

FOR IMMEDIATE RELEASE:
Tuesday, April 4, 2017

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Landmark Oklahoma Earthquake Lawsuit Dismissed

Judge's Decision Does Not Change the Fact that Wastewater-Injection Caused Earthquakes Persist

Oklahoma City, OK -- Today, the Western Oklahoma District Court announced, after the Oklahoma Corporation Commission (OCC), the state agency tasked with regulating oil and gas operations, took several steps towards tackling the earthquake epidemic, that it planned to dismiss without prejudice a landmark lawsuit against three of the largest fossil fuel companies in Oklahoma. The week after the notice of intent to sue was filed, the OCC announced a volume reduction plan for several dozen disposal wells in western Oklahoma. On the day Sierra Club filed its lawsuit, the OCC announced a regional plan requiring a 40% reduction in the volume of injections at 245 wells in western Oklahoma.

In 2014, seismologists reported more than 5,000 earthquakes in Oklahoma. In 2015, the state experienced 907 quakes of magnitude 3.0 or greater. While the total number of earthquakes decreased in 2016, the seismicity increased, crescendoing with the state's largest earthquake ever in September that registered at a 5.8 magnitude.

The lawsuit alleged that wastewater injections, a part of the oil and gas extraction process, have contributed to the ongoing earthquake epidemic striking the state.

"Despite Governor Fallin and the OCC's initial actions made after we filed our suit, more must be done. Last year we had a record number of large quakes threatening Oklahomans, our homes, and our communities," **said Johnson Bridgwater, Director of Sierra Club Oklahoma.** "The bottom line is that the only way to truly protect Oklahomans is with a moratorium for the earthquake-prone area, not a series of reduction orders."

The suit, brought by Public Justice and Weitz & Luxenberg on behalf of the Sierra Club, demanded that New Dominion, Chesapeake Operating, Devon Energy, and Sandridge Exploration take immediate steps to "reduce, immediately and substantially, the amounts of production waste they are injecting into the ground."

"Today's decision does not end the state's responsibility to protect the safety and well-being of Oklahomans," **said Public Justice Executive Director Paul Bland.** "The state allowed the oil and gas industry to operate unchecked in the past and the result was more powerful and more frequent earthquakes. If those patterns return, so will our commitment to holding those responsible for the damage and destruction accountable in the courts. If the oil and gas industry wreaks future havoc on the people and property of Oklahoma and the state backtracks on its obligations to them, we will once again step in."

In addition to requesting a substantial reduction in production waste, the suit sought an order requiring the companies to reinforce vulnerable structures, which could be impacted by large

magnitude earthquakes. It also asks the court to require the establishment of an independent earthquake monitoring and prediction center.

“While we are disappointed in the court’s decision, we are pleased this case has forced the state agencies to take some measures to protect Oklahomans from oil and gas industry activity that is wreaking havoc on the lives and properties of the community,” **said Robin Greenwald, head of Weitz & Luxenberg’s Environmental and Consumer Protection Unit.** “This case was one of many actions that we have taken against oil and gas companies that continue to put lives and livelihoods in jeopardy, and we will continue in our efforts to hold them accountable for the damage they have caused and continue to cause to the people of Oklahoma.”

The judge’s ruling to dismiss the case without prejudice provides the opportunity for the suit to be refiled in the event that the conditions continue to worsen in Oklahoma. The Sierra Club’s lawsuit only sought injunctive relief to prevent ongoing and future harm from earthquakes, not damages for past harm.

Weitz & Luxenberg has filed several other lawsuits in Oklahoma courts against oil and gas companies for property damage and personal injury caused by earthquakes linked to deep well injections. This legal action, which is not impacted by today’s ruling, includes a suit on behalf of the Pawnee Nation, which sustained severe property damage as a result of a 5.8-magnitude earthquake that struck nine miles from the center of the Pawnee Nation in north-central Oklahoma.

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About the Sierra Club

The Sierra Club is America’s largest and most influential grassroots environmental organization, with more than 2.7 million members and supporters nationwide. In addition to creating opportunities for people of all ages, levels and locations to have meaningful outdoor experiences, the Sierra Club works to safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and litigation. For more information, visit <http://www.sierraclub.org>.