

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
CIVIL DIVISION

COMPLAINT AND JURY DEMAND

JAMES P. FINTON, JR., and DONNA DELANE FINTON, Husband and Wife,
Individually and as beneficiaries and representatives of the Donna Delane Finton
Trust and the James P. Finton Jr., Trust, respectively;
JAMES ADAMS, SR., and JAMIE ADAMS, Husband and Wife;
JIMMY ARGUELLO and TIFFANY ARGUELLO, Husband and Wife, individually and on
behalf of their children, NA and AA;
ROBERT DREW BARNES and AMY BARNES, Husband and Wife, individually and on
behalf of their daughter, MB;
KIMBERLY BEAVERS, individually and on behalf of her daughter, KK;
DANNY BELL and PAMELA BELL, Husband and Wife;
BOB BOYD;
JOHN BRITT and ANGELIA BRITT, Husband and Wife, individually, and on behalf of
their daughter, CB;
RONNIE BURNETTE and BOBBIE BURNETTE, Husband and Wife;
CAROLYN CLOUD and ALBERT DILES, Husband and Wife;
ROSEMARY EPPERSON;
JAMES P. FINTON, JR., and DONNA DELANE FINTON, Husband and Wife,
Individually and as beneficiaries and representatives of the Donna Delane Finton
Trust and the James P. Finton Jr., Trust, respectively;
KENNETH FOWLER and KAREN FOWLER, Husband and Wife on behalf of and as
attorney-in-fact of ALONZO PATE;
PHILLIP GILBREATH;
TERRY GILBREATH and CARLA GILBREATH, Husband and Wife;
DUSTIN GORDON and JENNIFER GORDON, Husband and wife, Individually and on
behalf of their children MG and BM;
MITCHELL LEE GREER;
JOHN HAMMONS and JACKIE HAMMONS, Husband and Wife, Individually and on
behalf of their minor children and unborn child;
SHANE HARRISON and LISA HARRISON, Husband and Wife, Individually and on
behalf of their son LH;
A. WAYNE HOLCOMB and CATHY HOLCOMB, Husband and Wife;
ANTONIO JAMISON and TYNISHA JAMISON, Husband And Wife, Individually and on
behalf of their daughter, TJ;
CATHERINE JARRETT;
DARREN KEENER and BEVERLY KEENER, Husband and Wife;
CHRISTOPHER KIRTLEY and REGAN KIRTLEY, Husband and Wife, Individually and
on behalf of Regan Kirtley's daughter CG;
CHARLES LOKEY and EVELYN LOKEY, Husband and Wife, Individually and on behalf
of their daughter, SL;
LARRY MITCHELL and MELANIE MITCHELL, Husband and Wife, Individually and on
behalf of their adopted granddaughter LM;

KYLE MOORE and SARAH MOORE, Husband and Wife;
CHARLES PRITCHETT and PATRICA PRITCHETT, Husband and Wife;
JARED RANEY and SARAH RANEY, Husband and Wife, Individually and on behalf of
their son, SLR;
JAMES ROBINSON and SARA ROBINSON, Husband and Wife, Individually and on
behalf of their children, JAR, LCR, and OBR;
ZELDA JANE SHADELL;
SANDRA SILARKSI;
WANDA SPOON;
MARK STIGALL and KIM STIGALL, Husband and Wife;
MARY TILLMAN;
NATHAN DAVID WEBB and JULIE KAY WEBB, Husband and Wife, individually and
on behalf of their minor children; and
MARIANNE WYCKOFF

Plaintiffs

v.

EXXONMOBIL PIPELINE COMPANY;
MOBIL PIPE LINE COMPANY;
EXXON MOBIL CORPORATION;
DAVID L. RAULSTON, an individual;
HAROLD SATTERFIELD,
also known as CURTIS HAROLD SATTERFIELD, an individual;
ROBERT D. FRENCH an individual;
THE CENTER FOR TOXICOLOGY AND ENVIRONMENTAL HEALTH, L.L.C.;

JOHN DOES 1 - 6 - those persons, firms, corporations or other entities
responsible for the inspection and maintenance of the Pegasus
Pipeline in the State of Arkansas;

JOHN DOES 7 – 10 –those persons, firms, corporations or
other entities responsible for regulating, approving or monitoring
the inspection and maintenance of the Pegasus
Pipeline in the State of Arkansas;

JOHN DOES 11- 13 – those persons, firms, corporations
or other entities responsible for the decision or approval to increase
or change the capacity or pressure, or change the use or direction
of flow of the Pegasus Pipeline;

JOHN DOES 14 – 17 – those persons, firms, corporations or other
entities responsible for the decision or approval to pump tar sands oil
through the Pegasus Pipeline;

JOHN DOES 18 – 21 – those persons firms, corporations or other entities responsible for the inspection and maintenance of the Pegasus Pipeline easement right-of-way;

JOHN DOES 22 -26 – those persons, firms, corporations, or other entities in any way responsible for the Pegasus Pipeline oil spill in Mayflower, Arkansas,

Defendants.

COME NOW the Plaintiffs in the above-styled case and for their Complaint against the above named Defendants including the JOHN DOE defendants state as follows:

1. Plaintiffs JAMES P. FINTON, JR., and DONNA DELANE FINTON, Husband and Wife, Individually and as beneficiaries and representatives of the Donna Delane Finton Trust and the James P. Finton Jr., Trust, respectively; JAMES ADAMS, SR., and JAMIE ADAMS, Husband and Wife; JIMMY ARGUELLO and TIFFANY ARGUELLO, Husband and Wife, individually and on behalf of their children, NA and AA; ROBERT DREW BARNES and AMY BARNES, Husband and Wife, individually and on behalf of their daughter, MB; KIMBERLY BEAVERS, individually and on behalf of her daughter, KK; DANNY BELL and PAMELA BELL, Husband and Wife; BOB BOYD; JOHN BRITT and ANGELIA BRITT, Husband and Wife, individually, and on behalf of their daughter, CB; RONNIE BURNETTE and BOBBIE BURNETTE, Husband and Wife; CAROLYN CLOUD and ALBERT DILES, Husband and Wife; ROSEMARY EPPERSON; KENNETH FOWLER and KAREN FOWLER, Husband and Wife on behalf of and as attorney-in-fact of ALONZO PATE; PHILLIP GILBREATH; TERRY GILBREATH and CARLA GILBREATH, Husband and Wife; DUSTIN GORDON

and JENNIFER GORDON, Husband and wife, Individually and on behalf of their children MG and BM; MITCHELL LEE GREER; JOHN HAMMONS and JACKIE HAMMONS, Husband and Wife, Individually and on behalf of their minor children and unborn child; SHANE HARRISON and LISA HARRISON, Husband and Wife, Individually and on behalf of their son LH; A. WAYNE HOLCOMB and CATHY HOLCOMB, Husband and Wife; ANTONIO JAMISON and TYNISHA JAMISON, Husband And Wife, Individually and on behalf of their daughter, TJ; CATHERINE JARRETT; DARREN KEENER and BEVERLY KEENER, Husband and Wife; CHRISTOPHER KIRTLEY and REGAN KIRTLEY, Husband and Wife, Individually and on behalf of Regan Kirtley's daughter CG; CHARLES LOKEY and EVELYN LOKEY, Husband and Wife, Individually and on behalf of their daughter, SL; LARRY MITCHELL and MELANIE MITCHELL, Husband and Wife, Individually and on behalf of their adopted granddaughter LM; KYLE MOORE and SARAH MOORE, Husband and Wife; CHARLES PRITCHETT and PATRICA PRITCHETT, Husband and Wife; JARED RANEY and SARAH RANEY, Husband and Wife, Individually and on behalf of their son SLR; JAMES ROBINSON and SARA ROBINSON, Husband and Wife, Individually and on behalf of their children, JAR, LCR, and OBR; ZELDA JANE SHADELL; SANDRA SILARKSI; WANDA SPOON; MARK STIGALL and KIM STIGALL, Husband and Wife; MARY TILLMAN; NATHAN DAVID WEBB and JULIE KAY WEBB, Husband and Wife, individually and on behalf of their minor children; and MARIANNE WYCKOFF are residents of or land owners in Faulkner County Arkansas and have been injured and damaged as set forth

herein by the actions of the Defendants that resulted in the Pegasus Pipeline Oil Spill in Mayflower, Arkansas.

2. Defendant ExxonMobil Pipeline Company ("EMPCO") is a Delaware corporation with its principal place of business in Houston, Texas. EMPCO conducts business in the State of Arkansas, including in the City of Mayflower in Faulkner County. Defendant EMPCO is, upon information and belief, the operator of the Pegasus Pipeline, which transports crude oil, including Canadian tar sands oil, through Mayflower and Faulkner County. EMPCO is a subsidiary of Defendant Exxon Mobil Corporation.
3. Defendant Mobil Pipe Line Company ("MPLC") is a Delaware corporation with its principal place of business in Houston, Texas. MPLC conducts business in the State of Arkansas, including the City of Mayflower in Faulkner County. Defendant MPLC is upon information and belief, the owner of the Pegasus Pipeline, which transports crude oil, including Canadian tar sands oil, through Mayflower and Faulkner County. Defendant MPLC is an affiliate of Defendant EMPCO.
4. Defendant Exxon Mobil Corporation ("ExxonMobil") is a New Jersey corporation with its principal place of business in Irving, Texas. ExxonMobil conducts business in the State of Arkansas, and has common proprietary ownership interests and/or joint ventures with the other Defendants named herein, and, upon information and belief, is involved with the ownership, operation and maintenance of the Pegasus Pipeline which transports crude

oil, including Canadian tar sands oil, through Mayflower and Faulkner County.

5. Defendants EMPCO, MPLC and ExxonMobil are sometimes collectively referred to herein as the "ExxonMobil Defendants."
6. Defendant David L. Raulston is a resident of Conway, Arkansas and is the maintenance operations technician for the Pegasus Pipeline and is an individual responsible for the inspecting and maintaining the Pegasus Pipeline.
7. Defendant Harold Satterfield is a resident of Faulkner County, Arkansas and the planner, sub-divider and/or developer of the Northwoods residential subdivision through which the Pegasus Pipeline flows.
8. Robert D. French is a resident of Arkansas and is the Registered Professional Land Surveyor who surveyed the Northwoods subdivision through which the Pegasus Oil Pipeline runs.
9. Defendant The Center for Toxicology and Environmental Health, L.L.C. (CTEH) is a domestic Arkansas Limited Liability Company located in North Little Rock, Arkansas and at all times relevant hereto, conducted business in Mayflower, Faulkner County, Arkansas in and around the Mayflower oil spill area.
10. The Fictitious Defendants are as follows: JOHN DOES 1-6 - those persons, firms, corporations or other entities responsible for the inspection and maintenance of the Pegasus Pipeline in the State of Arkansas, JOHN DOES 7-10 - those persons, firms, corporations or other entities responsible for

regulating, approving or monitoring the inspection and maintenance of the Pegasus Pipeline in the State of Arkansas, JOHN DOES 11-13 – those persons, firms, corporations or other entities responsible for the decision or approval to increase or change the capacity or pressure or change the use or direction of flow of the Pegasus Pipeline, JOHN DOES 14-17 – those persons, firms, corporations or other entities responsible for the decision or approval to pump tar sands oil through the Pegasus Pipeline, JOHN DOES 18-21 – those persons firms, corporations or other entities responsible for the inspection and maintenance of the Pegasus Pipeline easement right-of-way, JOHN DOES 22-26 - those persons, firms, corporations, or other entities in any way responsible for the Pegasus Pipeline oil spill in Mayflower, Arkansas.

11. That attached hereto as Exhibit “A” is an affidavit of Plaintiffs’ counsel in compliance with and as required by A.C.A 16-56-125 regarding the identities of the John Doe defendants.
12. Venue is proper in this County because the events and damages that make up the subject matter of this complaint occurred in Faulkner County Arkansas, the land on which oil was spilled in located in Faulkner County, Arkansas and one or more of the named Defendants resides in Faulkner County, Arkansas.

THE PEGASUS PIPELINE SPILL

13. On the start of the Easter Weekend, Good Friday March 29, 2013, the ExxonMobil operated Pegasus Pipeline ruptured in the Northwoods residential subdivision in the City of Mayflower, Arkansas. The rupture of this 65 year-old pipeline spilled approximately 10,000 barrels of oil into a

residential subdivision as residents and families were preparing for the Easter weekend. The spill released toxic tar sands crude oil into the neighborhood. The oil migrated into the Northwoods subdivision along North Starlite Road into a bar ditch adjacent to the Union Pacific Railroad line, into a creek and into a tributary to a cove of Lake Conway, which is also a tributary to the Arkansas River. Ultimately the spilled oil made it to Lake Conway.

14. The release of the spilled oil caused an extensive and nationally publicized evacuation of people from their homes and other real property on Easter Weekend. The oil contaminated real property and migrated into water sources. The noxious odors and toxic fumes coming from the spilled oil and open pipeline, were inhaled by residents of the Northwoods neighborhood and surrounding neighborhoods and communities in Mayflower, Arkansas. The chemicals in crude oil are particularly harmful to humans. Some of the chemicals are neurotoxins, which means they affect the brain. These chemicals are particularly dangerous to children and their brain development. Toxins from crude oil can be absorbed through the skin and lungs. Dizziness, nausea, blurry vision and headaches are some of the short term effects from exposure to crude oil chemicals. There are also long term effects from crude oil chemicals, such as benzene, which have been tied to leukemia and other cancers.
15. Many in the Mayflower community became sick from the vapors and fumes coming from the oil spill. Residents had to be evacuated from their homes on

Easter Weekend as oil poured into the neighborhood, covering the ground, ruining property and releasing toxic chemicals and fumes into the ground and air.

16. The City of Mayflower was a growing bedroom community of Little Rock, Arkansas with plans for development and increase in property values. The oil spill has damaged the City of Mayflower and negatively impacted the growth, prosperity, and property values of the entire community for the foreseeable future.
17. Even after clean-up efforts, Defendants were unable to capture all of the released toxic crude and bitumen. Estimates indicate that thousands of gallons of released toxic crude oil and bitumen were not recovered and remain in the ground, ground water and community of Mayflower.
18. The oil has reached Lake Conway, a recreational area for all members of the Mayflower community. Benzene, a byproduct of the spilled oil, has been detected in Lake Conway creating a health concern and hazard for all members of the Mayflower community.
19. Further, the oil released is Wasbasca Heavy, which the Canadian governing bodies classify as bitumen. Bitumen can sink to the bottom of waters and will not be captured by boom technology. Such diluted bitumen was spilled in the Kalamazoo River in 2010. Because of its unique properties, tar sands oil had to be cleaned up at every level of the river – the top, the middle and the bottom, where it sunk into the sediment. The clean-up in Kalamazoo

continues today. The Mayflower spill of similar tar sands oil, and its escape into the Lake Conway, will require a similar and lengthy clean-up effort.

20. Carcinogenic chemicals such as benzene and four other volatile organic compounds have been detected in the air near residences around the spill for weeks after the spill.

HISTORY OF THE PEGASUS PIPELINE

21. The ExxonMobil defendants, Defendant Raulston and JOHN DOES 1-6 own, operate, manage, control and maintain the Pegasus Pipeline.
22. The Pegasus Pipeline that runs between Corsicana, Texas and Pakota, Illinois was constructed in 1947 and 1948. The Pegasus Pipeline is a portion of the pipeline system that currently transports tar sands oil from Western Canada into the United States. Until 2006, it was used to transport finished petroleum products from the Texas Gulf Coast to the Midwest.
23. The Pegasus Pipeline is 20 inches in diameter. The wall thickness of the pipeline is 0.312 inches. The Pipeline is an API 5LX-42 pipe and contains both seamless pipe and low frequency electric resistance welded pipe.
24. The Pipeline has the capacity to carry 95,000 barrels of crude oil per day.
25. The Pipeline is buried a shallow 24 inches underground. There are approximately 18 miles between the isolation valves along the pipeline.
26. In 2006, EMPCO reversed the flow of the Pegasus Pipeline system to carry tar sands crude oil from Illinois to Texas. According to PHMSA, "a change in the direction of the flow can affect the hydraulic stress and demands on the pipeline."

27. In 2009, in order to enable the transportation of additional tar sands crude oil from the Midwest to the Gulf Coast, the ExxonMobil Defendants completed an expansion project on the aging Pegasus Pipeline that increased capacity by 50% or approximately 30,000 barrels per day.
28. The reversal of pipeline flow, the increase in capacity, and the pumping of abrasive tar sands crude oil through the pipeline increased the hydraulic and stress demands on the pipeline causing it to weaken. These actions created a further unsafe and unreasonably dangerous condition from which a major pipeline rupture and disaster was inevitable.
29. The ExxonMobil Defendants have a history of failing to timely and appropriately inspect and maintain the Pegasus Pipeline. This pattern of failures has lead to leaks and spills along Pegasus Pipeline and the leaks have continued to occur subsequent to the Mayflower rupture.
30. The ExxonMobil Defendants were aware of the problems with their pipeline and continued to utilize the Pipeline with increased capacity and pressure with knowledge that the pipeline was defective and unsafe to transport tar sands crude oil southward from Canada to the Gulf Coast of Texas.
31. The ExxonMobil Defendants affirmatively concealed from Plaintiffs and others the defects of the Pegasus Pipeline described herein and its unsafe condition.

DEVELOPMENT OF NORTHWOODS SUBDIVISION

32. In 2001, Defendant Harold Satterfield owned the property that is now the Northwoods residential subdivision in Mayflower, Arkansas. Defendant

Satterfield subdivided and developed the property for a residential neighborhood, despite the fact that the Pegasus Oil Pipeline, carrying toxic and dangerous crude oil and chemicals, ran through the subdivided neighborhood a mere two feet underground, and Defendant Satterfield and/or his agents negligently failed to disclose that the Oil Pipeline ran through the proposed subdivision.

33. The subdivided property proposed to be the Northwoods subdivision was surveyed by Defendant Robert D. French. Defendant French negligently failed to plot and show the Pegasus Oil Pipeline on the subdivision survey maps, which were used to review and approve the subdivision plan.

NEGLIGENCE *PER SE* (VIOLATION OF THE ARKANSAS SOLID WASTE MANAGEMENT ACT)

34. The ExxonMobil Defendants were negligent *per se* in that they violated the Arkansas Solid Waste Management Act (Arkansas Code Annotated 8-6-201 et seq.) by discharging oil sands crude oil onto the land of residents of the Northwoods subdivision, and into the creeks and tributaries leading to, and into, Lake Conway.
35. Arkansas Code Annotated 8-6-206 provides for a private right of action for any person adversely affected by violation of this Act.
36. Plaintiffs were adversely affected by the ExxonMobil Defendants' violation of the Act as set forth herein.

STRICT LIABILITY – ULTRAHAZARDOUS ACTIVITY

37. The ExxonMobil Defendants are strictly liable in tort to Plaintiffs, as Defendants were engaged in the business of manufacturing, marketing, distributing and transporting an ultrahazardous substance for profit and engaged in an ultrahazardous activity of transporting tar sands crude oil through an antiquated pipeline in a residential neighborhood. Defendants' engagement with this ultrahazardous product and activity injured and damaged the plaintiffs as set forth herein.

NEGLIGENCE

38. The ExxonMobil Defendants, Defendant Raulston and JOHN DOES 1-26, in their operation and maintenance of the Pegasus Pipeline and the Pipeline easement right-of-way, owed Plaintiffs a duty to exercise due care, to follow all applicable laws and standards, and to prevent and minimize any release of oil, petroleum products, toxic and hazardous substances, odors and/or wastes onto Plaintiffs' property or property near Plaintiffs' property.

39. The ExxonMobil Defendants, Defendant David L. Raulston and JOHN DOES 1-26 failed to exercise due care in their operation and maintenance of the Pegasus Pipeline and the Pipeline easement right-of-way so as to prevent the oil spill and the resulting release of toxic crude oil, petroleum products, hazardous substances, noxious odors, fumes and wastes into the Northwoods subdivision, waterways, storm sewers, and surrounding areas.

40. The ExxonMobil Defendants, Defendant David L. Raulston and JOHN DOES 1-26 failed to exercise due care by failing to properly design, construct,

maintain, inspect and/or monitor their facilities, pipeline, and equipment, including the Pegasus Pipeline and the Pipeline easement right-of-way to ensure that the Pegasus Pipeline could safely transport the tar sands crude oil through the Pegasus Pipeline, thereby causing the Mayflower oil spill and the resulting release of toxic crude oil, petroleum products, hazardous substances, noxious odors, fumes and wastes into the Northwoods subdivision, waterways, storm sewers, and surrounding areas.

41. The ExxonMobil Defendants, Defendant David L. Raulston and JOHN DOES 1-26 knew or should have known that the Pegasus Pipeline was operating under hazardous conditions, not in compliance with Arkansas, Federal and industry standards, thereby causing the Mayflower oil spill and the resulting release of toxic crude oil, petroleum products, hazardous substances, noxious odors, fumes and wastes into the Northwoods subdivision, waterways, storm sewers, and surrounding areas.
42. The Exxon Mobil Defendants were negligent in failing to adjust or change the interval distance between shut off valves given that the aging pipeline, originally designed to carry crude oil, was subjected to increased pressure, a reversal of flow and the carrying of tar sands oil.
43. The ExxonMobil Defendants, Defendant David L. Raulston and JOHN DOES 1-26 were negligent in failing to shut down the ruptured pipeline within the time frame set forth in their “worst case scenario” emergency response plan which states that it would take just nine minutes to shut down the pipeline in the event of a spill.

44. According to the ExxonMobil Defendants' public statements, it took 18 minutes to shut down the spill once a low pressure alarm was received by the ExxonMobil Defendants, Defendant David L. Raulston and JOHN DOES 1-26. That amount of time is double the "worst case scenario" set forth in the Defendants' own emergency response plan. Thus, using the ExxonMobil's Defendants' publicly stated numbers, Defendants' negligence allowed double the amount of oil to spill into the Mayflower community.
45. However, other documents indicate that the ExxonMobil Defendants, Defendant David L. Raulston and JOHN DOES 1-26 were aware of the spill at 1:15 p.m. when there were numerous calls regarding the spill by ExxonMobil employees to the National Response Center. Under this time line, the ExxonMobil Defendants, Defendant David L. Raulston and JOHN DOES 1-26 took ninety-eight minutes to shut down the pipeline once the leak was detected. The Defendants were negligent in failing to shut down the pipeline within the time stated in their own emergency response plan. Their negligence allowed nearly 11 times the amount of oil (thousands of additional gallons of oil) to spill into the Mayflower community than would have spilled if the Defendants had complied with their own emergency response plan.
46. The ExxonMobil Defendants were also negligent in hiring contractors to clean up the Mayflower oil spill.
47. The ExxonMobil Defendants were negligent in selecting and hiring The Center for Toxicology and Environmental Health, L.L.C. (CTEH) to conduct

air, soil and water sampling and monitoring around the Mayflower oil spill. CTEH has been involved in a long line of cases in which it has botched data collection methods and supplied bad data. Congress members Lois Capps and Peter Welch asked BP to get rid of CTEH as a contractor to conduct a public health response to the BP gulf oil spill. The Congressional members stated that CTEH served to promote the corporate interests of CTEH's employers over the protection of public health. With such a history, the data collected by CTEH is unreliable to protect the public health. The ExxonMobil Defendants are negligent in utilizing CTEH in response to the Mayflower oil spill.

48. Defendant CTEH owes a duty to the public to conduct air, ground and water sampling in a manner that will provide reliable results upon which clean-up, restoration, remediation and serious health risk decisions can be made.
49. Defendant CTEH was negligent and breached said duty in the preparation of the sampling and analysis plan for the Mayflower Pipeline Incident in that said plan failed to meet industry standards and protected the interests of its corporate client ExxonMobil over the interests of the public.
50. Defendant CTEH was negligent and breached the aforementioned duty by conducting its sampling and reporting of air, ground and water testing in a manner that did not meet reliable industry standards and in a manner that protected the interests of its corporate client ExxonMobil over the interests of the public.

51. Defendant Harold Satterfield owed a duty of due care to the Plaintiffs and the community of Mayflower when designing and developing his property for a residential neighborhood.
52. Defendant Satterfield breached that duty by subdividing his property and developing the Northwoods subdivision so that an aging crude oil pipeline carrying toxic crude oil and other substances ran through the residential neighborhood creating a serious risk of harm to the residents of the neighborhood and surrounding community of Mayflower, and by failing to disclose that an Oil Pipeline ran through the subdivision.
53. Defendant Satterfield failed to take and design adequate precautions to protect the subdivision he developed from the hazards of the Pegasus Oil Pipeline.
54. Defendant Robert D. French, as a professional land surveyor, had a professional duty to the residents and landowners of Mayflower to locate and plot the Pegasus Oil Pipeline on the Northwoods subdivision surveys.
55. Defendant French breached his professional duty by failing to locate and plot the Pegasus Oil Pipeline on the Northwoods subdivision maps.
56. Defendants' negligence (both named and JOHN DOES) proximately caused injuries to the Plaintiffs as set forth herein.
57. Defendants' negligence combined and concurred to cause the injuries and damages to the Plaintiffs as set forth herein.
58. As proximate result of Defendants' negligence, Plaintiffs have been injured and damaged as set forth herein.

NUISANCE

59. Nuisance is an unreasonable interference or invasion of one's person or real property which interferes with the person's life and use and enjoyment of the real property.
60. Defendants' actions, as aforesaid, proximately caused and created a nuisance to the Plaintiffs in the form of the Mayflower oil spill that interfered with the Plaintiffs' lives and the use and enjoyment of their real property.
61. As a result of the cause and creation of said nuisance, Plaintiffs have been injured and damaged as set forth herein.

TRESPASS

62. The ExxonMobil Defendants', Defendant David L. Raulston's, and JOHN DOES 1-26's intentional acts or omissions resulted in the unreasonable and wrongful release of crude oil, petroleum products, toxic substances, odors and/or wastes onto the physical property and/or air space of the Plaintiffs, without Plaintiffs' permission, constitute a trespass.
63. The ExxonMobil Defendants, Defendant David L. Raulston and JOHN DOES 1-26, through their acts and omissions allowed the crude oil, petroleum products, chemicals, noxious odors and fumes to enter onto the land of the Plaintiffs interfering with their peaceable possession thereof.
64. As a direct and proximate result of said Defendants' trespass, Plaintiffs have suffered damages as set forth herein.

VIOLATION OF ARKANSAS DECEPTIVE TRADE PRACTICES ACT

65. The Exxon Defendants' actions in their use of the Pegasus Pipeline and the transportation of tar sands oil constitutes a violation of the Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 et seq.
66. The Exxon Defendants engaged in a false or deceptive act in operating and using the pipeline, with respect to the residents of and landowners in Mayflower and the surrounding area, and the Plaintiffs, including without limitation, after the spill, the ExxonMobil Defendants told Congressional offices and members of the public that the oil spilled during the incident was not diluted bitumen but rather was conventional crude, though information ExxonMobil Defendants provided to the Environmental Protection Agency indicated otherwise. Also, records indicate that despite ExxonMobil Defendants' public claims to the contrary, contaminants from the spill had reached Lake Conway within the first seven days after the pipeline rupture.
67. In addition, the Exxon Defendants are subject to enhanced penalties under the ADTPA in that many of the residents in Mayflower and the surrounding area are elderly.

DAMAGES

68. As a direct and proximate result of Defendants' wrongful conduct set forth herein, Plaintiffs have been injured and damaged in one or more of the following ways:

- a. Damage to their real property, including without limitation, physical harm to real property,
- b. Damage to personal property,
- c. Economic and business losses,
- d. Diminution in property value,
- e. Lost rental values,
- f. Loss of use and enjoyment of real property,
- g. Out-of-pocket expenses related to the evacuation,
- h. Mental suffering,
- i. Medical expenses,
- j. Physical injuries,
- k. Pain and suffering,
- l. Anxiety and stress from the spill,
- m. Discomfort and annoyance,
- n. Fear of future diseases that may occur due to exposure to the toxic crude oil, petroleum products, chemicals and fumes and vapors emanating therefrom.

69. In addition to the damages outlined in Paragraphs 64 above, the Plaintiffs have been injured and damaged as stated herein:

- a. JAMES ADAMS, SR., and his wife JAMIE ADAMS own their primary residence at 36 North Dogwood Drive, and own rental properties at 29 Dam Road and 31 Dam Road in Mayflower. They have lived in their Dogwood Drive home since 2002, and purchased the Dam Road properties in 2005 and 2002, respectively. The Adamses have made significant investments in the rental properties over the years. As a result of the spill Mr. Adams suffered physical injuries, including sore throat, nausea, burning eyes, nasal congestion accompanied by blood

in his sinus cavity. The Adamsses fear and worry about the impact on their property value. The Adamsses have experienced numerous animal carcasses and oil covered birds in their yard and nearby. They have suffered inconvenience and annoyance accessing the Hwy 365/89 junction from their home, with ExxonMobil contractors parking in the roadway, impeding or blocking traffic.

- b. JIMMY ARGUELLO and TIFFANY ARGUELLO and their children NA, 5, and AA, 1, of 27 North Starlite in the Northwoods Subdivision were damaged in that they were ordered to evacuate their home March 29, 2013. They have not returned to their home due to the toxic environment. The Arguello home is in close proximity to the pipeline rupture. The family has lived in the home since 2007 and intended to remain there. Jimmy and Tiffany Arguello returned briefly to the home on March 31. During that time in the house, they suffered severe headaches of several hours' duration. Tiffany and son AA experienced nausea and vomiting for several hours after the initial exposure on March 29, and Tiffany's exposure over that weekend resulted in ongoing nausea symptoms. Jimmy and Tiffany have suffered anxiety from disruption of their family life and long-term plans. They are concerned and worried about the long-term effects the exposure will have on their two young sons, and their family pet, who has stayed at the home since the pipeline rupture. They have had to live in temporary quarters, changing locations several times because of the unavailability of hotel rooms and extended-stay accommodations and been forced to drive much greater distances for work and school.
- c. ROBERT DREW BARNES and AMY BARNES had resided at 19 North Starlite in the Northwoods subdivision since May 2007, and had closed on the sale of that property on March 29 in the early afternoon. The stress of a "normal" move was multiplied exponentially when Mr. Barnes and three-year-old MB drove into the subdivision and onto North Starlite as oil was actively flowing out of the pipeline and down the street towards them. The fumes were overwhelming, causing nausea and headache in Mr. Barnes. Mr. and Mrs. Barnes suffered from nausea, headaches, and burning sore throat, after each short exposure during their visits to the house during the first week. Sinus irritation and chest congestion after the first exposures continued for several days. Both suffered from sleep disturbance. The stress of the exposure, particularly its unknown impact on his daughter, and coordinating logistics for the move exacerbated Mr. Barnes's anxiety. The family has suffered physical injuries and suffer from the fear and anxiety of future health problems as a result of their exposure. They also have suffered damage to their personal property as a result of the Defendants' actions and inactions.

- d. KIMBERLY BEAVERS lives at 4 Sunbelt Court, in the Vineyard subdivision, less than a mile from the rupture site, and less than 300 yards from the Pegasus pipeline easement. By the time she traveled to her home, she was aware of the pipeline rupture and oil spill. Ms. Beavers arrived at home on March 29, 2013 and upon walking into the house, she was met with the toxic odor she describes as "raw gas." Though she opened the house to let the house ventilate, the toxic fumes and odor remained. Mrs. Beavers experienced chronic headache through the weekend and into the next week. On Monday, Ms. Beavers went to work, and while having lunch with friends, the headache pain intensified, her vision became blurred and she lost her balance. These symptoms caused her severe anxiety and a sense of panic. Her breathing became constricted -- she could not catch her breath. Believing she was experiencing a heart attack, Ms. Beavers reported to her medical unit at work. Her blood pressure had risen. She was transported by ambulance and admitted to the emergency room at Baptist Health Medical Center where she was thoroughly evaluated, treated and then released. She continued to experience high levels of anxiety and elevated blood pressure. Her primary physician reviewed her condition, prescribed medication and indicated she should not return to work for ten days. She remained at home during that time. Mrs. Beavers remains on medication for ongoing anxiety she has because of the unknown long-term impact following her exposure to toxic fumes, and continues to suffer from the effects of exposure to the oil spill. Additionally, she suffers fear and anxiety from worrying about the effects on her daughter, KK, who lives with her and has been exposed as well.
- e. DANNY BELL and PAMELA BELL have resided at 19 Smoke Tree Lane since 2009. Two weeks prior to the pipeline rupture, the Bells put their home on the market through a local realtor. When they attempted to return to the home on the day of the pipeline rupture, the Bells were denied access because of the spill, and were forced to stay in a hotel. However, Mr. Bell is disabled, on medication for pain management, and requires a recliner to keep his knees and feet supported and elevated. On March 29, since he was denied access to his home as a result of the spill, he did not have his medicine with him, and so went without for two days. This caused him pain, stress, and anxiety. The Bells returned to their home on April 1. They both experienced headaches, and Mr. Bell experienced nausea, difficulty sleeping and breathing, and blood in his sinus cavities. They are worried about the long-term effects of their exposure to the toxic and noxious air which remains in the carpet and furniture in the home.
- f. BOB BOYD owns property adjacent to the Northwoods subdivision at its northern boundary, and his property extends across the oil

pipeline easement. His property was directly impacted by the oil spilling out of the ruptured pipeline and he has suffered physical damage to his property as well as significant diminution in value.

- g. JOHN BRITT, his wife ANGELIA and daughter CB (10) live near the spill site, on the shore of Lake Conway. Following the spill, the noxious odor and toxic fumes caused physical injuries, including severe and chronic headaches. Mr. and Mrs. Britt lost time from work, and CB missed 3 days of school as result of their injuries. Mrs. Britt and CB also suffered respiratory and other health problems for which they required medical attention. The Britts suffer from fear and worry about long-term health effects from exposure to the oil spill. In addition, they have been forced to deal with long delays on the thoroughfare near their residence, due to the clean-up activities.
- h. RONNIE BURNETTE and BOBBIE BURNETTE moved to 17 Woodside Drive as their retirement home. The large lot and home constructed for wheelchair convenience was ideal and affordable. The Burnettes were at their home on March 29 and remained there. Since the spill, they have experienced headaches, nausea, severe coughing, and blood in their sinus cavities. These symptoms have aggravated Bobbie Burnette's convalescence from a stroke she experienced two weeks prior to the spill. Also since the spill the Exxon Defendants and their agents have used their property as a staging area for the numerous trucks delivering supplies and personnel during the clean up. These trucks ran continuously, and added even more fumes, noise, and annoyance on top of the spill. The Burnettes have lost a significant part of their ability to enjoy retirement which they worked long and hard to be in a position to do so, only to have it decimated by the Defendants' actions.
- i. CAROLYN CLOUD owns 16.15 acres with her husband, ALBERT DILES at 15 Carroll Road in Mayflower. They purchased the property as a second home for Ms. Cloud's use during her final years of teaching in public school in a nearby district. Since her retirement, they have been improving the residence to prepare it for sale or lease. When they purchased the home in 2007, they did not know that an oil pipeline ran through their property, for approximately 300', through the front yard, approximately a half mile north of the pipeline rupture. Only after 2011 when ExxonMobil posted signs and left information at the property did the owners learn of the pipeline. As a result of the spill, Ms. Cloud and Mr. Diles have been damaged, including a significant loss in the value of their property caused by the spill.
- j. ROSEMARY EPPERSON of 9 Woodside Drive in the Northwoods Subdivision purchased her home in 2004, where she lives with her

two purebred dogs. Ms. Epperson was forced to remain in her home since March 29, because she could not find a local hotel that would accommodate her pets. Prior to the spill Ms. Epperson was a healthy and active 69-year-old. As a result of the spill, and the exposure to same, Ms. Epperson has suffered and continues to suffer chronic, severe headaches and nausea as well blood in her sinus cavity. As a result of her physical injuries, she has required medical care and treatment. Her dogs have developed weeping discharge from eyes. Ms. Epperson purchased her home with plans for retirement. She lives on a fixed income from her life-savings. She has experienced stress and anxiety regarding her future, and is concerned about health in the future as a result of the exposure, in addition to the loss in value to the property. Ms. Epperson's financial stability has been undermined as a result of the Defendants' actions and inactions.

- k. JAMES and DONNA FINTON are retirees, and purchased their home at 20 Shadetree Lane in 2004, not knowing that the oil pipeline ran nearby. They were out of town the time of the spill, and returned home on April 1. They were not ordered to evacuate, nor offered any option to temporarily relocate. They experienced headaches, nausea and loss of appetite in the weeks following the spill. The enjoyment of their property and their peace of mind was disrupted by the chronic, 24-hour activity on the street where they live, the traffic congestion and fumes of the heavy trucks parked outside their home for more than a month: the constant noise was nerve-wracking. As a result of the spill, the Fintons have experienced stress and anxiety regarding their future, and they are concerned about their health in the future as a result of the exposure in addition to the loss in value to the property.
- l. KENNETH FOWLER and KAREN FOWLER live at 47 Ledrick Circle with Karen's father ALONZO PATE. The family had been planning to put the house on the market in 2013 and had been in discussions with a local realtor prior to the spill. The value of the property has been damaged as a result of the Defendants' actions and inactions.
- m. PHILLIP GILBREATH has lived much of his life in the lands fronting Main Street in Mayflower. He owns the property at 83 North Main Street, where he has built his home. The pipeline rupture has diminished his property value now and in the long term. Mr. Gilbreath runs an excavation business from his property. The traffic congestion and clean-up activities following the spill damaged his ability to work and make a living. In addition, upon information and belief, members of ExxonMobil's crew harassed Mr. Gilbreath, and later contacted law enforcement to detain and arrest Mr. Gilbreath while he was walking in the railroad right-of way to conduct personal

business at Mayflower City Hall, and had stopped to observe clean-up activities.

- n. TERRY GILBREATH and CARLA GILBREATH own 3.43 acres of property on North Main in Mayflower, Faulkner County Parcel 760-01110-006. Their property has been for sale by owner for more than a year, and they received inquiries on a regular basis, until the pipeline ruptured. Their intention was to use the proceeds of the land sale for the benefit of their son. Because the local market was improving due to the presence of subdivisions such as Northwoods and other new construction and commercial development, the Gilbreaths were anticipating a reasonable price on the sale. The damage to the property and area as a result of the risk and hazard of the oil pipeline directly impacted the value of their property.
- o. DUSTIN GORDON lives with his wife Jennifer, daughter MG, 2½, and stepdaughter BM, 9½, in the Vineyard subdivision southeast of the spill site. Jennifer works at the local elementary school BM attends, and MG goes to the day care near the school. These schools are located in close proximity to the spill site. During the first week in April, Jennifer, MG and BM experienced severe, chronic headaches and nausea for several days, and MG severe nausea developed into vomiting. Mr. Gordon later developed nausea, diarrhea, and vomiting for several days and missed time from work due to his injuries. The Gordons and their children suffered physical injuries as a result of the exposure to the spill, and suffered damage to their property and its value as a result of the Defendants' actions and inactions.
- p. JOHN HAMMONS and JACKIE HAMMONS live at 30 Breva Circle in Mayflower, with their two small children who are 4 and 6 and attend school in Mayflower. Mrs. Hammons was 7 months pregnant at the time of the spill. They live with property owner Plaintiff CATHERINE JARRETT. On March 31, Mrs. Hammons experienced severe nausea and vomiting, and developed difficulty breathing. The Hammons left the residence for five days. The Hammons and their children have suffered physical injuries and suffer from the fear and anxiety of future health problems as a result of their exposure as a result of the Defendants' actions and inactions.
- q. SHANE HARRISON and LISA HARRISON with their 17-year-old son LH reside at 30 Norwood Drive in Mayflower with their four dogs. The Harrisons also own 2 rental properties and 2 lots nearby. Prior to the spill, the Harrisons had been making renovations and repairs to their properties in anticipation of the sale of the properties following their son's graduation in 2014. The family suffered from daily headaches in the weeks following the spill. LH was employed at the local Subway

restaurant at the time of the spill, which is located near the creek where the oil runoff was carried; the odor and fumes were particularly intense in the days following the spill. The Harrisons have suffered physical injuries and suffer from the fear and anxiety of future health problems as a result of their exposure as a result of the Defendants' actions and inactions. They also have suffered damage to their property and the value of the improvements made therein as a result of the Defendants' actions and inactions.

- r. A. WAYNE and CATHY A. HOLCOMB live at 12 Shade Tree Lane, in the Northwoods Subdivision, 200' from the rupture. Their lives have been disrupted and damaged by the spill and its effects on the air, water and soil in the neighborhood, as well as the constant noise, traffic, activities, and vehicular congestion in the subdivision due to the spill and clean up. They suffer from fear and anxiety about the future health effects to themselves and pets from exposure to the toxic elements in the oil and they have suffered damages to their property and its value as a result of the Defendant's actions and inactions.
- s. ANTONIO JAMISON and TYNISHA JAMISON live in the Vineyard subdivision at 12 Reliance Drive with their daughter TJ, 5. On the afternoon of March 29, Mr. Jamison and his daughter were traveling home from a dentist appointment. As they neared home, TJ's nose began bleeding inexplicably. Later, she vomited. The fumes and odor of the oil made them physically ill. Mr. Jamison developed a headache, as did TJ. Mrs. Jamison took her daughter to stay with relatives overnight, and then returned to the home. Headache, nausea, and intermittent nose bleeds continued for TJ through April. Mr. and Mrs. Jamison had chronic headaches. The Jamisons have suffered physical injuries and suffer from the fear and anxiety of future health problems as a result of their exposure as a result of the Defendants' actions and inactions.
- t. CATHERINE JARRETT resides at 30 Breva Circle. On March 31, Ms. Jarrett experienced nausea and dry heaves, and severe exacerbation of her COPD, for which she sought treatment. The presence of fumes in the house prohibits her from using her oxygen equipment, which recirculates the air. Ms. Jarrett has suffered physical injuries and suffers from the fear and anxiety of future health problems as a result of her exposure as a result of the Defendants' actions and inactions.
- u. DARREN KEENER and BEVERLY KEENER live at 3 Smoketree Lane. Theirs is the first home built in the Northwoods Subdivision. They purchased it in 2004. The Keeners had been renovating the property and making home improvements with the intention of putting the property on the market in the future. On the day of the spill, the

Keeners left their home in the afternoon, but returned during the night. During the week after the spill, they suffered severe and chronic headaches. By April 6, Mrs. Keener's asthma symptoms had become severe enough that she was forced to leave. The Keeners have suffered physical injuries and suffer from the fear of future health problems as a result of their exposure. They also have suffered damage to their property and the value of the improvements made therein as a result of the Defendants' actions and inactions.

- v. CHRISTOPHER and REGAN KIRTLEY live in the Vineyard subdivision near the site of the spill. Mrs. Kirtley's daughter, CG, 15, also lives in the home. The noxious odors and toxic fumes caused severe chronic headaches, particularly for Mrs. Kirtley and CG following the spill. These headaches dissipated when the family left the home on April 5 for several days. On April 9, when the family returned home the headaches returned. The Kirtleys and their daughter have suffered physical injuries and suffer from the fear and anxiety of future health problems as a result of their exposure, and have suffered damages to their property and its value as a result of the Defendants' actions and inactions.
- w. CHARLES LOKEY and EVELYN LOKEY live at 34 Norwood in Mayflower with their 17-year-old daughter, SL, who has a history of asthma. The family was unable to find hotel rooms in Conway or Maumelle, and commuting from Little Rock was impractical, so they remained at the home. In the weeks following the spill, SL experienced asthmatic symptoms on a daily basis, triggered by the oil fumes and odor. She used her asthma inhalers on a much more frequent basis than she had usually needed. While traveling from her home to the local high school, SL would hold her breath at particular points when the fumes were strong, but with the traffic congestion due to the clean-up, this strategy proved impractical and she would develop asthma symptoms and resort to her inhaler. There were several days where the weather exacerbated the odor, making breathing outside of the home even more difficult for each of them. During this time, the air conditioning motor failed and had to be replaced. Since windows could not be opened because of the fumes, the inconvenience and discomfort was compounded by the spill. The family experienced chronic, severe headaches from the odor. Exxon contractors have parked on the Lokey property. Prior to the spill, Mr. and Mrs. Lokey had been planning to sell their house following SL's graduation in 2014, and expected to have it appraised this spring. After the spill, realtors have told the Lokeys it may be as much as 3-4 years before the market will be interested in the area, and others have declined to even discuss listing the house at this time. The Lokeys and their daughter have suffered physical injuries and suffer from the fear and

anxiety of future health problems as a result of their exposure, and have suffered damages to their property and its value as a result of the Defendants' actions and inactions.

- x. Plaintiffs LARRY and MELANIE MITCHELL purchased their home in 2006. They reside at 43 Ledrick Circle with granddaughter LM, 6, and Mrs. Mitchell's brother, Plaintiff MITCHELL GREER. Since the date of the oil spill, the Mitchells and Mr. Greer have experienced nausea, headache, sore, burning throat, rashes, and respiratory symptoms that include difficulty breathing. They have suffered physical injuries and required medical treatment as a result of these injuries. Because of the poor drainage in their subdivision, the oil remains in the area and in the groundwater which adds to Mr. Greer's and the Mitchells' concerns and anxiety about not only the future health effects on them, but they have also suffered damage to their real property and its value as a result of the Defendants' actions and inactions.
- y. KYLE MOORE and SARAH MOORE purchased their home in the Vineyard subdivision in 2009. The Moores have suffered damage to the value of their real property as a result of the Defendants' actions and inactions
- z. CHARLES and PATRICA PRITCHETT live at 11 Fredrick Drive with Plaintiff ZELDA JANE SHADELL, Mr. Pritchett's mother who is convalescing in her son's home. Mrs. Pritchett is disabled and retired, Mr. Pritchett is retired from the military; they had planned to downsize their home. Mr. Pritchett was returning home on March 29 from Conway when he drove past the spill site. The noxious odor and toxic fumes were overpowering. He experienced headache, nausea, chronic severe, persistent, cough and shortness of breath. Since then, he has chronic wheezing and diarrhea. Because of the chronic noxious odor in the air, Mrs. Pritchett has lost her sense of taste. Their dog, had roamed free prior to the spill. In the days following the spill, he brought oil-stained carcasses to their home; he had oily paws which were brought inside the house, and now has a chronic wheeze. Their fixed income has limited their ability to seek medical care, despite the need for same. Mrs. Pritchett observed cloudiness in their tap water in mid-April, which she reported to the City of Mayflower water department. The water department flushed their water lines; however, the Pritchetts now purchase bottled water for consumption and cooking because of their concerns regarding the safety of the water. They have observed an oily film on the standing water in lawns of their subdivision, and black stains on the lawn after periods of rain and standing water. The Pritchetts have suffered, and continue to suffer physical injuries as well as the fear and anxiety of future health problems as a result of the spill, and have suffered damage to their

property and value of same as a result of the Defendants' actions and inactions.

- aa. JARED RANEY and SARAH RANEY reside in Mayflower with their seven-year-old son SLR, who is a student at the local elementary school. SLR attended school through the end of the school year and Mrs. Raney volunteered during school events. They suffered from headaches, and SLR's asthma was exacerbated by the exposure to the fumes. SLR is no longer able to participate in league baseball and other summer activities because the fumes continue to linger in the baseball and recreational fields near the school. They suffered physical injuries, and Mr. and Mrs. Raney continue to suffer from the fear and anxiety of future health problems for their son as a result of the Defendants' actions and inactions.
- bb. JAMES ROBINSON and SARA ROBINSON of 20 Woodside Drive in the Northwoods subdivision purchased their home in 2006. Mr. Robinson is retired from military service following tours of duty with both the United States Marine Corp, and the United States Army. The Robinsons have three children: JAR (9); LCR (6); and OBR (4). On the afternoon of the spill, Mrs. Robinson left the home to pick up her sons from school. When they reached the entrance of the subdivision, they were not allowed to enter or go to their home. The windows of the house had been left open which allowed the fumes and toxic air to enter their home. Their pet had been left outside. The Robinsons were forced to stay away from home, returning only for brief moments at a time to pick up their dog and a few belongings. Following these exposures, Mr. and Mrs. Robinson experienced severe headaches, dizziness and nausea. On March 31, 2013, the Robinsons met with people from the Arkansas Department of Environmental Quality and a representative from The Center for Toxicology & Environmental Health LLC (CTEH) and were told that the air quality was safe in the house. The Robinsons, in reliance on those representations, brought their children home on April 1. However, they were forced to leave on April 4 because of the physical injuries that persisted from the initial exposure and intensified after attempting to move back in their house. These injuries and symptoms were particularly hard on the children. Family members required medical treatment on several occasions to treat symptoms related to exposure. JAR has asthma which is controlled by medication. He was symptom free for several months prior to the oil spill. Following the spill, he experienced watery eyes, sneezing, congestion, and bronchial spasms. He developed severe asthma symptoms and pneumonia, and required treatment on multiple occasions. LCR required treatment for persistent and severe coughing. OBR developed bronchitis and required medical treatment as well. Mrs. Robinson developed a severe cough and lost her voice

for several days after being in the house for a few hours doing laundry on April 7. She missed work as a result of the exposure. James Robinson, also asthmatic, developed bronchitis and required medical care. Although the family has returned home, they continue to suffer from the effects of the exposure, and the fear of future health issues for themselves and their young children. The Robinsons also have suffered damage to their property as a result of the Defendants' actions and inactions.

- cc. SANDRA SILARSKI is a disabled veteran who has lived in Ledrick subdivision since 1998. She has service-connected disabilities in sinus and lungs which have been exacerbated by her exposure to the fumes. On the afternoon of March 29, Ms. Silarski opened her door to let her dogs outside and was overcome by a wave of foul, tar-smelling odor. She developed chronic headaches, nausea, vomiting and diarrhea. Her sinuses became inflamed and congested, and there has been blood in her nasal cavities. Because she has not been able to get transport to medical treatment she has been self-medicating at home. She also has post-traumatic stress disorder, which was activated by a low-flying helicopter in the days following the spill, which shook the windows in her house. Her dogs have developed chronic coughs and weeping discharge from eyes. In addition to her physical symptoms, Ms. Silarski's property has been impacted by an oily residue on her grass after each rain. Ms. Silarski continues to suffer from the effects of the exposure, and the fear of future health issues. She also has suffered damage to her property as a result of the Defendants' actions and inactions.
- dd. WANDA SPOON resides at 40 Ledrick Circle. Ms. Spoon suffers from the effects of the exposure to the fumes, and the fear of future health issues. She also has suffered damage to the value of her property as a result of the Defendants' actions and inactions.
- ee. MARK STIGALL and KIM STIGALL live at 1 Fredrick Dr. Mrs. Stigall suffered chronic headaches from the oil fumes in the days following the rupture. They had intended to leave their home to their children, and expected that they would be able to leave the full value of the equity to their estate. They have suffered damage to the value of their property as a result of the Defendants' actions and inactions.
- ff. MARY TILLMAN has lived at 29 Ledrick Drive in Mayflower since 2005. In the fall of 2012 she had discussed with a realtor putting her home on the market and was waiting for springtime to list her home. Instead, as a result of the spill, her opportunity to sell was destroyed. The fumes and odor from the spill the oil stench has interfered with the enjoyment of her property, and the oil clean up and remediation

has brought severe traffic congestion to the area. She has suffered additional damages to her real property as a result of the Defendants' actions and inactions.

gg. NATHAN DAVID WEBB and JULIE KAY WEBB live at 28 Shadetree Lane in the Northwoods Subdivision, with their two children. The family suffers from the effects of the exposure to the fumes, and the fear of future health issues. They also have suffered damage to the value of their property as a result of the Defendants' actions and inactions.

hh. MARIANNE WYCKOFF lives on Brevia Circle where she owns five pieces of property. The week before the pipeline ruptured, she had sold one of these lots, but on Saturday morning she made the decision to return the earnest money. She has suffered chronic, excruciating headaches, and a deep burning in her nose and throat. She lost three days of work in the week following the spill. Ms. Wyckoff suffers from the effects of the exposure to the fumes, and the fear of future health issues. She also has suffered damage to her property as a result of the Defendants' actions and inactions.

PUNITIVE DAMAGES

70. Plaintiffs are entitled to punitive damages for Defendants' conduct that occurred under circumstances where their conduct would naturally and probably result in injury or damages to the Plaintiffs, and Defendants undertook or allowed such acts or omissions to be committed with malice and/or in reckless disregard of the consequences to Plaintiffs.

JURY DEMAND

71. Plaintiffs demand a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court grant the following relief to which they are entitled:

- a. Award Plaintiffs compensatory damages as set forth above;
- b. Award Plaintiffs punitive damages;

- c. Injunctive relief enjoining the ExxonMobil Defendants from pumping crude oil sands through the Pegasus Pipeline in the City of Mayflower;
- d. Award Plaintiffs their costs and expenses;
- e. Award Plaintiffs their Attorneys' fees; and
- f. Award such other and further relief which the Court deems just and appropriate.

Respectfully Submitted,



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AFFIDAVIT

Comes now the undersigned and solemnly swears that the following facts and information are true and correct to the best of my knowledge and belief:

1. I am the attorney for Plaintiffs in the attached pleading
2. Neither I nor my clients know the identities of the fictitious defendants set forth in the pleading.
3. Upon determining the identity of the unknown parties responsible for the injuries and damages sustained by the plaintiffs I will timely amend the complaint to specifically designate the names of the unknown parties.
4. This affidavit is filed in accordance with Ark. Code. Ann. § 16 - 56 - 125.

Shawn Daniels

Verification

State of Arkansas)
)§
County of Pulaski)

I, Shawn B. Daniels state upon oath that the facts and allegations contained in the foregoing Affidavit are true and correct to the best of my knowledge, information and belief.

Shawn Daniels

Subscribed and sworn before me this 28th day of May, 2013.

William J. Childers
NOTARY PUBLIC

