

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

LLOYD MICHAEL HAMILTON,  
Plaintiff,

v.

CONOCOPHILLIPS CO. AND  
BURLINGTON RESOURCES OIL  
& GAS CO. LP,  
Defendants.

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CIVIL ACTION NO. 6:22-cv-00001

**PLAINTIFF’S ORIGINAL COMPLAINT**

**Nature of the Case**

1. Plaintiff, Mr. Lloyd Hamilton, brings this action under the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, seeking to protect an endangered cat, the jaguarundi, on his ranch near Cuero, DeWitt County, Texas.



2.

<sup>1</sup> Exemplar for illustration purposes.

3. The Gulf Coast Jaguarundi is an endangered wild cat, which was placed on the Endangered Species List in 1975 as part of a listing of 216 species and is considered endangered wherever it is found in Texas.<sup>2</sup> 40 FR 44392, 44333.

4. This action is of major significance in the conservation community as the jaguarundi had been thought by some to be extinct in the United States since the 1980's. The importance of the presence of this extremely rare cat in the United States is a major moment for conservationists responsible for our state and nation's most threatened wildlife.

5. In short, Defendants intend to use a drill pad of six to twelve acres in size, an access road bulldozed through "ideal habitat," and construct a pipeline and a power line corridor, on Plaintiff's land. Further, they intend to drill six to twelve oil and gas wells, then use high pressure equipment to "frac" the wells, build production facilities including a several mile long pipeline and possibly a compressor station to pressurize the natural gas in order to put it into a pipeline proposed to be built.

6. Plaintiff believes Defendants will seek in the future to bulldoze more pads in other areas of "suitable habitat"<sup>3</sup> elsewhere on the ranch in an area known as the "Deer Pasture."

7. ***Plaintiff does not seek to stop Defendants from drilling and producing oil and gas or related reasonable and necessary activity, that is neither the goal nor purpose of this case. The issue is the location of the proposed activities, the habitat modified or destroyed and disturbance to the jaguarundis from the sound, light, and activity associated with the construction of pads, pipelines, power lines, tanks, drilling, fracking, trucking, construction, and maintaining wells in and near an area known as the "Deer Pasture."***

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<sup>2</sup> <https://ecos.fws.gov/ecp0/profile/speciesProfile?sPCODE=A05H>

<sup>3</sup> ESA terminology for habitat important to the endangered animal.

8. Plaintiff brings this action seeking a permanent injunction to protect the areas in which jaguarundi have been seen repeatedly as reported by at least ten witnesses.

9. Defendants previously drilled wells in the Deer Pasture on the southern boundary, drilling in a direction from south to north to drain oil and gas under the Deer Pasture. Now Defendants also insist they must be allowed to drill from the northern boundary of the Deer Pasture, drilling north to south *in areas in which jaguarundis have been seen according to sworn trial testimony of hunters in the Deer Pasture.*

10. In an oil and gas law issues trial, Defendants stated in closing:

So you can fully credit the hunters. Yes, they saw whatever they saw. They saw a jaguarundi even, but it was in the past....<sup>4</sup>

...And I said the hunters believed what they saw and as I said -- and I'm saying to you, again, you can fully credit the hunters' testimony. They saw a jaguarundi back then when they saw it, and that's what I said I [sic] opening.<sup>5</sup>

11. So, Defendants expressly agreed with the hunters' testimony and told the state court jurors during trial the hunters did actually see jaguarundis.

12. Defendants have stated that they can still drill south to north and produce using locations in an area already disturbed and in which jaguarundis have not been reported by anyone. However, Defendants now insist they prefer to drill in a north to south direction in areas in which jaguarundis have been seen in disregard of the endangered cat and the Endangered Species Act.

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<sup>4</sup> Mazzone Closing 66/16 – 66/18

<sup>5</sup> Mazzone Closing 67/13 – 67/17

13. Defendants' project managers, Alisdair Farthing and his successor Duncan Thom, estimate the difference between drilling north to south vs. south to north will result in only about a 4% difference in production.

14. However, rather than enjoying the potential benefit to Mr. Hamilton's personal interest of an extra 4% of oil and gas production royalties, he seeks to protect the wildlife and natural treasures left to him by his father, who received it from his father, who received it from his father, going back five generations of his family.

15. To create an access road, Defendants bulldozed some habitat described by their own environmental consultant as "ideal" for this endangered cat.

16. Plaintiff seeks penalties payable to the United States government for a past violation of the Endangered Species Act, and forward looking permanent injunctive relief that will protect the endangered cats from further habitat destruction in the future, from excessive noise and light disturbance from construction, drilling, fracking, power line corridors, pipeline construction, compressor operations, trucking, operation of heavy equipment, and general disruption.

### **PARTIES**

17. Plaintiff Lloyd Michael Hamilton resides near Cuero in DeWitt County, Texas.

18. Defendant ConocoPhillips Company is a Delaware corporation doing business in Texas with its operational headquarters in Houston, Texas.

19. It may be served through its registered agent:

United States Corporation Company

211 E. 7th Street

Suite 620

Austin, Texas 78701-3218.

20. Defendant Burlington Resources Oil & Gas Company LP is a wholly owned subsidiary of defendant ConocoPhillips Company, "Conoco", and controlled by Conoco.

21. Burlington Resources is a Delaware corporation transacting business in Texas with its operational headquarters in Houston, Texas.

22. Burlington Resources may be served through its registered agent:

Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company  
211 E. 7th Street  
Suite 620  
Austin, Texas 78701-3218

### **VENUE**

23. The events giving rise to this action relate to protecting an endangered animal in DeWitt County, Texas, which is in the Victoria Division of the Southern District of Texas.

24. The past acts which are part of the basis for this complaint occurred in DeWitt County, Texas, which is in the Victoria Division of the Southern District of Texas.

25. Further, both defendants have their operational headquarters in Houston, Texas, which is in the Southern District of Texas.

26. Therefore, venue is proper in this court pursuant to 28 U.S.C. § 1391.

27. Additionally, the Endangered Species Act provides venue is proper where the acts constituting violations occurred. 16 U.S.C.A. § 1540 (3)(A) (“Any suit under this subsection may be brought in the judicial district in which the violation occurs.”).

### **PERSONAL JURISDICTION OVER OUT-OF-STATE INCORPORATED DEFENDANTS**

28. The Court has specific jurisdiction as the past events and proposed future events made the basis of this action arise from and relate to activity in DeWitt County, Texas, which is in this division and district. Further, this Court has general personal jurisdiction over Defendants as the corporations have their principal places of business in this state in Houston, Texas. *See, Bristol-*

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