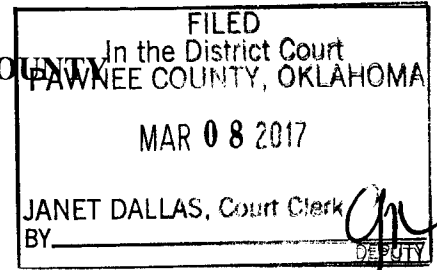


IN THE DISTRICT COURT OF PAWNEE COUNTY
STATE OF OKLAHOMA



JOHNNY LEE BRYANT AND
JANICE MARIE BRYANT,

Plaintiffs,

vs.

EAGLE ROAD OIL LLC,
CUMMINGS OIL COMPANY,
and JOHN DOES 1 through 25,

Defendants.

Case No. CJ. 2017.18

PETITION

COMES NOW Plaintiffs Johnny Lee Bryant and Janice Marie Bryant (hereafter, "Plaintiffs,"), by and through their attorneys of record and for their petition against Defendants state:

NATURE OF ACTION

1. By disposing of fracking wastewater deep into the earth, Defendants introduced contaminants into the natural environment that caused an adverse change to it in the form of unnatural seismic activity. In other words, because of Defendants' pollution of the environment they caused the man-made earthquakes at issue in this case.

2. This is an action to recover Plaintiffs' damages proximately caused by Defendants' pollution of the environment within and around Pawnee, Oklahoma through the disposal of fracking wastewater with injection wells, which are the pollutants.

3. Plaintiffs seek recovery of damages, from the Defendants, in the form of the following:

- a. Physical damages to Plaintiffs' real and personal property;
- b. market value losses to Plaintiffs' real property;
- c. emotional distress; and,
- d. punitive damages.

PARTIES

4. Plaintiffs Johnny Lee Bryant and Janice Marie Bryant are citizens of Oklahoma, and reside in Pawnee County, Oklahoma.

5. Defendant Eagle Road Oil LLC ("Eagle Road") is a citizen of Oklahoma. It owns conducts oil and gas operations in this County, and more specifically, owns and operates two wastewater disposal wells that are at issue in this case. Those wells are the Eagle Road Norman SWD 1-27 disposal well, and the Eagle road Carter 1-55WD well. Its principal place of business is at 321 South Boston, Suite 300, Tulsa, Oklahoma 74103.

6. Defendant Cummings Oil Company ("Cummings") is a citizen of Oklahoma. It conducts oil and gas operations in this County, and more specifically, owns and operates one of wastewater disposal wells at issue in this action. Its disposal well at issue is Cummings Rogers

1-13D. Cummings has its principal place of business at 5400 N. Grand Blvd., Suite 100, Oklahoma City, Oklahoma 73112.

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

8. Eagle Road, Cummings, and John Does 1-25 are collectively referred to in this petition as “Defendants.”

JURISDICTION AND VENUE

9. Jurisdiction in this Court is proper.

10. This Court also has personal jurisdiction over Defendants as they are citizens of Oklahoma, and each do substantial business within Pawnee County, and further, operate within Pawnee County.

11. Venue is proper in this Court as a substantial part of the events giving rise to this claim occurred here.

FACTUAL ALLEGATIONS

Oklahoma Earthquakes

12. In recent years, thousands of earthquakes have occurred in Oklahoma.

13. In fact, Oklahoma is the most seismically active state in the continental United States.

14. Scientists have tied these earthquakes to the disposal of wastewater from fracking operations, which the oil and gas industry uses to release trapped oil and gas.

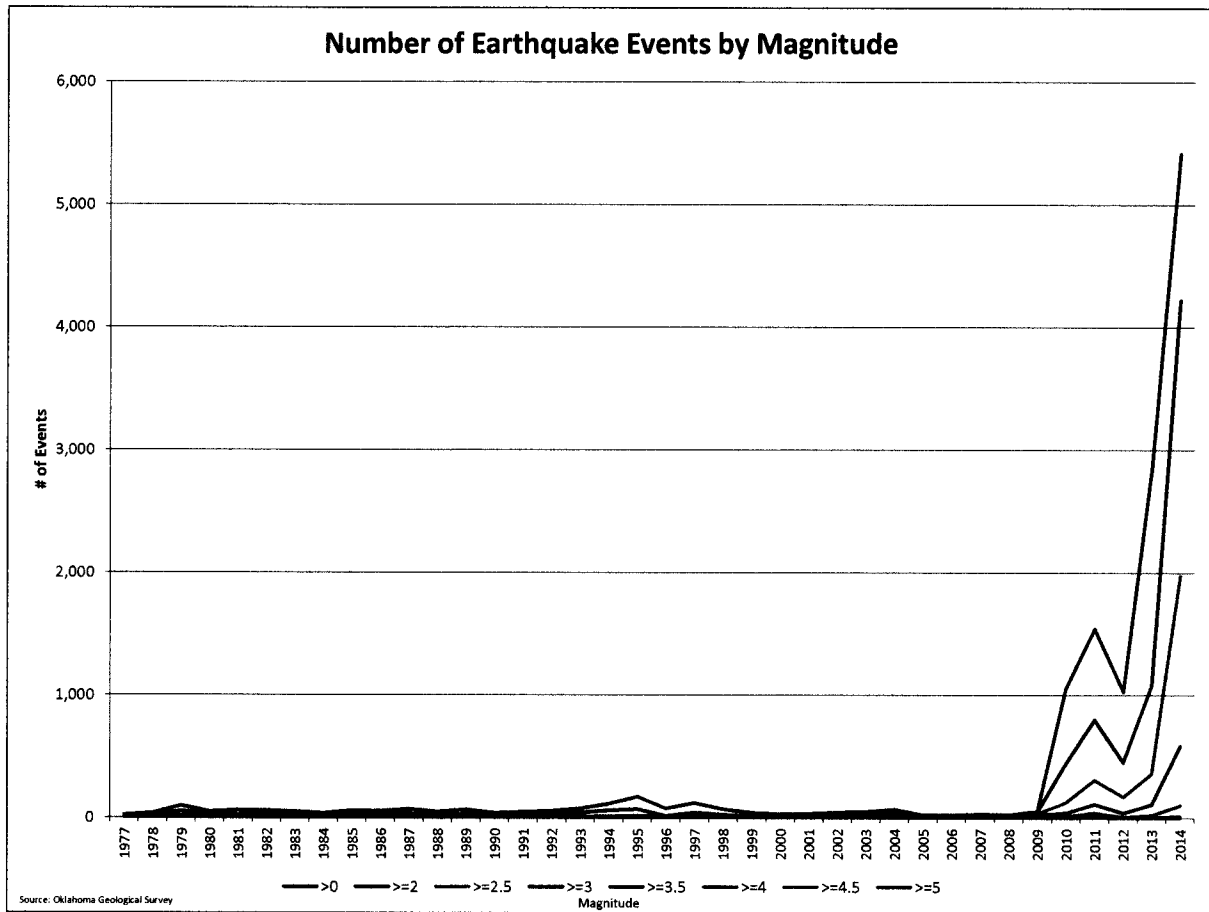
15. Over the years, the oil and gas industry has issued public statements to hide the seismic problems it is creating, and in fact continued a mantra that their operations did not cause earthquakes.

16. In truth, Oklahoma's earthquakes over the past eight or so years have been caused by the oil and gas industry's disposal of fracking related waste. Some have termed these earthquakes as "induced," "man-made," "human-made," or "frackquakes."

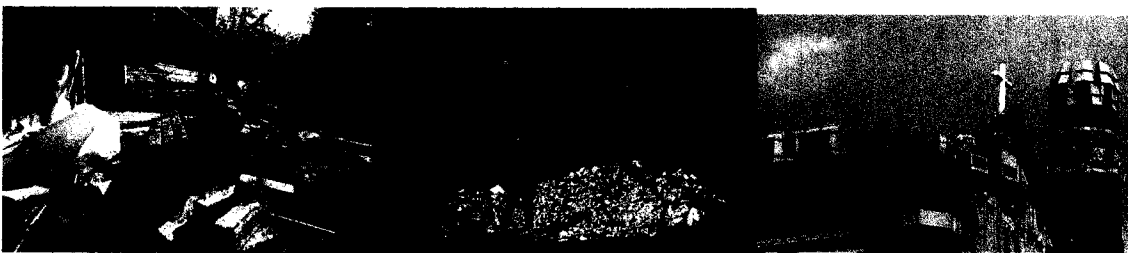
17. The waste fluids generated from fracking are mostly disposed of by injecting the wastewater fluids back into the earth under extreme pressure in what are usually called wastewater disposal wells or injection wells. This process of pollution causes earthquakes, and indeed, have caused the earthquakes shaking Oklahoma since at least 2011.

18. 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.

19. As the number of earthquakes has increased, so has their severity. For example, the number of magnitude 3.5 earthquakes has increased fifty-fold from 4 in 2009 to 220 in 2015. See below:



20. 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.



21. 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., Rubinstein, 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 2016–1035, 52 p., <http://dx.doi.org/10.3133/ofr20161035>.

22. On September 3, 2016, these scientists’ prediction that a more damaging earthquake to Oklahoma was coming proved to be true.

23. On that day, a magnitude-5.8 earthquake shattered the areas around Pawnee, Oklahoma. The earthquake’s epicenter was about 15 km northwest of the town of Pawnee.

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

25. A magnitude-5.8 earthquake is a big one. Oklahoma Geological Survey’s Director Jeremy Boak said, “Any time you have a big earthquake like that, you worry about the aftershocks,” Boak said. “How big they’ll be, how many there will be.”

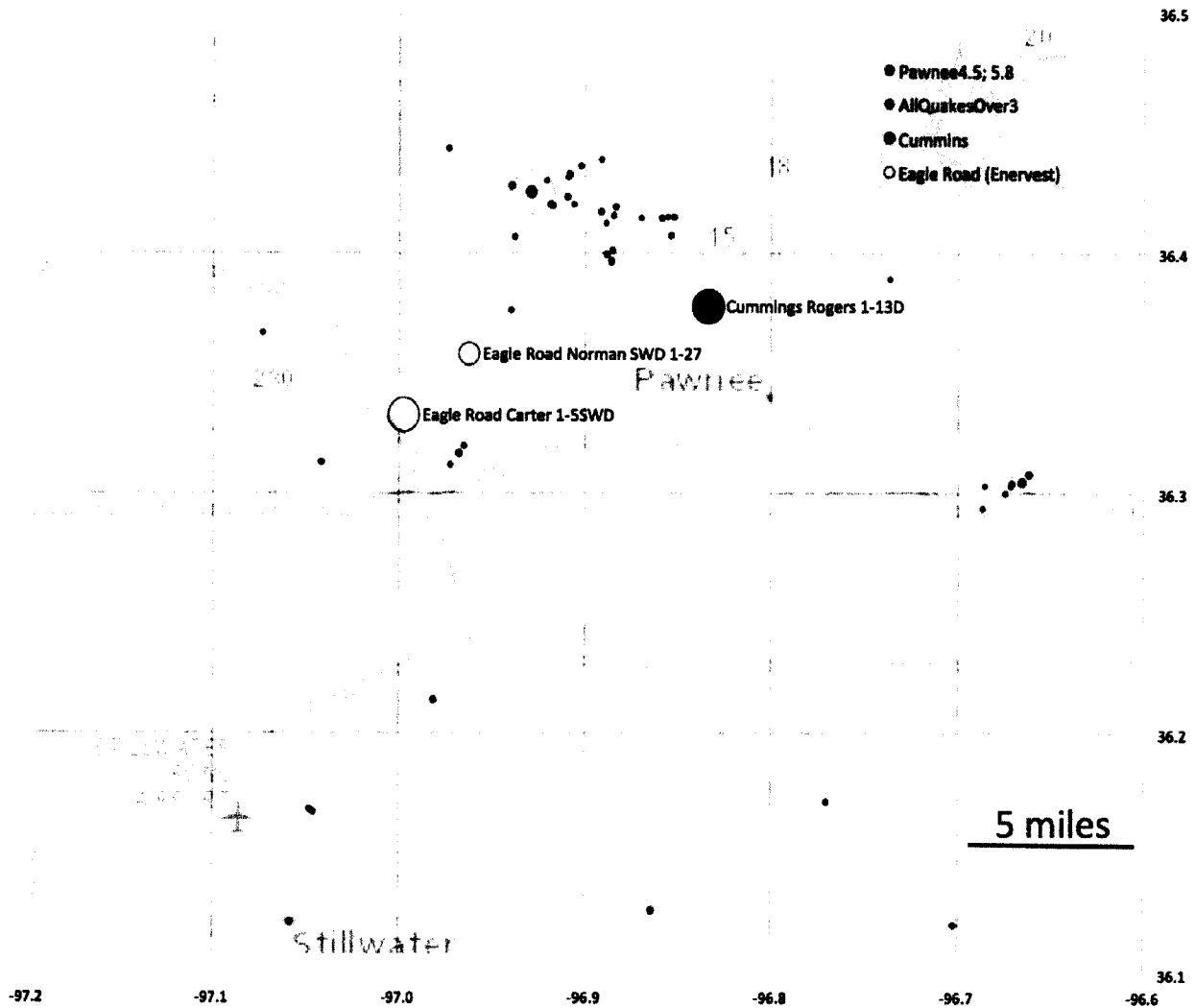
26. All segments of Oklahoma’s government, from the Governor to the Director of OGS to the OCC, agree that Pawnee’s 5.8m earthquake was induced by Defendants’ wastewater disposal operations and from the injection wells they operate nearby.

27. The 5.8m earthquake near the Plaintiffs' premises on September 3, 2016, was not a naturally occurring earthquake, or an act of God. Instead, the Defendants' pollution of the environment caused it, and the other earthquakes that followed.

28. Defendant Cummings operated its Rogers 1-13D well about 6.3 miles from the epicenter of the 5.8m quake on Labor Day weekend 2016 and near Pawnee. Historically, Cummings injected on average 126,092 barrels of wastewater through Rogers 1-13D and into the Arbuckle Formation below it. Cummings' pollution of the environment through its injection of wastewater into the Arbuckle and at such huge volumes through Rogers 1-13D caused the 5.8m earthquake near Pawnee on September 3, 2016 and the earthquakes that followed and detailed in this Petition.

29. Defendant Eagle Road's Carter and Norman wastewater injection wells are 7.44 and 5.0 miles from the epicenter of the 5.8m quake on Labor Day weekend of 2016, and near Pawnee. Historically, these two wells combined for a monthly average of 191,499 barrels of wastewater pollution injected into the Arbuckle. Eagle Road's pollution of the environment through its injection of wastewater into the Arbuckle and at such huge volumes through these wells caused the 5.8m earthquake near Pawnee on September 3, 2016, and the earthquakes that followed and detailed in this Petition.

30. A map of the area, the two most substantial wastewater induced earthquakes and Defendants' disposal wells follows:



31. In the area around Pawnee, there were at least 41 shocks involving magnitude-2.5+ earthquakes before the end of September, 2016.

32. These quakes ranged in magnitude from 2.5m to 3.6, and have all been identified by USGS and shown in the following table:

TIME	MAG	PLACE
2016-09-26T09:09:05.500Z	2.5	13km NW of Pawnee, Oklahoma
2016-09-23T08:28:17.800Z	3	12km NW of Pawnee, Oklahoma
2016-09-18T21:30:52.300Z	2.7	5km N of Pawnee, Oklahoma
2016-09-16T23:02:23.400Z	2.5	13km NW of Pawnee, Oklahoma
2016-09-16T22:28:50.700Z	2.7	10km NW of Pawnee, Oklahoma
2016-09-12T21:39:14.500Z	3	14km NW of Pawnee, Oklahoma
2016-09-12T09:57:28.900Z	2.6	8km NNW of Pawnee, Oklahoma
2016-09-12T05:54:12.700Z	3	8km NNW of Pawnee, Oklahoma
2016-09-11T04:57:16.300Z	2.9	12km NW of Pawnee, Oklahoma
2016-09-10T17:26:45.800Z	2.5	13km NW of Pawnee, Oklahoma
2016-09-09T20:28:01.100Z	2.6	10km NW of Pawnee, Oklahoma
2016-09-08T01:54:16.100Z	2.5	11km NW of Pawnee, Oklahoma
2016-09-07T11:17:39.300Z	2.6	11km NW of Pawnee, Oklahoma
2016-09-07T03:11:55.100Z	2.7	13km NW of Pawnee, Oklahoma
2016-09-04T18:08:11.600Z	2.7	10km NNW of Pawnee, Oklahoma
2016-09-04T16:37:08.100Z	2.8	11km NW of Pawnee, Oklahoma
2016-09-04T12:56:04.900Z	3	11km NW of Pawnee, Oklahoma
2016-09-04T12:16:46.800Z	2.9	12km NW of Pawnee, Oklahoma
2016-09-04T08:48:26.500Z	2.5	13km NW of Pawnee, Oklahoma
2016-09-04T05:44:34.400Z	2.5	9km NNW of Pawnee, Oklahoma
2016-09-04T03:15:56.400Z	3.1	11km NW of Pawnee, Oklahoma
2016-09-03T23:56:36.600Z	3	9km NNW of Pawnee, Oklahoma
2016-09-03T23:17:26.500Z	2.6	7km N of Pawnee, Oklahoma
2016-09-03T18:07:04.400Z	2.5	8km NNW of Pawnee, Oklahoma
2016-09-03T15:31:40.900Z	3.4	11km NW of Pawnee, Oklahoma
2016-09-03T15:25:00.500Z	2.9	9km NNW of Pawnee, Oklahoma
2016-09-03T14:56:32.000Z	2.6	9km NNW of Pawnee, Oklahoma
2016-09-03T14:47:04.200Z	3.3	9km NNW of Pawnee, Oklahoma
2016-09-03T14:35:30.800Z	2.6	13km NW of Pawnee, Oklahoma
2016-09-03T14:07:16.900Z	2.5	9km NW of Pawnee, Oklahoma
2016-09-03T14:05:49.200Z	2.6	9km NW of Pawnee, Oklahoma
2016-09-03T13:49:37.500Z	2.5	9km NW of Pawnee, Oklahoma
2016-09-03T13:06:06.700Z	2.6	13km NW of Pawnee, Oklahoma
2016-09-03T12:58:37.800Z	3.6	13km NW of Pawnee, Oklahoma
2016-09-03T12:57:36.200Z	2.6	12km NW of Pawnee, Oklahoma
2016-09-03T12:39:48.800Z	2.7	11km NW of Pawnee, Oklahoma
2016-09-03T12:36:18.000Z	2.5	11km NW of Pawnee, Oklahoma
2016-09-03T12:32:02.300Z	2.6	9km NNW of Pawnee, Oklahoma
2016-09-03T12:21:25.200Z	2.7	10km NNW of Pawnee, Oklahoma
2016-09-03T12:18:54.000Z	2.6	9km NNW of Pawnee, Oklahoma
2016-09-03T12:16:22.200Z	3.3	3 9km NNW of Pawnee, Oklahoma

33. Defendants' pollution of the environment around Pawnee, through their disposal of fracking wastewater with injection wells, caused the 5.8m earthquake on September 3rd and all of the other seismicity shown in the table above.

34. Moreover, the quakes around Pawnee continued into October and November, 2016. In fact, there have been eleven more earthquakes, and another substantial earthquake of 4.5m shook the areas around Pawnee on November 2, 2016.

35. The following table shows the earthquakes near Pawnee in October and November, 2016, including the 4.5m earthquake:

TIME	MAG	PLACE
2016-11-14T14:41:50.710Z	3.4	15km W of Cleveland, Oklahoma
2016-11-05T15:40:31.330Z	2.9	2km E of Pawnee, Oklahoma
2016-11-05T09:39:43.990Z	3.7	13km ESE of Pawnee, Oklahoma
2016-11-02T15:10:43.700Z	3.1	12km ESE of Pawnee, Oklahoma
2016-11-02T08:57:02.590Z	2.8	12km ESE of Pawnee, Oklahoma
2016-11-02T04:26:54.200Z	4.5	14km ESE of Pawnee, Oklahoma
2016-10-29T06:06:02.580Z	3.3	9km NW of Pawnee, Oklahoma
2016-10-21T16:50:22.000Z	2.6	12km NW of Pawnee, Oklahoma
2016-10-19T12:04:51.630Z	2.7	11km NW of Pawnee, Oklahoma
2016-10-09T12:23:05.100Z	3.7	11km NW of Pawnee, Oklahoma
2016-10-01T10:58:31.300Z	2.9	8km NNW of Pawnee, Oklahoma

36. All of these earthquakes were also caused by Defendants' pollution of the environment around Pawnee, through their disposal of fracking wastewater with injection wells.

37. Defendants' actions in polluting the environment and causing these earthquakes devastated Plaintiffs' home. Rocks have fallen off the exterior of the home, its foundation has been cracked, as has its doors and windows, and an entire wall of the living room has been knocked in rendering it unsafe. The home's electrical system has also been substantially damaged. In all, the home is a total loss.

CAUSES OF ACTION

COUNT I

ABSOLUTE LIABILITY

38. Plaintiffs re-allege and incorporate the foregoing Paragraphs as if fully set forth herein, word-for-word.

39. Defendants' actions described above 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.

40. As a direct and proximate result of Defendants' ultrahazardous activities, Plaintiffs have suffered damages, to which Defendants are strictly liable.

41. As a direct and proximate result of Defendants' ultrahazardous activities, Plaintiffs have suffered the total loss of their home, market losses, and also damages to personal property.

42. As a direct and proximate result of Defendants' ultrahazardous activities, Plaintiffs have suffered and continue to suffer emotional harm.

COUNT II

NEGLIGENCE

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

44. The Defendants owed a duty to Plaintiffs to use ordinary care and not to operate or maintain their injection wells in such a way as to cause or contribute to seismic activity. Defendants, experienced in these operations, were well aware of the connection between injection wells and seismic activity, and acted in disregard of these facts.

45. As a direct and proximate result of these facts, omissions, and fault of the Defendants, Plaintiffs have suffered damages reasonably foreseeable to the Defendants in the form of property damages to their home (in the form of physical damages and market losses), damages to their personal property, and emotional harm that is continuing.

COUNT III

PRIVATE NUISANCE

46. Plaintiffs re-allege and incorporate the foregoing Paragraphs, as if fully set forth herein, word-for-word.

47. Defendants' conduct constitutes a private nuisance.

48. Plaintiffs have property rights and privileges regarding the use and enjoyment of their land and home. Defendants' actions and operations as described above have unlawfully and unreasonably interfered with those rights and privileges.

49. Plaintiffs have suffered harm and damages because of Defendants' creation of a nuisance, including:

- a. Damages to their personal and real property;
- b. Interference with their use and enjoyment of property;
- c. Annoyance, discomfort and inconvenience on their property caused by Defendants' nuisance;
- d. Loss of peace of mind and emotional distress; and,
- e. diminution of property value.

COUNT IV

TRESPASS

50. Plaintiffs re-allege and incorporate the foregoing Paragraphs, as if set forth herein, word-for-word.

51. Plaintiffs have been lawfully entitled to possession of their lands.

52. 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.

53. Because of Defendants' trespass, Plaintiffs have suffered damages, including:

- a. Damages to their personal and real property;
- b. Interference with their use and enjoyment of property;

- c. Annoyance, discomfort and inconvenience on their property caused by Defendants' nuisance;
- d. Loss of peace of mind and emotional distress; and,
- e. Diminution of property value.

PUNITIVE DAMAGES

54. Defendants' actions, in knowingly causing seismic activity as a result of their injection well operations, constitute wanton or reckless disregard for public or private safety, and are thus subject to a claim for punitive damages, for which Plaintiffs seek in an amount sufficient to punish the Defendants and to deter them from such conduct in the future.

DEMAND FOR JURY TRIAL

55. Plaintiffs demand a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the following relief:

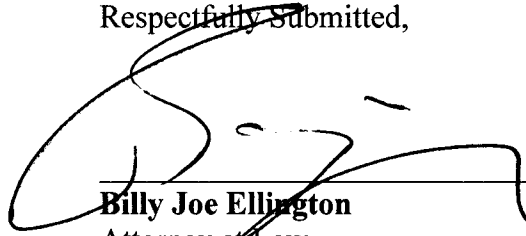
- i. A judgment against Defendants awarding real and personal property damages (for physical damage and market loss), and emotional harm caused by and continuing by the conduct of the Defendants in an amount to be proven at trial;
- ii. punitive damages;
- iii. pre-judgment and post-judgment interest; and,

- iv. all other relief to which Plaintiffs are entitled or that the Court deems just and proper.

DATED: March 6, 2017

Respectfully Submitted,

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