



A recent article in The Wall Street Journal discussed an emerging litigation trend that energy companies may face: liability from earthquakes linked to fracking operations.

Two separate lawsuits have been filed against the same two energy companies in Oklahoma alleging damages that arose from earthquakes in 2011 allegedly linked to the injection of wastewater from fracking operations. The homeowners allege that three earthquakes, each with a magnitude at or above 5.0, occurred in early November 2011. These homeowners claim that the earthquakes caused property damage and personal injuries.

In one lawsuit, an Oklahoma homeowner claims absolute liability and negligence against these two energy companies, and is seeking more than \$75,000 in damages. In October 2014, the Oklahoma judge presiding over this case ruled that the court did not have jurisdiction. The homeowner has appealed this decision. Now, the Oklahoma Supreme Court will issue a ruling on whether the case can be heard in the district court or whether it must first be heard by state regulators.

Meanwhile, pending this appellate decision, in February 2015, another homeowner filed a class action complaint against the same two energy companies for damages linked to the same 2011 earthquakes. The homeowner in this lawsuit, which seeks class action status, alleges more than \$100,000 in property-related damages resulting from the following claims:

- Private nuisance
- Absolute liability
- Negligence
- Trespass

As fracking operations continue throughout the United States, energy companies should be aware of this emerging litigation trend.



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