Mountain Valley Pipeline, LLC (“MVP”), is a limited liability company organized under the laws of Delaware, with headquarters located at 2200 Energy Drive, Canonsburg, Pennsylvania 15317.

8. MVP is a joint venture of EQM Midstream Partners, LP, NextEra US Gas Assets, LLC, Con Edison Transmission, Inc., WGL Midstream, and RGC Midstream, LLC.

9. MVP was established to develop and construct a natural gas pipeline system that spans approximately 303 miles from northwestern West Virginia to southern Virginia (the “Pipeline”).

10. MVP regularly conducts business within the Commonwealth of Pennsylvania, and maintains a place of business at EQT Plaza, 625 Liberty Ave, Pittsburgh, Allegheny County, Pennsylvania 15222.

11. Defendant, Precision Pipeline, LLC (“Precision”), is a limited liability company under the laws of Wisconsin, with headquarters located at 3314 56th Street, Eau Claire, Wisconsin 54703.

12. Precision is a general pipeline contractor.

13. Precision regularly conducts business within the Commonwealth of Pennsylvania and maintains a registered address of 253 Walnut Street, Houston,

Pennsylvania 15342. Upon information and belief, Precision also regularly conducts business within the County of Allegheny.

JURISDICTION AND VENUE

14. Jurisdiction in the Commonwealth of Pennsylvania is proper because the Defendants are domiciled in and regularly conduct business in Pennsylvania.

15. Venue is proper in Allegheny County because MVP maintains an office in Allegheny County and because it is believed and, therefore, averred that Defendants regularly conduct business in Allegheny County.

16. The Defendants are subject to jurisdiction of this Court because they were either residing in, registered in, or trading and doing business within Allegheny County, Pennsylvania, at the time of the subject incident.

FACTS OF THE CASE

17. The events that give rise to this lawsuit took place on or about Sunday, March 25, 2018, on the Pipeline construction right-of-way and job site located in Sutton, West Virginia (the “Site”).

18. At all times relevant, MVP held an easement to construct the Pipeline at the Site, and it owned the Pipeline. MVP hired Precision to serve as the general contractor on the Pipeline. Both MVP and Precision supervised work on the Pipeline at the Site.

19. In the location where this incident occurred, the Pipeline consisted of a right-of-way that was approximately one hundred and twenty-five feet (125') wide.

20. Before work began on the Pipeline, the right-of-way consisted of uncleared forest with trees of all sizes ranging from saplings to mature trees.

21. MVP and Precision contracted with Beeghly Tree Services, LLC ("Beeghly") to clear trees located within the Pipeline right-of-way at the Site.

22. Jay Blough, deceased, was employed by Beeghly and, at all times relevant, was working on the Pipeline at the Site in Sutton, West Virginia.

23. Before commencement of the job at the Site, MVP and Precision held a pre-construction kick-off meeting with Beeghly's employees, including the Decedent. During this meeting, MVP and Precision reviewed job safety through videos and written materials and had the Beeghly employees take a written test. The videos and materials reviewed included instruction on tree felling.

24. Approximately one week later, after work had commenced at the Site, MVP and/or Precision held a second safety meeting with Beeghly employees.

25. Every morning, before Beeghly started its daily work on the Site, Beeghly held a safety meeting with its employees, including Jay Blough. MVP and Precision representatives attended and participated in these meetings.

26. Representatives of MVP were at the Site at the Pipeline every day from the beginning of the job to the date of Jay Blough's death.

27. At the time that the subject incident occurred, MVP had not obtained an appropriate environmental permit and/or approval for Beeghly to use heavy machinery for the mechanical performance of felling trees, as is customary for Beeghly.

28. Instead, Beeghly was forced to perform all manual felling of trees on the Site using hand-held equipment included, but not limited to, chain saws and ropes.

29. Performing all manual felling of trees was uncommon for Beeghly, particularly, on such a large area of forest with a tight time schedule. It created a peculiar risk, where—for this specific project at the Site— tree removal was being done under unusually dangerous circumstances.

30. The manner of tree removal was chosen by MVP and/or Precision. The companies chose not to wait for appropriate approval to proceed with tree removal by heavy machinery, which is the usual and safer method, particularly when quickly removing large sections of trees.

31. Because Beeghly was unable to rely upon heavy equipment to remove trees on the Pipeline, MVP and/or Precision retained control of identifying and tagging hazardous or “danger” trees that could not safely be removed manually.

32. Identifying danger trees requires specialized knowledge.

33. Prior to tree removal commencing on a section of the Site, MVP and/or Precision would inspect the forest and mark any danger trees with caution tape. MVP inspectors would determine whether the danger tree could be felled. If not, any danger trees were to be left on the Pipeline until heavy equipment could be brought in to remove the trees after an appropriate environment permit and/or approval could be obtained by MVP.

34. Upon information and belief, Plaintiff avers that MVP and Precision were on a tight construction schedule and—instead of waiting for the appropriate environmental permits and approval to utilize heavy equipment—Defendants were pushing Beeghly and its employees, including Jay Blough, to move quickly and, instead of marking all danger trees, were allowing danger trees to be felled by manual equipment.

35. At the time of the subject incident, Beeghly had cleared approximately 19,000 linear feet of trees, about 54 acres.

36. The job was expected to take approximately 65 days to complete.

37. On or about Sunday, March 25, 2018, Jay Blough was lawfully working on the Site, acting within the course and scope of his employment with Beeghly, as well as at the direction and under the supervision of MVP and/or Precision.

38. Two MVP representatives were supervising the Site on March 25, 2018.

39. Jay Blough was killed when an eighty-seven-foot-tall (87') poplar tree was cut by a Beeghly employee, fell, and struck him in the head and neck.

40. This poplar tree was a "danger" tree that had not been properly identified and marked by MVP or Precision, despite an MVP inspector being onsite and walking through the area where this tree stood.

41. Jay Blough was standing fifty feet (50') from the base of the subject poplar tree when he was struck in the head and neck.

42. Jay Blough was not killed immediately by the blow of the tree.

43. Rather, he endured severe and conscious pain and suffering at the Site for an extended period prior to his death.

44. OSHA standards require that workers not directly involved in manual tree felling shall be at least two tree lengths away from the tree or trunk being removed. ANSI Z133.1 2012, Safety Requirements for Arboricultural Operations, Paragraph 8.5.4.

45. Jay Blough was not located at least two tree lengths from the subject poplar tree that was felled and struck him, resulting in his death.

46. Based on the width of the Pipeline – one hundred twenty-five feet – it was not possible for Jay Blough and his colleagues to safely operate pursuant to OSHA regulations.

47. Defendants, MVP and Precision, retained control of the Site and were obligated to ensure that work performed on the Site, including the felling of trees, was safe.

48. Defendants, MVP and Precision, exercised supervision, control, and approval over the performance of the work on the Site, including the removal of trees on the Pipeline and the identification and tagging of “danger” trees.

49. Defendants, MVP and Precision, did not provide a safe work environment at the Site and within the Pipeline.

50. Defendants, MVP and Precision, created a dangerous work environment by failing to have the proper permits for use of heavy equipment, by pushing Beeghly and its employees to work long hours and consecutive days to meet an unreasonable schedule, by failing to properly identify and tag “danger” trees for removal by heavy equipment instead of using manual equipment, and by failing to ensure that Jay Blough was not working less than two tree lengths from an area where another tree or trunk was being felled.

51. Further, because neither MVP nor Precision provided proper ingress and egress to the Site, Jay Blough was not provided with timely emergency medical or palliative care after being struck by a tree.

52. At all times relevant, MVP acted through its agents, servants, workmen, and employees who were acting within the course and scope of their employment with MVP.

53. At all times relevant, Precision acted through its agents, servants, workmen, and employees who were acting within the course and scope of their employment with Precision.

COUNT I

**Amy Blough, as the Administratrix for the Estate of Jay Blough, Deceased v.
Mountain Valley Pipeline, LLC
(Wrongful Death)**

54. Plaintiff hereby incorporates by reference Paragraphs 1 through 53 of this Complaint, as though the same were set forth at length herein.

55. At all times relevant hereto, MVP was the owner of the Pipeline and Site and had a duty to provide a safe work environment for Jay Blough.

56. MVP assumed a role of supervision on the Site by having agents, servants, workmen, and/or employees on the Site who attended safety meetings and were responsible for overseeing the project, identifying and/or tagging “danger” trees, and determined how or whether danger trees could be felled.

57. In other words, MVP retained control of decisions related to tree removal at the Site.

58. MVP also hired Beeghly for a project involving special danger or peculiar risk.

59. MVP owed a duty to those persons engaged in the performance of tree felling work on the Site, including Jay Blough, to provide a reasonably safe working environment, free from unreasonable hazards.

60. MVP, acting by and through its agents, servants, workmen and/or employees, was careless and negligent in the following particulars:

- a. retaining control of jobsite safety but failing to provide a safe place for Jay Blough to work;
- b. failing to adequately inspect the Site for hazardous conditions, including unsafe and “danger” trees;
- c. failing to identify and mark the danger tree that struck Jay Blough;
- d. intentionally disregarding safety hazards, including but not limited to the presence of danger trees and the inadequate tree felling distances on the Site;
- e. failing to coordinate with other contractors on the Site;
- f. failing to adequately plan for the project by failing to have the appropriate environmental permits;
- g. failing to provide a reasonable work schedule such that Jay Blough and other Beeghly employees were forced to work long hours for consecutive days without rest;
- h. putting inordinate pressure on Beeghly to finish the job quickly, thereby creating a work environment in which a reasonable lower-level employee would fear complaining, reporting a danger tree, or causing any delay in the tree removal schedule;
- i. violating applicable OSHA rules and regulations including the regulation preventing employees from being located at least two tree lengths away from a tree or trunk being removed;

- j. failing to have an appropriate means of ingress and egress from the job Site such that, when Jay Blough was injured by a felled tree, he could not be reached by medical personnel for an extended period of time;
- k. failing to ensure that “danger” trees were being properly felled;
- l. failing to furnish a job site in conformity with the standard of care then and there prevailing in the pipeline and tree felling industries at the time the services were performed by Jay Blough;
- m. failing to properly supervise Beeghly and Blough’s work;
- n. failing to enforce safety regulations on the Site; and
- o. failing to stop and/or cease operations on the Site until they could be safely performed using heavy equipment after a proper environmental permit was obtained.

61. As a direct, legal, and proximate result of the negligence and/or carelessness of Defendant, MVP, Plaintiff suffered the following damages:

- a. Death of the Decedent;
- b. Mental anguish, suffering, and pain;
- c. Medical bills and hospital bills;
- d. Funeral expenses; and
- e. Expenses of administration and investigation.

62. As a result of the death of Plaintiff's Decedent, Amy Blough has been deprived of the services, companionship, society, and comfort of Decedent.

WHEREFORE, Plaintiff, Amy Blough, individually, and as the Administratrix for the Estate of Jay Blough, Deceased, hereby demands judgment in her favor and against the Defendants, Mountain Valley Pipeline, LLC, and

Precision Pipeline, LLC, jointly, severally, and/or proportionally in an amount in excess of the applicable arbitration limits, exclusive of interest and costs.

COUNT II

**Amy Blough, as the Administratrix for the Estate of Jay Blough, Deceased v.
Mountain Valley Pipeline, LLC
(Survival Action)**

63. Plaintiff hereby incorporates by reference Paragraphs 1 through 62 of this Complaint, as though the same were set forth at length herein.

64. Plaintiff brings this action on behalf of the Estate of Jay Blough, Deceased, under and by virtue of 20 Pa. C.S.A. § 3373 and 42 Pa. C.S.A. §8302, to recover all damages of whatsoever nature to which the Estate of Jay Blough, Deceased, is entitled under the Laws of Pennsylvania governing survival actions.

65. Plaintiff claims on behalf of the Estate of Jay Blough, Deceased, the damages suffered by the Estate by reason of the death of Jay Blough, including the aforementioned and loss of his future (net) earnings, funeral expenses, expenses of administration, and the pain and suffering of Decedent prior to his death.

WHEREFORE, Plaintiff, Amy Blough, individually, and as the Administratrix for the Estate of Jay Blough, Deceased, hereby demands judgment in her favor and against the Defendants, Mountain Valley Pipeline, LLC, and Precision Pipeline, LLC, jointly, severally, and/or proportionally in an amount in excess of the applicable arbitration limits, exclusive of interest and costs.

COUNT III
Amy Blough, as the Administratrix for the Estate of Jay Blough, Deceased v.
Precision Pipeline, LLC
(Wrongful Death)

66. Plaintiff hereby incorporates by reference Paragraphs 1 through 65 of this Complaint, as though the same were set forth at length herein.

67. At all times relevant hereto, Precision was general Pipeline contractor for the Pipeline and Site and had a duty to provide a safe work environment for Jay Blough.

68. Precision assumed a role of supervision on the Site by having agents, servants, workmen and/or employees on the Site whom attended safety meetings and were responsible for overseeing the project and identifying and/or tagging “dangerous” trees.

69. Precision hired Beeghly for a project involving special danger or peculiar risk.

70. Precision owed a duty to those persons engaged in the performance of tree felling work on the Site, including Jay Blough, to provide a reasonably safe working environment, free from unreasonable hazards.

71. Precision, acting by and through its agents, servants, workmen and/or employees, was careless and negligent in the following particulars:

- a. retaining control of jobsite safety but failing to provide a safe place for Jay Blough to work;

- b. failing to adequately inspect the Site for hazardous conditions, including unsafe and “danger” trees;
- c. failing to identify and mark the danger tree that struck Jay Blough;
- d. intentionally disregarding safety hazards, including but not limited to the presence of danger trees and the inadequate tree felling distances on the Site;
- e. failing to coordinate with other contractors on the Site;
- f. failing to adequately plan for the project by failing to have the appropriate environmental permits;
- g. failing to provide a reasonable work schedule such that Jay Blough and other Beeghly employees were forced to work long hours for consecutive days without rest;
- h. putting inordinate pressure on Beeghly to finish the job quickly, thereby creating a work environment in which a reasonable lower-level employee would fear complaining, reporting a danger tree, or causing any delay in the tree removal schedule;
- i. violating applicable OSHA rules and regulations including the regulation preventing employees from being located at least two tree lengths away from a tree or trunk being removed;
- j. failing to have an appropriate means of ingress and egress from the job Site such that, when Jay Blough was injured by a felled tree, he could not be reached by medical personnel for an extended period of time;
- k. failing to ensure that “danger” trees were being properly felled;
- l. failing to furnish a job site in conformity with the standard of care then and there prevailing in the pipeline and tree felling industries at the time the services were performed by Jay Blough;
- m. failing to properly supervise Beeghly and Blough’s work;
- n. failing to enforce safety regulations on the Site; and

- o. failing to stop and/or cease operations on the Site until they could be safely performed using heavy equipment after a proper environmental permit was obtained.

72. As a direct, legal, and proximate result of the negligence and/or carelessness of Defendant, Precision, Plaintiff suffered the following damages:

- a. Death of the Decedent;
- b. Mental anguish, suffering, and pain;
- c. Medical bills and hospital bills;
- d. Funeral expenses; and
- e. Expenses of administration and investigation.

73. As a result of the death of Plaintiff's Decedent, Amy Blough has been deprived of the services, companionship, society, and comfort of Decedent.

WHEREFORE, Plaintiff, Amy Blough, individually, and as the Administratrix for the Estate of Jay Blough, Deceased, hereby demands judgment in her favor and against the Defendants, Mountain Valley Pipeline, LLC, and Precision Pipeline, LLC, jointly, severally, and/or proportionally in an amount in excess of the applicable arbitration limits, exclusive of interest and costs.

COUNT IV

**Amy Blough, as the Administratrix for the Estate of Jay Blough, Deceased v.
Precision Pipeline, LLC
(Survival Action)**

74. Plaintiff hereby incorporates by reference Paragraphs 1 through 72 of this Complaint, as though the same were set forth at length herein.

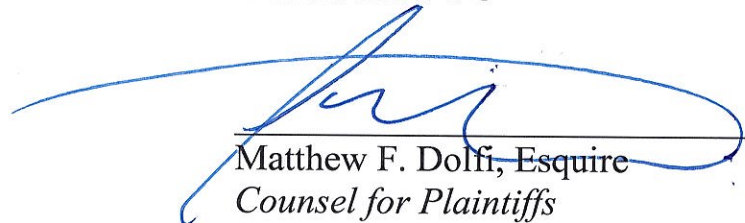
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WHEREFORE, Plaintiff, Amy Blough, individually, and as the Administratrix for the Estate of Jay Blough, Deceased, hereby demands judgment in her favor and against the Defendants, Mountain Valley Pipeline, LLC, and Precision Pipeline, LLC, jointly, severally, and/or proportionally in an amount in excess of the applicable arbitration limits, exclusive of interest and costs.

Respectfully submitted,

DOLFI LAW PC

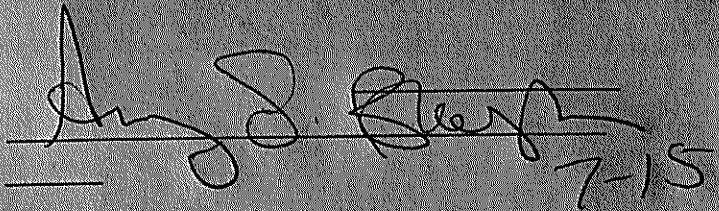


Matthew F. Dolfi, Esquire
Counsel for Plaintiffs

VERIFICATION

I, Amy Blough, verify that I am authorized to execute this verification on behalf of myself, individually, and as the Administratrix for the Estate of Jay Blough, Deceased, and that the statements made in the foregoing Complaint, are true and correct to the best of my knowledge, information and belief, are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date:



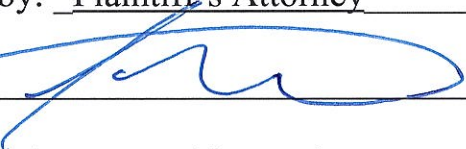
A handwritten signature, appearing to read "Amy J. Blough", is written over a horizontal line. To the right of the signature, the date "7-15" is handwritten.

Amy Blough, individually, and as the
Administratrix for the Estate of Jay
Blough, Deceased

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Plaintiff's Attorney

Signature: _____

Name: Matthew F. Dolfi, Esquire

Attorney No. (if applicable): 92845

Date: 7/19/19