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## **Ohio Chamber Joins Amicus Brief to Support Long-Standing Principles Surrounding Contract Interpretation and Contract Jurisprudence**

The Ohio Chamber of Commerce, in conjunction with the American Gas Association, filed an amicus brief Monday to ask the Ohio Supreme Court to accept jurisdiction in the Rice Drilling and Gulfport Energy Corporation appeal of a 7<sup>th</sup> District Court of Appeals decision and to reverse that decision. *Tera, LLC v. Rice Drilling D, LLC et. al.* (2023).

The legal dispute concerns the interpretation of a 2013 contract and the standard to use when judging whether a party acted in bad faith. The lease contract was executed in 2013 to allow Rice to produce oil and gas from a formation commonly known as the Utica Shale. The general public at the time did not differentiate between a rock interval called Point Pleasant and Utica Shale. The lower courts ruled that Rice and Gulfport's common knowledge interpretation was made in bad faith and Rice and Gulfport *per se* trespassed under the contract.

By holding that an honest misreading of a contract is bad faith *per se*, the 7<sup>th</sup> District Court of Appeals removed the ability of a business to rebut the presumption it acted in bad faith. The Ohio Chamber of Commerce is asking the Ohio Supreme Court to accept the case and preserve the right of businesses to defend against bad faith allegations.

The Ohio Chamber is the state's leading business advocate and represents thousands of companies that do business in Ohio. Our mission is to aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans.

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