

NO. 29969

LINDA MILANOVICH,

Plaintiff

v.

CHESAPEAKE OPERATING, L.L.C.
and CHESAPEAKE ENERGY
CORPORATION

Defendants

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IN THE DISTRICT COURT OF

BURLESON COUNTY, TEXAS

335TH
JUDICIAL DISTRICT

**PLAINTIFF'S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND
TEMPORARY INJUNCTION**

Plaintiff, Linda Milanovich, files this Application for Temporary Restraining Order and Temporary Injunction against Chesapeake Operating, L.L.C. and Chesapeake Energy Corporation ("Defendants"), and in support would show the following:

**I.
PARTIES**

1. Plaintiff, Linda Milanovich, is a resident of Morris County, Texas.
2. Defendant, Chesapeake Operating, L.L.C., is a foreign limited liability company headquartered located in Oklahoma City, Oklahoma, registered to do business in Texas, and conducting a substantial amount of business in Texas on a continuing and systematic basis. Defendant Chesapeake Operating, L.L.C. may be served with process through its registered agent, C T Corporation System, at 1999 Bryan St. Ste. 900, Dallas, Texas 75201-3136, or wherever Defendant and/or its registered agent may be found.
3. Defendant, Chesapeake Energy Corporation, is a foreign corporation conducting a substantial amount of business in Texas on a continuing and systematic basis. This Defendant may be served with process through its registered agent, C T Corporation System, at 1999 Bryan St.

Ste. 900, Dallas, Texas 75201-3136, or wherever Defendant and/or its registered agent may be found.

II.
VENUE AND JURISDICTION

4. This Court has jurisdiction of the subject matter of this action and the amount in controversy is above its minimum jurisdictional limits.

5. Venue is proper in Burleson County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002(a)(1) because all or a substantial part of the events or omissions giving rise to the claim occurred in Burleson County.

III.
NATURE OF ACTION

6. On January 29, 2020, an oil well blowout, explosion, and subsequent fire occurred at a well owned, operated, and/or managed by Chesapeake Operating, L.L.C and/or Chesapeake Energy Corporation located in the 5200 block of County Road 127 in Burleson County, Texas, near Deansville, Texas. As a result of the blowout, explosion, and subsequent fire, Plaintiff's son, Windell Beddingfield, sustained serious injuries and tragically died as a result of those injuries.

IV.
PRESERVATION OF EVIDENCE

7. Plaintiff hereby requests and demands that Defendants and their agents, attorneys, and insurers preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this action, or the damages resulting therefrom, including but not limited to photographs, videotapes, audiotapes, recordings, correspondence, memoranda, files, facsimiles, email, voice mail, text messages, or cellular telephone records. Failure to maintain such items will constitute "spoliation" of the evidence and may subject Defendants to sanctions.

V.
APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND INJUNCTIVE RELIEF

8. Based on reasonable information and belief, Plaintiff asserts the Defendants may change, alter, destroy, or modify the evidence related to this blowout, explosion, and fire, including, but not limited to, wellhead upgrade equipment, components, or tools, the drilling rig, and the blowout preventer, unless this Court enters a Temporary Restraining Order, restraining Defendants from changing, altering, destroying, or modifying any physical evidence, as the evidence constitutes tangible, relevant evidence materially related to the incident complained of having resulted in severe injuries and death of Plaintiff's son. In order for Plaintiff to properly investigate and pursue her claim, and recover damages and see that justice is done, this Court should restrain Defendants, its agents, servants, employees, contractors, contract employees, attorneys, affiliates, and those acting in concert with or in representation of said Defendants from changing altering, destroying, or modifying any evidence related to the explosion.

9. If Defendants are permitted to change, alter, destroy, or modify any evidence related to the blowout, explosion, and subsequent fire, Plaintiff will lose the opportunity to inspect the evidence, and will be unable to prosecute her claim, and, as a result, Plaintiff will be deprived of adequate remedies at law.

10. There is no adequate remedy at law available to Plaintiff to prevent the Defendants from changing, altering, modifying, or destroying evidence, unless the Court grants immediate relief restraining such conduct. Plaintiff prays that this Court enter a Temporary Restraining Order preserving the status quo by restraining Defendants from in any way changing, altering, destroying, or modifying the evidence related to the blowout, explosion, and subsequent fire, including, but not limited to, wellhead upgrade equipment, components, or tools, the drilling rig,

and the blowout preventer, as well as moving, removing, or altering any and all tangible evidence at the well site in question. Plaintiff also seeks an order preserving:

- Any and all photographs and videotapes of the scene of the incident, parties involved, and/or equipment involved in the incident.
- Any and all stickers, safety slogans, warning, etc. attached to or placed on any equipment involved in the incident;
- Any and all documents or communications regarding the scene of the incident, parties, and/or equipment involved in the incident;
- Any and all documents or records relating to the incident, including but not limited to OSHA records;
- Any and all emails, electronic data, documents, statements, diaries, calendar entries, memos, incident reports, call slips or telephone messages, text messages, facsimiles, voicemail messages and correspondence related to the incident; and
- Any and all maintenance logs, maintenance and repair records, inspection reports, annual inspection reports, operating manuals, actual audiotape recording or any transcript of any recorded statements, and mobile, radio, and dispatch records related to the incident.

11. The foregoing tangible and physical evidence is relevant and reasonably necessary to determine the cause of the incident made the basis of this suit, the loss of which would irreparably harm Plaintiff.

VI. **REQUEST FOR HEARING ON TEMPORARY RESTRAINING ORDER**

12. Plaintiff further prays for this Court to set a hearing on Plaintiff's Application for Temporary Restraining Order and subsequent injunctive relief in this matter.

VII. **REQUEST FOR INSPECTION**

13. Plaintiff also prays that this Court issue an Order permitting the Plaintiff's attorneys and investigative staff, including, but limited to, consulting experts, to have access to the incident scene and operating unit where the explosion occurred to inspect, photographs, and film the scene.

Such access for the purpose of inspection, photographing, and filming is essential in order for the Plaintiff to prepare her cause and to see that justice is done.

VIII.
PRAYER

For these reasons, Plaintiff prays that the Court grant the motion for Temporary Retraining order and Temporary Injunction.

Respectfully submitted,



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