

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) VIC BRUNS, for himself and others similarly situated,

Plaintiff,

v.

(1) MAGELLAN MIDSTREAM PARTNERS, L.P. a foreign limited partnership, and
(2) MAGELLAN AMMONIA PIPELINE, L.P., a foreign limited partnership,

Defendants.

Case No. _____

**Removed from Tulsa County
District Court**

Case No. CJ-2021-00216

NOTICE OF REMOVAL

Defendants Magellan Midstream Partners, L.P. (“MMP”) and Magellan Ammonia Pipeline, L.P. (“Ammonia”) (together, “Defendants”) remove this action from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma under 28 U.S.C. §§ 1332(d), 1446, and 1453. In support of removal to this Court under the Class Action Fairness Act of 2005 (“CAFA”), Defendants state as follows:

I. PROCEDURAL HISTORY

1. This action was filed in the District Court of Tulsa County, Oklahoma, Case No. CJ-2021-00216 (the “State Court Action”). (Exhibit 1, State Court Action Docket Sheet.).

2. Plaintiff filed his Petition in the State Court Action on January 22, 2021. (Exhibit 2, Pet.) Plaintiff’s counsel filed their appearance the same day. (Exhibit 3, Entry of Appearance.)

3. The Petition asserts a putative class action against Defendants related to a pipeline “stretching approximately 1100 miles from Texas to Minnesota” that Plaintiff alleges is owned and operated by Defendants (the “Pipeline”). (Ex. 2, Pet., ¶¶ 8-9.)¹ Plaintiff contends that the

¹ In fact, MMP does not own or operate the Pipeline.

Pipeline and the easements under which the Pipeline was constructed have been abandoned. (Ex. 2, Pet., ¶¶ 14-15.) On behalf of himself and the putative class, Plaintiff seeks a declaration regarding the abandonment of the Pipeline and the validity of the easements, as well as damages under nuisance and trespass theories. (Ex. 2, Pet., ¶¶ 17-27.)

4. Defendants were served on January 25, 2021. (Exhibit 4, Summonses/Process.)

5. Defendants timely filed a qualified special appearance and reservation of time and defenses on February 18, 2021. (Exhibit 5, Qualified Special Entry of Appearance, Special Reservation of Time to Answer or Otherwise Respond, and Reservation of Defenses.)

II. CAFA REMOVAL REQUIREMENTS

6. CAFA confers original federal jurisdiction over class action cases in which: (1) the putative class has 100 or more members; (2) any member of the putative class is a citizen of a state different from the state(s) of citizenship of any defendant; (3) the amount in controversy exceeds \$5,000,000, exclusive of interest and costs; and (4) the primary defendants are not states, state officials, or other governmental entities against whom the district court may be foreclosed from ordering relief. 28 U.S.C. § 1332(d)(2), (5)(B); *Standard Fire Ins. Co. v. Knowles*, 568 U.S. 588 (2013). A removing defendant must plausibly allege that the case satisfies the requirements for removal. *See McCracken v. Progressive Direct Ins. Co.*, 896 F.3d 1166, 1171 n.5 (10th Cir. 2018). To do so, the defendant must make a short and plain statement similar to what is required by Federal Rule of Civil Procedure 8(a). *Stoddard v. Oxy USA Inc.*, No. 17-1067-EFM-GLR, 2017 WL 3190354, at *2 (D. Kan. Jul. 27, 2017) (citing *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81, 89 (2014)). The court accepts as true all factual allegations, but is not bound to do so for legal conclusions. *Id.* (citing *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). The defendant's notice of removal need not "overwhelm the reader with facts. [The defendant] must simply allege

a plausible jurisdictional basis that rises above the level of speculation. [The defendant] should not have a harder time than a plaintiff to assert federal jurisdiction.” *Stoddard*, 2017 WL 3190354, at *3. Moreover, cases invoking CAFA jurisdiction have “no antiremoval presumption” because CAFA was enacted “to facilitate adjudication of certain class actions in federal court.” *Id.* at *1 (quoting *Owens*, 574 U.S. at 89). Defendants’ removal is proper here because this case meets all elements for CAFA removal.

7. **Minimum Class Size.** CAFA requires the proposed class action to include at least 100 members. 28 U.S.C. § 1332(d)(5)(B). The Petition defines the proposed class as “natural persons, privately owned corporations, limited liability companies or trusts and title holders of real property in Texas, Oklahoma, Kansas, Nebraska, and Minnesota across which Defendants’ abandoned pipeline is situated.” (Ex. 2, Pet., ¶ 2.)² Defendants have identified 2,841 discrete tracts of real property in Texas, Oklahoma, Kansas, Nebraska, and Minnesota on which the Pipeline is situated. Defendants have further identified at least 100 discrete grantors of easements for the Pipeline within those states. Even accounting for changes in ownership since the easements were granted, on information and belief, the number of putative class members meets or exceeds the minimum class size threshold under CAFA.

8. **Minimal Diversity.** If the citizenship of any member of the putative class is different from the citizenship of any defendant, the minimal diversity requirement is met. 28 U.S.C. § 1332(d)(2)(A). For purposes of determining jurisdiction under CAFA, an unincorporated association is a citizen of the state where it has its principal place of business and of the state under whose laws it is organized. *Id.* § 1332(d)(10). The Petition alleges that both Defendants have their

² Defendants note that Plaintiff’s proposed class definition is unclear. It lists a number of types of proposed class member entities but also includes a vague description of other potential class member “title holders.” Defendants reserve all objections to class certification.

principal places of business in Tulsa, Oklahoma and are organized under the laws of Delaware. (Ex. 2, Pet., ¶¶ 4-5.) Accordingly, Defendants are citizens of Oklahoma and Delaware. Defendants have identified at least one putative class member who is a citizen of Nebraska and is not a citizen of Oklahoma or Delaware. Therefore, the minimal diversity requirement supporting CAFA removal is satisfied.

9. **Minimum Amount in Controversy.** Under CAFA, the amount in controversy must exceed the sum or value of \$5,000,000, exclusive of interest and costs. CAFA does not require a defendant to prove a minimum amount in controversy, rather the “defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Owens*, 574 U.S. at 89. Once the removing defendant has explained how the stakes plausibly exceed \$5 million, “the case belongs in federal court unless it is legally impossible for the plaintiff to recover that much.” *Hammond v. Stamps.com, Inc.*, 844 F.3d 909, 914 (10th Cir. 2016) (internal citation omitted). Plaintiff does not assign any dollar value to damages in the Petition, but seeks “actual damages” on behalf of himself and the putative class for the following: (1) the cost to remove the Pipeline, (2) the cost to remediate the land, including placement of proper fill dirt after removal of the Pipeline, (3) the decrease in value of the putative class members’ property, and (4) the fair market value of the use of the putative class members’ property for storage. (Ex. 2, Pet., ¶ 27.) Plaintiff also seeks a declaration that the easements along the Pipeline have been abandoned and forfeited. (Ex. 2, Pet., ¶ 25.) The length of the portions of the Pipeline situated in Texas, Oklahoma, Kansas, Nebraska, and Minnesota totals approximately 869 miles, or 4,588,320 linear feet. Defendants estimate that if the putative class were successful in requiring the removal of the Pipeline and backfill and remediation in these states, the cost to do so would exceed \$1.10/linear foot, for a total cost in excess of \$5 million. Accordingly, the stakes

of this action plausibly exceed the minimum amount in controversy, and this requirement for CAFA removal is satisfied.³

10. **Non-Governmental Entity.** Plaintiff correctly states that MMP is a publicly traded master limited partnership and that Ammonia is a wholly owned subsidiary of MMP. (Ex. 2, Pet., ¶¶ 4-5.) Neither Defendant is a state, state official, or government entity.

III. PROCEDURAL REMOVAL REQUIREMENTS

11. Venue is appropriate in this Court, as this Court embraces the district in which the State Court Action was pending. 28 U.S.C. § 1446(a).

12. Under 28 U.S.C. § 1446(b)(1), Defendants have timely removed this action by filing this Notice of Removal within thirty days of receiving service of the Petition.

13. Both Defendants join in and consent to this Notice of Removal. 28 U.S.C. § 1446(b)(2)(A).

14. Under 28 U.S.C. § 1446(a) and LCvR81.2, Defendants have attached as exhibits to this Notice of Removal true and legible copies of all documents filed or served in the State Court Action, as well as a copy of the State Court Action Docket Sheet. (*See* Exs. 1-5.) No other pleadings or process were filed or received as of the date of filing this Notice of Removal.

15. Written notice of the filing of this Notice of Removal will be given promptly to counsel for Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the District Court of Tulsa County, Oklahoma, as required by 28 U.S.C. § 1446(d).

³ Defendants deny that the Pipeline or easements have been abandoned or otherwise forfeited and further deny that Plaintiff's identified categories of damages are recoverable, however, for purposes of identifying the amount at controversy in this lawsuit, Defendants make reference to the putative damages Plaintiff has set forth in the Petition.

16. Under Fed. R. Civ. P. 81(c)(2)(C), Defendants will file and serve their answer or other responsive pleading within seven days of filing this Notice of Removal. Defendants reserve all defenses and objections to this action.

IV. CONCLUSION

17. Defendants have satisfied all conditions and procedures for removal of a putative class action under CAFA.

18. Accordingly, Defendants remove this entire action from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

s/ Craig A. Fitzgerald

Craig A. Fitzgerald, OBA No. 15233

Amelia A. Fogleman, OBA No. 16221

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

David Humphreys
Luke Wallace
Paul Catalano
HUMPHREYS WALLACE & HUMPHREYS, P.C.
9202 South Toledo Avenue
Tulsa, OK 74137

s/ Craig A. Fitzgerald

Craig A. Fitzgerald

EXHIBIT 1



OKLAHOMA

State Courts Network

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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

<p>VIC BRUNS, Plaintiff,</p> <p>v.</p> <p>MAGELLAN MIDSTREAM PARTNERS LP, Defendant, and</p> <p>MAGELLAN AMMONIA PEPELINE LP, Defendant.</p>	<p>No. CJ-2021-216 (Civil relief more than \$10,000: TRESPASS/NUISANCE)</p> <p>Filed: 01/22/2021</p> <p>Judge: Civil Docket C</p>
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PARTIES

BRUNS, VIC, Plaintiff
MAGELLAN AMMONIA PEPELINE LP, Defendant
MAGELLAN MIDSTREAM PARTNERS LP, Defendant

ATTORNEYS

Attorney

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Fogleman, Amelia Ann (Bar #16221)
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Represented Parties

BRUNS, VIC

MAGELLAN AMMONIA PEPELINE, LP
MAGELLAN MIDSTREAM PARTNERS LP,

MAGELLAN AMMONIA PEPELINE, LP
MAGELLAN MIDSTREAM PARTNERS LP,

Attorney

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Represented Parties

BRUNS, VIC

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MAGELLAN AMMONIA PEPELINE, LP
MAGELLAN MIDSTREAM PARTNERS LP,

Roderick, Jeffrey Bruce (Bar #33415)
205 N. Main St. #205
Tulsa, OK 74103

MAGELLAN AMMONIA PEPELINE, LP
MAGELLAN MIDSTREAM PARTNERS LP,

WALLACE, LUKE J (Bar #16070)
HUMPHREYS WALLACE HUMPHREYS PC
9202 S TOLEDO AVE.
TULSA, OK 74137

BRUNS, VIC

EVENTS

None

ISSUES

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1. Issue: TRESPASS/NUISANCE (OTHER)
Filed By: BRUNS, VIC
Filed Date: 01/22/2021

Party Name

Disposition Information

Defendant:

MAGELLAN MIDSTREAM PARTNERS LP

Defendant:

MAGELLAN AMMONIA PEPELINE LP

DOCKET

Date	Code	Description	Count	Party	Amount
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Date	Code	Description	Count	Party	Amount
01-22-2021	TEXT	CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.	1		
01-22-2021	OTHER	TRESPASS/NUISANCE			
01-22-2021	DMFE	DISPUTE MEDIATION FEE			\$ 7.00
01-22-2021	PFE1	PETITION Document Available (#1048328425)  TIFF  PDF			\$ 163.00
01-22-2021	PFE7	LAW LIBRARY FEE			\$ 6.00
01-22-2021	OCISR	OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND			\$ 25.00
01-22-2021	OCJC	OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND			\$ 1.55
01-22-2021	OCASA	OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES			\$ 5.00
01-22-2021	SSFCHSCPC	SHERIFF'S SERVICE FEE FOR COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 10.00
01-22-2021	CCADMINCSF	COURT CLERK ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.00
01-22-2021	CCADMIN0155	COURT CLERK ADMINISTRATIVE FEE ON \$1.55 COLLECTION			\$ 0.16
01-22-2021	SJFIS	STATE JUDICIAL REVOLVING FUND - INTERPRETER AND TRANSLATOR SERVICES			\$ 0.45
01-22-2021	DCADMIN155	DISTRICT COURT ADMINISTRATIVE FEE ON \$1.55 COLLECTIONS			\$ 0.23
01-22-2021	DCADMIN05	DISTRICT COURT ADMINISTRATIVE FEE ON \$5 COLLECTIONS			\$ 0.75
01-22-2021	DCADMINCSF	DISTRICT COURT ADMINISTRATIVE FEE ON COURTHOUSE SECURITY PER BOARD OF COUNTY COMMISSIONER			\$ 1.50
01-22-2021	CCRMPF	COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE			\$ 10.00

Date	Code	Description	Count	Party	Amount
01-22-2021	CCADMIN04	COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS			\$ 0.50
01-22-2021	LTF	LENGTHY TRIAL FUND			\$ 10.00
01-22-2021	SMF	SUMMONS FEE (CLERKS FEE) - 2			\$ 20.00
01-22-2021	SMIMA	SUMMONS ISSUED - MAILED BY ATTORNEY			
01-22-2021	EAA	ENTRY OF APPEARANCE Document Available (#1048616551)  TIFF  PDF		BRUNS, VIC	
01-22-2021	TEXT	OCIS HAS AUTOMATICALLY ASSIGNED JUDGE CIVIL DOCKET C TO THIS CASE.			

Date	Code	Description	Count Party	Amount
01-22-2021	ACCOUNT	RECEIPT # 2021-4178743 ON 01/22/2021. PAYOR: HUMPHREYS WALLACE TOTAL AMOUNT PAID: \$ 262.14. LINE ITEMS: CJ-2021-216: \$183.00 ON AC01 CLERK FEES. CJ-2021-216: \$6.00 ON AC23 LAW LIBRARY FEE CIVIL AND CRIMINAL. CJ-2021-216: \$1.66 ON AC31 COURT CLERK REVOLVING FUND. CJ-2021-216: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES. CJ-2021-216: \$1.55 ON AC59 COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND. CJ-2021-216: \$7.00 ON AC64 DISPUTE MEDIATION FEES CIVIL ONLY. CJ-2021-216: \$0.45 ON AC65 STATE JUDICIAL REVOLVING FUND, INTERPRETER SVCS. CJ-2021-216: \$2.48 ON AC67 DISTRICT COURT REVOLVING FUND. CJ-2021-216: \$25.00 ON AC79 OCIS REVOLVING FUND. CJ-2021-216: \$10.00 ON AC81 LENGTHY TRIAL FUND. CJ-2021-216: \$10.00 ON AC88 SHERIFF'S SERVICE FEE FOR COURT HOUSE SECURITY. CJ-2021-216: \$10.00 ON AC89 COURT CLERK'S RECORDS MANAGEMENT AND PRESERVATION FEE.		
02-18-2021	COPY	COPIES CHARGED		\$ 2.50



Date	Code	Description	Count	Party	Amount
02-18-2021	EAA	QUALIFIED SPECIAL ENTRY OF APPEARANCE SPECIAL RESERVATION OF TIME TO ANSWER OR OTHERWISE RESPOND AND RESERVATION OF DEFENSES / CRAIG A FITZGERALD, AMELIA A FOGLEMAN, BARBARA M MOSCHOVIDIS AND JEFFRE B RODERICK ENTERING AS COUNSEL / CERTIFICATE OF SERVICE Document Available (#1048731700)  TIFF  PDF		MAGELLAN MIDSTREAM PARTNERS LP	
02-18-2021	ADJUST	ADJUSTING ENTRY: MONIES DUE TO AC09-CARD ALLOCATION			\$ 0.07
02-18-2021	ACCOUNT	ADJUSTING ENTRY: MONIES DUE TO THE FOLLOWING AGENCIES REDUCED BY THE FOLLOWING AMOUNTS: CJ-2021-216: AC01 CLERK FEES -\$0.07			
02-18-2021	ACCOUNT	RECEIPT # 2021-4186523 ON 02/18/2021. PAYOR: SHARON K BARNES TOTAL AMOUNT PAID: \$ 2.50. LINE ITEMS: CJ-2021-216: \$2.43 ON AC01 CLERK FEES. CJ-2021-216: \$0.07 ON AC09 CARD ALLOCATIONS.			

EXHIBIT 2



IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA

VIC BRUNS, for himself and others similarly situated,)

Plaintiffs,)

v.)

MAGELLAN MIDSTREAM PARTNERS, L.P., a)
foreign limited partnership, and, MAGELLAN)
AMMONIA PIPELINE, L.P., a foreign limited)
partnership,)

Defendants.)

DISTRICT COURT
FILED

Case No.
Judge

JAN 22 2021

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

CJ-2021-00216
William D. LaFortune

PETITION

COME NOW the Plaintiff for himself and for others similarly situated and for his claims against Defendants Magellan Midstream Partners, L.P. and Magellan Ammonia Pipeline, L.P. alleges and states as follows:

1. Plaintiff Vic Bruns, along with his wife Jeanne are fee simple title holders of real property ("Landowners") located in Pawnee County, Oklahoma.
2. The members of the proposed class are natural persons, privately owned corporations, limited liability companies or trusts and title holders of real property in Texas, Oklahoma, Kansas, Nebraska, and Minnesota across which Defendants' abandoned pipeline is situated.
3. The proposed class does not include the following:
 - a. any governmental entity or authority, including at the municipal, county, state or federal level; or
 - b. any federally recognized tribe or anyone claiming an interest in land held in trust for any federally recognized tribe.

JAN 22 PM 3:32

4. Defendant Magellan Midstream Partners L.P. (“Midstream”) is a Delaware limited partnership with its headquarters and principal place of business in Tulsa, Oklahoma. Midstream is a master limited partnership whose membership is publicly traded. Midstream is a transportation company engaged in the transportation of petroleum products and hazardous materials through its pipeline.
5. Defendant Magellan Ammonia Pipeline L.P. (“Ammonia”) is a Delaware limited partnership with its headquarters and principal place of business located at One Williams Center, Tulsa, Oklahoma. Ammonia is a wholly owned subsidiary of Midstream. Ammonia is a transportation company engaged in the transportation of petroleum products and/or hazardous materials through its pipeline.
6. The pipeline at issue here transported hazardous materials through multiple Oklahoma counties including Tulsa County.
7. Jurisdiction and venue are proper in this Court because Defendants’ headquarters and principal place of business is located in this county and pursuant to 12 O.S. §§ 135 as a portion of the pipeline is located in Tulsa County.
8. In the late 1960’s or early 1970s, a pipeline for carrying hazards materials was constructed by Mapco stretching for approximately 1100 miles from Texas to Minnesota.
9. This pipeline was acquired and operated by Defendants for years.
10. In 2019, Defendants ceased use of the pipeline. It is no longer in use for the transportation of hazardous materials or any materials. The purpose for the grant of an easement is no longer in existence.

11. Defendants have publicly stated an intention to render the pipeline permanently inoperable by sealing the ends and filling it with salt water, an inert gas or by leaving it empty. The actual condition and content of the pipeline is unknown to Plaintiff.
12. In 2019, Defendants filed paperwork with the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration (“Agency”) abandoning the pipeline and providing notice that it had been filled with salt water or inert gas and that it has been permanently disconnected and sealed.
13. Additional paperwork filed with the Agency states “Magellan has now abandoned the entire NH3 System from Texas to Minnesota.”
14. Defendants have permanently abandoned the pipeline and rendered it unusable for the purpose for which easements were granted, or any other purpose. The action of permanent abandonment of the pipeline is also an abandonment of the easements across Plaintiffs’ property and the property of the members of the proposed class.
15. Defendants have demonstrated their intent to permanently abandon the pipeline. This intention coupled with nonuse of the pipeline creates a forfeiture of any interest in or claim to an easement on the property of the Plaintiff and the Landowners in the proposed class.
16. The common law of each state identified in paragraph 2 is identical or substantially similar with respect to the legal elements used to determine if Defendants’ actions and statements constitute abandonment of its easement interest in the real estate of Plaintiff and the proposed class. The common law elements are a) an abandonment of use of the easement and b) a demonstrated intent to abandon the easement. Review of any individual grant of easement is not necessary here.

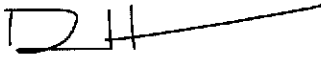
17. The easements having been abandoned, Defendants no longer have any right to travel or enter upon the surface of the Landowners property or to store, maintain or leave any equipment, outbuildings, signage or pipeline on the Landowners property.
18. Despite abandoning both the pipeline and easements, Defendants have not removed the pipeline or related personal property and they continue to encroach upon and interfere with the Landowners rights and interests.
19. Despite abandoning both the pipeline and the easement, Defendants have not filed release of the easements with the appropriate governmental officials and Landowners property rights remain burdened by the easements, both as a practical matter and as a matter of public record.
20. Defendants continued use of the property to store the abandoned pipeline, and related personal property, and failure to remove them interferes with the Landowners use and enjoyment of their property.
21. Defendants continued use of Landowners property to store its pipeline and failure to remove the pipeline annoys, injures, or endangers the comfort and repose of the Landowners and renders them insecure in the use of their property.
22. Defendants continued use of Landowners property to store its pipeline and related personal property, together with its failure to remove it, constitutes an unauthorized, unwanted and unlawful entry upon the property of the Landowners.
23. Defendants actions as described above constitutes a trespass on Landowners property.
24. Defendants continued storage of the pipeline, obsolete outbuildings, signage and other personal property along the now abandoned easement constitutes a nuisance.

25. Plaintiffs on behalf of themselves and the Landowner class members requests declaratory relief declaring the easements along the former right of way to be abandoned and releasing the easements along the right of way.
26. In the alternative, Plaintiffs on behalf of themselves and the class members request entry of an order directing Defendants to prepare and file in the appropriate land records office a declaration of abandonment and release of the easement on Landowners Property.
27. Plaintiffs on behalf of themselves and the class seek actual damages including the cost to remove the pipeline, the cost to remediate the land including placement of proper fill dirt after removal of the pipeline, decrease in value of Landowners property and the fair market value of the use of their property for storage of the abandoned pipeline and related personal property.

WHEREFORE, Plaintiff on behalf of himself and the class respectfully requests certification of the action as a class action, entry of judgment as outlined above including declaratory relief, actual damages, and for such further relief as may be just and appropriate.

Respectfully submitted,

HUMPHREYS WALLACE HUMPHREYS, P.C.

By: 

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Luke Wallace, OBA #16070
Paul Catalano, OBA #22097
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(918) 747-5300 / (918) 471-2223 (Fax)
ATTORNEYS FOR PLAINTIFF

JURY TRIAL DEMANDED
ATTORNEYS' LIEN CLAIMED

EXHIBIT 3



**IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA**

VIC BRUNS, for himself and others similarly situated,)

Plaintiffs,)

v.)

MAGELLAN MIDSTREAM PARTNERS, L.P., a)
foreign limited partnership, and, MAGELLAN)
AMMONIA PIPELINE, L.P., a foreign limited)
partnership;)

Defendants.)

Case No.
Judge

**DISTRICT COURT
FILED**

JAN 22 2021

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

CJ-2021-00216

William D. LaFortune

ENTRY OF APPEARANCE

COMES NOW David Humphreys, Luke Wallace, and Paul Catalano of Humphreys

Wallace Humphreys, P.C. and hereby enter their appearance as counsel for Plaintiff in the case.

Respectfully submitted,

HUMPHREYS WALLACE HUMPHREYS, P.C.

By: _____

David Humphreys, OBA #12346
Luke Wallace, OBA #16070
Paul Catalano, OBA #22097
9202 S. Toledo Avenue
Tulsa, OK 74137
(918) 747-5300 / (918) 471-2223 (Fax)
ATTORNEYS FOR PLAINTIFFS

EXHIBIT 4

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

VIC BRUNS, for himself and others similarly situated,)

Plaintiffs,)

v.)

MAGELLAN MIDSTREAM PARTNERS, L.P., a)
foreign limited partnership, and, MAGELLAN)
AMMONIA PIPELINE, L.P., a foreign limited)
partnership;)

Defendants.)

Case No.
Judge

CJ-2021-00216

SUMMONS

MAGELLAN AMMONIA PIPELINE, L.P.
c/o The Corporation Company, Registered Agent
1833 S Morgan Rd
Oklahoma City, OK 73128
VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

To the above-named Defendant:

You have been sued by the above named plaintiff, and you are directed to file a written answer to the attached petition and order in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 22 day of 1, 2021.

Don Newberry, Court Clerk

(Seal)

By: [Signature]
Deputy Court Clerk

Attorney(s) for Plaintiff(s):
Name David Humphreys OBA #12346
Address 9202 S. Toledo Avenue
Tulsa, Oklahoma 74137
Telephone (918) 747-5300

[Signature]
Authorized by

This summons and order was mailed on 1/22/2021 (date of service)

[Signature]
(Signature of person mailing summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

RETURN ORIGINAL FOR FILING

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

VIC BRUNS, for himself and others similarly situated,)

Plaintiffs,)

v.)

Case No.

Judge

MAGELLAN MIDSTREAM PARTNERS, L.P., a)

foreign limited partnership, and, MAGELLAN)

AMMONIA PIPELINE, L.P., a foreign limited)

partnership;)

Defendants.)

CJ-2021-00216

SUMMONS

MAGELLAN MIDSTREAM PARTNERS, L.P.
c/o The Corporation Company, Registered Agent
1833 S Morgan Rd

Oklahoma City, OK 73128

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
RESTRICTED DELIVERY

To the above-named Defendant:

You have been sued by the above named plaintiff, and you are directed to file a written answer to the attached petition and order in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 22 day of 1, 2021.

Don Newberry, Court Clerk

(Seal)

By: [Signature]
Deputy Court Clerk

Attorney(s) for Plaintiff(s):

Name David Humphreys OBA #12346

Address 9202 S. Toledo Avenue

Tulsa, Oklahoma 74137

Telephone (918) 747-5300

[Signature]
Authorized by

This summons and order was mailed on 1/21/2021. (date of service)

[Signature]
(Signature of person mailing summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

RETURN ORIGINAL FOR FILING

EXHIBIT 5



IN THE DISTRICT COURT FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

FEB 18 2021

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

VIC BRUNS, for himself and others similarly
situated,

Plaintiffs,

v.

MAGELLAN MIDSTREAM PARTNERS, L.P., a
foreign limited partnership, and MAGELLAN
AMMONIA PIPELINE, L.P., a foreign limited
partnership

Defendants.

Case No. CJ-2021-00216

Judge William D. LaFortune
Civil Docket C

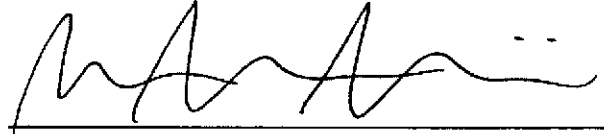
**QUALIFIED SPECIAL ENTRY OF APPEARANCE,
SPECIAL RESERVATION OF TIME TO ANSWER OR
OTHERWISE RESPOND, AND RESERVATION OF DEFENSES**

Craig A. Fitzgerald, Amelia A. Fogleman, Barbara M. Moschovidis, and Jeffrey B. Roderick of the law firm GABLEGOTWALS enter their qualified special appearance as counsel of record for Defendants Magellan Midstream Partners, L.P. and Magellan Ammonia Pipeline, L.P. Defendants reserve an additional twenty days from their answer date in which to answer or otherwise respond to Plaintiff's Petition, to and including March 8, 2021.

Defendants expressly qualify this Special Entry of Appearance and Special Reservation of Time to reserve all objections and defenses to Plaintiff's Petition, including those enumerated under 12 O.S. § 2012(B), as allowed under the rule established in *Young v. Walton*, 1991 OK 20, 807 P.2d 248; *Campbell v. American International Group, Inc.*, 1999 OK CIV APP 37, 976 P.2d 1102; *First Texas Savings Association v. Bernsen*, 1996 OK CIV APP 24, 921 P.2d 1293, and *Smith v. Lopp*, 2020 OK CIV APP 24, 466 P.3d 642.

P

Respectfully submitted,



Craig A. Fitzgerald, OBA No. 15233
Amelia A. Fogleman, OBA No. 16221
Barbara M. Moschovidis, OBA No. 31161
Jeffrey B. Roderick, OBA No. 33415

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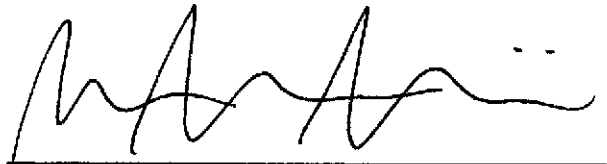
*Attorneys For Defendants,
Magellan Midstream Partners, L.P. and
Magellan Ammonia Pipeline, L.P.*

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 2021, a true and correct copy of the above and foregoing instrument was mailed first class U.S. mail, proper postage prepaid thereon to the following:

David Humphreys, Esq.
Luke Wallace, Esq,
Paul Catalano, Esq,
9202 South Toledo Avenue
Tulsa, OK 74137

Attorneys for Plaintiff



Barbara M. Moschovidis

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Get It Outta Here: Okla. Property Owner Wants All Signs of Abandoned Pipeline Removed](#)
