



IN THE DISTRICT COURT OF CLEVELAND COUNTY, OKLAHOMA  
STATE OF OKLAHOMA

ADAM BURT, ERIN BURT; ALLEN  
BURKE; ALVINA WILKS; AMERIC  
LEEVIRAPHAN, SUZANNE  
LEEVIRAPHAN; ARVIL E.  
SMALLWOOD, VICKI SMALLWOOD;  
BARRON WINTERS, MISTIE WINTERS;  
BRAD K HARBER; BRADLEY CASPER;  
BRENTON JAYNES, KRISTY JAYNES;  
CALI HERNANDEZ, JORDAN  
HERNANDEZ; CLAYTON ADAMS; DALE  
CHEATHAM; DARREN PETERS; DAVID  
H. LEVAN, PAULA LEVAN; DEBORA  
GAMM, ROBERT ALEXANDER SR;  
DEBRA BRENNAN; DELORES JACKSON,  
JAMES JACKSON; DIANA PIERRE;  
EDWARD C. LORENZEN; EILEEN B.  
CABALLERO; EMILY BUCHANAN,  
NATHAN BUCHANAN; GARY JONES,  
RITA D. JONES; GARY STEVEN  
PISTOLE; GAYLE CASKEY, HAROLD  
CASKEY; GRACE J DOTSON; GREG  
VOLLMER; GROVER TURNER; JAMES  
COOKE; JAMES DOUGLAS STAFFORD,  
LISA STAFFORD; JAMES E. HORN,  
JANET HORN; JAMES L. PENDLEY SR.,  
JEANETTE PENDLEY; JAMES  
WALLACE, PAM WALLACE, SHIRLEY  
CHESSEY; JANE LOUISE ANDERSON;  
JASON G. HENSON; JERRY MCGEE,  
MEGHAN MCGEE; JONATHAN W. T.  
LEWIS, LISA LEWIS; JORDAN  
BRESHEARS; JOSE LUIS BOSQUEZ,  
MARIA DIAZ-BOSQUEZ; JUSTIN R  
BARKER; KEITH DOUGHERTY, TAMMY  
B. DOUGHERTY; KEITH H. FINLEY;  
KELLY KEY, MICHAEL KEY; KRISTY  
JAYNES, LARRY JAYNES; LELAND  
ANNESLEY; LINDA HASKELL,  
RICHARD HASKELL; LISA BIRDWELL,  
RICKY BIRDWELL; LISA WOLF,  
WILLIAM WOLF; LYNDALL YOUNG;  
MARCA LEA BENNETT, MARCA  
BENNETT; MARGARET REEVES;

Case No. CJ. 2018. 1363

STATE OF OKLAHOMA }  
CLEVELAND COUNTY } S.S.

FILED

OCT 22 2018

In the office of the  
Court Clerk MARILYN WILLIAMS

MARIECA PILCHER, WILLIAM (BILL)  
GARDNER; MARSHA K. SANDERS;  
MISTY DAWN PRITCHARD; MITCHELL  
C ELMORE; MOHAMMAD RAHIMI;  
NANCY R. MAXEY; NELSON JACK  
HAYES, PAMELA GAIL HAYES; OSCAR  
C. SMART SR.; PATRICIA COLSON;  
PAUL CROWL, RAVEN CROWL; RENE  
BUSS, SHANE BUSS; RL  
MONTGOMERY; SHARON ANN BRUCE;  
SHARON WOOD, WILLIAM WOOD;  
SONIA VEGA; WILLIE C. WASHINGTON  
JR.and WITMER DANIEL

Plaintiffs,

v.

BEREXCO LLC; CHAPARRAL ENERGY  
LLC; CHER OIL COMPANY, LTD;  
CHESAPEAKE OPERATING, LLC;  
CIMARRON RIVER OPERATING CORP.;  
CIRCLE 9 RESOURCES, LLC; CROWN  
ENERGY COMPANY; EQUAL ENERGY  
US INC.; FHA INVESTMENTS LLC;  
INTERNATIONAL ENERGY  
CORPORATION; KOBY OIL COMPANY  
LLC; MARJO OPERATING MID-  
CONTINENT LLC; MID-CON ENERGY  
OPERATING LLC; MONTCLAIR  
ENERGY LLC; OAKLAND PETROLEUM  
OPERATING COMPANY INC; ORCA  
OPERATING COMPANY LLC; PETCO  
PETROLEUM CORP; PETRO WARRIOR  
LLC; RANGE PRODUCTION COMPANY  
LLC; SHIELDS OPERATING INC.;  
SPECIAL ENERGY CORPORATION;  
TARKA ENERGY LLC; TERRITORY  
RESOURCES LLC; WHITE STAR  
PETROLEUM LLC;  
and DOES 1-25, Inclusive,

Defendants.

**PETITION FOR DAMAGES**

COME NOW Plaintiffs, ADAM BURT, ERIN BURT; ALLEN BURKE; ALVINA WILKS; AMERIC LEEVIRAPHAN, SUZANNE LEEVIRAPHAN; ARVIL E. SMALLWOOD, VICKI SMALLWOOD; BARRON WINTERS, MISTIE WINTERS; BRAD K HARBER; BRADLEY CASPER; BRENTON JAYNES, KRISTY JAYNES; CALI HERNANDEZ, JORDAN HERNANDEZ; CLAYTON ADAMS; DALE CHEATHAM; DARREN PETERS; DAVID H. LEVAN, PAULA LEVAN; DEBORA GAMM, ROBERT ALEXANDER SR; DEBRA BRENNAN; DELORES JACKSON, JAMES JACKSON; DIANA PIERRE; EDWARD C. LORENZEN; EILEEN B. CABALLERO; EMILY BUCHANAN, NATHAN BUCHANAN; GARY JONES, RITA D. JONES; GARY STEVEN PISTOLE; GAYLE CASKEY, HAROLD CASKEY; GRACE J DOTSON; GREG VOLLMER; GROVER TURNER; JAMES COOKE; JAMES DOUGLAS STAFFORD, LISA STAFFORD; JAMES E. HORN, JANET HORN; JAMES L. PENDLEY SR., JEANETTE PENDLEY; JAMES WALLACE, PAM WALLACE, SHIRLEY CHESSER; JANE LOUISE ANDERSON; JASON G. HENSON; JERRY MCGEE, MEGHAN MCGEE; JONATHAN W. T. LEWIS, LISA LEWIS; JORDAN BRESHEARS; JOSE LUIS BOSQUEZ, MARIA DIAZ-BOSQUEZ; JUSTIN R BARKER; KEITH DOUGHERTY, TAMMY B. DOUGHERTY; KEITH H. FINLEY; KELLY KEY, MICHAEL KEY; KRISTY JAYNES, LARRY JAYNES; LELAND ANNESLEY; LINDA HASKELL, RICHARD HASKELL; LISA BIRDWELL, RICKY BIRDWELL; LISA WOLF, WILLIAM WOLF; LYNDALL YOUNG; MARCA LEA BENNETT, MARCA BENNETT; MARGARET REEVES; MARIECA PILCHER, WILLIAM (BILL) GARDNER; MARSHA K. SANDERS; MISTY DAWN PRITCHARD; MITCHELL C ELMORE; MOHAMMAD RAHIMI; NANCY R. MAXEY; NELSON JACK HAYES,

PAMELA GAIL HAYES; OSCAR C. SMART SR.; PATRICIA COLSON; PAUL CROWL, RAVEN CROWL; RENE BUSS, SHANE BUSS; RL MONTGOMERY; SHARON ANN BRUCE; SHARON WOOD, WILLIAM WOOD; SONIA VEGA; WILLIE C. WASHINGTON JR. and WITMER DANIEL , (“Plaintiffs”) property owners in Oklahoma, who state the following causes of action against Defendants, BEREXCO LLC; CHAPARRAL ENERGY LLC; CHER OIL COMPANY, LTD; CHESAPEAKE OPERATING, LLC; CIMARRON RIVER OPERATING CORP.; CIRCLE 9 RESOURCES, LLC; CROWN ENERGY COMPANY; EQUAL ENERGY US INC.; FHA INVESTMENTS LLC; INTERNATIONAL ENERGY CORPORATION; KOBY OIL COMPANY LLC; MARJO OPERATING MID-CONTINENT LLC; MID-CON ENERGY OPERATING LLC; MONTCLAIR ENERGY LLC; OAKLAND PETROLEUM OPERATING COMPANY INC; ORCA OPERATING COMPANY LLC; PETCO PETROLEUM CORP; PETRO WARRIOR LLC; RANGE PRODUCTION COMPANY LLC; SHIELDS OPERATING INC.; SPECIAL ENERGY CORPORATION; TARKA ENERGY LLC; TERRITORY RESOURCES LLC; WHITE STAR PETROLEUM LLC; and DOES 1-25, Inclusive, (“Defendants”):

**I. GENERAL NATURE OF ACTION**

1. This is a lawsuit brought by Oklahoma residents who own, or at all relevant times herein, owned, real property in the State of Oklahoma, whose property suffered damages and losses from human-induced earthquakes caused by Defendants’ operation of in wastewater disposal wells in and around the State of Oklahoma.

2. Plaintiffs seek damages, joint and severally from the Defendants, in the form of the following:

- (i) Physical damages to real and personal property;

- (ii) Market value losses to their real property;
- (iii) Emotional distress; and
- (iv) Punitive damages.

## **II. PARTIES**

### **PLAINTIFFS**

3. At all times herein relevant, Plaintiff Adam Burt and Plaintiff Erin Burt were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 1405 Morland Avenue. Plaintiff Adam Burt and Plaintiff Erin Burt's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

4. At all times herein relevant, Plaintiff Allen Burke was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 4408 Southeast 41st Street. Plaintiff Allen Burke's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

5. At all times herein relevant, Plaintiff Alvina Wilks was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 844 Northwest 14st. Plaintiff Alvina Wilks's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

6. At all times herein relevant, Plaintiff Americ Leeviraphan and Plaintiff Suzanne Leeviraphan is a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 2909 Hanover Drive. Plaintiff Americ Leeviraphan and Plaintiff Suzanne Leeviraphan's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

7. At all times herein relevant, Plaintiff Arvil E. Smallwood and Plaintiff Vicki Smallwood were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 375 Wilkenson Drive. Plaintiff Arvil E. Smallwood and Plaintiff Vicki Smallwood's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

8. At all times herein relevant, Plaintiff Barron Winters and Plaintiff Mistie Winters were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 2129 Meridian Drive. Plaintiff Barron Winters and Plaintiff Mistie Winters's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

9. At all times herein relevant, Plaintiff Brad K Harber was a property owner and resident of the City of Newalla, Cleveland County, Oklahoma. Said property is located at 15300 Hickory Ridge Road. Plaintiff Brad K Harber's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

10. At all times herein relevant, Plaintiff Bradley Casper was a property owner and resident of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 6501 SE 157th Place. Plaintiff Bradley Casper's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

11. At all times herein relevant, Plaintiff Brenton Jaynes and Plaintiff Kristy Jaynes were property owners and residents of the City of Noble, Cleveland County, Oklahoma. Said property is located at 8831 154th Street. Plaintiff Brenton Jaynes and Plaintiff Kristy Jaynes's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

12. At all times herein relevant, Plaintiff Cali Hernandez and Plaintiff Jordan Hernandez were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 10519 Dare Lane. Plaintiff Cali Hernandez and Plaintiff Jordan Hernandez's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

13. At all times herein relevant, Plaintiff Clayton Adams was a property owner and resident of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 2309 SW 90th Street. Plaintiff Clayton Adams's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

14. At all times herein relevant, Plaintiff Dale Cheatham was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 116 1/2 Keith Street. Plaintiff Dale Cheatham's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

15. At all times herein relevant, Plaintiff Darren Peters was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 103 W Mosier Street. Plaintiff Darren Peters's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

16. At all times herein relevant, Plaintiff David H. LeVan and Plaintiff Paula LeVan were property owners and residents of the City of Cleveland, Cleveland County, Oklahoma. Said property is located at 686 East Garden Canyon Drive. Plaintiff David H. LeVan and Plaintiff Paula LeVan's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

17. At all times herein relevant, Plaintiff Debora Gamm and Plaintiff Robert Alexander, Sr were property owners and residents of the City of Newalla, Cleveland County, Oklahoma. Said property is located at 13012 S Luther Road. Plaintiff Debora Gamm and Plaintiff Robert Alexander Sr's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

18. At all times herein relevant, Plaintiff Debra Brennan was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 2108 East Hills Drive. Plaintiff Debra Brennan's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

19. At all times herein relevant, Plaintiff Delores Jackson and Plaintiff James Jackson were property owners and residents of the City of Moore, Cleveland County, Oklahoma. Said property is located at 2525 NE Amber Street. Plaintiff Delores Jackson and Plaintiff James Jackson's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

20. At all times herein relevant, Plaintiff Diana Pierre was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 1824 NE 1st. Plaintiff Diana Pierre's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

21. At all times herein relevant, Plaintiff Edward C. Lorenzen was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 1719 Quail Creek Drive. Plaintiff Edward C. Lorenzen's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.



22. At all times herein relevant, Plaintiff Eileen B. Caballero was a property owner and resident of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 2116 Lakecrest Drive. Plaintiff Eileen B. Caballero's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

23. At all times herein relevant, Plaintiff Emily Buchanan and Plaintiff Nathan Buchanan were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 621 Sherwood Drive. Plaintiff Emily Buchanan and Plaintiff Nathan Buchanan's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

24. At all times herein relevant, Plaintiff Gary Jones and Plaintiff Rita D. Jones were property owners and residents of the City of Moore, Cleveland County, Oklahoma. Said property is located at 1516 Sunrise. Plaintiff Gary Jones and Plaintiff Rita D. Jones's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

25. At all times herein relevant, Plaintiff Gary Steven Pistole was a property owner and resident of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 12212 Rivendell Dr. Plaintiff Gary Steven Pistole's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

26. At all times herein relevant, Plaintiff Gayle Caskey and Plaintiff Harold Caskey were property owners and residents of the City of Lexington, Cleveland County, Oklahoma. Said property is located at 14851 108th. Plaintiff Gayle Caskey and Plaintiff Harold Caskey's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

27. At all times herein relevant, Plaintiff Grace J Dotson was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 744 NW 1st Street. Plaintiff Grace J Dotson's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

28. At all times herein relevant, Plaintiff Greg Vollmer was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 1624 Rolling Stone. Plaintiff Greg Vollmer's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

29. At all times herein relevant, Plaintiff Grover Turner was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 1107 Woods Avenue. Plaintiff Grover Turner's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

30. At all times herein relevant, Plaintiff James Cooke was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 1819 Creighton Court. Plaintiff James Cooke's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

31. At all times herein relevant, Plaintiff James Douglas Stafford and Plaintiff Lisa Stafford were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 1605 Eagle Nest Drive. Plaintiff James Douglas Stafford and Plaintiff Lisa Stafford's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

32. At all times herein relevant, Plaintiff James E. Horn and Plaintiff Janet Horn were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said

property is located at 620 Chautauqua Avenue. Plaintiff James E. Horn and Plaintiff Janet Horn's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

33. At all times herein relevant, Plaintiff James L. Pendley Sr. and Plaintiff Jeanette Pendley were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 101 Eldorado Drive. Plaintiff James L. Pendley Sr. and Plaintiff Jeanette Pendley's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

34. At all times herein relevant, Plaintiff James Wallace, Plaintiff Pam Wallace and Plaintiff Shirley Chesser were property owners and residents of the City of Lexington, Cleveland County, Oklahoma. Said property is located at 16551 168th Street. Plaintiff James Wallace, Plaintiff Pam Wallace and Plaintiff Shirley Chesser's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

35. At all times herein relevant, Plaintiff Jane Louise Anderson was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 3617 Gilford Lane. Plaintiff Jane Louise Anderson's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

36. At all times herein relevant, Plaintiff Jason G. Henson was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 15206 E State Highway 9. Plaintiff Jason G. Henson's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

37. At all times herein relevant, Plaintiff Jerry McGee and Plaintiff Meghan McGee were property owners and residents of the City of Moore, Cleveland County, Oklahoma. Said

property is located at 2617 Amber Street. Plaintiff Jerry McGee and Plaintiff Meghan McGee's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

38. At all times herein relevant, Plaintiff Jonathan W. T. Lewis and Plaintiff Lisa Lewis were property owners and residents of the City of Moore, Cleveland County, Oklahoma. Said property is located at 2013 Sunset Drive. Plaintiff Jonathan W. T. Lewis and Plaintiff Lisa Lewis's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

39. At all times herein relevant, Plaintiff Jordan Breshears was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 1120 Price Drive. Plaintiff Jordan Breshears's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

40. At all times herein relevant, Plaintiff Jose Luis Bosquez and Plaintiff Maria Diaz-Bosquez were property owners and residents of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 1313 Southwest 68th Street. Plaintiff Jose Luis Bosquez and Plaintiff Maria Diaz-Bosquez's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

41. At all times herein relevant, Plaintiff Justin R Barker was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 752 SW 3rd Street. Plaintiff Justin R Barker's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

42. At all times herein relevant, Plaintiff Keith Dougherty and Plaintiff Tammy B. Dougherty was a property owner and resident of the City of Norman, Cleveland County,

Oklahoma. Said property is located at 1916 Kiamichi Road. Plaintiff Keith Dougherty and Plaintiff Tammy B. Dougherty's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

43. At all times herein relevant, Plaintiff Keith H. Finley was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 3700 New London Ave. Plaintiff Keith H. Finley's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

44. At all times herein relevant, Plaintiff Kelly Key and Plaintiff Michael Key were property owners and residents of the City of Noble, Cleveland County, Oklahoma. Said property is located at 300 Spring Road. Plaintiff Kelly Key and Plaintiff Michael Key's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

45. At all times herein relevant, Plaintiff Kristy Jaynes and Plaintiff Larry Jaynes were property owners and residents of the City of Lexington, Cleveland County, Oklahoma. Said property is located at 8850 Bounbonais Creek Road. Plaintiff Kristy Jaynes and Plaintiff Larry Jaynes's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

46. At all times herein relevant, Plaintiff Leland Annesley was a property owner and resident of the City of Newalla, Cleveland County, Oklahoma. Said property is located at 17800 Bob McDonald Road. Plaintiff Leland Annesley's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

47. At all times herein relevant, Plaintiff Linda Haskell and Plaintiff Richard Haskell were property owner and resident of the City of Newalla, Cleveland County, Oklahoma. Said property is located at 19516 Newsom Road. Plaintiff Linda Haskell and Plaintiff Richard

Haskell's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

48. At all times herein relevant, Plaintiff Lisa Birdwell and Plaintiff Ricky Birdwell were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 4802 Wood Dale Avenue. Plaintiff Lisa Birdwell and Plaintiff Ricky Birdwell's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

49. At all times herein relevant, Plaintiff Lisa Wolf and Plaintiff William Wolf were property owners and resident sof the City of Noble, Cleveland County, Oklahoma. Said property is located at 6325 168th Street. Plaintiff Lisa Wolf and Plaintiff William Wolf's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

50. At all times herein relevant, Plaintiff Lyndall Young was a property owner and resident of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 101 SW 174th Street. Plaintiff Lyndall Young's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

51. At all times herein relevant, Plaintiff Marca Lea Bennett and Plaintiff Marca Bennett were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 1536 Woods Circle. Plaintiff Marca Lea Bennett and Plaintiff Marca Bennett's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

52. At all times herein relevant, Plaintiff Margaret Reeves was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 616

Emerwood Court. Plaintiff Margaret Reeves's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

53. At all times herein relevant, Plaintiff Marieca Pilcher and Plaintiff William (Bill) Gardner were property owners and residents of the City of Moore, Cleveland County, Oklahoma. Said property is located at 1110 Harrington Drive. Plaintiff Marieca Pilcher and Plaintiff William (Bill) Gardner's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

54. At all times herein relevant, Plaintiff Marsha K. Sanders was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 11301 Reed Fern Lane. Plaintiff Marsha K. Sanders's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

55. At all times herein relevant, Plaintiff Misty Dawn Pritchard was a property owner and resident of the City of Newalla, Cleveland County, Oklahoma. Said property is located at 9217 Sleepy Hollow Drive. Plaintiff Misty Dawn Pritchard's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

56. At all times herein relevant, Plaintiff Mitchell C Elmore was a property owner and resident of the City of Newalla, Cleveland County, Oklahoma. Said property is located at 18200 SE 89th Street. Plaintiff Mitchell C Elmore's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

57. At all times herein relevant, Plaintiff Mohammad Rahimi was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 2305 W Lindsey Street. Plaintiff Mohammad Rahimi's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

58. At all times herein relevant, Plaintiff Nancy R. Maxey was a property owner and resident of the City of Newalla, Cleveland County, Oklahoma. Said property is located at 9301 Sleepy Hollow Drive. Plaintiff Nancy R. Maxey's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

59. At all times herein relevant, Plaintiff Nelson Jack Hayes and Plaintiff Pamela Gail Hayes were property owners and residents of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 11004 Creekvale Road. Plaintiff Nelson Jack Hayes and Plaintiff Pamela Gail Hayes's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

60. At all times herein relevant, Plaintiff Oscar C. Smart Sr. was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 910 Southwest 1st Street. Plaintiff Oscar C. Smart Sr.'s property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

61. At all times herein relevant, Plaintiff Patricia Colson was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 2113 Creighton Drive. Plaintiff Patricia Colson's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

62. At all times herein relevant, Plaintiff Paul Crowl and Plaintiff Raven Crowl were property owners and residents of the City of Norman, Cleveland County, Oklahoma. Said property is located at 321 North Peters Avenue. Plaintiff Paul Crowl and Plaintiff Raven Crowl's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.



63. At all times herein relevant, Plaintiff Rene Buss and Plaintiff Shane Buss were property owners and residents of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 10132 Black Oaks Drive. Plaintiff Rene Buss and Plaintiff Shane Buss's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

64. At all times herein relevant, Plaintiff RL Montgomery was a property owner and resident of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 36 Southwest 102nd Street. Plaintiff RL Montgomery's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

65. At all times herein relevant, Plaintiff Sharon Ann Bruce was a property owner and resident of the City of Moore, Cleveland County, Oklahoma. Said property is located at 2508 Bellaire Drive. Plaintiff Sharon Ann Bruce's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

66. At all times herein relevant, Plaintiff Sharon Wood and Plaintiff William Wood were property owners and residents of the City of Moore, Cleveland County, Oklahoma. Said property is located at 1209 Northeast 3rd Street. Plaintiff Sharon Wood and Plaintiff William Wood's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

67. At all times herein relevant, Plaintiff Sonia Vega was a property owner and resident of the City of Norman, Cleveland County, Oklahoma. Said property is located at 2319 Parkland Way. Plaintiff Sonia Vega's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

68. At all times herein relevant, Plaintiff Willie C. Washington Jr. was a property owner and resident of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 12617 Lexington Drive. Plaintiff Willie C. Washington Jr.'s property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

69. At all times herein relevant, Plaintiff Witmer Daniel was a property owner and resident of the City of Oklahoma City, Cleveland County, Oklahoma. Said property is located at 12604 Waterview Court. Plaintiff Witmer Daniel's property suffered damages due to earthquakes caused by the Defendants' negligent wastewater disposal operations.

### **DEFENDANTS**

70. Defendant Berexco LLC ("Berexco") is a Kansas limited liability company which maintains its principal place of business in Wichita, Kansas, with a registered agent for service of process in the State of Oklahoma, namely: Peter Wilson, 2601 N.W. Expressway, Suite 1100E, Oklahoma City, Oklahoma 73112. At all times pertinent, Berexco owned or operated one or more disposal wells located in the State of Oklahoma, including Creek County, which caused or contributed to the earthquakes described in this Petition. Berexco is responsible for wastewater disposal injections within less than or around 15 miles of the earthquake epicenters described in this Petition.

71. Chaparral Energy LLC ("Chaparral") is a Texas limited liability company which maintains its principal place of business in Texas, with a registered agent for service of process in the State of Oklahoma, namely: Corporation Service Company, 10300 Greenbriar Place, Oklahoma city, Oklahoma 73159-7653. At all times pertinent, Chaparral owned or operated one or more disposal wells located in the State of Oklahoma, including Lincoln County, which caused or contributed to the earthquakes described in this Petition. Chaparral is responsible for

wastewater disposal injections less than 20 miles of the earthquake epicenters described in this Petition.

72. Defendant Cher Oil Company Limited (“Cher Oil”) is an Oklahoma corporation which maintains its principal place of business in Ripley, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Richard O. Nossaman, 7317 South Ripley Road, Ripley, Oklahoma 74062. At all times pertinent, Cher Oil owned or operated one or more disposal wells located in the State of Oklahoma, including Payne County, which caused or contributed to the earthquakes described in this Petition. Cher Oil is responsible for at least 2% of the wastewater disposal injections within approximately 6 miles of the earthquake epicenters described in this Petition.

73. Defendant Chesapeake Operating, LLC (“Chesapeake”) is a corporation existing and operating under the laws of the State of Oklahoma which maintains its principal place of business in Oklahoma with a registered agent for service of process in the State of Oklahoma, namely: The Corporation Company, 1833 S. Morgan Road, Oklahoma City, Oklahoma 73128. At all times pertinent, Chesapeake owned or operated one or more disposal wells located in the State of Oklahoma, including Payne County and Noble County, which caused or contributed to the earthquakes described in this Petition. Chesapeake is responsible for wastewater disposal injections under and around 30 miles of the earthquake epicenters described in this Petition.

74. Defendant Cimarron River Operating Corporation (“Cimarron”) is an Oklahoma corporation which maintains its principal place of business in Mannford, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Harold E. Colpitt, Jr., 101 South A Street, Oilton, Oklahoma 74052. At all times pertinent, Cimarron owned or operated one or more disposal wells located in the State of Oklahoma, including Creek County,

which caused or contributed to the earthquakes described in this Petition. Cimarron is responsible for the wastewater disposal injections within approximately 15 miles of the earthquake epicenters described in this Petition.

75. Defendant Circle 9 Resources LLC (“Circle 9”) is an Oklahoma limited liability company which maintains its principal place of business in Oklahoma City, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Jay Whipple, 2308 N.W. 54<sup>th</sup> Street, Oklahoma City, Oklahoma 73112. At all times pertinent, Circle 9 owned or operated one or more disposal wells located in the State of Oklahoma, including Payne County, which caused or contributed to the earthquakes described in this Petition. Circle 9 is responsible for the wastewater disposal injections within approximately 6 miles of the earthquake epicenters described in this Petition.

76. Defendant Crown Energy Company (“Crown Energy”) is an Oklahoma corporation which maintains its principal place of business in Oklahoma City, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Randall D. Holleyman, 1117 N.W. 24<sup>th</sup> Street, Oklahoma City, Oklahoma 73106. At all times pertinent, Crown Energy owned or operated one or more disposal wells located in the State of Oklahoma, including Payne county, which caused or contributed to the earthquakes described in this Petition. Crown Energy is responsible for about 6% of the wastewater disposal injections within approximately 6 miles of the earthquake epicenters described in this Petition.

77. Defendant Equal Energy US Inc. (“Equal Energy”) is an Oklahoma corporation which maintains its principal place of business in Tulsa, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: The Corporation Company, 1833 S. Morgan Road, Oklahoma City, Oklahoma 73128. At all times pertinent, Equal Energy owned

or operated one or more disposal wells in the State of Oklahoma, including Lincoln County, which caused or contributed to the earthquakes described in this Petition. Equal Energy is responsible for wastewater disposal injections within approximately 15 miles of the earthquake epicenters described in this Petition.

78. Defendant FHA Investments LLC (“FHA Investments”) is an Oklahoma limited liability company which maintains its principal place of business in Cushing, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Ahrberg Milling of Cushing Incorporated, 200 S. Depot Avenue, Cushing, Oklahoma 74023. At all times pertinent, FHA Investments owned or operated one or more disposal wells in the State of Oklahoma, including Payne County, which caused or contributed to the earthquakes described in this Petition. FHA is responsible for about 7% of the wastewater disposal injections within approximately 6 miles of the earthquake epicenters described in this petition.

79. Defendant International Energy Corporation (“International Energy”) is an Oklahoma corporation which maintains its principal place of business in Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: International Energy Corporation, 1801 East 71<sup>st</sup> St., Tulsa, Oklahoma 74136. At all times pertinent, International Energy owned or operated one or more disposal wells in the State of Oklahoma, including Creek County, which caused or contributed to the earthquakes described in this Petition. International Energy is responsible for wastewater disposal injections within approximately 30 miles of the earthquake epicenters in this Petition.

80. Defendant Koby Oil Company LLC (“Koby Oil”) is an Oklahoma limited liability company which maintains its principal place of business in Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Larry Hays, 5319 West 19<sup>th</sup> Avenue,

Stillwater, Oklahoma 74074. At all times pertinent, Koby Oil owned or operated one or more disposal wells in the State of Oklahoma, including Creek County and Noble County, which caused or contributed to the earthquakes described in this Petition. Koby Oil is responsible for wastewater disposal injections within approximately 15 miles of the earthquake epicenters described in this Petition.

81. Defendant Marjo Operating Mid-Continent LLC (“Marjo”) is an Oklahoma limited liability company which maintains its principal place of business in Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: W. Deke Canada, 320 South Boston Avenue, Suite 200, Tulsa, Oklahoma 74103. At all times pertinent, Marjo owned or operated one or more disposal wells in the State of Oklahoma, including the County of Payne, Lincoln, Logan, and Noble, which caused or contributed to the earthquakes described in this Petition. Marjo is responsible for wastewater disposal injections within approximately 30 miles of the earthquake epicenters described in this Petition.

82. Defendant Mid-Con Energy Operating LLC (“Mid-Con”) is an Oklahoma limited liability company which maintains its principal place of business in Tulsa, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Charles L. McLawhorn, III., 2341 East 61<sup>st</sup> Street, Suite 850, Tulsa, Oklahoma 74136. At all times pertinent, Mid-Con owned or operated one or more disposal wells in the State of Oklahoma, including Creek County, which caused or contributed to the induced earthquakes described in this Petition. Mid-Con is responsible for the wastewater disposal injections within approximately 15 miles of the earthquake epicenters described in this Petition.

83. Defendant Montclair Energy LLC (“Montclair”) is a foreign limited liability company organized under the state laws of Alabama with a registered agent for service of

process in the State of Oklahoma, namely: Jeanine Greene, 1800 Canyon Park Circle, No. 405, Edmond, Oklahoma 73013. At all times pertinent, Montclair owned or operated one or more disposal wells in the State of Oklahoma, including Lincoln County, which caused or contributed to the earthquakes described in this Petition. Montclair is responsible for the wastewater disposal injections within approximately 30 miles of the earthquake epicenters described in this Petition.

84. Defendant Oakland Petroleum Operating Company Incorporated (“Oakland Petroleum”) is an Oklahoma corporation which maintains its principal place of business in Tulsa, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Richard L. Harris, 1800 South Baltimore, Suite 900, Tulsa, Oklahoma 74104. At all times pertinent, Oakland Petroleum owned or operated one or more disposal wells in the State of Oklahoma, including Creek County, which caused or contributed to the earthquakes described in this Petition. Oakland Petroleum is responsible for the wastewater disposal injections within approximately 15 miles of the earthquake epicenters described in this Petition.

85. Defendant Orca Operating Company LLC (“Orca”) is an Oklahoma corporation which maintains its principal place of business in Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Orca Resources, LLC, 427 S. Boston Avenue, Suite 929, Tulsa, Oklahoma 74114. At all times pertinent, Orca owned or operated one or more disposal wells in the State of Oklahoma, including Lincoln County, which caused or contributed to the earthquakes described in this Petition. Orca is responsible for the wastewater disposal injections within approximately 20 miles of the earthquake epicenters described in this Petition.

86. Defendant Petco Petroleum Corporation (“Petco”) is an Illinois corporation with a registered agent for service of process in the State of Oklahoma, namely: The Corporation

Company, 1833 South Morgan Road, Oklahoma City, Oklahoma 73128. At all times pertinent, Petco owned or operated one or more disposal wells in the State of Oklahoma, including Creek County, which caused or contributed to the earthquakes described in this Petition. Petco is responsible for the wastewater disposal injections within approximately 15 miles of the earthquake epicenters described in this Petition.

87. Defendant Petro Warrior LLC (“Petro Warrior”) is an Oklahoma limited liability company which maintains its principal place of business in Stillwater, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Gary B. Larue, 4599 North Washington, Apt. 371, Stillwater, Oklahoma 74075. At all times pertinent, Petro Warrior owned or operated one or more disposal wells in the State of Oklahoma, including Lincoln County, which caused or contributed to the earthquakes described in this Petition. Petro Warrior is responsible for about 3% of the wastewater disposal injections within approximately 10 miles of the earthquake epicenters described in this Petition.

88. Defendant Range Production Company LLC (“Range Production”) is a Delaware corporation with a registered agent for service of process in the State of Oklahoma, namely: Corporation Service company, 10300 Greenbriar Place, Oklahoma City, Oklahoma 73159-7653. At all times pertinent, Range Production owned or operated one or more disposal wells in the State of Oklahoma, including Noble County, which caused or contributed to the earthquakes described in this Petition. Range Production is responsible for the wastewater disposal injections within approximately 20 miles of the earthquake epicenters described in this Petition.

89. Defendant Special Energy Corporation (“Special Energy”) is a Texas corporation, with a registered agent for service of process in the State of Oklahoma, namely: John F. Special, 4815 South Perkins Road, Stillwater, Oklahoma 74074. At all times pertinent, Special Energy



owned or operated one or more disposal wells in the State of Oklahoma, including Payne, Pawnee, Logan, and Lincoln Counties, which caused or contributed to the earthquakes described in this Petition. Special Energy is responsible for the wastewater disposal injections within approximately 20 miles of the earthquake epicenters described in this Petition.

90. Defendant Shields Operating Incorporated (“Shields”) is an Arkansas corporation which maintains its principal place of business in Fort Smith, Arkansas, with a registered agent for service of process in the State of Oklahoma, namely: John F. Shields, 1600 East 19<sup>th</sup> street, Suite 103, Edmond, Oklahoma 73013. At all times pertinent, Shields owned or operated one or more disposal wells in the State of Oklahoma, including Payne County, which caused or contributed to the earthquakes described in this Petition. Shields is responsible for the wastewater disposal injections within approximately 15 miles of the earthquake epicenters described in this Petition.

91. Defendant Tarka Energy LLC (“Tarka Energy”) is a Delaware limited liability company which maintains its principal place of business in 5, Rosier, 19N, Range 6 of the East Meridian, Payne County, Oklahoma with a registered agent for service of process in the State of Oklahoma, namely: The Corporation Company, 1833 South Morgan Road, Oklahoma City, Oklahoma 73128. At all times pertinent, Tarka Energy owned or operated one or more disposal wells in the State of Oklahoma, including Pawnee County, which caused or contributed to the earthquakes described in this Petition. Tarka Energy is responsible for wastewater disposal injections within approximately 15 miles of the earthquake epicenters described in this Petition.

92. Defendant Territory Resources LLC (“Territory Resources”) is an Oklahoma limited liability company which maintains its principal place of business in Tulsa, Oklahoma, with a registered agent for service of process in the State of Oklahoma, namely: Crowe &

Dunlevy, A Professional Corporation, Attention: James H. Holloman, Jr., 324 North Robinson Avenue, Suite 100, Oklahoma City, Oklahoma 73102. At all times pertinent, Territory Resources owned or operated one or more disposal wells in the State of Oklahoma, including Noble County, which caused or contributed to the earthquakes described in this Petition. Territory Resources is responsible for wastewater disposal injections within approximately 25 miles of the earthquake epicenters described in this petition.

93. Defendant White Star Petroleum LLC (“White Star”) is an Oklahoma limited liability company which maintains its principal place of business at 30 Northwest 63<sup>rd</sup> Street, Oklahoma City, Oklahoma 73118 with a registered agent for service of process in the State of Oklahoma, namely: The Corporation Company, 1833 South Morgan Road, Oklahoma City, Oklahoma 73128. At all times pertinent, White Star owned or operated one or more disposal wells in the State of Oklahoma, including Payne County, which caused or contributed to the earthquakes described in this Petition. White Star is responsible for about 82% of the wastewater disposal injections within approximately 6 miles of the earthquake epicenters described in this Petition.

94. John Does 1 – 25 are other Oklahoma oil and gas companies that have engaged in injection well operations in and around Payne County, Oklahoma, which have also contributed to the earthquakes and resulting damages to Plaintiffs.

### **III. JURISDICTION AND VENUE**

95. Jurisdiction in this Court is proper. This Court has personal jurisdiction over the Defendants as they do substantial business in the State of Oklahoma and operate wastewater disposal wells in or around this judicial district.

96. Venue is proper in this Court as a substantial part of the events or omissions giving rise to the claims set forth in this Petition occurred here.

97. Venue is proper in this Court as the Oklahoma Corporation Commission (“OCC”) does not have jurisdiction over the property damage claims asserted in this Petition. *Ladra v. New Dominion, et al.*, 2015 OK 53, 353 P.3d 529 (2015).

#### IV. FACTUAL ALLEGATIONS

98. In recent years, thousands of earthquakes have occurred in Oklahoma, including in and around Payne County.

99. In fact, Oklahoma is now one of the most seismically active state in the continental United States.

100. Since at least 2013, independent scientists, as well as members of the United States Geological Survey, the Oklahoma Geological Survey, and the Oklahoma Corporation Commission, have identified as the direct cause of the increased number, frequency, and severity of Oklahoma’s earthquakes to the injection/disposal of contaminates, hazardous fluids produced from oil and gas production, into wastewater disposal wells located in the Arbuckle or lower units. This process causes earthquakes; and, indeed, has caused most of the earthquakes shaking Oklahoma since at least 2011, including earthquakes with epicenters near and around Cleveland County.

101. In fact, the number of earthquakes in Oklahoma has increased more than 300 fold, from a maximum of 167 before 2009 to 5,838 in 2015.

102. As the number of earthquakes has increased, so has their severity. For example, prior to 2008, Oklahoma experienced an earthquake of magnitude 3.5 or greater about once

every 20 years. In 2015 alone, Oklahoma experienced over 220 earthquakes of magnitude 3.5 or greater.

103. Although alternative methods for the disposing of contaminants and hazardous fluids produced from oil and gas production exist, Defendants continue to dispose/inject said fluids into wastewater disposal wells for their own pecuniary benefit. This is still done by defendants even though it is well known that there are injection zones available in Oklahoma that do not cause earthquakes as a result of fluids disposal and injection.

104. These waste-induced earthquakes have toppled historic towers, caused parts of houses to fall and injure people, cracked basements, and shattered nerves, as people fear there could be worse to come.

105. On March 28, 2016, and revised on June 17, 2016, the United States Geological Survey (“USGS”) published a study quantifying these risks. It found that the earthquake risks in Oklahoma have risen rapidly as a result of deep disposal of production wastes. Oklahoma earthquake risks are now the highest in the nation. Maps included in the report show a broad swathe of the State of Oklahoma has a 5 to 12% likelihood of a highly damaging earthquake in the next year. Petersen, M.D., Mueller, C.S., Moschetti, M.P., Hoover, S.M., Llenos, A.L., Ellsworth, W.L., Michael, A.J., Rubenstein, J.L., McGarr, A.F., and Rukstales, K.S., 2016, 2016 One-Year Seismic Hazard Forecast for the Central and Eastern United States from Induced and Natural Earthquakes: U.S. Geological Survey Open-File Report, 2016-1031,52.

106. On September 1, 2016, these scientists’ prediction, that a more damaging earthquake to Oklahoma was coming, proved to be true.

107. On that day, a magnitude 5.8 earthquake shattered Pawnee, Oklahoma. The earthquake's epicenter was located three (3) kilometers west of Cushing, Oklahoma, causing damage to Plaintiffs.

108. This was the largest earthquake that had ever hit Oklahoma.

109. All segments of Oklahoma's government, from the Governor to the Director of OGS, agree that Pawnee's 5.8 magnitude earthquake was induced by Defendants' wastewater disposal operations near and around the epicenter of said earthquake.

110. The 5.8 magnitude earthquake near Pawnee on September 3, 2016, was not a naturally occurring earthquake, or an act of God.

111. Then on November 6, 2016, and as predicted by scientists, a magnitude 5.0 earthquake struck near Cushing, Oklahoma.

112. This earthquake, like so many others, was man made and caused by wastewater injection into disposal wells. Further, all segments of Oklahoma's government agree that this seismicity was caused by Defendants' wastewater disposal operations near and around the epicenter of said earthquakes.

113. As a direct and proximate cause of Defendants' conduct, Plaintiffs' personal and real property suffered greatly. As mentioned *supra* All Plaintiffs' damages to the real and personal property were due to the earthquakes caused by Defendants' wastewater disposal operations.

## **V. CAUSES OF ACTION**

### **COUNT ONE – ABSOLUTE LIABILITY**

114. Plaintiffs hereby re-allege and incorporate the foregoing paragraphs as if fully set forth herein.

115. As described herein this Petition, Defendants' actions are ultrahazardous activities that necessarily involve a risk of serious harm to a person that cannot be eliminated by the exercise of the utmost care and is not a matter of common usage.

116. As a direct and proximate result of Defendants' ultrahazardous activities, Plaintiffs have suffered damages to their personal and real property, to which Defendants are strictly liable.

117. As a direct and proximate result of Defendants' ultrahazardous activities, Plaintiffs have suffered damages to their property in the form of:

- i. Damage to and loss of property, including damage to land, home, and personal property;
- ii. Damage and interference with use and enjoyment of property;
- iii. Diminution and loss of market value;
- iv. Economic expenses incurred to protect against earthquakes in the future, including additional structural support and repairs to real property, and premiums for earthquake insurance and related appraisals; and
- v. Emotional damages.

#### **COUNT TWO – NEGLIGENCE**

118. Plaintiffs hereby re-allege and incorporate the foregoing paragraphs, as if fully set forth herein.

119. Plaintiffs have a right to use their property free from disturbance or diminution of value.

120. Defendants are sophisticated business entities with specialized knowledge in oil and gas operations and wastewater disposal practices.

121. Defendants owed a duty to Plaintiffs to use ordinary care not to operate or maintain their injection wells in such a way to cause or contribute to seismic activity. Defendants, experienced in these operations, knew or should have known of the connection between wastewater disposal/injection wells and seismic activity, and acted in disregard of these facts.

122. Defendants breached their duty to Plaintiffs and the putative Class to use ordinary care and not to operate or maintain their injection wells in such a way to cause or contribute to an increase in seismic activity.

123. As a direct result of these actions, breach, and fault of the Defendants, Plaintiffs and their property have suffered injuries that were foreseeable to the Defendants.

124. Damages suffered by the Plaintiffs due to the operations, acts and/or omissions of Defendants include:

- i. Damages to and loss of property, including damage to land, home, and personal property;
- ii. Damage and interference with use and enjoyment of property;
- iii. Diminution and loss of market value; and
- iv. Emotional damages.

### **COUNT THREE – GROSS NEGLIGENCE**

125. Plaintiffs hereby re-allege and incorporate the foregoing Paragraphs, as if fully set forth herein.

126. As alleged herein this Petition, Defendants knew or should have known of the connection between the disposal of wastewater via disposal/injection wells and a subsequent increase in earthquakes.

127. Defendants' operations constitute a pattern of negligence that caused the harm to Plaintiffs.

128. As described above, Defendants' operations, acts, and/or omissions indicate a conscious and intentional indifference for the consequence of their acts and/or a reckless disregard for the safety of others.

129. Defendants, sophisticated business entities with decades of experience in oil and gas operations, exhibited a want of slight care and diligence in their operations, acts and/or omissions by the continued disposal of wastewater via wastewater injection wells.

130. Damages suffered by the Plaintiffs due to the operations, acts, and/or omissions of Defendants include:

- i. Damage to and loss of property, including damage to land, home, and personal property;
- ii. Damage and interference with use and enjoyment of property;
- iii. Diminution and loss of market value; and
- iv. Emotional damages.

#### **COUNT FOUR – PRIVATE NUISANCE**

131. Plaintiffs hereby re-allege and incorporate the foregoing Paragraphs as if fully set forth herein.

132. Plaintiffs possess property rights to their land, homes and businesses.

133. Defendants by their continuous acts, conduct, and/or omissions as alleged herein this Petition, have unlawfully and unreasonably interfered with those rights, privileges, and Plaintiffs' use and enjoyment of their property.



134. As a result, Plaintiffs have suffered damages to their property, home, and businesses because of Defendants' creation of a nuisance, including:

- i. Damage to and loss of property including damage to land, home, personal property, and businesses;
- ii. Damage and interference with use and enjoyment of property;
- iii. Diminution and loss of market value; and
- iv. Emotional damages.

#### **COUNT FIVE – PUBLIC NUISANCE**

135. Plaintiffs hereby re-allege and incorporate the foregoing Paragraphs as if fully set forth herein.

136. Plaintiffs have suffered damages and injuries due to earthquakes in and around Payne County and Plaintiffs' property.

137. As set forth fully above, Defendants' actions and operations have created earthquakes which caused ground shaking on Plaintiffs' property of sufficient magnitude to cause damage.

138. As property owners that have rights to the use and enjoyment of their property, Plaintiffs have suffered damages that are different from that of non-property owners.

139. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

140. In this case, Plaintiffs have suffered from the public nuisance, the earthquakes, and has standing to bring an action for public nuisance, as Plaintiffs have suffered damages that are greater and different in kind than persons that do not own property.

- i. Damages suffered by the Plaintiffs include:
- ii. Damage to and loss of property, including damage to land, home, personal property, and businesses;
- iii. Damage and interference with use and enjoyment of property;
- iv. Diminution and loss of market value; and
- v. Emotional damages.

#### **COUNT SIX – TRESPASS**

141. Plaintiffs re-allege and incorporate the foregoing Paragraphs as if set forth herein.

142. Plaintiffs are and have been lawfully entitled to possession of their property.

143. Defendants, without the permission or consent of Plaintiffs and without legal right, intentionally engaged in activities that resulted in concussions or vibrations entering Plaintiffs' property. Such unauthorized invasion of Plaintiffs' property constitutes a trespass.

144. Because of the trespasses by Defendants, Plaintiffs have suffered damages, including:

- i. Damage to and loss of property, including damage to land, homes, personal property, and businesses.
- ii. Damage and interference with use and enjoyment of property;
- iii. Diminution and loss of market and value; and
- iv. Emotional damages.

#### **VI. PUNITIVE DAMAGES**

145. The Defendants' actions, in knowingly causing seismic activity as a result of their wastewater injection well operations, constitute intentional, wanton or reckless disregard for public or private safety, and are thus subject to a claim for punitive damages, for which Plaintiffs

and the Class seek in an amount sufficient to punish the Defendants and to deter them from such conduct in the future.

**VII. DEMAND FOR A JURY TRIAL**

146. Plaintiffs respectfully request a jury trial.

**PRAYER FOR RELIEF**

Wherefore, Plaintiffs respectfully pray:

- a. For a judgment awarding Plaintiffs judgment;
- b. Damages for Plaintiffs' claims in an amount in excess of \$75,000.00;
- c. Punitive Damages;
- d. Awarding attorneys' fees, expenses, and costs;
- e. Pre and post judgment interest; and
- f. For all relief to which Plaintiffs may be entitled to and which the Court deems proper.

RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of October, 2018.



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**JURY TRIAL DEMANDED**

**ATTORNEYS FOR PLAINTIFF**