

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

FILED
AUG 04 2014
CINDY KOSBY, COURT CLERK
LINCOLN COUNTY, OKLA.
Case No. CJ-2014-115

SANDRA LADRA, PLAINTIFF

vs.

Case No. CJ-2014-115

NEW DOMINION, LLC, and
SPESS OIL COMPANY DEFENDANTS
JOHN DOES 1-25

PETITION

Comes Now Plaintiff Sandra Ladra (“Mrs. Ladra” or Plaintiff”) and for her petition against New Dominion, LLC, Spess Oil Company, and John Does 1 – 25 (collectively, “Defendants”) states:

PARTIES

1. Plaintiff Sandra Ladra is a citizen of Oklahoma and a resident of Prague, Lincoln County, Oklahoma.
2. Defendant New Dominion, LLC, (“New Dominion”) is an Oklahoma corporation doing business in the State of Oklahoma, with its principle place of business at 3400 SE 59th St., Oklahoma City, OK 73135.
3. Defendant Spess Oil Company (“Spess”) is an Oklahoma corporation and doing business in Oklahoma. Its principle place of business is located at 200 S. Broadway St., Cleveland, OK 74020.

4. John Does 1 – 25 are other Oklahoma entities that have engaged in injection well operations in central Oklahoma, and which have also contributed to the earthquakes and resulting damages and injuries to Plaintiff.

JURISDICTION AND VENUE

5. Jurisdiction in this Court is proper. This Court has personal jurisdiction over Defendants as they do substantial business in the State of Oklahoma, are headquartered in the State, and operate the injection wells at issue in this judicial district.

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

FACTUAL ALLEGATIONS

7. In recent years, hundreds of earthquakes have occurred in central Oklahoma.

8. So far this year, Oklahoma has had more than twice the number of earthquakes as California, making it the most seismically active state in the continental United States.

9. Very recently, scientists have tied these earthquakes to the disposal of wastewater related to fracking operations, which the oil and gas industry uses to release trapped oil and gas.

10. The waste fluids generated from fracking are often disposed of by injecting the polluted fluids back into the earth under extreme pressure in what are usually called wastewater disposal wells or injection wells.

11. The oil and gas industry has issued public statements to hide the seismic problems they are creating, and in fact continue a mantra that their operations do not cause earthquakes.

12. Plaintiff Ladra lives in Prague, Oklahoma and suffered personal injuries as a direct result of man-made earthquakes occurring in and around Prague in November of 2011.

13. On November 5, 6, and 8, 2011, three earthquakes of 5.0, 5.7, and 5.0 magnitudes occurred in and around Prague, Oklahoma.

14. A 5.0 magnitude earthquake is substantial, and can cause substantial damage to people and property. Earthquakes of such magnitude are rarely seen in the United States east of the Rocky Mountains.

15. The 5.0, 5.7, and 5.0 Prague earthquakes destroyed many homes, damaged many buildings, and injured many people. These earthquakes buckled pavement on the streets and highways near and around Prague, and were even felt by residents of St. Louis, nearly 500 miles away.

16. On or about November 5, 2011, Ms. Ladra was at home watching television in her living room with her family. Suddenly, her home began to shake causing rock facing on the fireplace and chimney to fall down and into the living room. Some of the falling rocks struck Ms. Ladra in her lap and onto her legs, and caused her significant injury. She was rushed to an emergency room and was immediately treated for her injuries.

17. Defendants New Dominion and Spess operate wastewater injection wells in and around Lincoln County, Oklahoma, as well as other wastewater injection wells in central Oklahoma. These injection wells have caused and contributed to numerous earthquakes occurring in Oklahoma, and have specifically caused the damages sustained by Ms. Ladra.

18. The earthquakes in and around Prague, Oklahoma in 2011 were investigated, and in March 2013 scientists published a study establishing a correlation between the injection wells operated by the Defendants and the earthquakes devastating Prague, Oklahoma in November of 2011. Keranen, K.M., Savage, H.M., Abers, G.A., Cochran, E.S. 2013. *Potentially induced*

earthquakes in Oklahoma, USA: Links between wastewater injection and the 2011 M 5.7 earthquake sequence. GEOLOGY, Mar. 26, 2013.

19. On July 3, 2014, a scientific study was published in the journal *Science* linking the sharp increase in central Oklahoma seismicity since 2008 to wastewater injection operations in central Oklahoma. Keranen, K.M., Weingarten, M., Abers, G.A., Bekins, B.A., Ge, S. 2014. *Sharp increase in central Oklahoma seismicity since 2008 induced by massive wastewater injection.* SCIENCE, July 4, 2014

20. U.S. Geological Survey recently issued a statistical analysis showing the recent increase in Oklahoma's earthquakes is not the result of natural seismic changes, but rather is most likely caused by wastewater injection wells. The survey also warned that the rise in seismic activity has significantly raised the chance of a damaging magnitude 5.5 earthquake or greater in the state. *Record Number of Oklahoma Tremors Raises Possibility of Damaging Earthquakes.* USGS-Oklahoma Geological Survey Joint Statement on Oklahoma Earthquakes, Oct.. 22, 2013; updated May 2, 2014.

21. In spite of these scientific studies, the oil and gas industry continues to say Oklahoma has naturally occurring seismicity, that its operations are not causing the earthquakes, and that recent reports linking injection well operations to Oklahoma earthquakes are not based upon credible science.

CAUSES OF ACTION

COUNT I

ABSOLUTE LIABILITY

22. Plaintiff hereby re-alleges and incorporates the foregoing Paragraphs as if fully set forth herein, word-for-word.

23. 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.

24. As a direct and proximate result of Defendants' ultrahazardous activities, Plaintiff sustained personal injuries, to which Defendants are strictly liable.

COUNT II

NEGLIGENCE

25. Plaintiff hereby re-alleges and incorporates the foregoing Paragraphs, as if fully set forth herein, word-for-word.

26. The Defendants owed a duty to Plaintiff 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.

27. As a direct and proximate result of these facts, omissions, and fault of the Defendants, the Plaintiff suffered injuries reasonably foreseeable to the Defendants.

PUNITIVE DAMAGES

28. 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 Plaintiff seeks in an amount sufficient to punish the Defendants and to deter them from such conduct in the future.

DEMAND FOR JURY TRIAL

29. Plaintiff respectfully demands a trial by jury.

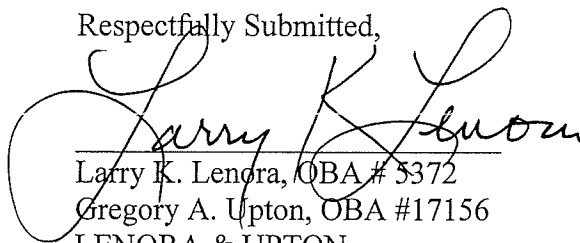
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

- i. A joint and several judgment against Defendants awarding personal injury damages caused by the conduct of the Defendants in an amount to be proven at trial, but in excess of \$75,000.00.
- ii. Punitive damages;
- iii. Pre-judgment and post-judgment interest; and,
- iv. All other relief to which Plaintiff is entitled or that the Court deems just and proper.

DATED: August 4, 2014

Respectfully Submitted,



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