

IN THE DISTRICT COURT IN AND FOR OTTAWA COUNTY
STATE OF OKLAHOMA

FILED
DISTRICT COURT
OTTAWA CO. OKLA.

JUN 17 2010

CATHY WILLIAMS COURT CLERK
BY _____

CITY OF MIAMI, OKLAHOMA, a municipal)
corporation; ROLAND ADCOCK and)
DIANE ADCOCK, husband and wife;)
CHRISTOPHER L. ADKISON and)
MELISSA D. ADKINSON, husband and wife;)
BRAD ANDERSON, also d/b/a)
THUNDERBIRD ANNEX and also)
d/b/a THUNDERBIRD RESTAURANT;)
RILEY E. ANDERSON and CAROLYN S.)
ANDERSON, husband and wife; ROBERT)
ANDERSON and NAOMI ANDERSON,)
husband and wife; ELIZABETH ANDREWS;)
GARRY L. ARNOLD and BEVERLY L.)
ARNOLD, husband and wife; KENNETH)
ARNOLD SR. and PATSY ARNOLD,)
husband and wife; ROBERT ASBELL and)
TERESA ASBELL, husband and wife;)
AUTOFORDABLES INC.; VIRGIL BAKER)
JR. and PATTI BAKER, husband and wife;)
CHRISTOPHER A. BALDWIN; LEWIS J.)
BAMBERL JR. and ELNORA K. BAMBERL,)
husband and wife; BENJAMIN BARNES and)
TONYA BARNES, husband and wife;)
ROBERT S. BARNES and TERRI A. BARNES,)
husband and wife; RUBEN M. BARTON and)
SHARON K. BARTON, husband and wife;)
TERRY PAT BEAVERSON ; ROBERT D.)
BERRY and ANDREA H. BERRY, husband)
and wife; DON BIDDLE and ELLEN BIDDLE)
husband and wife; MARK BIRDSELL;)
SHANNON D. BLACKSTOCK; EMMA)
VAUGHN BLALOCK; CODY)
BLUNDELL and SHERRY BLUNDELL,)
husband and wife; BOBBY L. BLUNK and)
BECKY BLUNK, husband and wife;)

Case No. CJ-08-619

BOATFLOATERS IND., L.L.C.; DAN W.)
BOYD and GAIL BOYD, husband and wife;)
LUCINDA K. BOYD; E.C. BRANSON JR.;)
CYNTHIA BRASHAR;)
GARY BREWER d/b/a MIAMI SKATELAND;)
CHESTER BREWINGTON d/b/a THE)
THUNDERBIRD RESTAURANT; GERALD W.)
BRIDGEWATER and PATRICIA A.)
BRIDGEWATER, husband and wife;)
JIMMY L. BRUNMEIER and LINDA)
BRUNMEIER, husband and wife;)
DONALD BUCKNER and DENA BUCKNER,)
husband and wife, and also d/b/a/)
COM-TEC SALES ; JIM T. BUFFALOE and)
KAREN CONLON BUFFALOE, husband)
and wife; ANDREA BUNDY; CLARENCE)
WILLIAM BURR; RODNEY DEAN)
CALLAHAN and ROXILEA CALLAHAN,)
husband and wife; DAVID CARRIER; DANNY)
CARTWRIGHT and KIMBERLY)
CARTWRIGHT, husband and wife; GREGG)
W. CASS and LINSEY R. CASS, husband)
and wife; KENNETH G. CASS and)
KENNETH P. CASS d/b/a CASS PLUMBING;)
JOHN W. CASSELL and SANDRA)
CASSELL, husband and wife;)
MARVIN CHAMPLIN and JOYCE)
CHAMPLIN, husband and wife; GARY)
CHANDLER, d/b/a CHANDLER AUTO)
STOP; CECIL CHISUM; JEFF CLAY;)
CRYSTAL CLAYBURG; JAMES ERIC)
CLIFFORD and DELANIE)
CLIFFORD, husband and wife; KEITH)
COCHRAN and STORMIE COCHRAN,)
husband and wife; F. LEROY)
COLLINS and SALLIE M. COLLINS,)
husband and wife; ROY T. COLLINS;)
COM-TEC OF MIAMI INC.;)
ANTHONY COOPER and CARRIE COOPER,)
husband and wife; DARREN CORNOG and)
MILLIE CORNOG, husband and wife;)
LUCINDA CUMMINS; NATTHEN and)
MICKI DAMANN, husband and wife;)

DANIEL CADE DAREING; TOM)
C. DEAN and TAMMY DEAN, husband and)
wife; WILLIE DARLENE DESILVA;)
HANK DOWNUM and ROSEANA)
DOWNUM, husband and wife; TIMOTHY A.)
DUFFEE; DEBBIE EDWARDS; A. LAVENA)
EIDSON; JACK ELSEY and CAROLYN)
ELSEY, husband and wife; E.M.R. INC.;)
JOHN ENGESSER and)
BARBARA ENGESSER, husband and wife;)
RICHARD B. ENYART; DEBRA K. ERVIN;)
AMY J. ERWIN; EVERYBODY DRIVES AUTO)
SALES, LLP, a/k/a S & J QUALITY CARS)
LLC; LESLIE E. FARRIS and)
RUTH ANN FARRIS, husband and wife;)
KENNETH W. FERRIS and JANICE FERRIS)
husband and wife; LARRY D. FISHER;)
JOYCE FITZGIBBON; ERNEST FLETCHER)
and SONDR A FLETCHER, husband and wife;)
E. FLETCHER as trustee of the E.W.)
FLETCHER TRUST; AARON RON FORKUM;))
DERRICK FUGATE; G.D.S INVESTMENTS,)
INC.; RYAN GARRETT, also d/b/a)
UNITEC GAMING SERVICES;)
LLOYD GATOBU;)
JIM GERING and CAROLYN GERING,)
husband and wife; MICHAEL J. GLASMAN)
and DEBBIE GLASMAN, husband and wife,)
d/b/a GLASSMAN BUILDERS; SCOTT B.)
GLOVER and KIMBERLY GLOVER, husband)
and wife; HARRY T. GRIFFIN and JANICE L.)
GRIFFIN, husband and wife; JAMES H. HAILE)
and BARBARA HAILE, husband and wife)
d/b/a SMILE-A-MILE; DONALD)
HALL SR. and PATRICIA HALL, husband)
and wife; DAVID SHANE HALLET; THE)
HARBOR OF MIAMI, INC.; ROBERT)
HARDEE and PHYLLIS HARDEE, husband)
and wife; RODNEY D. HARNER and OPAL)
HARNER, husband and wife; MICHAEL D.)
HELM and BETH ANN HELM, husband and)
wife; CHERI HERNON; JAMES)
HERNON and DIXIE HERNON, husband and)

wife; RACHEL HERREL; DERYL V.)
 HERREN and JOYCE E. HERREN, husband)
 and wife; JAMES M. HEYBURN and CARRIE)
 A. HEYBURN, husband and wife; TOM D.)
 HICKEY and MYRA HICKEY, husband and)
 wife; DAWN HILDEBRAND; TERESA HILL;)
 RICKY DON HILL; TRAVIS HINS;)
 RICHARD HOLCOM and KATHERINE)
 HOLCOM, husband and wife;)
 HOWARD HOOVER; CASEY HOUGH; DR.)
 ROD HOUGH;)
 CHARLES E. HOUSEMAN and CAROL JEAN)
 HOUSEMAN, husband and wife; DONA)
 HOWELL; DORENA JACKSON; TONY)
 JAMESON and JUDITH ARNOLD JAMESON,)
 husband and wife; JEET L.L.C., JAMES E.)
 JENKINS; GARY L. JOHNSON)
 and RETHA JOHNSON, husband and wife;)
 MERRITT W. JOHNSON; RAY L. JUDKINS)
 and JUDY JUDKINS, husband and wife;)
 BETTY J. KELLY;)
 LINDA G. KERBY; DEMARIS CHILDERS)
 KILLION; DEBRA SUE KING; FLOYD)
 KINNEY and SHERRY KINNEY, husband and)
 wife; HOWARD KLINEFELTER and)
 PAULINE KLINEFELTER, husband and wife;)
 JIMMY KORONIS and TIFFANY KORONIS,)
 husband and wife; STEVE KRESYMAN and)
 KAREN KRESYMAN, husband and wife, d/b/a)
 MIAMI CAR WASH; ALVIN KRUMREY and)
 PAULINE KRUMREY, husband and wife)
 L.D.W. THEATRES INC.; IKE LACY and)
 NANCY)
 LACY, husband and wife; ROGER L. LACY II)
 and TIFFANY LACY, husband and wife;)
 MYIRL JEANEENE LANDERS; JAMES G.)
 LARKIN and NINA P. LARKIN, husband and)
 wife; EVERETT LASITER; JEAN LASITER)
 and MICHAEL LASITER, husband and wife;)
 PATRICIA LAUB; JEFFERY LAVINE and)
 JONIA LAVINE, husband and wife; TERRY)
 LAWSON and CAROLE LAWSON, husband)
 and wife, d/b/a BAILEY'S BAIT SHOP;)

DANNY LEACH; VIRGIL LEACH and)
LILLIAN LEACH, husband and wife;)
LINDA WYRICK LEE; DON LEONARD)
and WONA LEONARD, husband)
and wife; AGNES BLAIR-LLOYD;)
HERB LOGAN and PATRICIA LOGAN,)
husband and wife; JOHNNY GREGG)
LOVELL; SHEILA MACY;)
PAUL MARQUEZ and DAVA JO)
MARQUEZ, husband and wife; DENISE)
MARTIN; STEPHEN L. MARTIN and MYRA)
MARTIN, husband and wife; CASSIE)
MATTINGLY; DELMAR MATTINGLY)
and DEANN MATTINGLY, husband and wife;)
MICHAEL MATTINGLY and DEBRA)
J. MATTINGLY, husband and wife; JACQUES)
MATTISON; ROBERT E. MAXWELL;)
SABAN MCCABE and LEONA MCCABE,)
husband and wife; IAN MCCLURE; JEFFERY)
MCCOOL and CAROLYN J. MCCOOL,)
husband and wife;)
KENNETH M. MCCORD and SHERRI)
A. MCCORD, husband and wife;)
DEANNE MCCRACKEN;)
MICHELLE MCKAY, as trustee for the LEO D.)
WOODHALL TRUST; VICTOR MCKIBBEN)
and NATASHA MCKIBBEN, husband and)
wife; SCOTT B. MCKINNEY)
and SHELLEY MCKINNEY, husband)
and wife; CLARENCE W. MCMINN)
and MARIAN J. MCMINN,)
husband and wife; GEORGE MENZER and)
CAROLYN MENZER, husband and wife;)
ELDON MERCER and CAROLYN)
MERCER, husband and wife; MIAMI)
ANIMAL HOSPITAL, INC.;)
CLINTON MILLER;)
DENVER MILLER; SADIE G. MILLER:)
NORVELL J. MILLER and)
CORA MILLER, husband and wife;)
JOHN MILLS and JANIS MILLS, husband)
and wife; EVAN E. MITCHELL and)
MARLENE K. MITCHELL, husband and wife)

CHARLES W. MORE and HIROMI MORE,)
 husband and wife; JACK E. MORRIS;)
 THOMAS MUDRICK and SUSAN J.)
 MUDRICK, husband and wife; SHERMAN T.)
 MURPHREE and SHARI LYNN MURPHREE,))
 husband and wife; GEORGE T. MYERS and)
 ELAINE MYERS,husband and wife; MELVA)
 NEECE; ALAN E. NEWKIRK and MARY J.)
 NEWKIRK, husband and wife;WELLINGTON)
 NG and CARY NG, husband and wife;)
 JAMES E. NOTT and SUSAN L. NOTT,)
 husband and wife d/b/a KNOTTS GROCERY)
 STORE; LLOYD OGLE and JOAN)
 OGLE, husband and wife; TERESA M.)
 O'HARA; DALE OWENS and CAROL L.)
 OWENS, husband and wife; EUGENE)
 PARSONS and SUSAN PARSONS, husband)
 and wife; VINOD PATEL d/b/a)
 TOWNSMAN MOTEL; DONALD)
 PATTERSON and CHERYL PATTERSON,)
 husband and wife; BETTIE HENSON PAYNE;))
 DAVID PAYNE and ALICE PAYNE, husband)
 and wife; FREDDIE L. PAYTON)
 and RAYDNA PAYTON, husband and)
 wife; JOHN D. PAYTON and JOYCE)
 PAYTON, husband and wife; DAVE)
 PERRY and LETHA PERRY, husband and)
 wife, d/b/a BIG DADDY'S BAR- B-Q AND)
 DELI and also d/b/a LITTLE TREASURES)
 and also d/b/a PERRY'S TOWING AND)
 RECOVERY; DALE PETERSON;)
 ROBERT B. PEWITT and)
 ANN L. PEWITT, husband and wife;)
 TONY PICKETT; SCOTT POTTER)
 and MELANIE POTTER, husband and wife;)
 RICKY R. POWERS and KELLI)
 POWERS, husband and wife, d/b/a)
 RIVERVIEW AUTO SALES; RACHEL)
 PRUITT; KERRY RADOSEVICH and)
 CINDY RADOSEVICH,)
 husband and wife, d/b/a SERENITY INN)
 MOTEL; GREG RATLIFF and CAROL)
 RATLIFF, husband and wife; JAMES)

RAWLINS, d/b/a RAWLINS AUTOMOTIVE;)
FLOEY E. RAY; JAMES L. REDDEN and)
CATHY L. REDDEN, husband and wife;)
JAKE REED, d/b/a REED UPHOLSTERING;)
LEANNE E. REEVES; RANDALL RHODES)
and NORMA RHODES, husband and wife;)
BENJAMIN D. RICKETTS and JENNIFER)
RICKETTS, husband and wife; JOSHUA)
RIOJAS; RIOJAS INDUSTRIES INC.;)
CYNTHIA ELAINE RIOS; CARSON B.)
ROBERTS; ELLEN ROBERTS, d/b/a ONE)
STOP CONVENIENCE and also d/b/a)
OAKIE BURGER; BILL ROBERTSON)
and ETHEL JEANETTE ROBERTSON,)
husband and wife; TOM ROBERTSON and)
MARSHA ROBERTSON, husband and wife;)
BANI G. RODRIGUEZ and SEUNA)
RODRIGUEZ, husband and wife; ROGER)
LEE ROLLINS and ELIZABETH ROLLINS,)
husband and wife; ARCHIE ROWDEN and)
ROSALIE ROWDEN, husband and wife;)
NEDRA K. ROYE; CHARLES D. RUSSELL)
and ANGELA R. RUSSELL, husband and wife))
ROY RUTHERFORD and PATRICIA J.)
RUTHERFORD, husband and wife; TIMOTHY))
RUTERFORD and AIMEE RUTHERFORD,)
husband and wife; PAULA RUTLEDGE;)
RYAN RUTLEDGE and NAKIA)
RUTLEDGE, husband and wife; LLOYD W.)
SCHOENHALS and DONNA J.)
SCHOENHALS, husband and wife;)
PATSY SCHUBERT; DENNIS R. SENTER)
and LISA MAYES SENTER, husband and)
wife; JIMMY LEE SHARBUTT, JR.; PHILLIP))
J. SHYERS and STELLA L. SHYERS,)
husband and wife; JONATHAN SIEVERT and))
DONNA SIEVERT, husband and wife,)
d/b/a PREMINUM PLUMBING; ROBERT)
SILVERSMITH and KAREN)
SILVERSMITH, husband and wife; CLAUDIA))
J. SISCO; CHRISTOPHER SPRIGGS and)
PATRICIA SPRIGGS, husband and wife:)
BUFF SPRINGER and VERA SPRINGER,)

husband and wife; ROBIN E.)
 STILL, d/b/a STILL CONSTRUCTION;)
 BRADLEY K. STOGSDILL and LINDA)
 STOGSDILL, husband and wife; BETTY S.)
 SUTTON; ROBERT E. SWANSON and)
 VIRGINIA SWANSON, husband and wife;)
 VIRGIL E. TARTER; DARRELL L.)
 TESTERMAN and MARY J. TESTERMAN,)
 husband and wife; TOMMY THULIN and)
 KATHY THULIN, husband and wife;)
 BRYON W. TRAYLOR and DEBRA L.)
 TRAYLOR, husband and wife; ANGELA R.)
 TRIGG; DANNY TRUJILLO and LINDA)
 M. TRUJILLO, husband and wife; BRUCE)
 TURNER and RUTH TURNER, husband and)
 wife; LEE D. UTO and MARILYN A. UTO,)
 husband and wife;)
 JIMMY W. VAUGHN and CRISTIE)
 VAUGHN, husband and wife; VONDA)
 GAYLE WAKEFIELD; DAVID R. WALKER)
 and MARY M. WALKER, husband and wife,)
 d/b/a AFC LOANS; R. EDWARD WALKER;)
 JOYCE BETTY WEAVER;)
 MIKE WEBB and RUTH WEBB, husband and)
 wife; JAMES K. WEBBER; VERDALE)
 WEEDEN SR, and DONNA WEEDEN,)
 husband and wife; JERI WHITE; J. D.)
 WILHOIT, JR. and ROSE WILHOIT,)
 husband and wife; JOHN D. WILHOIT III;)
 MIKE WILLARD and SALLY WILLARD,)
 husband and wife; BRAD WILLIAMS)
 and TIFFANY WILLIAMS, husband and wife;)
 WARREN WILLIAMS II and SHANNON)
 WILLIAMS, husband and wife; HAROLD)
 WILSON and BETTY WILSON, husband and)
 wife, d/b/a KELLIE'S GARDEN CENTER;)
 JASON WILSON and CEAN WILSON,)
 husband and wife, d/b/a WILSON'S)
 PORTABLE WELDING; KELLIE WILSON;)
 PHILLIP J. WOODALL;)
 RICHARD A. WOOLARD and ROSEMARY)
 WOOLARD, husband and wife; DAVID D.)
 WRIGHT; JUANITA WRIGHT; STEVEN R.)
 WRIGHT; ROBERT)

YORK and CHRISTINA YORK, husband and wife; individually, and as representatives of a class consisting of all persons and entities located upstream of Pensacola Dam who may have been injured by floods caused or increased by the Dam since.

Plaintiffs,

v.

GRAND RIVER DAM AUTHORITY,

Defendant.

SECOND AMENDED PETITION

For their claims against Grand River Dam Authority, Plaintiffs allege and state as follows:

1. Plaintiffs adopt and restate the allegations set forth in paragraphs 1 through 62 of their Petition filed on November 24, 2008 in the District Court in and for Ottawa County, State of Oklahoma, Case No: CJ-08-619 (hereinafter referred to as the "Original Petition") and paragraphs 1 through 4 of the First Amended Petition filed on October 2, 2009 in that same court and in this same matter (hereinafter referred to as the "First Amended Petition").

2. Paragraph 1 of the Original Petition is further amended to the extent there is reference to approximately an additional 7 "units" as that term has been used throughout this litigation with GRDA. Those new units are as follows:

- Gary Chandler, d/b/a Chandler Auto Stop
- Richard Holcom and Katherine Holcom, husband and wife
- Alvin Krumrey and Pauline Krumrey, husband and wife
- Eldon Mercer and Carolyn Mercer, husband and wife

George Menzer and Carolyn Menzer, husband and wife
Rachel Pruitt
Christopher Spriggs and Patricia Spriggs, husband and wife

3. Paragraph 25 of the Original Petition and Paragraph 3 of the First Amended Petition are amended to reference the following approximate flood dates:

October 11, 2009

May 14, 2010

June 10, 2010


4. These new plaintiffs acknowledge they did not timely file a tort claims notice, and therefore do not make any claims or request relief for which such a notice is required.

5. Plaintiffs also adopt and restate the prayer for relief contained in the Original Petition and the First Amended Petition, with the exception noted above.

6. GRDA has been contacted and has given written permission for the filing of this seconded amended petition and has waived the filing of a motion for leave to file an amended petition.

ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED

GOODELL, STRATTON, EDMONDS
& PALMER, L.L.P.

By 
N. Larry Bork (KS Sup.Ct. #11810)
515 S. Kansas Ave.
Topeka, KS 66603
785/233-0593
785/233/8870 facsimile
ATTORNEYS FOR PLAINTIFFS

AND

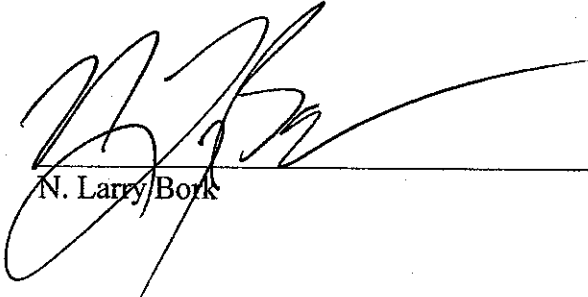
GABLE & GOTWALS
Scott R. Rowland (OBA #11498)
Renee Demoss - (OBA#10779)
1100 ONEOK Plaza
100 West Fifth Street
Tulsa, Oklahoma 74103-4217
918/595-4800
918/595/4990 FAX
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the ~~15~~¹⁶ day of June, 2010, a true and correct copy of the above and foregoing Second Amended Petition was deposited in the United States mail, postage prepaid, addressed to:

Joseph Farris- OBA#2835
Belinda Aguilar- OBA#20448
FELDMAN, FRANDEN, WOODARD FARRIS &
BOUDREAUX
2 West 2nd Street, Suite 900
Tulsa, OK 74103
918/583-7129

Gretchen Zumwalt-Smith
GRAND RIVER DAM AUTHORITY
P.O. Box 409
Vinita, OK 74301



N. Larry Bork

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