

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

GEOKINETICS USA, INC.
Plaintiff,

Civil Action No. 2:17-cv-01314-JFC

v.

MUNICIPALITY OF MONROEVILLE,
Defendant.

**PLAINTIFF GEOKINETICS USA, INC'S MOTION FOR EXPEDITED HEARING
ON MOTION FOR PRELIMINARY INJUNCTION**

COMES NOW, Plaintiff, Geokinetics USA, INC. ("Geokinetics"), by counsel, Steptoe & Johnson PLLC, pursuant to this Court's Rules for Pretrial and Trial Matters, and moves this Court for an Order expediting the hearing on Geokinetics' contemporaneously-filed Motion for Preliminary Injunction. In support of this Motion, Geokinetics argues as follows:

1. The Court's Rules for Pretrial and Trial Matters state that the Court "will schedule an expedited hearing, when required, on requests for injunctive relief."
2. Geokinetics provides seismic data and geological services to the oil and gas industry. Seismic testing is a method of exploring for oil and gas in which sound waves are used to map rock layers underground. Information that Geokinetics provides is vital to the efficient exploration for and safe development of oil and gas reserves.
3. Geokinetics has contracted with an oil and gas operator to perform a seismic survey (the "Project") that requires the collection of data in the Municipality of Monroeville, Allegheny County, Pennsylvania ("Monroeville").

4. Geokinetics' Project is due to be completed by February 2018. If Geokinetics is not allowed to move forward immediately, it will not be able to complete the Project by the deadline.
5. As stated more fully in Geokinetics' Motion for Preliminary Injunction and supporting Memorandum of Law, Geokinetics is likely to succeed on the merits as Monroeville's actions and inactions (1) constitute improper exclusionary zoning, (2) violate the Substantive Due Process Clauses of the Fifth and Fourteenth Amendment of the United States Constitution, (3) violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, (4) constitute an impermissible exercise of police power, (5) constitute an impermissible exercise of legislative authority, and/or (6) are preempted and superseded by state law. At bottom, Monroeville acted arbitrarily, capriciously, and without any rational basis to protecting public health, safety, or welfare. Instead, Monroeville acted in response to political animus asserted by the community against seismic testing and oil and gas operations in general. Such action has no rational relation to protecting the citizens of Monroeville, but is rather a "not-in-my-backyard" demonstration of Monroeville's political opposition to seismic testing.
6. Moreover, Geokinetics is entitled to injunctive relief because it is necessary to prevent immediate and irreparable harm that cannot be compensated through money damages.
7. Facing significant time constraints, Geokinetics now has no alternative but to seek injunctive relief in order to prevent Monroeville from interfering with

Geokinetics' lawful right to complete the Project and meet its contractual obligations.

8. For the reasons stated herein and in Geokinetics' Motion for Preliminary Injunction and supporting Memorandum of Law, Geokinetics respectfully requests that this Court schedule an expedited hearing on the Motion for Preliminary Injunction.

Wherefore, Geokinetics respectfully requests that this Court grant this Motion and enter the Order attached hereto.

Respectfully submitted,

STEPTOE & JOHNSON, PLLC

/s/Kevin Gormly

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed electronically through the Court's CM/ECF System this 18th day of October, 2017. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system.

/s/Kevin Gormly

Kevin Gormly