

H. C. DREW ESTATE, represented by its
Trustees, Louie D. Barbe, III and C. W.
Shaddock

Plaintiff,

Vs. **No. 2019-4925 “F”**

NEUMIN PRODUCTION COMPANY
and
STOKES & SPIEHLER, INC.
Defendants

14TH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

PARISH OF CALCASIEU

Filed: _____

Deputy Clerk

FIRST SUPPLEMENTAL AND AMENDED PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes Plaintiff, H. C. DREW ESTATE, a Louisiana non-profit corporation qualified under 26 U.S.C. §501(c) (4) and represented by its Trustees, C. Wade Shaddock, Jr. and Louie D. Barbe, III, which amends its petition in this case as follows:

I.

The plaintiff wishes to add the following paragraphs to read as follows:

24A).

At all material times, from the inception of the Defendants' acquisition of their interests and through the present day, the acts and omissions of each Defendant has caused both environmental damage as defined in LA. R.S. 30:29(I) as well as other damage to the Property and the interests of the Plaintiff. This is more particularly described in the following paragraphs.

24(B).

The negligent, imprudent, and otherwise tortious acts and omissions of the Defendants, individually and collectively, that caused damage to the Property of Plaintiff include, but are not limited to: improper drilling, cementing, and plugging and operations on Plaintiffs' property; failure to maintain equipment; failure to remove flowlines and other equipment that were no longer necessary; sudden and accidental (as well as other) releases, migrations, spills, and leaks, all of which occurred during the Defendants' tenure and operations on the property and beyond; and other acts and omissions that will be more fully shown at the trial of this matter.

24(C).

The Defendants are liable to the Plaintiff for their own acts and omissions as well as the acts and omissions of others in the lease chain. LA. R.S. 31:129.

24(D).

The damages to the Property of Plaintiff caused by the Defendants' acts and omissions include, but are not limited to: stigma damages; alteration of and to the physical surface attributes of the property that have rendered it unusable for any purpose other than oil and gas exploration and production; alteration of and to the subsurface physical attributes of the property causing underground property damage; damage to underground resources belonging to the Plaintiff; damage to oil, gas, water, and other mineral substances beneath the surface of the Plaintiff's property; and damage to the wells, holes, strata, formations and/or areas through which the Defendants' activities were conducted.

24(E).

The Defendants' operations also caused underground damage, not only to property upon which the Defendants' operations were conducted, but to the subsurface beneath property where operations were not performed but which have been damaged because of off lease migration. This damage also includes other processes and includes damage to neighboring leasehold property, neighboring minerals, neighboring formations, and other surface and subsurface/underground property.

24(F).

In addition to property damage, the Plaintiff have individually suffered personal damages, including fear, anxiety, and concern over the long term effect that the condition of their property will have on them and on third parties.

II.

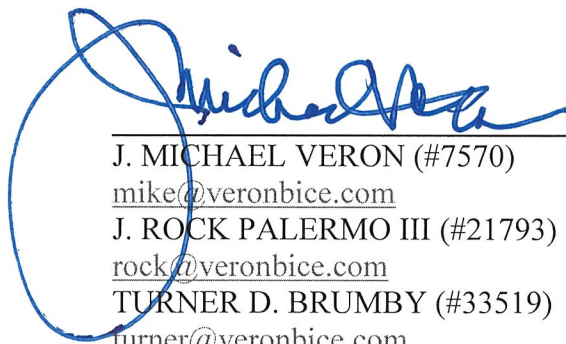
The filing of this First Supplemental and Amending Petition will not retard or delay the progress of this lawsuit.

III.

Plaintiff re-avers and re-alleges all allegations of fact in its original petition as if pled herein in extenso.

ACCORDINGLY, the plaintiff asks that:

- I. The defendants be duly cited and served with process and be made to respond thereto in the manner and form required by law;
- II. After due proceedings, there be judgment herein in favor of the plaintiff and against all defendants, *in solido*, for any and all compensatory and exemplary damages allowed by law, including, but not limited to, the amount of money necessary to restore the plaintiff's property to its original condition;
- III. After further proceedings under Act 312 of 2006, there be judgment herein in favor of the plaintiff and against all defendants, *in solido*, for any and all damages necessary to restore the soil and groundwater contaminated by the defendants, whether on or off premises, to the proper regulatory standards and awarding the plaintiff any and all attorneys' fees and expenses to which they may be entitled;
- IV. The plaintiff be granted any additional relief that the law or equity warrant, and this Court is competent to grant.



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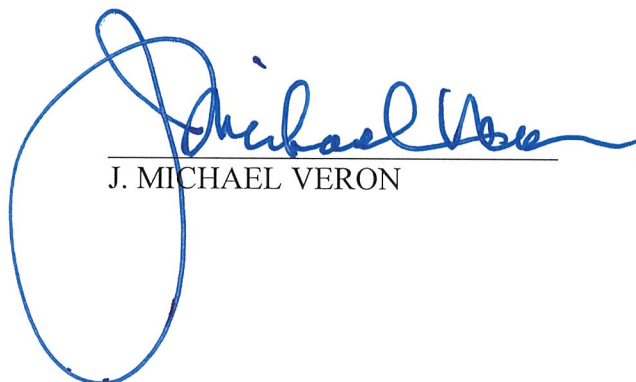
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, pursuant to article 1313 of the Louisiana Code of Civil Procedure, I have served a true and correct copy of the foregoing pleading upon all counsel of record on this 16th day of December, 2019.

_____ By facsimile transmission

_____ By deposit in the United States Mail

 x By electronic mail transmission



J. MICHAEL VERON