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

**LISA GRIGGS, and APRIL MARLER,
on behalf of themselves and other
Oklahoma citizens similarly situated,**

PLAINTIFFS

vs.

Case No. *Cj-2017-174*

**NEW DOMINION LLC, TNT OPERATING
COMPANY, INC., WHITE OPERATING
COMPANY, RAINBO SERVICE COMPANY,
GASTAR EXPLORATION, INC.,
DRYES CORNER LLC, CHESAPEAKE
OPERATING LLC,
DEVON ENERGY PRODUCTION COMPANY LP,
SPECIAL ENERGY PRODUCTION CO LP,
ORCA OPERATING COMPANY LLC,
WHITE STARPETROLEUM, LLC,
EQUAL ENERGY US INC.,
ELDER CRAIG OIL AND GAS LLC, D&B
OPERATING LLC, M M ENERGY INC.,
DAKOTA EXPLORATION LLC,
WICKLUND PETROLEUM CORPORATION,
KIRKPATRICK OIL COMPANY INC., TOOMEY
OIL COMPANY INC,
CHAPARRAL ENERGY LLC, EASTOK
PIPELINE LLC,
MID-CON ENERGY OPERATING LLC,
MIDSTATES PETROLEUM
COMPANY, AND TERRITORY RESOURCES LLC,
and JOHN DOES 1 through 25,**

DEFENDANTS

CLASS ACTION PETITION

COMES NOW Plaintiffs Lisa Griggs, and April Marler on behalf of themselves and the Class of similarly situated Oklahoma citizens (defined below), and for their class action petition against Defendants state:

I: 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, due to Defendants' pollution of the environment they caused the earthquakes at issue in this case.

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

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

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

II: PARTIES

4. Plaintiff Lisa Griggs is a citizen of Oklahoma. She is also a citizen and resident of Logan County, Oklahoma.

5. Plaintiff April Marler is a citizen of Oklahoma. She is also a citizen and resident of Oklahoma County, Oklahoma.

6. Defendant New Dominion LLC (“New Dominion”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 1307 S. Boulder Ave., Tulsa, Oklahoma 74119. Its registered agent for service of process is Mr. Fred Buxton at the same address.

7. Defendant TNT Operating Company (“TNT”), Inc. is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 10600 S. Pennsylvania Ave., Ste. 16-601, Oklahoma City, Oklahoma 73170. Its registered agent for service of process is Mr. Byron R. Neher at 920 South Fairmount Ave., Oklahoma City, Oklahoma 73128.

8. Defendant White Operating Company (“White”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 1627 SW 96th St., Oklahoma City, Oklahoma 73159. Its registered agent for service of process is Mr. Lloyd White at the same address.

9. Defendant Rainbo Service Company (“Rainbo”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 1839 SE 25th St., Oklahoma City, Oklahoma. Its registered agent for service of process is K.D. Lackey, 6 NE 63rd St., Suite 275, Oklahoma City, Oklahoma 73105.

10. Defendant Dryes Corner LLC (“Dryes Corner”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 7005 N.

Robinson Ave., Oklahoma City, Oklahoma 73116. Its registered agent for service of process is Len Cason, 201 Robert S. Kerr, Ste. 1600, Oklahoma City, Oklahoma 73102.

11. Defendant Chesapeake Operating LLC (“Chesapeake”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 6100 North Western Ave., Oklahoma City, Oklahoma 73118. Its registered agent for service of process is The Corporation Company, 1833 S. Morgan Road, Oklahoma City, Oklahoma 73128.

12. Defendant Devon Energy Production Company, L.P. (“Devon”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 333 W. Sheridan Ave., Oklahoma City, Oklahoma 73102. Its registered agent for service of process is The Corporation Company, 1833 S. Morgan Road, Oklahoma City, Oklahoma 73128.

13. Defendant Special Energy Production Co LP (“Special Energy”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 4815 Perkins Road, Stillwater, Oklahoma 74076. Its registered agent for service of process is John. F. Special, 4815 Perkins Road, Stillwater, Oklahoma 74074.

14. Defendant Orca Operating Company LLC (“Orca”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 427 S. Boston Ave., Suite 929, Tulsa, Oklahoma 74114. Its registered agent for service of process is Orca Resources, LLC at the same address.

15. Defendant White Star Petroleum LLC, previously named American Energy Woodford LLC, (“White Star”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 301 Nw 63rd St., Suite 600, Oklahoma City, Oklahoma 73116. Its registered agent for service of process is The Corporation Company, 1833 S. Morgan Road, Oklahoma City, Oklahoma 73128.

16. Defendant Equal Energy US Inc. (“Equal Energy”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is at 15th West 6th Street, Suite 1100, Tulsa, Oklahoma 74119. Its registered agent for service is The Corporation Company, 1833 S. Morgan Road, Oklahoma City, Oklahoma 73128.

17. Defendant Elder Craig Oil and Gas LLC (“Elder Craig”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is 1004 NW 139th Street Parkway, Edmond, Oklahoma 73013. Its registered agent is Craig J. Elder, 6632 NW 110th Street. Oklahoma City, Oklahoma 73162.

18. Defendant D&B Operating LLC (“D&B”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is 223 W. Melrose, Ringwood, Oklahoma 73768. Its registered agent is Preston Jones, 46413 Beckham Road, Aline, Oklahoma 73716.

19. Defendant M M Energy Inc. (“M M”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain

wastewater disposal wells at issue in this case. Its principal place of business is 13927 Quail Pointe Drive, Oklahoma City, Oklahoma 73134. Its registered agent is Mike Murphy, 2601 NW Expressway #904E, Oklahoma City, Oklahoma 73112.

20. Defendant Dakota Exploration LLC (“Dakota”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is 110 W. 7th Street, Suite 210, Tulsa, Oklahoma 74119. Its registered agent is Ezzell and Shepherd, PLLC, 1010 W. Maple, Enid, Oklahoma 73702.

21. Defendant Wicklund Petroleum Corporation (“Wicklund”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is 4521 Executive Drive, Suite 101, P.O. Box 110429, Naples, FL 34108. Its registered agent is Scott M. Rayburn, 211 N. Robinson N1000, Oklahoma City, Oklahoma 73102.

22. Defendant Kirkpatrick Oil Company, Inc. (“Kirkpatrick”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is 1001 W. Wilshire Boulevard, Suite 202, Oklahoma City, Oklahoma 73116. Its registered agent is Crowe & Dunlevy, a Professional Corporation, Attn: Cynda Ottaway, 324 North Robinson Avenue, Suite 100, Oklahoma City, Oklahoma 73102.

23. Defendant Toomey Oil Company, Inc. (“Toomey”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is 1126 S.

Frankfort Avenue, Suite 200, P.O. Box 1090, Tulsa, Oklahoma 74101. Its registered agent is Toomey Oil Co., Inc., 1126 S. Frankfort Ave., Tulsa, Oklahoma 74120.

24. Defendant Chaparral Energy LLC (“Chaparral”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is 701 Cedar Lake Boulevard, Oklahoma City, Oklahoma 73114. Its registered agent is Capitol Document Services, Inc., 101 N. Robinson Avenue, 13th Floor, Oklahoma City, Oklahoma 73102.

25. Defendant Eastok Pipeline LLC (“Eastok Pipeline”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principle place of business is 601 N. Marienfeld, Suite 400, Midland, Texas 79701. Its registered agent is The Corporation Company, 1833 S. Morgan Road, Oklahoma City, Oklahoma 73128.

26. Defendant Mid-Con Energy Operating LLC (“Mid-Con”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principle place of business is 2431 E. 61st Street, Suite 850, Tulsa, Oklahoma 74136. Its registered agent is Charles L. McLawhorn, 2431 E. 61st Street, Suite 850, Tulsa, Oklahoma 74136.

27. Defendant Midstates Petroleum Company, LLC (“Midstates”) is incorporated in Delaware. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is 321 S. Boston Ave., Suite 1000, Tulsa, OK 74103. Its registered agent is The Corporation Company, 1833 S. Morgan Road, Oklahoma City, Oklahoma 73128.

28. Defendant Territory Resources LLC (“Territory Resources”) is a citizen of Oklahoma. It owns and conducts oil and gas operations in this State, and more specifically, owns and operates certain wastewater disposal wells at issue in this case. Its principal place of business is 1511 S. Sangre Road, Stillwater, Oklahoma 74074. Its registered agent is Crowe & Dunleavy, a Professional Corporation, Attn: James H. Holloman, Jr., 324 North Robinson Avenue, Suite 100, Oklahoma City, Oklahoma 73102.

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

30. Collectively, the Defendants specifically named above and John Does 1-25 are referred to in this petition as “Defendants.”

III: JURISDICTION AND VENUE

31. Jurisdiction in this Court is proper.

32. This Court also has personal jurisdiction over Defendants as they are citizens of Oklahoma, do substantial business in the State of Oklahoma and Logan County, and further, operate the wastewater disposal wells at issue within and nearby this judicial district.

33. Venue is proper in this Court as a substantial part of the events giving rise to this claim occurred here, and Plaintiffs are citizens and residents of Logan and Oklahoma Counties.

IV: FACTUAL ALLEGATIONS

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

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

36. 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.

37. 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.

38. In truth, Oklahoma's earthquakes over the past five 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."

39. 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.

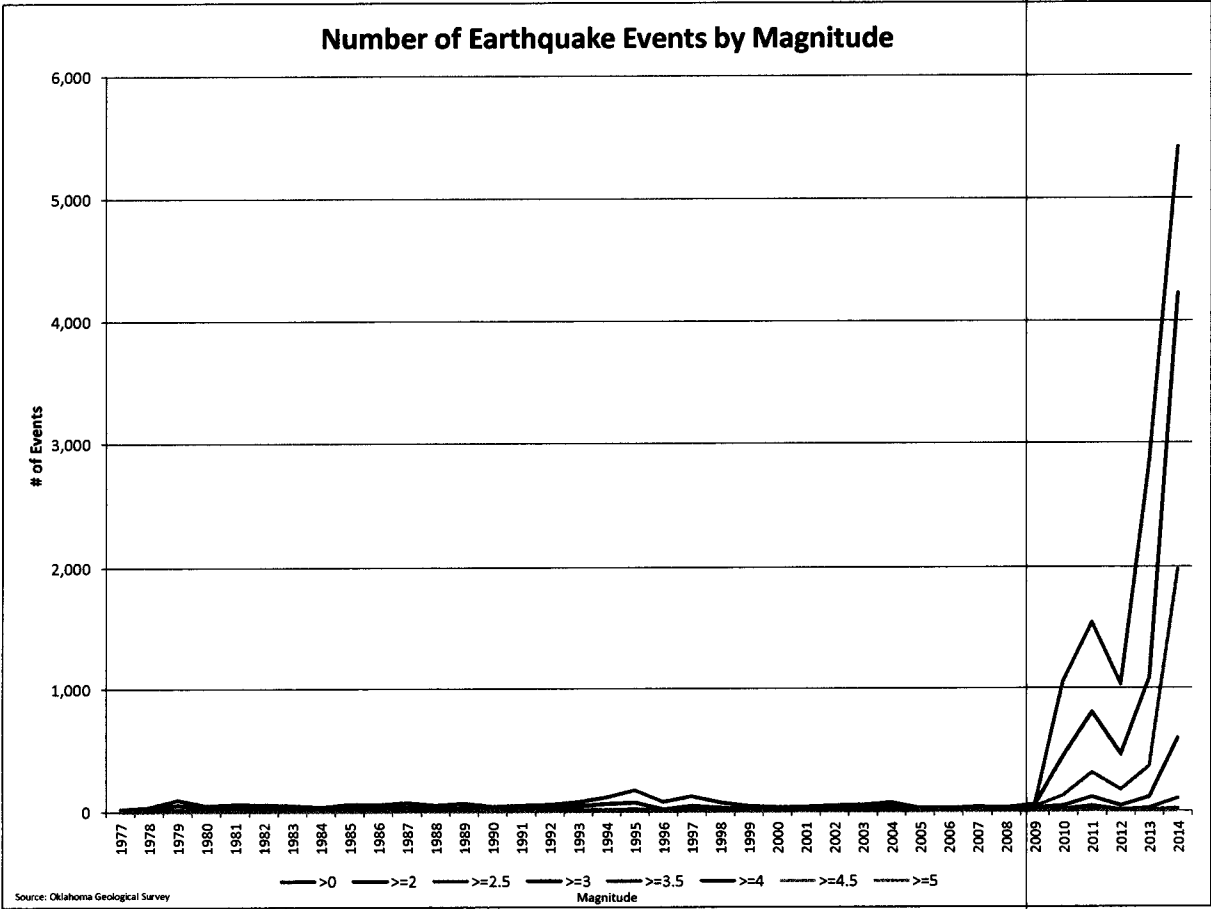
40. The injection of wastewater into the earth is conducted by Defendants on oil lands. Compared with the overall population of Oklahoma, relatively few persons are engaged in this activity. The disposal well drilling and injection of pressurized toxic water at high volumes back into the earth is inappropriate in proximity to faults in Logan County and surrounding counties.

41. Indeed, this process of pollution causes earthquakes, and has caused the earthquakes shaking Oklahoma since at least 2011.

42. 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.

43. 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:



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



45. 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>.

46. Plaintiff Griggs has owned the real property in Guthrie, Logan County, Oklahoma on which she makes her home since about 2007.

47. The area around Ms. Griggs's home has suffered over one hundred earthquakes of greater than 3.0 in magnitude in the past three years. The most significant earthquakes, and damages to Ms. Griggs's home, occurred beginning in February 2014. Multiple quakes of greater than 4.0 magnitude shook her home between February and about August 2014. In 2015, between about April through about June 2015, several more earthquakes of greater than 4.0 magnitude struck nearby, causing further damage to her home.

48. Upon information and belief, these earthquakes were caused by nearby injection wells owned and operated by Defendants. Moreover, the earthquakes triggered by their wastewater disposal operations continue around Ms. Griggs's home and areas nearby.

49. As a result of the earthquakes, Plaintiff Griggs has sustained extensive damage to her home, including shifts to the piers of her home's foundation, cracks to the concrete block forming the foundation, separation of the chimney from the home, separation of the cabinets from walls, cracks and separations to exterior brick veneer and mortar joints, cracks to drywall, wracking of doors, damages to door casings, and separations in door and window trim.

50. The damage to her home is in the thousands of dollars.

51. Plaintiff Marler has owned the real property in Choctaw, Oklahoma County, Oklahoma, on which she makes her home since about 2012.

52. The area around Choctaw and Ms. Marler's home has suffered nearly one hundred earthquakes of greater than 3.0 in magnitude in the past three years. The most significant earthquakes, and resulting damages to Ms. Marler's home, occurred in mid-2014, when approximately 17 quakes measuring greater than 3.0 occurred in or around the Choctaw area. The largest, measuring 3.7 magnitude, occurred in Choctaw on May 31, 2014. The following day a 3.6 magnitude earthquake struck nearby; and approximately two weeks later magnitude 3.9 and 3.5 earthquakes hit within a few miles of Ms. Marler's home.

53. Upon information and belief, these earthquakes were caused by nearby injection wells owned and operated by Defendants. Moreover, the earthquakes triggered by their wastewater disposal operations continue around Ms. Marler's home and areas nearby.

54. As a result of all of these earthquakes, Plaintiff Marler has sustained damage to her home, including cracks to the foundation, cracks and separations to exterior brick veneer and mortar joints, cracks to drywall, and separations in door and window trim.

55. The damage to her home is in the thousands of dollars

**IV: THE INDUCED EARTHQUAKES AT ISSUE
AND HOW THEY WERE CAUSED BY DEFENDANTS'
POLLUTION THROUGH THEIR WASTEWATER DISPOSAL**

56. Plaintiffs bring this action on behalf of themselves and the Class (as defined below) for eight clusters of earthquake swarms caused by nearby wastewater injection operations by Defendants, and which caused them to suffer damages.

57. This Petition focuses on Defendants' induced earthquakes of magnitude ("M") of 4.0 or greater, because these earthquakes are substantial and have resulted in damage to Class members' homes, businesses, and other real properties, as well as to themselves emotionally.

58. Further, this Petition also focuses exclusively on wastewater disposal injection into Oklahoma's Arbuckle formation, which is where scientists have confirmed as the problem.

59. The eight wastewater induced earthquake swarms at issue in this Petition are identified as follows:

a. **"The Edmond Cluster"** refers to four induced earthquakes hitting near Edmond,

Oklahoma as follows:

- i. 4.3M on June 16, 2014;
- ii. 4.3M on December 29, 2015;
- iii. 4.2M on January 1, 2016; and,
- iv. 4.1M on June 18, 2014.

b. **"The Guthrie Cluster"** refers to five induced earthquakes hitting near Guthrie,

Oklahoma as follows:

- i. 4.4M on August 19, 2014;
- ii. 4.0M on April 10, 2014;
- iii. 4.0M on July 12, 2014;
- iv. 4.0M on April 8, 2015; and,
- v. 4.0M on June 20, 2015.

c. **"The Langston Cluster"** refers to four induced earthquakes hitting near Langston,

Oklahoma as follows:

- i. 4.2M on April 7, 2014;

- ii. 4.2M on April 19, 2015;
 - iii. 4.1M on February 9, 2014; and,
 - iv. 4.1M on April 27, 2015.
- d. **“The Crescent Cluster”** refers to three induced earthquakes hitting near Crescent, Oklahoma as follows:
- i. 4.5M on July 27, 2015;
 - ii. 4.2M on March 29, 2016; and,
 - iii. 4.1M on July 28, 2015.
- e. **“The North Crescent Cluster”** refers to three induced earthquakes hitting north of Crescent, Oklahoma as follows:
- i. 4.2M on March 30, 2014;
 - ii. 4.1M on March 30, 2014; and,
 - iii. 4.1M on April 4, 2015.
- f. **“The Covington Cluster”** refers to four induced earthquakes hitting near Covington, Oklahoma as follows:
- i. 4.3M on June 17, 2015;
 - ii. 4.2M on July 17, 2016;
 - iii. 4.0M on September 30, 2014; and,
 - iv. 4.0M on June 14, 2015.
- g. **“The Perry Cluster”** refers to an induced earthquake hitting near Perry, Oklahoma of 4.2M on January 25, 2015.
- h. **“The Luther Cluster”** refers to two earthquakes hitting near Luther, Oklahoma as follows:

- i. 4.2M on April 7, 2014; and,
- ii. 4.0M on August 17, 2016.

A. Responsibility for The Edmond Cluster and Resulting Damages:

60. The Edmond Cluster of human-induced earthquakes were caused by nearby wastewater injection operations conducted by Defendants New Dominion, TNT, White, and Rainbo.

- a. Historically, New Dominion injected hundreds of thousands of barrels (one barrel is equal to 42 gallons) of wastewater a month through its disposal wells near Edmond, and more specifically, its Wishon SWD, Chambers, Sweetheart, Deep Throat, Peyton SWD, and Flower Power wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that, collectively, these New Dominion wells polluted the Arbuckle formation with fracking waste of about 200 million barrels or 8.4 billion gallons of waste. New Dominion's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Edmond caused the earthquakes within The Edmond Cluster and resulted in damages to Plaintiffs and the Class.
- b. Historically, TNT injected hundreds of thousands of barrels of wastewater a month into the Arbuckle through its Baker-Townsend disposal well near Edmond. Publicly available data reveals that the Baker-Townsend well polluted the Arbuckle formation with fracking waste of about 10 million barrels or 420 million gallons of waste. TNT's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Edmond caused the earthquakes within The Edmond Cluster and resulted in damages to Plaintiffs and the Class.

- c. Historically, White injected hundreds of thousands of barrels of wastewater a month through its disposal wells near Edmond, and more specifically, its Walnut Grove and Mary Unsell wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that, collectively, these White wells polluted the Arbuckle formation with fracking waste of about 9 million barrels or about 380 million gallons of waste. White's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Edmond caused the earthquakes within The Edmond Cluster and resulted in damages to Plaintiffs and the Class.
- d. Historically, Rainbo injected tens of thousands of barrels of wastewater a month through its Brady-Teller and Pesthouse disposal wells near Edmond that pollute the Arbuckle. Publicly available data reveals that Rainbo's disposal wells polluted the Arbuckle formation with fracking waste of about 1 million barrels or about 42 million gallons of waste. Rainbo's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Edmond caused the earthquakes within The Edmond Cluster and resulted in damages to Plaintiffs and the Class.

B. Responsibility for The Guthrie Cluster and Resulting Damages:

61. The Guthrie Cluster of human-induced earthquakes were caused by nearby wastewater injection operations conducted by Defendants New Dominion, Dryes Corner, and Chesapeake.

- a. Historically, New Dominion injected hundreds of thousands of barrels (one barrel is equal to 42 gallons) of wastewater a month through its disposal wells near Guthrie, and more specifically, its Wishon SWD disposal well that disposes of its wastes into the Arbuckle. Publicly available data reveals that the Wishon SWD

well polluted the Arbuckle formation with fracking waste of about 7 million barrels or 294 million gallons of waste. New Dominion's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Guthrie caused the earthquakes within The Guthrie Cluster and resulted in damages to Plaintiffs and the Class.

- b. Historically, Dryes Corner injected tens of thousands of barrels of wastewater a month through its disposal well near Guthrie, and more specifically, its Safair wastewater disposal well that disposes of its wastes into the Arbuckle. Publicly available data reveals that the Safair well polluted the Arbuckle formation with fracking waste of about 2.6 million barrels or over 109 million gallons of waste. Dryes Corner's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Guthrie caused the earthquakes within The Guthrie Cluster and resulted in damages to Plaintiffs and the Class.
- c. Historically, Chesapeake injected tens of thousands of barrels of wastewater a month through its disposal wells near Guthrie, and more specifically, its West Edmond wastewater disposal well that disposes of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 1.5 million barrels or over 63 million gallons of waste. Chesapeake's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Guthrie caused the earthquakes within The Guthrie Cluster and resulted in damages to Plaintiffs and the Class.

C. Responsibility for The Langston Cluster and Resulting Damages:

62. The Langston Cluster of human-induced earthquakes were caused by nearby wastewater injection operations conducted by Defendants Devon, Special Energy, Orca, White Star, Equal Energy, and Elder Criag.

- a. Historically, Devon injected millions of barrels of wastewater a month through its disposal wells near Langston, and more specifically, its Cunningham 23-1, Hopkins, Dudek 12-18N-3W, Frank SWD, and Eavenson 24-19N, Woodard, Lenora 29-18N-1W, Winney, Adkisson, and Peach wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that, collectively, these Devon wells polluted the Arbuckle formation with fracking waste of about 25 million barrels or about 1 billion gallons of waste. Devon's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Langson caused the earthquakes within The Langston Cluster and resulted in damages to Plaintiffs and the Class.
- b. Historically, Special Energy injected hundreds of thousands of barrels of wastewater a month through its disposal wells near Langston, and more specifically, its Ramsey Unit 1-17, Ramsey Unit 1-18, Iconium SWD, and Ramsey Unit 1-19 wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that, collectively, these Special Energy wells polluted the Arbuckle formation with fracking waste of about 13 million barrels or 546 million gallons of waste. Special Energy's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Langston caused the

earthquakes within The Langston Cluster and resulted in damages to Plaintiffs and the Class.

- c. Historically, Orca injected hundreds of thousands of barrels of wastewater a month through its disposal wells near Langston, and more specifically, its Northcut SWD wastewater disposal well that disposes of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 2.5 million barrels or 105 million gallons of waste. Orca's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Langston caused the earthquakes within The Langston Cluster and resulted in damages to Plaintiffs and the Class.
- d. Historically, White Star injected hundreds of thousands of barrels of wastewater a month through its disposal wells near Langston, and more specifically, its Boyce SWD, Bode SWD, Hopkins SWD, and Katz wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that, collectively, these White Star wells polluted the Arbuckle formation with fracking waste of about 5.8 million barrels or about 250 million gallons of waste. White Star's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Langston caused the earthquakes within The Langston Cluster and resulted in damages to Plaintiffs and the Class.
- e. Historically, Equal Energy injected tens of thousands of barrels of wastewater a month through its disposal wells near Langston, and more specifically, its Goodnight SWD 3, Goodnight SWD 4, and Goodnight SWD 1 wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals

that, collectively, these Equal Energy wells polluted the Arbuckle formation with fracking waste of about 2.6 million barrels or about 109 million gallons of waste. Equal Energy's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Langston caused the earthquakes within The Langston Cluster and resulted in damages to Plaintiffs and the Class.

- f. Historically, Elder Craig injected tens of thousands of barrels of wastewater a month through its disposal wells near Langston, and more specifically, its Meridian wastewater disposal well that dispose of its wastes into the Arbuckle. Publicly available data reveals that, collectively, well polluted the Arbuckle formation with fracking waste of about 834,000 barrels or about 35 million gallons of waste. Elder Craig's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Langston caused the earthquakes within The Langston Cluster and resulted in damages to Plaintiffs and the Class.

D. Responsibility for The Crescent Cluster and Resulting Damages:

63. The Crescent Cluster of human-induced earthquakes were caused by nearby wastewater injection operations conducted by Defendants Dryes Corner, Devon, D & B, and Sundance Energy.

- a. Historically, Dryes Corner injected tens of thousands of barrels of wastewater a month through its disposal well near Crescent, and more specifically, its Safair wastewater disposal well that dispose of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 2.7 million barrels or about 113 million gallons of waste. Dryes Corner's disposal of these substantial amounts of fracking waste into the Arbuckle

formation near Crescent caused the earthquakes within The Crescent Cluster and resulted in damages to Plaintiffs and the Class.

- b. Historically, Devon injected hundreds of thousands of barrels of wastewater a month through its disposal wells near Crescent, and more specifically, its Fuxa 25-19N-4W, Eavenson 24-19N, Adkisson, Dudek 12-18N-3W, Cunningham 23-1, Frank SWD, Hopkins, Lena 15-19N-3W, Peach, Lemmons 14-19N-, Wilma SWD, Lenora 29-18N-1W, Winney, Woodard, and Smith wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 33 million barrels or nearly 1.4 billion gallons of waste. Devon's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Crescent caused the earthquakes within The Crescent Cluster and resulted in damages to Plaintiffs and the Class.
- c. Historically, D & B injected hundreds of thousands of barrels of wastewater a month through its disposal well near Crescent, and more specifically, Oak Valley SWD wastewater disposal well that disposes of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 2.1 million barrels or nearly 84 million gallons of waste. D & B's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Crescent caused the earthquakes within The Crescent Cluster and resulted in damages to Plaintiffs and the Class.
- d. Historically, Sundance Energy injected hundreds of thousands of barrels of wastewater a month through its disposal wells near Crescent, and more specifically,

its Branson 17-4-23, Rother 16-4-11, Brown Trust, and Berg Trust 16-3-2 wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 2.2 million barrels or nearly 84 million gallons of waste. Sundance Energy's disposal of these substantial amounts of fracking waste into the Arbuckle formation near Crescent caused the earthquakes within The Crescent Cluster and resulted in damages to Plaintiffs and the Class.

E. Responsibility for The North Crescent Cluster and Resulting Damages:

64. The North Crescent Cluster of human-induced earthquakes were caused by nearby wastewater injection operations conducted by Defendants Devon, Sundance Energy, and M M Energy.

- a. Historically, Devon injected millions of barrels of wastewater a month through its disposal wells in the north Crescent area, and more specifically, its Fuxa 25-19N-4W, Eavenson 24-19N, Adkisson, Cunningham 23-1, Smith, Lena 15-19N-3W, Lemmons 14-19N-1, Hopfer, Limestone SWD, Dudek 12-18N-3W, Frank SWD, Hopkins, , Peach, Williams, Olmstead 21-21N-15WD, Wilma SWD, and Geihlsler wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 30 million barrels or nearly 1.3 billion gallons of waste. Devon's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the north Crescent area caused the earthquakes within The North Crescent Cluster and resulted in damages to Plaintiffs and the Class.

- b. Historically, Sundance Energy injected tens of thousands of barrels of wastewater a month through its disposal wells in the north Crescent area, and more specifically, its Brown Trust and Whiteneck Trust wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 1 million barrels or nearly 42 million gallons of waste. Devon's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the north Crescent area caused the earthquakes within The North Crescent Cluster and resulted in damages to Plaintiffs and the Class.
- c. Historically, M M Energy injected hundreds of thousands of barrels of wastewater a month through its disposal well in the north Crescent area, and more specifically, its School Land 64 wastewater disposal well that disposed of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 31.5 million barrels or nearly 1.3 billion gallons of waste. M M Energy's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the north Crescent area caused the earthquakes within The North Crescent Cluster and resulted in damages to Plaintiffs and the Class.

F. Responsibility for The Covington Cluster and Resulting Damages:

65. The Covington Cluster of human-induced earthquakes were caused by nearby wastewater injection operations conducted by Defendants M M Energy, Devon, Chesapeake, Dakota Exploration, Wicklund, Kirkpatrick Oil, and Toomey Oil.

- a. Historically, M M Energy injected hundreds of thousands of barrels of wastewater a month through its disposal wells in the Covington area, and more specifically, its School Land 64 and Gregg wastewater disposal wells that disposed of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 34 million barrels or nearly 1.4 billion gallons of waste. M M Energy's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Covington area caused the earthquakes within The Covington Cluster and resulted in damages to Plaintiffs and the Class.
- b. Historically, Devon injected millions of barrels of wastewater a month through its disposal wells in the Covington area, and more specifically, its Fuxa 25-19N-4W, Eavenson 24-19N, Buffington 29-22, Big Iron 4-4-21N-1E, Vargas 3-20N-1E, Olmstead 21-21N-15WD, Janice 7-21N-3W, Williams, Sebranek, Limestone SWD, Smith, Geihslar, Frank SWD, Dudek 12-18N-3W, and Bontrager wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 34.6 million barrels or nearly 1.5 billion gallons of waste. Devon's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Covington area caused the earthquakes within The Covington Cluster and resulted in damages to Plaintiffs and the Class.
- c. Historically, Chesapeake injected nearly a million of barrels of wastewater a month through its disposal wells in the Covington area, and more specifically, its O'Neil, Yost, Gerken, and Sara Yost wastewater disposal wells that dispose of its wastes

into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 30 million barrels or nearly 1.3 billion gallons of waste. Chesapeake's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Covington area caused the earthquakes within The Covington Cluster and resulted in damages to Plaintiffs and the Class.

- d. Historically, Dakota injected tens of thousands of barrels of wastewater a month through its disposal wells in the Covington area, and more specifically, its Oberlender, and PLC wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 1 million barrels or nearly 42 million gallons of waste. Dakota's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Covington area caused the earthquakes within The Covington Cluster and resulted in damages to Plaintiffs and the Class.
- e. Historically, Wicklund injected tens of thousands of barrels of wastewater a month through its disposal well in the Covington area, and more specifically, its SWDW wastewater disposal well that dispose of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 1.9 million barrels or nearly 84 million gallons of waste. Wicklund's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Covington area caused the earthquakes within The Covington Cluster and resulted in damages to Plaintiffs and the Class.

- f. Historically, Kirkpatrick injected tens of thousands of barrels of wastewater a month through its disposal well in the Covington area, and more specifically, its Little Beaver SWD wastewater disposal well that dispose of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 772,000 barrels or nearly 32 million gallons of waste. Kirkpatrick's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Covington area caused the earthquakes within The Covington Cluster and resulted in damages to Plaintiffs and the Class.
- g. Historically, Toomey injected tens of thousands of barrels of wastewater a month through its disposal well in the Covington area, and more specifically, its Ruth wastewater disposal well that dispose of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 3 million barrels or nearly 126 million gallons of waste. Toomey's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Covington area caused the earthquakes within The Covington Cluster and resulted in damages to Plaintiffs and the Class.

G. Responsibility for The Perry Cluster and Resulting Damages:

66. The Perry Cluster of human-induced earthquakes were caused by nearby wastewater injection operations conducted by Defendants Devon, Chaparral Energy, EastOK, Chesapeake, Special Energy, M M Energy, and Cisco Operating.

- a. Historically, Devon injected millions of barrels of wastewater a month through its disposal wells in the Perry area, and more specifically, its Big Iron 4-4-21N-1E, Vargas 3-20N-1E, Bontrager, H. Voise 14-21N-1E, Buffington 29-22, Rains 5-

20N-2E, Eavenson 24-19N, Thomason 15-20N, Leigh 8-19N-3E, Cunningham 23-1, Hicks, Singleton SWD, Cedar Grove, Vitek, Hopkins, Gilbert, and Frank SWD wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 61.8 million barrels or nearly 2.7 billion gallons of waste. Devon's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Perry area caused the earthquakes within The Perry Cluster and resulted in damages to Plaintiffs and the Class.

- b. Historically, Chaparral Energy injected hundreds of thousands of barrels of wastewater a month through its disposal well in the Perry area, and more specifically, its Suplex SWD wastewater disposal well that dispose of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 4.9 million barrels or nearly 205 million gallons of waste. Chaparral Energy's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Perry area caused the earthquakes within The Perry Cluster and resulted in damages to Plaintiffs and the Class.
- c. Historically, EastOK injected hundreds of thousands of barrels of wastewater a month through its disposal wells in the Perry area, and more specifically, its EastOK-Steichen, EastOK, EastOK-Ruark, EastOK-Cabernet, and EastOK-Drummond wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 16.8 million barrels or about 705 million gallons of waste.

EastOK's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Perry area caused the earthquakes within The Perry Cluster and resulted in damages to Plaintiffs and the Class.

- d. Historically, Chesapeake injected millions of barrels of wastewater a month through its disposal wells in the Perry area, and more specifically, its Yost, O'Neil, Sara Yost, and Gerken wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 30 million barrels or about 1.2 billion gallons of waste. Chesapeake's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Perry area caused the earthquakes within The Perry Cluster and resulted in damages to Plaintiffs and the Class.
- e. Historically, Special Energy injected hundreds of thousands of barrels of wastewater a month through its disposal well in the Perry area, and more specifically, its Ramsey Unit wastewater disposal well that dispose of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 9.3 million barrels or nearly 390 million gallons of waste. Special Energy's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Perry area caused the earthquakes within The Perry Cluster and resulted in damages to Plaintiffs and the Class.
- f. Historically, M M Energy injected nearly a million barrels of wastewater a month through its disposal well in the Perry area, and more specifically, its School Land 64 wastewater disposal well that dispose of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking

waste of about 31.6 million barrels or nearly 1.3 billion gallons of waste. M M Energy's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Perry area caused the earthquakes within The Perry Cluster and resulted in damages to Plaintiffs and the Class.

H. Responsibility for The Luther Cluster and Resulting Damages:

67. The Luther Cluster of human-induced earthquakes were caused by nearby wastewater injection operations conducted by Defendants New Dominion, MidStates, Territory Resources, and Equal Energy.

- a. Historically, New Dominion injected hundreds of thousands of barrels of wastewater a month through its disposal wells in the Luther area, and more specifically, its Peyton SWD and Wishon wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 20 million barrels or nearly 2.7 billion gallons of waste. New Dominion's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Luther area caused the earthquakes within The Luther Cluster and resulted in damages to Plaintiffs and the Class.
- b. Historically, MidStates injected hundreds of thousands of barrels of wastewater a month through its disposal wells in the Luther area, and more specifically, its East Wellston, Hazel, Fire, and Chase wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 28 million barrels or nearly 1.17 billion gallons of waste. MidStates disposal of these substantial amounts of

fracking waste into the Arbuckle formation in the Luther area caused the earthquakes within The Luther Cluster and resulted in damages to Plaintiffs and the Class.

- c. Historically, Territory Resources injected tens of thousands of barrels of wastewater a month through its disposal well in the Luther area, and more specifically, its Octagon wastewater disposal well that dispose of its wastes into the Arbuckle. Publicly available data reveals that this well polluted the Arbuckle formation with fracking waste of about 1.5 million barrels or nearly 63 million gallons of waste. Territory Resources' disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Luther area caused the earthquakes within The Luther Cluster and resulted in damages to Plaintiffs and the Class.
- d. Historically, Equal Energy injected millions of barrels of wastewater a month through its disposal wells in the Luther area, and more specifically, its Twin Cities 1, 2, and 3, Twin Cities North 1 and 2, West Carney, and CD wastewater disposal wells that dispose of its wastes into the Arbuckle. Publicly available data reveals that these wells polluted the Arbuckle formation with fracking waste of about 71 million barrels or nearly 3 billion gallons of waste. Equal Energy's disposal of these substantial amounts of fracking waste into the Arbuckle formation in the Luther area caused the earthquakes within The Luther Cluster and resulted in damages to Plaintiffs and the Class.

V: CLASS ALLEGATIONS

68. Plaintiff realleges each of the preceding paragraphs, and by this reference incorporates each such paragraph as though set forth here in full.

69. Plaintiff brings this action, on behalf of themselves and all others similarly situated, as a class action pursuant to 12 O.S. § 2023.

70. The Class that Plaintiffs seek to represent (the “Class”) is defined as follows:

- a) Citizens of Oklahoma;
- b) owning a home or business in Logan County, Payne County, Lincoln County, Oklahoma County, Canadian County, Kingfisher County, Garfield County, or Noble County (hereafter, the “Class Area”);
- c) during the dates of seismic activity within the Class Area between March 30, 2014 to present (the “Class Period”);
- d) excluded from the Class are all Class member properties on and lands where there is any federal oversight, such as Tribal or Indian Lands; and,
- e) excluded from the Class are Defendants and their officers and directors, and the judge presiding over this action and his/her immediate family members.

71. Plaintiffs reserve the right to amend the definition of the Class if discovery and further investigation reveals that the Class should be expanded or otherwise modified.

72. This action is brought and properly may be maintained as a class action pursuant to 12 O.S. § 2023, and satisfies the requirements of its provisions.

Numerosity

73. These human-made earthquakes are continuing in the Class Area, and thus, more properties are likely to suffer damages.

74. The Class Area includes several counties in Oklahoma where thousands of Oklahoma's citizens reside in their homes and operate businesses.

75. As such, the Class is sufficiently numerous and has members scattered over several counties so as to make joinder of all members of the Class in a single action impracticable, and therefore, the resolution of their claims through the procedure of a class action will be to the benefit of the parties and the Court.

Commonality

76. Plaintiffs' claims raise issues of fact or law which are common to the members of the putative Class. These common questions include, but are not limited to:

- (a) whether Defendants' disposal well operations within the Class Area caused earthquakes in the Class Area;
- (b) whether these induced earthquakes caused damage to the personal and real property of Plaintiffs and the members of the Class;
- (c) whether Defendants owed a duty to the Plaintiffs and the members of the putative Class;
- (d) whether Defendants' conduct amounted to a nuisance;
- (e) whether Defendants' conduct is an ultra-hazardous activity;
- (f) whether Defendants' operations were negligently performed;
- (g) whether Defendants caused a trespass;
- (h) whether Plaintiffs and the members of the putative Class have suffered damages proximately caused by Defendants' wastewater disposal operations; and
- (i) whether a judgment including punitive damages is appropriate.

Typicality

77. Plaintiffs' claims are typical of the claims of the other members of the Class they seek to represent because at bottom, all of the claims center upon whether Defendants' wastewater injection operations have caused the seismicity within the Class Area during the Class Period.

Adequacy

78. Plaintiffs are interested in the outcome of this litigation and understands the importance of adequately representing the Class.

79. Plaintiffs will fairly and adequately protect the interests of the Class sought to be certified.

80. Plaintiffs are adequate representatives of the Class because they have no interests that are adverse to the interests of the members of the Class. Plaintiffs are committed to the vigorous prosecution of this action and, to that end, Plaintiffs have retained counsel competent and experienced in handling class-action and complex tort litigation, which are also qualified to adequately represent the Class.

Predominance

81. Questions of law or fact common to the members of the Class predominate over questions affecting only individual members.

Superiority

82. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. The predicate issues relate to Defendants' wastewater injection operations, actions and activities, and whether these activities pose a nuisance, are an ultra-hazardous activity, were negligently performed, or caused trespasses. The focus of this action will

be on the common and uniform conduct of Defendants in conducting their wastewater injection operations during the Class Period and within the Class Area.

83. Absent class action relief, the putative Class Members would be forced to prosecute hundreds of similar claims in different district court venues. Such an event would cause tremendous amounts of waste of judicial resources, but the prosecution of these claims as a class action will promote judicial economy.

84. The prosecution of separate actions by individual members of the Class would create a risk of:

- a. inconsistent or varying adjudications with respect to individual members of the Class, which would establish incompatible standards of conduct for the Defendants; and
- b. adjudications with respect to individual members of the Class, which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

85. Plaintiffs are not aware of any difficulty which will be encountered in the management of this litigation which should preclude its maintenance as a class action.

CAUSES OF ACTION

COUNT I

STRICT LIABILITY FOR ULTRAHAZARDOUS ACTIVITY

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

87. 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.

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

89. As a direct and proximate result of Defendants' ultrahazardous activities, Plaintiffs and Class members have suffered damages to their homes and businesses in the form of physical damages and market losses, and also damages to their personal property.

90. As a direct and proximate result of Defendants' ultrahazardous activities, Plaintiffs and Class members have suffered and continue to suffer emotional harm for which Defendants should be held strictly liable.

COUNT II

NEGLIGENCE

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

92. The Defendants owed a duty to Plaintiffs and the Class 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.

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

COUNT III

PRIVATE NUISANCE

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

95. Defendants' conduct constitutes a private nuisance.

96. Plaintiffs and the Class have property rights and are privileged regarding the use and enjoyment of their home, land and businesses. Defendants' actions and operations as described above have unlawfully and unreasonably interfered with those rights and privileges.

97. Plaintiffs and the Class 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

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

66. Plaintiffs and the Class are and have been lawfully entitled to possession of their property.

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

68. Because of Defendants' trespass, Plaintiffs and the Class have suffered damages, including:

- a. Damages to personal and real property;
- b. interference with their use and enjoyment of property;
- c. annoyance, discomfort and inconvenience on their property caused by Defendants' trespass;
- d. loss of peace of mind and emotional distress; and
- e. diminution of real estate property value.

PUNITIVE DAMAGES

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

CONTINUING NATURE OF WRONGDOING AND HARM TO PLAINTIFFS AND THE CLASS

70. Defendants' injections of fracking waste continue within the Class Area, their wrongdoing is continuing, and moreover, the harm caused by their operations as alleged in this Petition continues to cause Plaintiffs and the Class to suffer the damages alleged in this Petition.

DEMAND FOR JURY TRIAL

71. Plaintiffs and the Class respectfully demand a trial by jury.

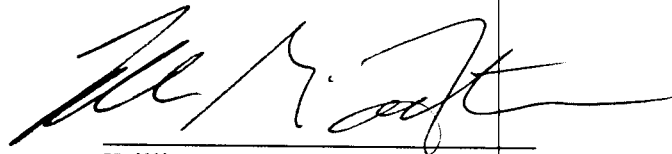
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and the Class respectfully requests the following relief:

- i. Judgments against each of the Defendants for their individual wrongdoing, and awarding real and personal property damages (for physical damage and market loss), lost use and enjoyment of real property and emotional harm 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 and the Class are entitled or that the Court deems just and proper.

DATED: July 21, 2017

Respectfully Submitted,



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