



Jennifer A. Flint

Partner



Jennifer Flint practices eminent domain, energy litigation and general appellate law. In 2009, she became certified as an Appellate Law Specialist by the Ohio State Bar Association. Jennifer is a member of the firm's Racial Diversity Task Force.

Jennifer's practice includes representing local governments, and private utilities such as natural gas pipeline companies and landowners in eminent domain proceedings. She also advises on other land-use issues, including school territory transfers, municipal annexation and zoning appeals. She also has experience working with various clients in R.C. 2505/2506 and 119 administrative appeals, original actions (mandamus) and election law matters.

Jennifer also represents boards of education in general litigation matters and advises school districts on matters relating to enrollment and attendance, custody, tuition, public records and student records laws.

Jennifer is former Judicial Law Clerk at the 10th District Court of Appeals.

CONTACT INFORMATION

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INDUSTRIES & PRACTICES

Oil & Gas
Public Sector
Education Law
Energy
Litigation

Bar Admissions & Activities

- Member, Ohio State Bar Association, Litigation Section
- Certified Specialist – Appellate Law, Ohio State Bar Association
- Member, Columbus Bar Association, Energy Law, Federal Courts, and Real Property and CBA Common Pleas Committees
- Fellow, Ohio State Bar Foundation
- Admitted, Ohio Supreme Court; United States District Court, Southern and Northern District of Ohio; United States Court of Appeals, Sixth Circuit

Education

- Capital University Law School (J.D., *cum laude*, 1992); Order of the Curia
- The Ohio State University (B.A., 1988)

Awards & Recognition

- Listed, *Best Lawyers in America* (Education Law), 2010–2021
- Listed, *Ohio Super Lawyers* (Schools & Education, Appellate), 2015–2016



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- Listed, *Ohio Super Lawyers* - Rising Stars Edition, 2005

Presentations & Published Works

- Course Materials, "Appellate Case Law Update", Eminent Domain Institute/CLE International, March 2020
- Speaker, "Preliminary Injunctions and Condemnation Under the Natural Gas Act", 2019 Oil and Gas Update, Ohio State Bar Association, November 2019
- Speaker, "Pipelines- Where You Haven't Gone Before: New Approaches to Challenging the Take", Eminent Domain Value Litigation (ALI CLE), Palm Springs, CA, January 2019
- Speaker, "Custody Options for Children Involved in the Child Welfare System," *Attendance, Tuition and Custody Law Workshop*, The Ohio School Boards Association (OSBA), August 2018
- Speaker, "Landowner, Pipeline Company, and Government Perspectives on Pipeline Cases," CLE International Eminent Domain Conference, May 2018
- Speaker, "Pipeline Infrastructure," Bricker & Eckler LLP's Energy Exchange: An Economic Development Update, May 2018
- Speaker, "FERC-Regulated Pipelines: Legal Issues", *The Acronyms of Oil and Gas Law*, Columbus Bar Association, September 2017

Professional & Community Activities

- Member, Women's Energy Network
- Member, Solar Energy Industries Association
- Member, Institute for Energy Law
- Pro Bono, Judicial Release Coalition Project
- Pro Bono, Equitas Health Name & Gender Change Legal Clinics

Experience

Secured a \$42 million court award for three Ohio school districts

Secured \$42 million judgment, plus interest, for Cleveland, Dayton and Toledo city school districts after the Ohio Department of Education unlawfully deprived the districts of the funding they were entitled to receive. For more details, please view Bricker's full recap of the case.



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Immediate access to construct interstate gas pipeline

Served as appellate counsel in an appeal from a federal district court order granting a natural gas pipeline company immediate access to property in order to construct the pipeline. This was a case of first impression for the Sixth Circuit, as it considered whether to adopt the *Sage* approach. The *Sage* decision is the seminal case that outlines the process for obtaining injunctive relief to begin construction of a FERC-approved pipeline while the underlying condemnation/valuation case proceeds.

Eminent domain jury trial

Represented a local school district in an appropriation case to acquire property needed for new school facilities. The property that the school board needed to acquire had a dilapidated Victorian-style home that was used as a haunted house for three months out of the year. The landowner claimed that the land was a "special purpose" property that should be valued at a higher price than what was estimated by the school board's appraiser. The jury came back with a verdict that was approximately the same value offered by the school board prior to trial. In post-trial proceedings, the team was successful in stopping the landowner's attempt to stall the board's right to possess the appropriated property, so the board could continue on-schedule with the construction project.

Injunctive relief to obtain survey access to construct natural gas pipeline

Obtained injunctive relief in federal court permitting our client to access landowners' property to conduct survey activities during the FERC pre-application process in conjunction with its construction of a \$450 million, 75-mile natural gas pipeline.

Secured access under eminent domain authority of the Natural Gas Act to

Obtained summary judgment for natural gas companies in eminent domain actions filed under the Natural Gas Act in Ohio federal district courts. Also obtained temporary restraining orders and preliminary injunctions on an expedited timeline authorizing natural gas pipeline companies to access property subject to acquisition by eminent domain to conduct tree clearing activities in advance of moratoriums imposed on such activities in order to protect migratory birds and endangered bat species; contempt orders against property owners refusing to honor the order permitting access for tree clearing activities; and immediate injunctive relief against landowners refusing to permit access to their property via eminent domain for construction of a 75-mile natural gas pipeline in eastern Ohio and a 256-mile natural gas pipeline across northern Ohio. Also, negotiated settlements with landowners who permitted access and complex, technical settlements with public utilities to resolve overlapping easement situations.



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Multiple lawsuits filed in Ohio Courts of Common Pleas to obtain survey

Obtained injunctive relief for pipeline company client as trial counsel in 11 Ohio courts of common pleas in proceedings against landowners and organized opposition, allowing client access to property to conduct civil, cultural, environmental and cultural survey activities required for FERC application process in conjunction with the client's construction of a \$2 billion, 256-mile interstate natural gas pipeline originating in Ohio. The complexity of issues in these matters required sophisticated organization, detailed planning, and fine-tuned litigation management skills.

Cases:

NEXUS Gas Transmission, LLC v. Haubert, Columbiana C.P. No. 2015CV275 (June 2, 2015)
NEXUS Gas Transmission, LLC v. Sprague, Erie C.P. No. 2015 CV 0349 (Oct. 29, 2015)
NEXUS Gas Transmission, LLC v. Sean S. Shinaberry Trust, Fulton C.P. No. 15CV000154 (July 17, 2015)
NEXUS Gas Transmission, LLC v. Snyder, Fulton C.P. No. 16CV128 (July 7, 2016)
NEXUS Gas Transmission, LLC v. Patricia A. Wolf, Trustee, Huron C.P. No. CVH20150491 (July 21, 2015)
NEXUS Gas Transmission, LLC v. Karen M. Fridenstein & Kristin H. McDonough, Trustees, Lorain C.P. No. 15CV186926 (July 15, 2015)
NEXUS Gas Transmission, LLC v. Pandey Farm, LLC, Lorain C.P. No. 15CV186926 (Sept. 4, 2015)
NEXUS Gas Transmission, LLC v. Hozakski, Lorain C.P. No. 16 CV 189911 (July 5, 2016)
NEXUS Gas Transmission, LLC v. Lonnie Perry Farms Ltd., Lucas C.P. No. CI201503111 (June 25, 2015)
NEXUS Gas Transmission, LLC v. Houston, Medina C.P. No. 15CIV0636 (Oct. 6, 2015)
NEXUS Gas Transmission, LLC v. Ohms Acres LLC, Sandusky C.P. No. 15CV535 (June 15, 2015)
NEXUS Gas Transmission, LLC v. Scott L. Rathfelder, Trustee, Sandusky C.P. No. 15CV908 (Sept. 17, 2015)
NEXUS Gas Transmission, LLC v. Scott L. Rathfelder, Trustee, Sandusky C.P. No. 15CV908 (Sept. 29, 2015)
NEXUS Gas Transmission, LLC v. Destefano, Stark C.P. No. 2015CV01586 (July 31, 2015)
NEXUS Gas Transmission, LLC v. Camelback, Ltd., Stark C.P. No. 2015CV01586 (Sept. 2, 2015)
NEXUS Gas Transmission, LLC v. Linhart, Stark C.P. 2015CV02073 (Oct. 7, 2015)
NEXUS Gas Transmission, LLC v. Srock, Wayne C.P. No. CVC-H 000304 (Aug. 10, 2015)
NEXUS Gas Transmission, LLC v. Adkins, Wayne C.P. No. CVC-H 000304 (Oct. 14, 2015)
NEXUS Gas Transmission, LLC v. North, Wayne C.P. No. 2016 CVC-H 000327 (July 6, 2016)
NEXUS Gas Transmission, LLC v. Griffith, Wood C.P. No. 15 CV 330 (July 14, 2015)
NEXUS Gas Transmission, LLC v. Sprague, 6th Dist. Erie No. E-15-069, 2016-Ohio-4901 (July 7, 2016)

Calculation of state foundation funding

Recovered \$6 million in an action against the Ohio Department of Education in a matter involving the calculation of state foundation funding for public school systems.

Calculation of state foundation funding

Recovered \$7.2 million on behalf of the Dayton Public School District in a matter involving the calculation of state foundation funding for public school systems.