

**(1) JAMES ADAMS, on behalf of himself  
and other Oklahoma citizens similarly  
situated,**

- (1) EAGLE ROAD OIL LLC,
- (2) CUMMINGS OIL COMPANY,
- (3) TERRITORY RESOURCES LLC,
- (4) ENERVEST OPERATING, L.L.C.,
- (5) PETRO WARRIOR, L.L.C.,
- (6) PETROQUEST ENERGY, L.L.C., AND
- (7) TRINITY OPERATING (USG), LLC,

3. On August 27, 2018, Plaintiff filed his Third Amended Class Action Petition adding Trinity Operating as a defendant in this action. *See* Third Amended Class Action Petition and Summons issued to Trinity Operating, attached as Exhibits 1 and 2. Trinity Operating was served with process on October 4, 2018. This removal has been timely filed within the period allowed for removal under 28 U.S.C. § 1446(b)(3).

4. The United States District Court for the Northern District of Oklahoma embraces the county in which the state court action is now pending. This action may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1453.

5. Jurisdiction in the United States District Court for the Northern District of Oklahoma is based on the Class Action Fairness Act provisions of 28 U.S.C. § 1332(d). This Court has original jurisdiction over this civil action because: (i) this case is pleaded as a class action; (ii) there is minimal diversity between the parties within the requirements of the Class Action Fairness Act; (iii) the putative class exceeds 100 members; and (iv) the amount in controversy exceeds \$5,000,000. 28 U.S.C. § 1332(d). Further, none of the exceptions to jurisdiction under the Class Action Fairness Act are applicable to this case.

6. First, Plaintiff has filed this action “on behalf of himself and all others similarly situated, as a class action pursuant to 12 O.S. § 2023” and seeks to certify a class as defined in the Third Amended Class Action Petition. Third Amended Class Action Petition at ¶ 46; *see id.* at ¶ 47.

7. Second, minimal diversity exists as required by 28 U.S.C. § 1332(d)(2)(A). Plaintiff is alleged to be a “citizen and resident of Pawnee, Pawnee County, Oklahoma” in the Third Amended Class Action Petition. *Id.* at ¶ 5. As alleged in the Third Amended Class Action Petition, Trinity Operating is a limited liability company formed under the laws of the State of Delaware with its principal place of business in Houston, Texas. *Id.* at ¶ 12. Trinity Operating, therefore, is deemed to be a citizen of Delaware and Texas under 28 U.S.C. § 1332(d)(10). *Id.*

8. Further, Plaintiff named Enervest Operating, L.L.C. (“Enervest”) and PetroQuest Energy, L.L.C. (“PetroQuest”) as defendants in the Third Amended Class Action Petition. Enervest is a limited liability company formed under the laws of the State of Delaware with its principal place of business in Houston, Texas. *Id.* at ¶ 9. Enervest, therefore, is deemed to be a citizen of Delaware and Texas under 28 U.S.C. § 1332(d)(10). *Id.* PetroQuest is a limited liability company formed under the laws of the State of Louisiana with its principal place of business in LaFayette, Louisiana. *Id.* at ¶ 11. PetroQuest, therefore, is deemed to be a citizen of Louisiana under 28 U.S.C. § 1332(d)(10). *Id.* Defendant Eagle Road Oil LLC (“Eagle Road”) is a limited liability company formed under the laws of the State of Delaware with its principal place of business in Tulsa, Oklahoma. *Id.* at ¶ 6. Eagle Road, therefore, is deemed to be a citizen of Delaware in addition to Oklahoma under 28 U.S.C. § 1332(d)(10).

9. Third, Plaintiff alleges that “hundreds of thousands of Oklahomans are members of the Class.” *Id.* at ¶ 50. This exceeds the 100 members required under 28 U.S.C. § 1332(d)(5)(B).

10. Finally, the claims of the individual class members in the aggregate exceed the sum or value of \$5,000,000, exclusive of interest and costs. 28 U.S.C. §§ 1332(d)(2), 1332(d)(6). “[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co., LLC v. Owens*, 125 S. Ct. 547, 554 (2014); *see Heather v. Air Methods Corp.*, Case No. CIV-16-843-R, 2016 WL 7109675, \*1-2 (W.D. Okla. Dec. 6, 2016) (denying remand in class action removed under Class Action Fairness Act where defendant’s notice of removal estimated amount in controversy). Plaintiff alleges that there are “millions of dollars in damages to properties around the state” and that “Defendants’ induced earthquakes have totaled the home of Johnny and Janice Bryant, and have caused more than \$400,000.00 in damages to government buildings of Pawnee Nation.” Third Amended Class Action Petition at ¶¶ 66(c)-(d).

11. Taking Plaintiff's allegation at face value that there are "hundreds of thousands" of putative class members, each class member would only have to have \$50.00 in damages to meet the \$5,000,000 threshold (assuming the minimum 100,000 putative class members based on Plaintiff's own allegation). Moreover, Plaintiff has requested punitive damages. *Id.* at ¶ 69. Thus, the amount in controversy pursuant to Plaintiff's Third Amended Class Action Petition is in excess of the \$5,000,000 required by 28 U.S.C. § 1332(d)(2).

12. In accordance with 28 U.S.C. § 1446(d), Trinity Operating will file a file-marked copy of this notice of removal with the Clerk of the District Court of Pawnee County, Oklahoma, and a copy will be served upon counsel for the parties.

13. Pursuant to Local Rule 81.2, copies of the pleadings filed in the District Court of Pawnee County, Oklahoma, are attached hereto as Exhibits 1-50. A true and correct copy of the docket sheet for the case is attached hereto as Exhibit 51.

14. Pursuant to LCvR81.2, Trinity Operating (USG), LLC files herewith a Status Report on Removed Action on the form provided by the Clerk.

15. The undersigned counsel states that this removal is well grounded in fact, warranted by existing law, and not interposed for an improper purpose.

WHEREFORE, Trinity Operating (USG), LLC removes this action from the District Court of Pawnee County, Oklahoma to the United States District Court for the Northern District of Oklahoma, and seeks resolution by this Court of all issues raised herein.

Respectfully submitted,

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

/s/ Pamela S. Anderson

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James C. T. Hardwick, OBA #3845  
J. Kevin Hayes, OBA #4003  
Pamela S. Anderson, OBA #11613  
320 South Boston Avenue, Suite 200  
Tulsa, OK 74103-3708  
Telephone: (918) 594-0400  
Facsimile: (918) 594-0505

-and-

**HUNTON ANDREWS KURTH LLP**

Michael D. Morfey (TX Bar # 24007704)  
(*admission pending*)  
MichaelMorfey@HuntonAK.com  
Michele R. Blythe (TX Bar # 24043557)  
(*admission pending*)  
MicheleBlythe@HuntonAK.com  
600 Travis St., Suite 4200  
Houston, Texas 77002  
Telephone: (713) 220-4200  
Facsimile: (713) 220-4285

**ATTORNEYS FOR DEFENDANT TRINITY  
OPERATING (USG), LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2018, a true and correct copy of the foregoing document was served on the following counsel of record via first class, U.S. mail:

Billy Joe Ellington (OBA #10284)  
bjelaw33@gmail.com  
ATTORNEY AT LAW  
613 Illinois  
P.O. Box 491  
Pawnee, OK 74058  
Tel: (918) 762-2589

Scott E. Poynter  
scott@poynterlawgroup.com  
POYNTER LAW GROUP  
400 W Capitol Ave., Suite 2910  
Little Rock, AR 72201  
Tel: (501) 251-1587

Robin L. Greenweld  
rgreenweld@weitzlux.com  
Curt D. Marshall  
cmarshall@weitzlux.com  
WELTZ & LUXENBERG, PC  
700 Broadway  
New York, NY 10003  
Tel: (212) 558-5500

Nate Steel  
nate@swcfirm.com  
Alex T. Gray  
alex@swcfirm.com  
STEEL, WRIGHT, GRAY, PLLC  
400 W Capitol Ave., Suite 2910  
Little Rock, AR 72201  
Tel: (501) 251-1587

Kenneth H. Blakley (OBA #11227)  
KBlakley@elbattorneys.com  
Jacqueline Stone (OBA #14327)  
JStone@elbattorneys.com  
Christa Sullivan (OBA #19204)  
CSullivan@elbattorneys.com  
Travis Brown (OBA #32597)  
TBrown@elbattorneys.com  
EDINGER LEONARD & BLAKLEY, PLLC  
100 Park Ave., Suite 500  
Oklahoma City, OK 73102  
Tel: (405) 702-9900

Steven J. Adams (OBA #142)  
sadams@gablelaw.com  
Ryan A. Pittman (OBA #31187)  
rpittman@gablelaw.com  
GABLEGOTWALS  
1100 ONEOK Plaza  
100 West Fifth St.  
Tulsa, OK 74103-4217  
Tel: (918) 595-4800

John L. Randolph Jr. (OBA #7410)  
jrandolph@praywalker.com  
Robert J. Winter  
rwinter@praywalker.com  
PRAY WALKER, P.C.  
100 W. 5th St., Suite 900  
Tulsa, OK 74103  
Tel: (918) 581-5500

J. Todd Woolery (OBA #18882)  
todd.woolery@mcafeetaft.com  
Patrick L. Stein (OBA #30737)  
patrick.stein@mcafeetaft.com  
MCAFEE & TAFT, P.C.  
211 North Robinson  
Oklahoma City, OK 73102  
Tel: (405) 235-9621

/s/ Pamela S. Anderson