

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI, OXFORD DIVISION**

Jason Haley, Preston Herrington, and Taylor
Logsdon, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

X.AI Corp., Space Exploration Technologies
Corp., and MZX Tech LLC,

Defendants.

Civil Action No.: 3:26-cv-00148-MPM-RP

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

Plaintiffs Jason Haley, Preston Herrington, and Taylor Logsdon (“Plaintiffs”), on behalf of themselves and all others similarly situated, bring this class action complaint against X.AI Corp. (“xAI”), Space Exploration Technologies Corporation (“SpaceX”), as a successor in interest to xAI, and MZX Tech LLC (“MZX”) (collectively, “Defendants”). On personal knowledge of their own circumstances and upon investigation and information and belief of their counsel, Plaintiffs allege the following:

INTRODUCTION

1. The artificial intelligence (AI) boom is wreaking havoc on communities across the United States. Companies like Defendants are rushing to construct massive data centers and power-generation facilities, siting them in quiet residential areas like Southaven, Mississippi, and subjecting residents to near-constant noise, vibrations, and other nuisance-level harms. It is a textbook example of putting profits over people, with corporate interests trampling residents’ fundamental right to use and enjoy their property.

2. Southaven, Mississippi is a suburban community in the northwestern corner of the state. Adjacent to Southaven is the suburban residential community of Horn Lake.

3. Prior to the operations of Defendants' facility, Plaintiffs and their neighbors enjoyed the calm and quiet nature of Southaven and Horn Lake, and their small-town charm. They were accustomed to sleeping, conversing, entertaining, and enjoying their homes and outdoor spaces, together with family, friends, and neighbors, without undue noise or industrial disturbance.

4. That all changed in mid-2025 when the Defendants arrived in Southaven and began operating loud gas-fired turbines at 2875 Stanton Road South (the "Southaven Plant" or "2875 Stanton Road") in Southaven.

5. Defendants began operating gas-fired turbines in Southaven in order to power the massive artificial intelligence (AI) data centers that Defendants own and operate near Southaven.

6. Two of these data centers, "Colossus I" and "Colossus II," are located just over the Mississippi border in Memphis, Tennessee. A third, more recently built data center, "MACROHARDRR," is located on Stateline Road in Southaven. These data centers house the computers that are used to train and run xAI's AI tools, including its large language model, Grok.

7. The focus of this lawsuit is the Southaven Plant where, in less than a year, Defendants have increased the number of gas-fired turbines on site by 1,800% – from 3 to 18 to 27 to 57. While the turbines at the Southaven Plant have been described as "temporary," Defendants continue to rely on them for power as of the filing of this complaint. As the number of turbines has grown, so has the persistent and intrusive noise that emanates from the Southaven Plant—24 hours a day, 7 days a week.

8. The noise generated by the Southaven Plant includes a combination of high-pitched squealing, continuous engine roaring, low-frequency rumbling, and tonal humming or whining

that travels across property lines and into area homes in both Southaven and Horn Lake. It can also be felt as vibration. The presence of this noise is pervasive and inescapable, especially at night when other noises in the indoor and outdoor environment quiet.

9. Residents must endure this noise at all hours of the day and night and have described it as being like a “jet engine.” As one resident explained, “This is heard at night when I’m trying to go to sleep, and I hear it when I wake up,” resulting in loss of sleep, headaches, and persistent ringing in the ears.¹

10. The constant noise and accompanying vibration from the Southaven Plant interferes with Plaintiffs’ and area residents’ daily life and well-being. It disrupts their sleep and prevents the ordinary use and enjoyment of both their indoor and outdoor living spaces. Activities that were once routine like sitting or dining outside, opening windows, relaxing indoors, or resting at night have been materially impaired or rendered impossible by the continuous industrial noise and vibration. The constant noise has diminished Plaintiffs’ and Class Members’ quality of life and, for property owners, the value of their property.

11. Although Defendants are aware of the noise, they have not remediated it. Instead, Defendants have added more and more “temporary” turbines at the Southaven Plant, and have

¹ Garner Montgomery, *Residents Oppose xAI Southaven Turbines Permit at MDEQ Hearing*, Action News 5 (Feb. 17, 2026), <https://www.actionnews5.com/2026/02/18/residents-oppose-xai-southaven-turbines-permit-mdeq-hearing/>; *see also* Neil Strebbig & Jacob Wilt, *Crowd Pushes Back Against xAI Turbines in Southaven During Hearing*, Com. Appeal (Feb. 17, 2026), <https://www.commercialappeal.com/story/money/business/development/2026/02/17/xai-in-southaven-turbines-permit/88402053007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=z115244p1173501116450c117350e000100v115244d--38--b--38--&gca-ft=173&gca-ds=sophi>; Alex Rozier, *Public Gives Resounding ‘No’ to Proposed xAI Southaven Permit*, Miss. Today (Feb. 18, 2026), <https://mississippitoday.org/2026/02/18/xai-southaven-permit-public-resounding-no/>.

obtained permits to install 41 new “permanent” turbines, distinct from the “temporary” turbines currently on-site.

12. As a result of Defendants’ ongoing and continuous operation of the Southaven Plant, Plaintiffs and class members have suffered and continue to suffer harm including substantial and unreasonable interference with the use and enjoyment of their property, substantial annoyance; emotional distress including anxiety, increased stress, and irritability; sleep disruption, fatigue and impaired concentration; nuisance-level physical symptoms such as headaches, nausea, and tinnitus; and diminution in the value of their property.

13. Plaintiffs bring this suit on behalf of themselves and other residents and property owners similarly affected by the Southaven Plant (“Class Members”) to seek redress for these harms.²

PARTIES

14. Plaintiff Jason Haley is domiciled in Mississippi and resides and owns property in the Class Area defined in paragraph 220 below. Plaintiff has been harmed, and continues to be harmed, by Defendants’ operation of the Southaven Plant.

15. Plaintiff Preston Zane Herrington is domiciled in Mississippi and resides and owns property in the Class Area. Plaintiff has been harmed, and continues to be harmed, by Defendants’ operation of the Southaven Plant.

16. Plaintiff Taylor Logsdon is domiciled in Mississippi and resides and owns property in the Class Area. Plaintiff has been harmed, and continues to be harmed, by Defendants’ operation of the Southaven Plant.

² Plaintiffs do not assert any claims for personal injuries.

17. Defendant xAI is an artificial intelligence company incorporated in the state of Nevada with a principal place of business in California. Its office address is 1450 Page Mill Road, Palo Alto, California. xAI is thus a citizen of Nevada and California.

18. Defendant MZX is a limited liability company (LLC) organized in the state of Wyoming, with a principal place of business in California. Its office address is 1450 Page Mill Road, Palo Alto, California.

19. xAI is the managing member of MZX, and upon information and belief, its sole member, making MZX a citizen of Nevada and California.

20. MZX shares an office address with xAI.

21. MZX and xAI share management, representatives, and/or operational personnel.

22. On or about February 2, 2026, xAI was acquired by SpaceX.

23. Defendant SpaceX is an aerospace manufacturer and space transportation services company incorporated in the state of Texas with a principal place of business in Texas.

24. On May 6, 2026, the shared CEO of xAI and SpaceX, Elon Musk, announced that “xAI will be dissolved as a separate company, so it will just be SpaceXAI, the AI products from SpaceX.”³

25. Upon information and belief, there is and will be a continuity of management, personnel, assets, and operations between xAI and SpaceXAI.

26. Upon information and belief, SpaceX is the successor in interest to xAI and succeeds to xAI’s assets, operations, rights, obligations, and liabilities, including those relating to the conduct alleged in this complaint.

³ Because the majority of events pertinent to this Complaint took place prior to the May 6, 2026 announcement of the name “SpaceXAI,” this Complaint refers to “xAI” throughout.

27. Upon information and belief, SpaceX presently owns, operates, manages and/or controls the Southaven Plant.

28. All Defendants conduct substantial and continuous business within the State of Mississippi and this District, including by directly or indirectly owning, leasing, managing, and/or operating the Southaven Plant and the MACROHARDDR data center in Southaven, and deriving revenues from operations within this District.

29. Musk has boasted about Defendants' fast-growing partnership with the State of Mississippi, stating: "This is insane execution speed by xAI and the state of Mississippi. We are grateful to Governor Reeves for his support of building xAI at warp speed."⁴

JURISDICTION AND VENUE

30. Subject matter jurisdiction is proper in this Court pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d), because at least one proposed class member is a citizen of a state different from at least one Defendant (Plaintiffs and other members of the proposed class are citizens of Mississippi, while xAI and MZX are citizens of Nevada and California, and SpaceX is a citizen of Texas); the proposed class contains more than 100 members; and the aggregate amount in controversy exceeds \$5,000,000, exclusive of interest and costs.

31. Personal jurisdiction is proper over Defendants because they have purposefully availed themselves of the privilege of conducting business in Mississippi by locating and operating the Southaven Plant in Mississippi. Plaintiffs' and other proposed Class Members' injuries arise from Defendants' activities at the Southaven Plant, and such injuries were foreseeable to Defendants.

⁴ Press Release, Office of Gov. Tate Reeves, Tech Leader xAI Investing More Than \$20 Billion in Southaven (Jan. 8, 2026), <https://governorreeves.ms.gov/tech-leader-xai-investing-more-than-20-billion-in-southaven/>

32. Working together, xAI and MZX both directly participated in siting the Southaven Plant in residential Southaven, and in operating, and rapidly expanding, the Southaven Plant.

33. On July 16, 2025, MZX—a newly formed entity⁵—purchased 114.49 acres of property at 2875 Stanton Road in Southaven for \$10 and “other good and valuable consideration.”⁶

34. Upon information and belief, MZX was formed specifically to facilitate transactions, such as the 2875 Stanton Road purchase, at the direction of xAI.

35. Upon information and belief, MZX is operated by xAI employees.

36. Shortly after MZX’s acquisition of the property at 2875 Stanton Road, Darren Musselwhite, the Mayor of Southaven, announced xAI’s expansion in Southaven to its residents stating: “xAI and Southaven, Mississippi, a great partnership now and into the future!”⁷

37. Brent Mayo, an xAI Senior Manager who provided oversight for operations at xAI’s facilities in and around Southaven, publicly confirmed xAI’s presence in Southaven.⁸

38. Michael Liberatore, then the Chief Financial Officer of xAI and MZX, executed two transmission line easement agreements to facilitate operations at the Southaven Plant.⁹

⁵ MZX Tech LLC did not exist until May 16, 2025, when its Articles of Incorporation were filed with the Wyoming Secretary of State.

⁶ See *Special Warranty Deed from Julie M. James to MZX Tech LLC* (dated July 16, 2025) (recorded July 18, 2025), reprinted in 1025 DeSoto Cnty. Records, Warranty Deed, 13703-06; Bob Bakken, *xAI Buys Southaven Property*, DeSoto Cnty. News (July 18, 2025), <https://desotocountynews.com/desoto-county-news/xai-buys-southaven-property/>.

⁷ Melitta Duncan, *xAI Southaven*, Southaven: Mayor’s Report (Aug. 1, 2025), <https://southaven.org/Blog.aspx?IID=220>.

⁸ See Harrison Klopp, *xAI Exec Not Disclosing Plans for Southaven, MS Site*, News Channel 3 (July 15, 2025), <https://wreg.com/news/local/xai-memphis/xai-exec-not-disclosing-plans-for-southaven-ms-site/>; Kate Bieri, *xAI Confirms FOX13 Investigation into Southaven Site*, FOX13 (July 15, 2025), https://www.fox13memphis.com/news/xai-confirms-fox13-investigation-into-southaven-site/article_c1c06ba0-9b3c-4e3c-a791-24764d1fe28a.html.

⁹ See *Transmission Line Easement Agreement from MZX Tech LLC to Stanton Road Peak Properties LLC* (dated July 16, 2025) (recorded July 18, 2025), reprinted in 1025 DeSoto Cnty. Records, Warranty Deed, 13707-19; *Transmission Line Easement Agreement from ET Southaven*

39. In March 2026, MZX secured an air permit from the Mississippi Department of Environmental Quality (“MDEQ”), authorizing the construction and operation of 41 permanent gas-powered turbines at the Southaven Plant.

40. Mayo, of xAI, has represented MZX and xAI in discussions with the MDEQ and the public relating to the Southaven site.

41. xAI and MZX working together in Southaven is the norm. Property records from DeSoto County indicate that MZX purchased the “MACROHARDRR” site at 2400 Stateline Road in Southaven on December 17, 2025.¹⁰ Musk, as President of xAI, made clear xAI’s critical role in the MACROHARDRR acquisition and operation, stating: “xAI has bought a third building called MACROHARDRR. Will take @xAI training compute to almost 2GW.”¹¹

42. Upon information and belief, xAI employees work at the Southaven Plant. xAI lists on its website numerous job openings in Southaven for roles including “Data Center Operations Technician,” “Facilities Operations Technician,” “Mechanical Commissioning Technician,” “Operations & Maintenance Technician,” “Power Generation Engineer” and “Construction Superintendent (Night Shift), Power Generation Plant.” xAI’s listing for a Construction Superintendent in Southaven notes that the applicant must be “[c]omfortable working outdoors/in industrial environments at night with noise[.]”¹²

V LLC to MZX Tech LLC (dated June 30, 2025) (recorded July 1, 2025), *reprinted in* 1025 DeSoto Cnty. Records, Warranty Deed, 12656-86.

¹⁰ See *Special Warranty Deed from ET Southaven V, LLC to MZX Tech LLC* (dated Dec. 17, 2025) (recorded Dec. 23, 2025), *reprinted in* 1025 DeSoto Cnty. Records, Warranty Deed, 24710-15.

¹¹ Elon Musk (@elonmusk), X (Dec. 30, 2025, at 4:00 ET), <https://x.com/elonmusk/status/2006108047609930069>.

¹² *Construction Superintendent (Night Shift), Power Generation Plant*, xAI, <https://perma.cc/UHX5-VUN9> (retrieved May 12, 2026).

43. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of events or omissions giving rise to the claims in suit occurred in Southaven, Mississippi, within this District.

GENERAL FACTUAL ALLEGATIONS

I. Artificial Intelligence and the Data Center Boom

44. Data centers are large industrial facilities that house computer servers and networking equipment used to store, process, and transmit digital data. They have existed in some capacity for years and enable a wide range of digital services, including cloud computing, online commerce, financial transactions, and streaming services.

45. Over the past decade, the data center industry has expanded at a frenetic pace. This exponential growth has been driven by surging demand for cloud computing, data-intensive online services, and, most recently, the explosive adoption of AI technologies that require enormous computing capacity.

46. In order to meet surging demand for data storage and computing infrastructure, data-center developers and investors are aggressively developing new facilities worldwide in what has been called a “global construction frenzy.”¹³ An estimated hundreds of billions of dollars were spent on data center development in 2025 alone.

¹³ Cyrus Farivar, *Investment in Data Centers Worldwide Hit Record \$61bn in 2025, Report Finds*, The Guardian (Dec. 19, 2025), <https://www.theguardian.com/technology/2025/dec/19/data-centers-ai-investment>.

47. Amid this frenzy, the United States has emerged as a global hub for data centers. The number of U.S. data centers has nearly doubled in recent years, increasing from roughly 2,600 facilities in 2021¹⁴ to over 4,000 by 2025.¹⁵

48. AI models—especially large language models and other generative systems like xAI’s Grok—are built using artificial neural networks that are trained on extremely large amounts of data. Unlike traditional software programs, these systems require continuous, highly intensive computing power to function.

49. Companies meet these intensive computing demands through thousands of high-performance servers housed within data centers. Each server uses advanced processors, such as graphics processing units (GPUs) or similar AI-focused chips, designed to perform the large number of mathematical calculations needed for machine learning.

50. Connecting tens of thousands of GPUs together in coordinated groups on densely packed server racks allows them to work at the same time to train and run AI models and perform other tasks more efficiently. The scale and intensity of this processing far exceed typical business or office computing.

51. To keep up with operational computing demands, accelerate AI model development, and generate revenue, data centers typically run around the clock—24 hours a day, 7 days a week. This requires vast amounts of energy. Large AI data centers can consume hundreds of megawatts of electricity, comparable to the energy demand of small cities.

¹⁴ See Brian Daigle, *Data Centers Around the World*, U.S. Int’l Trade Comm’n (2021), https://www.usitc.gov/publications/332/executive_briefings/ebot_data_centers_around_the_world.pdf.

¹⁵ See *USA Data Centers*, Data Center Map, <https://www.datacentermap.com/usa/> (last visited June 2, 2026).

52. In 2024 alone, U.S. data centers consumed approximately 183 terawatt-hours of electricity, accounting for more than 4% of total U.S. electricity use.¹⁶ Forecasts from the U.S. Department of Energy indicate that data centers will consume as much as 580 terawatt-hours annually in 2028, representing up to 12% of total U.S. electricity consumption.¹⁷

53. Defendants’ data centers near Southaven—home to the “world’s biggest supercomputer,” which was built in just 122 days, “outpacing every estimate”¹⁸—are no exception. They require massive amounts of energy to operate. The gas-fired turbines at the Southaven Plant supply energy required to power these operations.

II. Power, Heat, and Unrelenting Noise

54. Data centers often rely on gas-fired turbines or engines in order to secure a stable and uninterrupted power supply.

55. These systems are often installed as emergency backup generators, which are designed to operate only during electrical grid outages or for limited testing—not for continuous operation.

56. Defendants, however, run the gas-powered turbines at the Southaven Plant near continually in order to power their data centers in and around Southaven.

57. Gas-powered turbines generate electricity by igniting a mixture of compressed air and fuel, creating a continuous stream of hot, high-pressure gas that spins the turbine and drives

¹⁶ See Rebecca Leppert, *What We Know About Energy Use at U.S. Data Centers Amid the AI Boom*, Pew Research Center (Oct. 24, 2025), <https://www.pewresearch.org/short-reads/2025/10/24/what-we-know-about-energy-use-at-us-data-centers-amid-the-ai-boom/>.

¹⁷ See Miguel Yanez-Barnuevo, *Data Center Energy Needs Could Upend Power Grids and Threaten the Climate*, Env’t & Energy Study Inst. (Apr. 15, 2025), <https://www.eesi.org/articles/view/data-center-energy-needs-are-upending-power-grids-and-threatening-the-climate>.

¹⁸ *Colossus*, xAI, <https://x.ai/colossus> (last visited June 2, 2026).

the generator to produce electricity. This combustion process produces substantial heat as a byproduct of the turbine's operation.

58. Facilities that rely upon gas-fired turbines for energy require extensive cooling, ventilation, and exhaust systems to dissipate and manage the heat produced by the combustion process.¹⁹ These heat rejection systems can include large industrial-scale radiators, ventilation systems, cooling units, and high-capacity exhaust stacks, all of which operate continuously or during extended periods of peak demand.²⁰

59. Both the gas-powered turbines used to supply electricity to AI data centers and the associated turbine cooling equipment generate persistent and significant noise.

60. The noise created by these systems is distinctive and intrusive, often described as a combination of high-pitched squealing, continuous engine roar, low-frequency rumbling, and tonal humming or whining, caused by internal combustion engines, exhaust systems, cooling fans, and mechanical vibration.

61. In addition to the noise that is easily perceived by the human ear, these systems also generate low-frequency noise that manifests similarly to physical vibrations and can be felt in the body (similar to how you can sometimes feel the bass of a song in your chest). These vibrations may be transmitted through building structures or the ground, depending on the scale and configuration of the facility.

¹⁹ See *How Gas Turbine Power Plants Work*, U.S. Dep't of Energy, <https://www.energy.gov/hgeo/how-gas-turbine-power-plants-work> (last visited June 2, 2026); *Stationary Gas and Combustion Turbines*, U.S. Env't Prot. Agency (Jan. 15, 2026), <https://www.epa.gov/stationary-sources-air-pollution/stationary-gas-and-combustion-turbines-new-source-performance>.

²⁰ See Patrick Saussus, *Major Noise Sources and Mitigation Cost Estimates for Gas-Fired Power Facilities*, Power (Oct. 1, 2012), <https://www.powermag.com/major-noise-sources-and-mitigation-cost-estimates-for-gas-fired-power-facilities>.

62. Low frequency noise can be perceived indoors even when exterior sound levels appear moderate. Individuals exposed to this kind of low-frequency noise often describe being able to feel the sound vibration within their body.²¹

63. When gas-fired turbines and their extensive cooling infrastructure are located near a residential community, as with Defendants' Southaven Plant, residents can suffer from inescapable noise and vibrations resulting in significant impairments to quality of life and enjoyment of their property; substantial annoyance; emotional distress including anxiety, increased stress, and irritability; sleep disruption, fatigue, and impaired concentration; nuisance-level physical symptoms such as headaches, nausea, and tinnitus; and diminution in the value of their property.

64. When gas turbines and associated cooling systems operate 24 hours a day, 7 days a week—as they generally do at Defendants' Southaven Plant—the noise is also constant. Unlike typical commercial or industrial operations that reduce activity after business hours, there is no respite.

65. Industry participants, including Defendants, have long been aware that data centers (and particularly, facilities powered by gas-fired turbines) generate significant and pervasive noise.

66. Although large-scale data centers are a relatively recent development, public reporting of noise disturbances associated with such facilities emerged almost as soon as they began operating.

²¹ See *Data Center Noise Reduction*, Industrial Noise & Vibration Centre, <https://invc.com/noise-control/data-center-noise-attenuation/> (last visited June 2, 2026); H. Møller & C.S. Pedersen, *Hearing at Low and Infrasonic Frequencies*, 6 *Noise Health* 37, 38 (2004).

67. As early as 2018, 300 residents in Chandler, Arizona, signed a petition asking the city to stop a high-pitched humming noise coming from a data center.²²

68. Other operators of data centers used for AI and cryptocurrency mining have faced litigation due to the noise emanating from their facilities and associated equipment.

69. As companies continue to build data centers and associated power-generation facilities in communities across the country, noise complaints are increasing.²³

70. It is widely recognized in industry and engineering literature that gas-powered turbines are inherently loud machines.

71. Defendants knew or should have known that constructing and operating the Southaven Plant, with its gas-fired turbines and industrial cooling systems and its proximity to residential areas, would generate substantial noise and associated vibrations, interfering with area residents' use and enjoyment of their property. Put another way: the noise disturbance that is the subject of this lawsuit, and the associated harms, were foreseeable to Defendants even before they arrived in Southaven.

III. Defendants' Path to Southaven

72. Founded in 2023, xAI positioned itself as a cutting-edge AI company focused on developing and deploying advanced large-scale AI models. Its principal large language model is

²² John Genovese, *Chandler Residents Frustrated over Humming Noise*, ABC15 (Apr. 20, 2018), <https://www.abc15.com/news/region-southeast-valley/chandler/chandler-residents-frustrated-over-humming-noise>.

²³ See, e.g., Ariel Wittenberg, *A Data Center Opened Next Door. Then Came the Pitched Whine*, Politico (Mar. 11, 2026), <https://www.politico.com/news/2026/03/11/data-centers-ai-electricity-virginia-00815219>; Miguel Yanez-Barnuevo, *Communities Are Raising Noise Pollution Concerns About Data Centers*, Env't & Energy Study Inst. (Mar. 3, 2026), <https://www.eesi.org/articles/view/communities-are-raising-noise-pollution-concernsabout-data-centers>.

Grok, a self-described “truth-seeking AI companion for unfiltered answers with advanced capabilities in reasoning, coding, and visual processing.”²⁴

73. In June 2024, xAI announced its plans to build the world’s largest AI supercomputer in Memphis, Tennessee.²⁵

74. The company was told it would take at least 24 months to build. Unsatisfied with that timeline, xAI has boasted that it “took the project into [its] own hands” “removed whatever was unnecessary” and built its data center, known as Colossus I, in just four months.²⁶

75. Colossus I is located at 3231 Paul R. Lowry Road in Memphis, beside the historically Black community of Boxtown.

76. Within a few months of Colossus I launching, members of the public in the greater Memphis area discovered that xAI was powering Colossus I with 35 temporary gas-powered turbines.²⁷ Community members were immediately concerned about the pollution potential of these unregulated energy sources.

77. Over the course of the next year, neighbors and community groups in the greater Memphis area raised concerns about the turbines’ harmful emissions, including noise pollution, as well as the lack of transparency and accountability from xAI.²⁸ xAI continued operations in Memphis without significant mitigation measures.

²⁴ *Grok*, xAI, <https://x.ai/grok> (last visited June 2, 2026).

²⁵ See *xAI Marks Its Spot in Memphis*, Greater Memphis Chamber (Jan. 12, 2026), <https://memphischamber.com/economic-development/xai/>.

²⁶ *Colossus*, xAI, <https://x.ai/colossus> (last visited June 2, 2026).

²⁷ Bojan Stojkovski, *Elon Musk’s xAi Criticized over Unauthorized Gas Turbines at Memphis Facility*, Interesting Eng’g (Apr. 13, 2025), <https://interestingengineering.com/innovation/elon-musk-xai-unauthorized-gas-turbines-memphis>.

²⁸ See Tracy O’Neill, *Fighting Giants: Standing with Memphis to Stop Pollution and Protect the People*, S. All. for Clean Energy (April 24, 2025), <https://cleanenergy.org/news/fighting-giants-standing-with-memphis-to-stop-pollution-and-protect-the-people/> (noting that Musk’s methane-gas turbines for Colossus data center “will add more air pollution, noise, and stress to an already

78. In March 2025, against the backdrop of community resistance for Colossus I's operations, xAI prepared to build a second data center—Colossus II—at 5420 Tulane Road in Whitehaven, Tennessee.²⁹ xAI's senior manager for infrastructure explained that xAI would be “copying and pasting” what it did at Colossus I, indicating the company would again rely on numerous temporary gas-powered turbines.³⁰

79. On June 17, 2025, the National Association for the Advancement of Colored People (“NAACP”) sent xAI a Notice of Intent to sue for its past and ongoing violations of the Clean Air Act at the Colossus I site.³¹

80. In July 2025, MZX, acting at the direction of xAI, acquired the property located at 2875 Stanton Road in Southaven, Mississippi—the site of the Southaven Plant that is the focus of this lawsuit.

overburdened community”); Patrick Sisson, *In Memphis, an AI Supercomputer From Elon Musk Stirs Hope and Concern*, Bloomberg (July 25, 2024), <https://www.bloomberg.com/news/features/2024-07-25/in-memphis-elon-musk-s-xai-supercomputer-stirs-hope-and-concern> (noting cryptocurrency mines and data centers like Musk's proposed Colossus facility bring “community pushback over noise pollution”); *Musk's xAI Operating Gas Turbines Without Permits at Data Center, Environmental Group Says*, Reuters (Aug. 28, 2024), <https://www.reuters.com/business/environment/musks-xai-operating-gas-turbines-without-permits-data-center-environmental-group-2024-08-28>; Adrian Sainz, *NAACP, Environmental Group Notify Elon Musk's xAI Company of Intent to Sue Over Facility Pollution*, Associated Press (June 17, 2025), <https://apnews.com/article/memphis-xai-elon-musk-pollution-naacp-571c16950259b382f9eae61bd59260ef>.

²⁹ *Elon Musk's xAI Buys New Property in Memphis Amid Supercomputer Expansion*, Reuters (Mar. 7, 2025), <https://www.reuters.com/technology/artificial-intelligence/elon-musks-xai-buys-new-property-memphis-amid-supercomputer-expansion-2025-03-07/>; Matthew Gooding, *Elon Musk's xAI Buys 1 Million Sq Ft Site for Second Memphis Data Center*, Data Center Dynamics (Mar. 10, 2025), <https://www.datacenterdynamics.com/en/news/elon-musks-xai-buys-one-million-sq-ft-site-for-second-memphis-data-center/>.

³⁰ Neil Strebiger, *xAI Official Updates Colossus 2 Plans in Memphis, but Not How Site Will Be Powered*, Memphis Com. Appeal (July 15, 2025), <https://perma.cc/G8FV-PSPY>.

³¹ *Elon Musk's xAI Threatened with Lawsuit Over Air Pollution from Memphis Data Center, Filed on Behalf of NAACP*, NAACP (June 17, 2025), <https://naacp.org/articles/elon-musks-xai-threatened-lawsuit-over-air-pollution-memphis-data-center-filed-behalf>.

81. This site was once occupied by a Duke Energy power plant, which ceased operating in 2003.³²

82. During the summer of 2025, Defendants met with MDEQ to discuss their plans for building a 1.2 GW simple-cycle combustion turbine power plant at the Southaven Plant. This power plant would provide energy to xAI's nearby data centers, including Colossus I and II.

83. To provide power to Colossus II in the interim, before Defendants had a permit for that future power plant, Defendants began using portable gas-fired combustion turbines at the Southaven Plant.

84. At the time Defendants began using gas-fired turbines at the Southaven Plant, Defendants knew or should have known they would generate substantial and continual noise and vibration that would harm nearby residents, interfere with the use and enjoyment of their homes, and diminish their property values—all to the detriment of the Southaven and Horn Lake communities.

85. Upon information and belief, Defendants undertook no analysis of the noise they should have known that their gas-powered turbines would generate, and took no measures to mitigate such anticipated noise, prior to or at the opening of the Southaven Plant.

IV. The Southaven and Horn Lake Communities

86. Southaven is a suburban residential community in DeSoto County, Mississippi, known for its family-oriented environment, accessible public amenities, and active civic life.

87. The village of Southaven was first created when Memphis homebuilder Kemmons Wilson, founder of the Holiday Inn, wished to develop residential subdivisions featuring small

³² Jacob Gallant, *xAI Buys Former Power Plant in Southaven*, Action News 5 (July 18, 2025), <https://www.actionnews5.com/2025/07/18/xai-buys-former-power-plant-southaven/>.

starter homes just across the Mississippi border from what was then Whitehaven, Tennessee.³³ Southaven was officially incorporated in 1980.³⁴

88. Southaven has a population of approximately 57,500, with a median age of 35 years old, and an estimated quarter of the population under 18 years old.³⁵ It is home to around 21,250 households, with a median property value of \$236,300.³⁶

89. Southaven is celebrated for its strong sense of community, and recognized for its family-friendly neighborhoods, modern amenities, and a diverse range of recreational activities, catering to the needs of residents and visitors alike.³⁷ It is recognized for its excellent school systems and growing local economy—characteristics that attract families and contribute to stable residential development.

90. Southaven operates more than twenty local parks, which contribute to a community centered around leisure, recreation, and entertainment. For example, Snowden Grove Park offers a wide range of recreational activities, from baseball and soccer fields to an indoor soccer facility and a bowling alley.³⁸

³³ Nancy Hendricks, *Charles Kemmons Wilson (1913–2003)*, Encyclopedia of Arkansas, <https://encyclopediaofarkansas.net/entries/charles-kemmons-wilson-2765/> (last visited June 2, 2026).

³⁴ See *Southaven Historical Tour*, Southaven, <https://southaven.org/776/Southaven-Historical-Tour> (last visited June 2, 2026); *Mayor's Office*, Southaven, <https://southaven.org/155/Mayors-Office> (last visited June 2, 2026).

³⁵ *Southaven City, Mississippi*, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/southavencitymississippi/INC110224> (last visited June 2, 2026).

³⁶ *Id.*

³⁷ See *Southaven*, Fogelman Properties, LLC, <https://www.fogelman.com/our-communities/mississippi/southaven/> (last visited June 2, 2026).

³⁸ See Kathryn Eftink, *Southaven, MS: A Perfect Place to Live*, Connect Perfusion (Sept. 2, 2024), <https://connectperf.com/2024/09/02/southaven-ms-a-perfect-place-to-live/>.

91. Southaven also supports community-oriented events like the local farmers market, which provides vendors with the opportunity to sell fresh homegrown fruits, vegetables, and homemade food items, and serves as a regular community gathering point.

92. Southaven is described as offering a “unique blend of small-town charm and big-city convenience,” and is lauded for “provid[ing] a peaceful retreat” outside of Memphis.³⁹

93. Collectively, Southaven’s public parks, youth sports traditions, historic neighborhoods, local markets, and civic amenities contribute to its character as a primarily residential community where families reside, children participate in organized activities, and neighbors regularly interact through schools, churches, and recreational programs.

94. Bordering Southaven on the South and the West is the residential community of Horn Lake, Mississippi.

95. Like Southaven, Horn Lake is known for its residential character and family-oriented neighborhoods. It has developed as a suburban community offering affordable housing, neighborhood parks, and convenient access to employment and amenities throughout the Memphis metropolitan area.

96. Horn Lake has a population of approximately 26,700 residents across over 10,000 households, with a median property value of \$171,400.⁴⁰ The city has a relatively young population, with a median age of approximately 34 years old.⁴¹

97. Horn Lake places a significant emphasis on parks, recreation, and youth activities. Residents benefit from access to numerous neighborhood parks distributed throughout the city,

³⁹ *Id.*

⁴⁰ *Horn Lake City, Mississippi*, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/hornlakecitymississippi/BZA210223> (last visited June 2, 2026).

⁴¹ *Id.*

including Caroline Park, Wooten Park, Twin Lakes Neighborhood Park, and Latimer Lakes Park, which offer walking trails, fishing lakes, playgrounds, tennis courts, athletic fields, disc golf facilities, and open green space used by residents throughout the year.⁴² Together, these parks provide convenient opportunities for walking, outdoor play, sports, and neighborhood gatherings.

98. Indeed, Horn Lake prides itself on being the “Greenest City in the State of Mississippi.”⁴³

99. Collectively, Horn Lake’s residential neighborhoods, family-oriented amenities, and extensive park system contribute to its identity as a suburban community where families thrive and residents enjoy regular access to outdoor recreation and community life.

V. Southaven’s Noise Ordinance

100. The Southaven Municipal Code (“the Code”) applies to Defendants’ Southaven Plant by virtue of the Plant’s location within Southaven.

101. Consistent with Southaven’s residential nature, the Code declares that “[e]xcessive, unnecessary or offensive noise within the city is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the city and therefore is hereby declared a nuisance,” Title X, Chapter 2, Article III, Sec. 10-61(a).

102. The Code further asserts that “[e]very resident of the city is entitled to live in an environment free from excessive, unnecessary or offensive noise.” *Id.* at 10-61(b).

⁴² See *Latimer Lakes Park*, City of Horn Lake, <https://www.hornlake.org/maps/location/LatimerLakesPark> (last visited June 2, 2026).

⁴³ Steve Steiner, *In Horn Lake, It’s Easy Being “Green,”* DeSoto Times-Tribune (Jan. 16, 2008), https://www.desototimes.com/news/in-horn-lake-its-easy-being-green/article_d918ed4d-bd77-5076-a677-0ad156be9d72.html.

103. The Code also prohibits noise from normal industrial operations on property within light industrial or heavy industrial-zoned lands that exceeds 70 dBA at the property boundary. Sec. 10-93(11); Sec. 10-121(a), (b).

104. The Southaven Plant's near continuous operation and the resulting noise and vibration that affects residents day and night renders it distinct from any normal industrial operation, and it is unreasonable even when the noise is below 70 dBA.

VI. xAI's Secretive Entrance to Southaven Delayed, but did not Deter, Community Resistance

105. Residents of Southaven and Horn Lake did not become aware of Defendants' plans for their community until those plans were well underway.

106. No public announcement was made regarding MZX's purchase of 2875 Stanton Road.

107. The purchase was not discussed at any meetings of the Mayor and the Board of Alderman of Southaven preceding the sale. Upon information and belief, the purchase was not discussed at any planning commission meetings prior to the sale.

108. Residents had no notice of the impending intrusion, nor did they have an opportunity to voice their concerns.

109. Instead, residents learned of Defendants' plans for the Southaven Plant in or around July of 2025 through news reports.

110. In July 2025, xAI employees were observed on the site at 2875 Stanton Road South.⁴⁴

⁴⁴ See *FOX13 Investigates Spots Evidence of xAI Work at Former Powerplant in Southaven*, FOX13 (July 14, 2025), https://www.fox13memphis.com/news/watch-fox13-investigates-spots-evidence-of-xai-work-at-former-powerplant-in-southaven/video_44d1b949-06fd-5ae9-9b81-d57572acb210.html.

111. That same month, Brent Mayo, an xAI employee who also acted on behalf of MZX, told news reporters that xAI had a “presence” at 2875 Stanton Road South, but that “we are not publicly discussing what’s happening there.”⁴⁵

112. On August 1, 2025, Southaven’s Mayor, Darren Musselwhite, confirmed in a Facebook post that xAI had “unveiled plans to make Southaven, Mississippi their next key expansion for artificial intelligence operations.”⁴⁶

113. After learning of those plans, residents began contacting their elected officials, raising concerns about pollution, including industrial noise pollution, and the proximity of the Southaven Plant to homes, schools, and community spaces.

114. Residents voiced concerns that the Southaven Plant would be operating less than 2,500 feet from homes and community parks, and less than one mile from the Hope Sullivan Elementary School.

115. On August 5, 2025, Mayor Musselwhite discussed Defendants’ future operations in Southaven at a meeting of the Mayor and Board of Aldermen.⁴⁷ The Mayor’s report stated that xAI was “bringing hundreds of new jobs initially with unlimited future potential” and “has proven their commitment to being an outstanding corporate citizen.” The Mayor’s report did not address any of the residents’ concerns regarding noise emissions from the facility.⁴⁸

⁴⁵ See Kate Bieri, *xAI Confirms FOX13 Investigation into Southaven Site*, FOX13 (July 15, 2025), https://www.fox13memphis.com/news/xai-confirms-fox13-investigation-into-southaven-site/article_c1c06ba0-9b3c-4e3c-a791-24764d1fe28a.html; Harrison Klopp, *xAI Exec Not Disclosing Plans for Southaven, MS Site*, News Channel 3 (July 15, 2025), <https://wreg.com/news/local/xai-memphis/xai-exec-not-disclosing-plans-for-southaven-ms-site/>.

⁴⁶ Mayor Musselwhite (@MayorMusselwhite), Facebook (Aug. 1, 2025), <https://www.facebook.com/MayorMusselwhite/posts/pfbid0312ogFJVciDWnvjoYTuiPUNzEsFsFMUqvQSZt9DDun9KH97NysphFPJ8diVwZXv9ul>.

⁴⁷ Mins., Meeting of the Mayor and Bd. of Alderman, Southaven, Miss. at 11-12 (Aug. 5, 2025), <https://southaven.org/ArchiveCenter/ViewFile/Item/1703>.

⁴⁸ See *Id.*

116. On August 6, 2025, Mayor Musselwhite wrote directly to concerned residents via email, stating, among other things, that “[a]ll due diligence was addressed with no concern with noise” and that “[h]eavily evaluated discussions with engineers and environmental experts concluded no significant concerns” related to the proximity of the Southaven Plant to community spaces and homes.

VII. The Growing Harm from Defendants’ Turbines

117. But the Southaven community’s concerns were soon proved correct. When the Southaven Plant became operational in or about August of 2025, residents were subjected to continuous noise, including persistent rumbling, whining, and low-frequency vibrations.

118. Since that time, the noise and vibrations have persisted, and escalated in both character and intensity, as Defendants have increased the number of turbines operating at the Southaven Plant.

119. For Defendants, increasing the number of turbines has meant more power to their data centers, and therefore more profit. For the Southaven and Horn Lake communities, it has meant—and continues to mean—more noise, more distress, and more harm.

120. Between August and September of 2025, Defendants increased the number of turbines on-site from 3 to 18, for a combined total power output of 400.5 MW.

121. Aerial photographs confirmed that as of October 31, 2025, there were 18 gas turbines on site.



Figure 1. Aerial view of xAI's Stanton Road S. facility (Oct. 31, 2025; Steve Jones/SouthWings).

122. Thermal imaging captured on October 31, 2025, demonstrates that at least 9 turbines were operating at the time.



Figure 2. Thermal camera image of xAI's Stanton Road S. facility (Oct. 31, 2025; Steve Jones/SouthWings).

123. In November 2025, Plaintiff Jason Haley, a Southaven resident of more than twenty years, told reporters that the leaf blower-like noise would drone on day and night.⁴⁹ He added, “I can’t live here like this for another nine months. It’s going to drive me crazy.”⁵⁰

124. Plaintiff Haley filed noise complaints, spoke with the local police department, and emailed Mayor Musselwhite, to no avail.⁵¹

125. Mississippi Today reporters visiting Southaven on November 12, 2025 recorded a “constant loud humming noise easily heard from the homes in the Colonial Hills subdivision of Southaven.”⁵² These reporters reached out to xAI with questions about noise complaints and received what appeared to be an automated message that said, “Legacy Media Lies.”⁵³

126. In a November 19, 2025 email to Mississippi Today, Mayor Musselwhite claimed: “The noise is mostly temporary construction noise that will go away within days. xAI has assured the City that any and all necessary adjustments will be made within days to mitigate any noise and not negatively impact surrounding developments and neighborhoods in any way.”⁵⁴ That turned out not to be true.

127. In December 2025, Defendants increased the number of turbines at the Southaven Plant from 18 to 27.⁵⁵

⁴⁹ Alex Rozier & Katherine Lin, *Southaven Residents Fear Pollution, Complain of Noise, from Elon Musk’s xAI Data-Center Turbines*, Miss. Today (Nov. 24, 2025), <https://mississippitoday.org/2025/11/24/southaven-residents-fear-pollution-complain-of-noise-from-elon-musks-xai-data-center-turbines/>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Bracey Harris, *Elon Musk’s Makeshift AI Power Plant Generates Sound and Fury in Mississippi*, NBC News (Feb. 26, 2026), <https://www.nbcnews.com/news/us-news/musks-ai-power-plant-generates-sound-fury-mississippi-rcna258594>.

128. At a December 16, 2025 meeting of the Mayor and Board of Aldermen of Southaven, Mayor Musselwhite gave another report regarding noise concerns, stating that “many citizens have reached out to him directly to express concerns with noise levels associated with the old power plant renovation that is now the new xAI development.”⁵⁶ The Mayor “stated that he has been in contact with xAI and expressed his concerns with unacceptable noise levels, and they have been receptive. As a result, xAI studied a solution that has now been implemented, including temporary portable generators on trailers that will eventually be removed, permanent generators will be placed to the west where the previous plant had them housed with modern technology to minimize noise, installed a sound wall, and altered plans of equipment placement on the property to prevent disruption on neighboring residential properties.”⁵⁷

129. Defendants reportedly erected a “sound wall” at the Southaven Plant. But whatever mitigation measures Defendants claim to have taken have not meaningfully reduced the noise emanating into the Southaven and Horn Lake communities.

130. At the time of the filing of this complaint—six months after Mayor Musselwhite’s report that a solution had been “implemented”—the noise and disruption persist, and Plaintiffs continue to experience the same daily disturbances in their lives.

131. On or about December 23, 2025, MZX purchased the property at 2400 Stateline Road, Southaven, Mississippi, located approximately 1 mile from the Southaven Plant.⁵⁸ Shortly thereafter, xAI announced its plans to construct and operate a third large-scale data center, called

⁵⁶ Mins., Meeting of the Mayor and Bd. of Alderman, Southaven, Miss. at 19 (Dec. 16, 2025), <https://southaven.org/ArchiveCenter/ViewFile/Item/1743>.

⁵⁷ *Id.*

⁵⁸ Katherine Lin, *Is Elon Musk’s xAI Adding Another Data Center in DeSoto County?*, Miss. Today (Dec. 31, 2025), <https://mississippitoday.org/2025/12/31/elon-musk-mississippi-data-center-southaven-memphis/>.

MACROHARDRR, at this site.⁵⁹ This data center will bring xAI's Memphis-area power demands to nearly 2 GW—approximately the output of the Hoover Dam.

132. xAI has yet to announce how it plans to power its MACROHARDRR plant.⁶⁰

133. At the January 6, 2026 meeting of the Mayor and Board of Aldermen of Southaven, Mayor Musselwhite discussed xAI's purchase of 2400 Stateline Road, stating that this “new development is consistent with initial projected plans to step-up expansion across the Mississippi line making Southaven a key part of xAI operations[.]”⁶¹

134. At that meeting, residents once again voiced their concerns with the “high pitched noise and lack of air quality monitoring for temporary turbines” and the “lack of public information about impact of the project.”⁶² The residents also presented a petition with over 900 signatures, which raised, as one concern, the noise pollution from the Southaven Plant, and asked their local government to take action.⁶³

135. Minutes of the January 6, 2026 meeting state that in response, “Mayor Musselwhite explained that xAI is doing everything asked of them and the economic growth benefits will be game changing for the City[.]”⁶⁴

⁵⁹ See Elon Musk (@elonmusk), X (Dec. 30, 2025, at 4:00 ET), <https://x.com/elonmusk/status/2006108047609930069>; *Musk's xAI to Invest Over \$20 Billion in Mississippi Data Center*, Reuters (Jan. 8, 2026), <https://www.reuters.com/business/musks-xai-invest-over-20-billion-mississippi-data-center-2026-01-09/>. The name is a dig at xAI's competitor, Microsoft.

⁶⁰ Jason Ma, *xAI Plans Third Data Center, Musk Claims Will Bring Capacity Up to Almost 2GW*, Data Center Dynamics (Jan. 2, 2026), <https://www.datacenterdynamics.com/en/news/xai-plans-third-data-center-musk-claims-will-bring-capacity-up-to-almost-2gw/>.

⁶¹ Mins., Meeting of the Mayor and Bd. of Alderman, Southaven, Miss. at 8 (Jan. 6, 2026), <https://southaven.org/ArchiveCenter/ViewFile/Item/1749>.

⁶² *Id.*

⁶³ *Id.*; see Shayna Norwood, *Southaven Mayor Responds to Concerns over xAI Facility*, Action News 5 (Jan. 7, 2026), <https://www.actionnews5.com/2026/01/07/southaven-mayor-responds-concerns-over-xai-facility/>.

⁶⁴ *Mins.* (Jan. 6, 2026) at 9.

136. Shortly thereafter, it was revealed that MZX made a \$1.38 million donation to the Southaven Police Department—the same department residents had called, and would call in the future, to report noise disturbances caused by the Southaven Plant.⁶⁵

137. At a January 20, 2026 meeting of the Mayor and Board of Aldermen, the Mayor asserted that he had been “in continual discussion with [xAI] about the City’s noise ordinances” and once again promised that “the noise level has been reduced and Citizens will soon see the significant noise reduction.”⁶⁶ Despite these assurances, there has been no significant reduction in the noise generated by the Southaven Plant and Plaintiffs continue to experience the same daily disturbances in their lives.

138. The Mayor further reported on January 20, 2026 that “meters will continue to be placed at strategic locations to monitor to decimal [*sic*] recordings and that information will be provided to Citizens on a routine basis.”⁶⁷

139. As of the filing of this complaint, more than five months later, residents have yet to receive an update regarding the decibel readings from those monitors.

140. However, residents’ noise measurements have captured decibel levels as high as 70 dBA at residents’ property lines, in violation of Southaven’s noise ordinance.

141. On January 20, 2026, the same day as the meeting of the Mayor and Board of Aldermen, news broke that Defendants had submitted a permit application to the MDEQ, seeking

⁶⁵ See Mins., Meeting of the Mayor and Bd. of Alderman, Southaven, Miss. at 14 (Jan. 20, 2026), <https://southaven.org/ArchiveCenter/ViewFile/Item/1754>; Bracey Harris, *Elon Musk's Makeshift AI Power Plant Generates Sound and Fury in Mississippi*, NBC News (Feb. 26, 2026), <https://www.nbcnews.com/news/us-news/musks-ai-power-plant-generates-sound-fury-mississippi-rcna258594>.

⁶⁶ *Mins.* (Jan. 20, 2026) at 15.

⁶⁷ *Id.*

permission to install 41 permanent gas-powered turbines at the Southaven Plant that would generate approximately 1.2 gigawatts of electricity.⁶⁸

142. By February 2026, there were at least 27 “temporary” turbines at the Southaven Plant.



Figure 3. Close-up aerial image of xAI’s Stanton Road S. facility showing 27 turbines (Feb. 9, 2026).

143. On February 17, 2026, MDEQ held a public hearing on Defendants’ permit application for the 41 permanent gas-powered turbines. The room was full of hundreds of attendees, most of them residents who live near the Southaven Plant.

144. No members of the MDEQ permit board (the group responsible for considering and ruling on the permit application) attended the hearing.⁶⁹

145. Thirty audience members voiced concerns over the turbines’ potential pollution.⁷⁰

⁶⁸ Katie Copeland & Brayel Brown, *xAI Seeking Permit for 41 Gas Turbines in Southaven*, News Channel 3 (Jan. 20, 2026), <https://wreg.com/news/local/xai-seeking-permit-for-41-gas-turbines-in-southaven/>.

⁶⁹ Garner Montgomery, *Residents Oppose xAI Southaven Turbines Permit at MDEQ Hearing*, Action News 5 (Feb. 17, 2026), <https://www.actionnews5.com/2026/02/18/residents-oppose-xai-southaven-turbines-permit-mdeq-hearing/>.

⁷⁰ Alex Rozier, *Public Gives Resounding ‘No’ to Proposed xAI Southaven Permit*, Miss. Today (Feb. 18, 2026), <https://mississippitoday.org/2026/02/18/xai-southaven-permit-public-resounding-no/>.

146. Several Southaven residents raised concerns about the ongoing noise emitted by the Southaven Plant, describing it as a constant roar.⁷¹

147. Plaintiff Haley told MDEQ, “This is heard at night when I’m trying to go to sleep, and I hear it when I wake up. This caused loss of sleep. I have headaches. My ears now ring[.]”⁷²

148. Devan Jenkins, whose family has lived in a nearby neighborhood for five generations, described it as a “deep, constant drone that vibrates in your house.”⁷³

149. Angie Davis described the sound near her daughter’s Colonial Hills home like that of a jet engine.⁷⁴

150. Reverend Robert James, President of the Mississippi Conference for the NAACP emphasized that “[w]ith this new permit[,] noise and air pollution will increase, intensify existing health risks and prolonging injustice for those who have opposed xAI for over a year.”⁷⁵

⁷¹ *Id.*; Garner Montgomery, *Residents Oppose xAI Southaven Turbines Permit at MDEQ Hearing*, Action News 5 (Feb. 17, 2026), <https://www.actionnews5.com/2026/02/18/residents-oppose-xai-southaven-turbines-permit-mdeq-hearing/>.

⁷² Garner Montgomery, *Residents Oppose xAI Southaven Turbines Permit at MDEQ Hearing*, Action News 5 (Feb. 17, 2026), <https://www.actionnews5.com/2026/02/18/residents-oppose-xai-southaven-turbines-permit-mdeq-hearing/>.

⁷³ Alex Rozier, *Public Gives Resounding ‘No’ to Proposed xAI Southaven Permit*, Miss. Today (Feb. 18, 2026), <https://mississippitoday.org/2026/02/18/xai-southaven-permit-public-resounding-no/>.

⁷⁴ Neil Strebig & Jacob Wilt, *Crowd Pushes Back Against xAI Turbines in Southaven During Hearing*, Com. Appeal (Feb. 17, 2026), <https://www.commercialappeal.com/story/money/business/development/2026/02/17/xai-in-southaven-turbines-permit/88402053007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=z115244p1173501116450c117350e000100v115244d--38--b--38--&gca-ft=173&gca-ds=sophi>.

⁷⁵ Mike Suriani, *Hundreds Pack Southaven Hearing on xAI Concerns*, News Channel 3 (Feb. 17, 2026), <https://wreg.com/news/local/xai-memphis/resident-attend-southaven-public-hearing-on-xai-gas-turbine-permit/>.

151. Plaintiff Taylor Logsdon spoke at the meeting and echoed a sentiment shared among the community: “Since August, we have slowly fallen out of love with where we decided to grow our family.”⁷⁶

152. Not one person spoke in favor of the permit application.⁷⁷ Neither Defendants nor officials from the City of Southaven responded to residents’ concerns about the ongoing noise. They did not speak at all during the hearing.⁷⁸

153. Written comments submitted to MDEQ by local area residents (including residents of Southaven and Horn Lake) regarding Defendants’ permit application similarly expressed significant concerns about the ongoing noise from the Southaven Plant. Some examples of these written comments include the following:

- “Right now, Horn Lake residents are making and sharing videos of the noise pollution from the turbines currently running. They can be found on social media with simple searches. . . These turbines are a Horn Lake issue, they are a DeSoto county issue, because noise pollution, air pollution, and water pollution does not stop at a border or city limit.”
- “Our children deserve to live in a SAFE environment. Exposing them to toxic air and noise quality on a 24 hour basis is not safe! MANY schools and homes are in direct vicinity of this area.”
- “These turbines are very disruptive in terms of pollution and noise. This needs to stop.”
- “These turbines have been running for between 16-20 hours a day since they were installed without public notice or public input, and without any effective sound barriers to protect the public. This has resulted in not only additional air pollution, but noise pollution as well.”

⁷⁶ Alex Rozier, *Public Gives Resounding ‘No’ to Proposed xAI Southaven Permit*, Miss. Today (Feb. 18, 2026), <https://mississippitoday.org/2026/02/18/xai-southaven-permit-public-resounding-no/>.

⁷⁷ *Id.*

⁷⁸ Alex Rozier, *Southaven Residents Oppose xAI Air Permit for 41 Natural Gas Turbines at Public Hearing*, Tri-State Defender (Feb. 21, 2026), <https://tri-statedefender.com/southaven-residents-oppose-xai-air-permit-for-41-natural-gas-turbines-at-public-hearing/02/21/>.

- “A disservice was done to nearby communities including ten schools, three daycares, 27 churches, eleven parks, and countless residents when the plant was introduced without public comment knowing it was going to be so close to our community without thought or care as to how loud the turbines are to those nearby and the effects that would have on their work and daily life. Day and night the turbines can be heard, sometimes changing in frequency or occasionally startling neighbors into action on community pages. I have seen them impact my life in this way for a while now. The first time, it woke me up in the middle of the night, a loud boom could be heard and then the turbines sounded as if they were roaring. I went room-to-room trying to find the source only to discover the roaring noise was coming from outside when at last I checked there. For hours after, that roaring kept me up until I finally fell asleep from exhaustion. I wish I could say that was the only time that happened, but the noise has only grown more noticeable and unbearable as the weeks and months progressed.”
- “The noise is already unbearable. Trying to sleep at night has caused me so much stress and anxiety.”
- “There is a constant noise being emitted from those turbines now! I live $\frac{1}{4}$ to $\frac{1}{2}$ of a mile away and the noise is obstructive and persistent at the distance! . . . It Will kill property values on Hundreds of homes in the heavily housed area! Not just in Southaven but also homes in Horn Lake MS just a quarter mile south! There is an elementary school directly behind my house that Will be effected! I have lived here for 38 years and it has been peaceful!”
- “The continuous turbine noise, increased air pollution, and excessive industrial lighting will continue to directly affect the daily lives, health, and well-being of the families who live nearby. Residents should not have to live with constant industrial noise, degraded air quality, and loss of the quiet environment that once defined our neighborhood.”
- “Noise is another concern. Gas turbines are very loud. The noise can run day and night. Low-frequency noise can travel far and go through walls. This can affect sleep, stress levels, and overall health. . . Our community deserves clean air, quiet neighborhoods, and safe water.”
- “No no no the ones they have already causes me health problems. I can’t eat or sleep because of the constant vibration and noise. I use to be out going and done all sorts of stuff. I loved playing around with my family and friends but now I just stay tired and nauseous non stop. Enough is enough I want my life back. This has effected my whole family and im sick of it.”
- “I’ve lived in the Kingston Estates subdivision in Horn Lake for over 20 years. My house is 9/10 of a mile away from the MZX site. I previously enjoyed living in a quiet neighborhood, but over the last month the turbine noise has gotten so loud

that I can hear it in my house over my television. I can hear it while I'm trying to sleep. It's a horrible jet engine noise along with incessant beeps that sound like a truck backing up all night. The noise stresses me out and makes my chest hurt. It makes it hard to sleep at night."

154. Other written comments echoed similar concerns about the noise created by the existing "temporary" turbines, and fears that the proposed "permanent" turbines would perpetuate these ongoing harms. Despite the unanimous condemnation of the permit application at this hearing, and the consistent outcry against the Southaven Plant from Southaven and Horn Lake residents, on March 10, 2026, the MDEQ Permit Board approved Defendants' application for a permit for the 41 new "permanent" turbines at the Southaven Plant.⁷⁹

155. Defendants have provided no assurance that the "permanent" turbines will meaningfully reduce the noise emitted from the facility.

156. Defendants' permit for the "permanent" turbines now faces legal challenges.⁸⁰

157. In the face of that legal challenge, in May 2026, Defendants increased the number of "temporary" gas turbines at the Southaven Plant to 57.⁸¹

158. At a May 19, 2026 meeting of the Mayor and the Board of Alderman of Southaven, Mayor Musselwhite finally acknowledged the ongoing harm publicly, stating that he talks to someone "every night" about the noise from the Southaven Plant, that "[t]he noise has not been

⁷⁹ Alex Rozier, *State Board Approves xAI Permit, Southaven Community Left With "Dread,"* Miss. Today (Mar. 10, 2026), <https://mississippitoday.org/2026/03/10/xai-permit-approved-southaven/>.

⁸⁰ Press Release, S. Env't L. Ctr., *Groups Appeal Air Permit for xAI's Personal Power Plant in North Mississippi* (Apr. 9, 2026), <https://www.selc.org/press-release/groups-appeal-air-permit-for-xais-personal-power-plant-in-north-mississippi/>.

⁸¹ Alex Rozier, *xAI Now Has 46 Gas Turbines Without Air Permits. State officials Are "Evaluating the Situation,"* Miss. Today (May 11, 2026), <https://mississippitoday.org/2026/05/11/xai-46-gas-turbines-no-air-permits/>; E-mail from Shannon Lynn, Trinity Consultants, to Jaricus Whitlock, Air Div., Miss. Dep't of Env. Quality (May 15, 2026, at 5:03 ET) (available at <https://drive.google.com/file/d/1B8subqdj7KieLgeobLFrOyIgFxP1F5qy/view>).

acceptable,” and even stating: “I hear the citizens. I agree with them.” The Mayor revealed that he had asked Defendants about the noise the operation would create before they began operating in Southaven, and he was misled by Defendants to believe the noise would not be a problem. He further noted that “because it is a continuous noise, a low frequency continuous hum, we’ve asked [Defendants] to do extra things. Even EPA has acknowledged that low frequency continuous noise needs to be kept at a lower level.”⁸²

159. But Defendants still have not reduced the noise.

160. As of the filing of this complaint, the “temporary” turbines continue to operate at the Southaven Plant, blasting noise into the surrounding area all day, every day.

161. The noise from the “temporary” turbines continues to permeate neighborhoods and enter residents’ properties, affecting daily activities, interfering with residents’ ability to use and enjoy their homes, and diminishing property values.

162. Google Reviews of 2875 Stanton Road also document this suffering. For example, one reviewer posted “Incredible loud! Directly behind my dad’s house.” Another emphasized “Too much noise, destroying wildlife and pollution without concern of community.” Another reviewer posted “Fascinating business model: clear out a whole forest, drop industrial gas turbines next to neighborhoods and schools, call it progress, and then hope no one notices the noise pollution. . . The community was clearly an afterthought, if we were ever a thought at all.” Another called on xAI to “Stop making noise and Leave out water alone.” And another stated “Noise pollution (and more) taken to the next level with 0 concern about surrounding communities.”

⁸² CITY OF SOUTHAVEN BOARD MEETING, *Meeting of the Southaven, Mississippi Mayor and Board of Aldermen - May 19, 2026* (YouTube, May 19, 2026), <https://www.youtube.com/live/xSEH7ueaneY?t=1894s>

163. The near-constant noise includes broadband sound and low frequencies, both of which exceed typical suburban background sound levels, and associated vibration. The noise routinely emitted by the Southaven plant is not only intolerable for residents, but it also regularly exceeds 70dBA, in violation of the local noise ordinance.

164. Residents have filed multiple noise complaints through Southaven's code enforcement website, to no avail.

165. The noise emanating from the Southaven Plant, which vastly exceeds typical suburban background noise, can be heard throughout the Class Area defined below.

166. The noise that residents hear every day does not represent the full extent of the noise exposure that residents face. Even when not consciously audible to the human ear, low frequency noise (including infrasound) and tonal noise components can be perceived physically and psychologically and therefore still impact residents.

167. Most noise measurements are conducted using an A-weighted decibel scale (dBA). However, the dBA scale only captures sounds that are audible to human ears and filters out low-frequency noise.

168. If the noise from the Southaven Plant were measured using a dBC scale—which encompasses a decibel range more attuned to industrial noise—the decibel readings would likely be significantly higher.

169. As explained by Devan Jenkins, who lives in Memphis' Whitehaven neighborhood but can nevertheless hear the noise from the Southaven Plant's turbines across the border in

Mississippi: “You can feel it rattling your eardrums. . . It makes you feel like you’re going insane.”⁸³

170. And for property owners, the ongoing and constant noise and associated vibration diminishes their property value. This loss in property value arises both from the nuisance itself as well as the stigma of living near a facility that emits such noise, both of which make it harder to sell a home.

171. As one Southaven resident has put it: “Hell, I couldn’t give my house away with all this noise.”⁸⁴

VIII. Residents’ Concerns About the Noise are Well-Founded: Persistent Noise Exposure is Known to Impair Mental and Physical Health and Wellness

172. Residents’ concerns and anxiety about their exposure to constant noise are well-founded.

173. Sound affects the body. This fact is widely understood and employed in various fields: from the soothing tones played at a spa to encourage relaxation, to the low-frequency infrasound woven into the soundtrack of horror movies to instill fear, tension and stress in the audience.

174. Noise is defined as any sound that is unwanted.⁸⁵ This can mean, among other things, sound that is too loud, sound that lasts too long, or sound that is disturbing. There are three

⁸³ Illan Ireland, “*We Are Not Expendable*”: *Southaven Residents Fight xAI’s Plan for 41 Gas Turbines to Power Musk’s Grok*, Miss. Free Press (Mar. 6, 2026), <https://www.mississippifreepress.org/xai-faces-fierce-opposition-over-southaven-mississippi-power-plant-permit/>.

⁸⁴ Bracey Harris, *Elon Musk’s Makeshift AI Power Plant Generates Sound and Fury in Mississippi*, NBC News (Feb. 26, 2026), <https://www.nbcnews.com/news/us-news/musks-ai-power-plant-generates-sound-fury-mississippi-rcna258594>.

⁸⁵ *What is Noise*, Inst. of Noise Control Eng’g, <https://www.inceusa.org/about-ince-usa/what-is-noise/> (last visited June 2, 2026).

basic dimensions of sound, each of which can contribute to the perception of noise: magnitude (i.e., volume), frequency (i.e., pitch), and time (i.e., duration and variation).⁸⁶

175. Thus, a sound may not be disturbing if heard only for a short time, but when experienced constantly, it can become a significantly disturbing noise. The circumstances in which sound is heard also contribute to the experience of it. For example, while high volume music with resonant bass may be an enjoyable sound for an hour at a concert, it is a disturbing noise when you are trying to sleep.

176. Noise disturbance can also be amplified depending on the volume and pitch of the sound. For example, noise with tonal components—whistles, whines, or hums—is often perceived as more annoying than broadband noise because the human ear is more sensitive to pure tones.⁸⁷

177. Persistent exposure to elevated noise levels—even when those levels are not particularly high in A-weighted decibel dB(A) terms—has been demonstrated in the peer-reviewed literature to cause a variety of auditory and non-auditory health harms.

178. Long-term or repeated exposure to elevated noise can cause hearing impairment, hearing loss, or tinnitus. The louder the sound, the less time it takes to damage hearing.⁸⁸

⁸⁶ *Id.*

⁸⁷ *What Is Tonal Noise and Why Is It Considered More Annoying than Broadband Noise?*, Sustainability Directory (Nov. 26, 2025), <https://pollution.sustainability-directory.com/learn/what-is-tonal-noise-and-why-is-it-considered-more-annoying-than-broadband-noise/>.

⁸⁸ *See Noise-Induced Hearing Loss*, Nat'l Inst. on Deafness and Other Commc'n Disorders, <https://www.nidcd.nih.gov/health/noise-induced-hearing-loss> (last visited June 2, 2026); Tang-Chuan Wang et al., *Noise Induced Hearing Loss and Tinnitus—New Research Developments and Remaining Gaps in Disease Assessment, Treatment, and Prevention*, Brain Sciences, Oct. 2020, at 7, <http://pmc.ncbi.nlm.nih.gov/articles/PMC7602100/>.

179. Exposure to persistent lower-level noise, particularly with low-frequency or tonal components, can lead to increased annoyance, irritability, stress, reduced sleep quality, and secondary psychological harms such as anxiety or depression.⁸⁹

180. Peer-reviewed medical literature also shows that persistent noise exposure contributes to non-auditory health harms including stress hormone dysregulation, impaired cognitive performance, and cardiovascular disease.⁹⁰

181. Chronic noise exposure activates the body's stress response (including the hypothalamic-pituitary-adrenal axis and the sympathetic nervous system), leading to elevated stress hormones, oxidative stress, endothelial dysfunction, elevated blood pressure and other cardiovascular effects—even in individuals who do not subjectively perceive the noise as “loud.”⁹¹

182. Epidemiological studies show that environmental noise exposure is associated with elevated risks of hypertension, ischemic heart disease, atrial fibrillation, and stroke.⁹²

183. Moreover, what is reasonable and/or safe during the day is different from what is reasonable at night. The World Health Organization (WHO) recommends that average night noise

⁸⁹ See, e.g., Omar Hahad et al., *Environmental Noise-Induced Effects on Stress Hormones, Oxidative Stress, and Vascular Dysfunction: Key Factors in the Relationship between Cerebrocardiovascular and Psychological Disorders*, *Oxidative Medicine and Cellular Longevity*, Nov. 11, 2019, at 1-2, <https://pmc.ncbi.nlm.nih.gov/articles/PMC6878772/>.

⁹⁰ See, e.g., Jennifer Biddle, *How Noise Pollution Quietly Affects Your Health*, UC Davis Ctr. for Occupational & Env't Health (June 2, 2025), <https://coeh.ucdavis.edu/research/how-noise-pollution-quietly-affects-your-health>; Stephanie Dutchen, *Noise Pollution Is More Than a Nuisance. It's a Health Risk*, Harvard Medicine (2022), <https://magazine.hms.harvard.edu/articles/noise-and-health>.

⁹¹ See Ane Arregi et al., *Road Traffic Noise Exposure and Its Impact on Health*, *Env't Sci. & Pollution Rsch.*, July 8, 2024, at 1, <https://pmc.ncbi.nlm.nih.gov/articles/PMC11297122/>.

⁹² Samira Tabei et al., *The Relationship Between Noise Pollution and Cardiovascular Diseases: An Umbrella Review on Meta-Analyses*, *BMC Cardiovascular Disorders*, August 26, 2025, at 1, <https://link.springer.com/article/10.1186/s12872-025-04864-9>

exposure should not exceed 40 decibels (dB) to prevent adverse physical and mental health effects from sleep disturbance.⁹³

IX. Plaintiffs' Experiences

184. Plaintiff Jason Haley has owned his home since 2006. His home is located approximately 0.5 miles from the xAI Facility.

185. Prior to the construction of the xAI Facility, Mr. Haley enjoyed the peace and quiet that was characteristic of his neighborhood. Mr. Haley spent time in his backyard tending to his blackberry bushes and other plants, doing yardwork and working in his shed, playing lawn games, cooking outside, and hosting gatherings of friends on his back deck. Mr. Haley enjoyed keeping his windows open to feel a breeze and hear the birds chirping. Inside, he was able to relax, watch television, concentrate on his work when working from home, sleep through the night, and generally enjoy the tranquility of his home and the surrounding area.

186. Since at least September of 2025, Mr. Haley began to hear loud, persistent noise emanating from the xAI facility. Over time, the noise has worsened in both volume and character.

187. Mr. Haley lives with this noise 24 hours per day, 7 days per week. Some days the noise is louder than others, based on wind and other weather conditions. But while the noise varies in intensity, it remains constant and intolerable in its presence.

188. The nonstop, aggravating noise unreasonably interferes with Mr. Haley's ability to use and enjoy his home. Mr. Haley can no longer relax outside or lounge in his backyard. While he once enjoyed spending time doing yardwork or gardening, he now attends those activities only

⁹³ *What Is the Recommended Decibel Level for Residential Areas at Night?*, Sustainability Directory (Nov. 24, 2025), <https://pollution.sustainability-directory.com/learn/what-is-the-recommended-decibel-level-for-residential-areas-at-night/>.

when necessary. He can no longer sit out on his back deck to drink coffee on weekend mornings, watch wildlife, or spend a night in the fresh air under the stars.

189. Going inside of his home provides little reprieve. Mr. Haley can no longer open his windows due to the constant noise. But even with the windows closed, he can hear the rumbling thunder of the xAI Facility emanating throughout his house and can feel the sound vibrations while he is indoors. The noise and vibration disrupt his ability to relax inside, watch television, or concentrate on tasks around the house, making him less productive. The noise impairs his ability to focus on his work while he is working from home, and as a result, he works from home less than he otherwise would. The noise also makes it difficult for him to fall asleep and sleep through the night.

190. Mr. Haley has also experienced, and continues to experience, numerous physical and psychological health effects because of the noise including, but not limited to increased stress, anxiety, irritability, mental anguish, depression, headaches, fatigue, difficulty concentrating, and tinnitus. He began experiencing such symptoms shortly after the turbines began operating, and continues to experience them on a regular basis, although they have worsened over time.

191. Additionally, since the noise began emanating from the facility, Mr. Haley has observed that when he watches his mother's dog, the dog exhibits signs of distress, including hiding under the bed and not wanting to spend time outside. While Mr. Haley had hoped to adopt a dog of his own, he now fears that it would be inhumane to subject a dog to the noise conditions in his home and backyard.

192. Mr. Haley has incurred out-of-pocket losses due to xAI's operations. Because he cannot open his windows due to the noise, he must run the air conditioner more frequently, resulting in greater costs.

193. Mr. Haley believes that the value of his home has significantly decreased due to the presence of the xAI facility and the inescapable noise that penetrates the windows and walls of his home and the stigma of living near such a facility.

194. Plaintiff Preston Zane Herrington is a lifelong resident of Southaven, Mississippi. He has owned his home since 2018. His home is located approximately 0.7 miles from the xAI Facility.

195. Prior to the construction of the xAI Facility, Mr. Herrington enjoyed the peace and quiet that was characteristic of his neighborhood. He frequently spent time in his backyard, which has a large, covered patio equipped with a hot tub, grill, smoker and fire pit. This outdoor space was a cornerstone of his home life and a favorite place to spend time relaxing, watching wildlife, socializing, and enjoying tranquility of his community. Mr. Herrington would also regularly host in his backyard; from casual gatherings of friends to special family holidays, the myriad amenities and natural beauty of his outdoor space made it a favorite place for him and his guests to spend time. Mr. Herrington even held his wedding in his backyard.

196. Mr. Herrington also enjoyed taking his dogs on long walks through the neighborhood, and his dogs relished their time spent lounging in the backyard's sunshine. Mr. Herrington was able to relax inside his home, open his windows to hear the birds chirping and feel a breeze, easily sleep through the night, and generally enjoy the tranquility of his property and the surrounding area.

197. Since at least September of 2025, Mr. Herrington began to hear loud, persistent noise emanating from the xAI Facility. Over time, the noise has worsened in both volume and character.

198. Mr. Herrington lives with this noise 24 hours per day, 7 days per week. Some days the noise is louder than others, based on wind and other weather conditions. But while the noise varies in intensity, it remains constant and intolerable in its presence.

199. The nonstop, aggravating noise unreasonably interferes with Mr. Herrington's ability to use and enjoy his home. He no longer enjoys spending time in his backyard and is infrequently able to use the amenities he once cherished including his hot tub, grill and smoker due to the distressing noise. He rarely hosts guests outdoors due to concerns that the noise will cause them irritation or disrupt their ability to socialize. He can no longer sit outside to watch the wildlife or enjoy the tranquility of his neighborhood.

200. Going inside of his home provides little reprieve. Mr. Herrington can no longer open his windows due to the constant noise. But even with his double-paned windows closed, he can hear the rumbling thunder of the xAI Facility emanating throughout his house and can feel the sound vibrations while he is indoors. The noise and vibration disrupt his ability to relax inside, focus on his work while he is working from home, and watch television. The xAI Facility noise also impairs his ability to fall asleep at night, which is when the noise seems to become loudest.

201. Mr. Herrington has also experienced, and continues to experience, numerous physical and psychological health effects because of the noise including, but not limited to, increased stress, anxiety, fatigue, difficulty concentrating, irritability and mental anguish. He began experiencing these symptoms in or around October 2025 and continues to experience them on a regular basis, and they have worsened over time.

202. Mr. Herrington further has concerns about the physical and mental health and safety of his friends and relatives who visit his home, including his nieces, nephews, and friends' children, who he believes are affected by the noise pollution emanating from the facility.

203. Additionally, since the noise began emanating from the facility, Mr. Herrington has observed that his dogs have exhibited signs of discomfort and no longer wish to spend time lounging outside like they used to.

204. Mr. Herrington has incurred out-of-pocket losses due to xAI's operations. Because he cannot open his windows due to the noise, he must run the air conditioner more frequently, resulting in greater costs.

205. Mr. Herrington believes that the value of his home has significantly decreased due to the presence of the xAI Facility and the inescapable noise that penetrates the windows and walls of his home and due to the stigma of living near such a facility.

206. Plaintiff Taylor Logsdon has owned her home since November 2015. Mrs. Logsdon's home is located approximately 0.6 miles from the xAI Facility.

207. Prior to the construction of the xAI Facility, Mrs. Logsdon and her family enjoyed the peace and quiet that was characteristic of their neighborhood. Mrs. Logsdon's backyard, which she has spent the past decade improving, was the cornerstone of her home. She and her family frequently spent time in their outdoor space and regularly enjoyed their many outdoor amenities including a swimming pool, a wooden playset, a trampoline, an outdoor movie projector, a fire pit, and an outdoor kitchen and dining area. Mrs. Logsdon would frequently host in her backyard, from regular neighborhood games of cornhole and softball, to weekend outdoor movie nights, to family events and holidays. Inside her home, Mrs. Logsdon relished leaving the windows open to feel a cool breeze or hear the soft patter of rain. She and her family were able to relax inside, easily sleep through the night, and generally enjoy the tranquility of their home and the surrounding area.

208. Since at least September of 2025, Mrs. Logsdon began to hear loud, persistent noise emanating from the xAI facility. Over time, the noise has worsened in both volume and character.

209. Mrs. Logsdon and her family live with this noise 24 hours per day, 7 days per week. Some days the noise is louder than others, based on wind and other weather conditions. But while the noise varies in intensity, it remains constant and intolerable in its presence.

210. The nonstop, aggravating noise unreasonably interferes with Mrs. Logsdon's ability to use and enjoy her home. She no longer enjoys spending time in her backyard, and she and her family are infrequently able to use the outdoor amenities they once cherished. Her children rarely play outside or swim in the pool, and her neighbors no longer gather in her backyard to socialize due to the disruption and annoyance caused by the xAI Facility's noise. Mrs. Logsdon was unable to host Easter at her home due to the noise, and while she hosted Thanksgiving, her family was unable to use the outdoor space as usual. Mrs. Logsdon can no longer sit in the sunshine in her yard, grill or eat meals outdoors, or relax by the fire under the stars.

211. Going inside of her home provides little reprieve. Mrs. Logsdon can no longer open her windows due to the constant noise. But even with her windows closed, she can hear the rumbling thunder of the xAI Facility emanating throughout her house and can feel the sound vibrations while she is indoors. The noise and vibration disrupt her and her family's ability to relax inside their home, watch television, and sleep through the night. Mrs. Logsdon has tried playing the television to drown out the noise to help her children fall asleep, but they are nevertheless frequently awoken by the noise of the xAI facility.

212. Mrs. Logsdon has also experienced, and continues to experience, numerous physical and psychological health effects because of the noise including, but not limited to anxiety, irritability, mental anguish, difficulty sleeping, fatigue, short term memory impairment, headache and migraines, and nausea. She began experiencing these symptoms shortly after the turbines

began operating, and continues to experience them on a regular basis, although they have worsened over time.

213. Mrs. Logsdon further has concerns about the physical and mental health and safety of her children as a result of the noise pollution emanating from the facility. Since the constant noise began, she has observed that her children have experienced mood changes including increased irritability, mental anguish, lack of interest in activities they once enjoyed, and increased fatigue, and their teachers report that they are having difficulty staying awake and concentrating in school, negatively impacting their academic performance.

214. Additionally, since the noise began emanating from the facility, Mrs. Logsdon has observed that her dogs have exhibited signs of distress including increased howling, barking, and whining; waking up throughout the night; lack of appetite; and no longer wanting to spend time lounging and adventuring outside as they once did.

215. Mrs. Logsdon has incurred out-of-pocket losses due to xAI's operations. Because she cannot open her windows due to the noise, she must run the air conditioner more frequently, resulting in greater costs.

216. Mrs. Logsdon believes that the value of her home has significantly decreased due to the presence of the xAI Facility and the inescapable noise that penetrates the windows and walls of her home and due to the stigma of living near such a facility.

217. Plaintiffs and members of the proposed Class have exhausted every reasonable avenue available to them to obtain relief from Defendants' unlawful noise. They have contacted Defendants' representatives about the noise, repeatedly reported the noise to code enforcement officials and local law enforcement, raised their concerns with their mayor and aldermen, organized and submitted comments opposing Defendants' expansion efforts and permit

applications, challenged governmental approvals, and brought widespread public attention to the issue through local and national media coverage. Despite these sustained efforts, the Southaven Plant's noise continues to invade their homes, disrupt their daily lives, and diminish their quality of life. Having been unable to secure relief through any other means, Plaintiffs now seek the intervention of this Court.

CLASS ACTION ALLEGATIONS

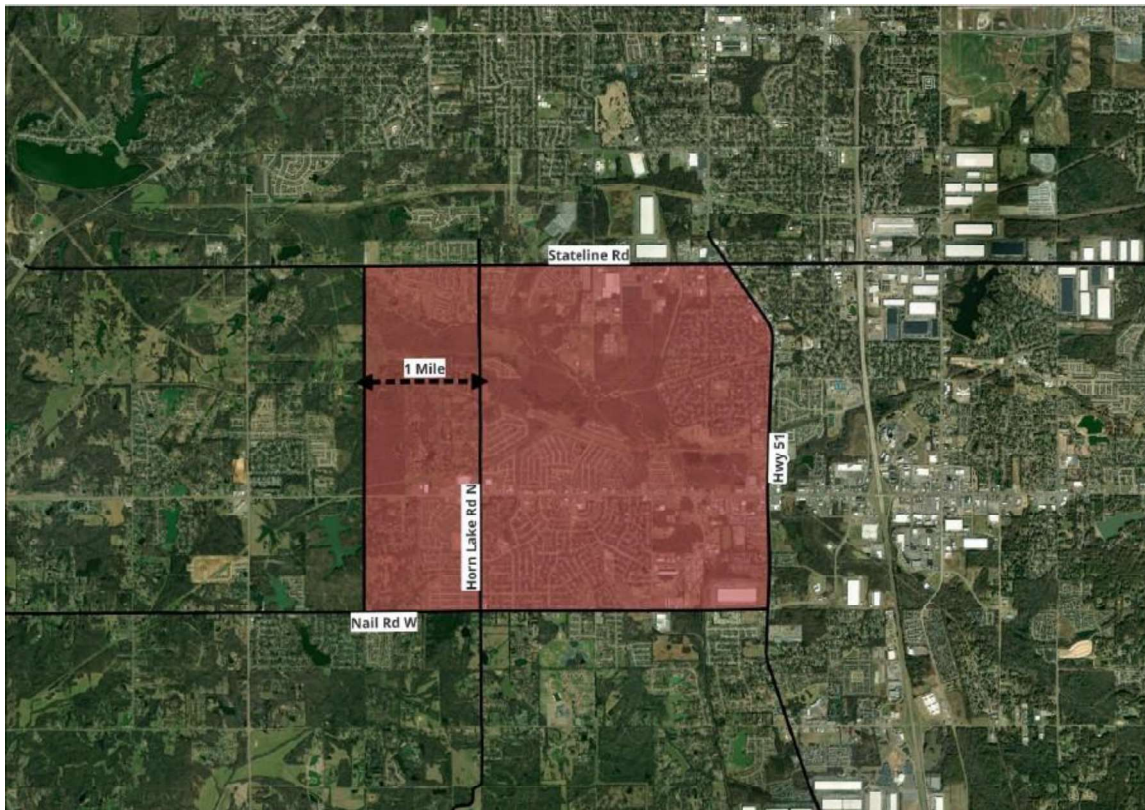
218. Plaintiffs incorporate the foregoing paragraphs.

219. Plaintiffs bring this lawsuit as a class action on their own behalf and on behalf of all other persons similarly situated as members of the proposed class pursuant to Federal Rules of Civil Procedure 23(a), (b)(1), (b)(2), (b)(3), and/or (c)(4). This action satisfies the numerosity, commonality, typicality, adequacy, predominance, and superiority requirements of those provisions.

220. Plaintiffs bring this class action on behalf of the following:

All individuals who resided in and/or owned residential property at any time between August 2025 and the present within the area bounded by Stateline Road West to the North; U.S. Highway 51 to the East; Nail Road to the South; and a vertical boundary line to the West that is 1 mile West of Horn Lake Road.

221. The map below depicts the Class Area boundary described in the immediately preceding paragraph:



222. Upon information and belief, the persistent and disturbing noise from the Southaven Plant, as described in this Complaint, can be heard throughout the area described above.

223. Thousands of residences are located within the Class Area described above and, upon information and belief, more than 10,000 class members reside within the Class Area described above.

224. Excluded from the class set forth above are: (a) Defendants, any entity or division in which Defendant has a controlling interest, and its legal representatives, officers, directors, assigns, and successors; (b) the Judge, Magistrate Judge, and other judicial officers to whom this case is assigned and such Judges' staff, and members of their family; (c) any class counsel or their immediate family members; and (d) the legal representatives, successors, and assigns of any such excluded persons.

225. Plaintiffs reserve the right to amend the class definition set forth above if discovery

and/or further investigation reveals that any class should be expanded, divided into subclasses or modified in any way.

226. This action should be maintained as a class action under Rule 23(a) as it satisfies the class action prerequisites of numerosity, commonality, typicality, and adequacy because:

227. Numerosity: Class Members are so numerous that joinder of all members is impracticable. Upon information and belief, there are thousands of individuals in the Class as described above.

228. Commonality: The questions of law and fact common to the Class Members which predominate over any questions which may affect individual Class Members include, but are not limited to:

- 1) Whether Defendants have operated and continue to operate the Southaven Plant in a manner causing substantial, unreasonable, and continuing interference with the Class Members' right of use and enjoyment of their property;
- 2) Whether Defendants' conduct has unreasonably interfered with rights common to the general public;
- 3) Whether Defendants were negligent in the design, construction, and operation of the Southaven Plant;
- 4) Whether Defendants owed any duties to Class Members;
- 5) Whether Defendants breached one or more duties to Class Members;
- 6) Whether Defendants' conduct was a substantial factor in causing harm to Class Members;
- 7) Whether Defendants violated any Mississippi laws or local ordinance, including Southaven Code of Ordinances Title X, Chapter 2, Article III;

- 8) Whether Defendants knew or should have known of the risk of harm to Class Members caused by their conduct;
- 9) Whether Defendants knew or should have known that their conduct was causing harm to Class Members;
- 10) What is the proper measure of damages incurred by, and injunctive relief available to, the Class Members.

229. Typicality: Plaintiffs are members of the Class. Plaintiffs' claims are typical of the claims of each Class Member. Plaintiffs are entitled to relief under the same causes of action as the other Class Members.

230. Adequacy: Plaintiffs are adequate Class representatives because their interests do not conflict with the interests of the Class Members they seek to represent, they have a strong interest in vindicating their rights and the rights of the Class, they have retained counsel competent and experienced in complex class action litigation, and counsel intends to vigorously prosecute this action and has the financial resources to do so. Neither Plaintiffs nor their counsel have interests adverse to the classes.

231. Predominance: Pursuant to Rule 23(b)(3), the common issues of law and fact identified above predominate over any other questions that may affect only individual members of the Class. The facts and the legal theories regarding Defendants' wrongful conduct are substantially the same for Plaintiffs and all of the Class members, and the action is also amenable to a class-wide calculation of damages through expert testimony.

232. Superiority: A class action is superior to the other available methods for the fair and efficient adjudication of this controversy because:

- 1) The joinder of hundreds or thousands of individual Class Members is impracticable,

cumbersome, unduly burdensome, and a waste of judicial and/or litigation resources;

- 2) The individual claims of the Class Members may be relatively modest compared with the expense of litigating the claims, thereby making it impracticable, unduly burdensome, and expensive – if not totally impossible – to justify individual actions;
 - 3) When Defendants’ liability has been adjudicated, all Class Members’ claims can be determined by the Court and administered efficiently in a manner far less burdensome and expensive than if it were attempted through filing, discovery, and trial of all individual cases;
 - 4) This class action will promote orderly, efficient, expeditious, and appropriate adjudication and administration of Class claims;
 - 5) Plaintiffs know of no difficulty that will be encountered in the management of this action that would preclude its maintenance as a class action;
 - 6) This class action will assure uniformity of decisions among Class Members;
 - 7) The Class is readily definable and prosecution of this action as a class action will eliminate the possibility of repetitious litigation;
 - 8) Class Members’ interests in individually controlling the prosecution of separate actions is outweighed by their interest in efficient resolution by single class action;
and
 - 9) It would be desirable to concentrate in this single venue the litigation of all Class Members who were harmed by Defendants’ conduct.
233. Accordingly, this action is properly brought and should be maintained as a class

action under Rule 23(b)(3) because questions of law or fact common to Class Members predominate over any questions affecting only individual members, and because a class action is superior to other available methods for fairly and efficiently adjudicating this controversy.

234. In addition to the above, Plaintiffs bring an action under Rule 23(b)(2) because Defendants have acted or refused to act on grounds that apply generally to the class, such that final injunctive relief or declaratory relief is appropriate with respect to the Class as a whole. Such injunctive relief includes, but is not limited to, an injunction limiting or preventing Defendants from engaging in the ongoing harmful practices through its operations detailed herein.

235. Plaintiffs and the Class also seek a declaration that Defendants acted with negligence, gross negligence, and/or willful, wanton, and careless disregard for the health and wellness of Plaintiffs and members of the Class.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

PRIVATE NUISANCE

236. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

237. Plaintiffs and Class Members all resided in and/or owned residential property located near Defendants' Southaven Plant.

238. Defendants, through the negligent, reckless and/or intentional acts and omissions alleged herein, have operated and continue to operate the Southaven Plant in a manner causing substantial, unreasonable, and continuing interference with each Plaintiff's and each Class Member's private right of use and enjoyment of their property.

239. Due to Defendants' operation of the Southaven Plant, Plaintiffs and Class Members

have been and are exposed to constant loud, persistent, and low-frequency noise and vibrations emanating from Defendants' gas-powered turbines.

240. The intensity, duration, and character of these noises are such that a reasonable person of ordinary sensibilities residing in the community would consider them an excessive and unreasonable disturbance.

241. Plaintiffs and Class Members cannot comfortably sleep, rest, converse outdoors, or enjoy the quiet use of their homes because of the noise and associated vibration emitted by Defendants.

242. Plaintiffs and Class Members experience well-founded concerns, distress, and anxieties about the negative impact of persistent noise exposure on their mental and physical health, as well as that of their children and family members.

243. Plaintiffs and Class Members experience nuisance-level physical impacts from their persistent noise exposure, including, but not limited to, headaches, nausea, and tinnitus.

244. Plaintiffs and Class Members cannot seek reprieve from such exposures by retreating to their homes. Defendants' noise is omnipresent and inescapable, penetrating the walls of Plaintiffs' and Class Members' homes and shattering the peace and quiet previously present in Plaintiffs' and Class Members' lives.

245. Defendants knew or should have known that the facility's design and 24-hour operations would emit a continuous industrial noise incompatible with adjacent residential neighborhoods.

246. Despite repeated complaints from Plaintiffs and Class Members, and express admonition by city officials, Defendants have not adopted adequate noise-control measures.

247. As a direct and proximate result of Defendants' acts and omissions, Plaintiffs and

Class Members have suffered and will continue to suffer loss of enjoyment and use of their property, annoyance, emotional distress including anxiety, increased stress, and irritability, physical discomfort, nuisance-level physical health impacts, and, for property owners, diminution in property value. Defendants' conduct has violated each Plaintiff's and Class Member's private right to the use and enjoyment of their real property.

248. The nuisance is continuing in nature and causes new and ongoing injury each day that the Southaven Plant operates.

SECOND CAUSE OF ACTION

PUBLIC NUISANCE

249. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

250. "Excessive, unnecessary or offensive noise within the city is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the city and therefore is hereby declared a nuisance." Southaven Mun. Code, Title 10, chapter 2, article I, section 10-61(a).

251. "Every resident of the city is entitled to live in an environment free from excessive, unnecessary or offensive noise." *Id.* at 10-61(b).

252. Defendants' conduct constitutes a public nuisance because it unreasonably interferes with rights common to the general public, including the right to health, safety, and peace.

253. Defendants' operations have materially and significantly impaired the public's right to peaceful and quiet enjoyment of their environment and have endangered public health and welfare by creating an environment that is plagued by excessive and offensive noise. These impairments are continuing.

254. The continuous and excessive noise and vibration emitted from the facility have

affected the public rights of a substantial number of residents in the surrounding neighborhood.

255. Plaintiffs and Class Members have suffered and continue to suffer special injury distinct from that of the public at large.

256. As a result of their proximity to Defendants' Southaven Facility, the continuous, excessive noise and vibrations emanating from the Southaven Plant have caused and continue to cause Plaintiffs and Class Members to suffer from anxiety, increased stress, loss of sleep, headaches, and other nuisance-level physical health effects. Such manifestation of physical harm constitutes an injury different in kind—and not merely in degree—from the generalized unreasonable interference with public rights experienced by the broader community.

257. Additionally, Plaintiffs and Class Members who own residential property in the class area have experienced diminution of property value due to the proximity of their homes to Defendants' operation. While a substantial number of individuals have been adversely affected by Defendants' conduct, Plaintiffs' and Class Members' injuries are unique in that Defendants' violations of public rights have directly and measurably reduced the market value of Plaintiffs' and Class Members' properties.

258. Defendants have failed to abate the nuisance despite knowledge of the harms caused and repeated notice from residents and city officials.

THIRD CAUSE OF ACTION

NEGLIGENCE

259. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if set forth at length herein.

260. Defendants knew or reasonably should have known that their continuous operation of gas-powered turbines at the Southaven Plant to power their data centers would emit persistent

and disturbing noise and vibrations into the surrounding neighborhood. Defendants further knew or reasonably should have known that chronic exposure to such noise and vibration is a recognized hazard to human health and the environment requiring appropriate mitigation.

261. Defendants further knew or reasonably should have known that it was unreasonable and unsafe to locate and operate such a facility in a predominantly residential area without implementing robust noise-and vibration-abatement measures.

262. Defendants further knew or reasonably should have known that their operations in fact caused and continue to cause serious disturbance in the community, harm to residents' physical and psychological health and property, and violated and continue to violate applicable local noise ordinances.

263. Defendants further knew or reasonably should have known that their operations were likely to significantly interfere with the use and enjoyment of Plaintiffs' and Class Members' property and cause diminution of their property values.

264. Defendants owed, and continue to owe, Plaintiffs and Class Members a duty to exercise reasonable care in the design, construction, and operation of the Southaven Plant, so as not to inflict foreseeable harm to neighboring residents.

265. Defendants breached and continue to breach that duty by, among other ways:

- 1) Locating the Southaven Plant in a suburban residential area, in close proximity to residences, knowing that they planned to continuously run gas-powered turbines that would send noise and vibrations into local residential areas;
- 2) Failing to implement effective noise-control or vibration-mitigation measures, despite repeated complaints from community members and notice from public officials;

- 3) Operating the Southaven Plant continuously around the clock in close proximity to residential properties in a manner that Defendants knew or should have known would disrupt residents' sleep, impair wellbeing, degrade the surrounding environment, and diminish property values;
- 4) Misrepresenting to the community that any noise emanating from the Southaven Plant would be mitigated and would not cause disturbance;
- 5) Continuing normal operations despite documented and reported community harm, ordinance violations, and knowledge of those conditions; and
- 6) Increasing the number of gas-powered turbines in operation at the Southaven Plant despite documented and reported community harm, ordinance violations, and knowledge of those conditions.

266. Defendants' breaches of duty were and are direct and proximate causes of Plaintiffs' and Class Members' injuries, which include, but are not limited to, lost use and enjoyment of property, sleep disturbance, heightened stress, annoyance, emotional distress, diminished property value, and other adverse nuisance-level health impacts including headache, nausea, and tinnitus.

267. Moreover, by exposing Plaintiffs and Class Members—including elevated-risk groups such as infants, children, and the elderly—to sustained noise and vibration, Defendants have caused and continue to cause injury at a physiological level, including elevated stress-hormone levels, disruption of restorative sleep cycles, and raised blood pressure.

268. As a result of Defendants' breaches of the various duties set forth above, Plaintiffs and Class Members have suffered and continue to suffer damages including, *inter alia*, loss of use and enjoyment of their property, emotional and mental distress, nuisance-level physical harms, and diminution in property value.

FOURTH CAUSE OF ACTION:

**NEGLIGENCE PER SE, VIOLATION OF SOUTHAVEN
MUNICIPAL CODE TITLE 10, CHAPTER 2**

269. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

270. Title X, chapter 2, article I, section 10-61 of the Southaven Municipal Code states that “Excessive, unnecessary or offensive noise within the city is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the city and therefore is hereby declared a nuisance.”⁹⁴

271. For this reason, the Code declares that “Every resident of the city is entitled to live in an environment free from excessive, unnecessary or offensive noise.” Sec. 10-61(b). The Code states that the chapter should be “liberally construed” to effectuate its purpose. Sec. 10-63.

272. Title X, chapter 2, article III, section 10-121(a) generally makes it “unlawful for any person to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any location within the incorporated limits of the City of Southaven, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness occupying such location.”

273. Section 10-121(b) elaborates that “the standards which may be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to the following:

- 1) The proximity of the noise to residential sleeping facilities.

⁹⁴ X.2 Southaven Mun. Code § 10-61 (2026), https://library.municode.com/ms/southaven/codes/code_of_ordinances?nodeId=CO_TITXOF_C H2NOCO.

- 2) The nature and zoning of the area within which the noise emanates.
- 3) The density of the inhabitation of the area within which the noise emanates.
- 4) The time of day or night the noise occurs.
- 5) The duration of the noise and its tonal informational or musical content.
- 6) Whether the noise is continuous, recurrent or intermittent.
- 7) Whether the noise is produced by a commercial or noncommercial activity.”

274. The Southaven Plant is located less than one-half mile from residential communities where people sleep (residential sleeping facilities), in a populous suburban neighborhood. The noise can be heard, and often felt, all day and all night long, with no reprieve. It consists of both broadband sound and tonal and low-frequency components, all of which are characteristic of industrial noise.

275. Section 10-122 delineates specific unlawful noises, including “[t]he discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.”

276. The Code exempts “[n]oise sources associated with construction and normal operations with activities properly conducted on property within M-1 light industrial districts or M-2 heavy industrial districts, to the extent the resulting noise level does not exceed seventy (70) dBA at the property boundary.” Title X, chapter 2, art. II, Sec. 10-93(11).

277. However, as detailed above, the creation of a de facto power plant comprised of “temporary” gas-fired turbines that operate around the clock does not constitute “normal operations with activities properly conducted.” Indeed, it is highly abnormal and uncharacteristic for the area to have industrial noise that can be heard by residents all night long, every night.

278. Measurements demonstrate that noise from the Southaven Plant has reached 70 dBA at *residents'* property lines – meaning that the noise level would certainly have exceeded the 70 dBA threshold at the property boundary of the Southaven Plant.

279. Plaintiffs and Class Members are no longer able to spend time in their yards or on their decks; no longer able to open their windows and doors to get fresh air or cool their homes; no longer able to relax inside of their homes because the sound and vibrations penetrate the walls; and no longer able to sleep well due to the inescapable disruption of the noise. The noise from Defendants' operation has and continues to annoy, disturb, and distress Plaintiffs and Class Members; and, for property owners, diminishes their property value.

280. Plaintiffs and Class Members are within the class of persons the ordinance was enacted to protect: local residents whose health, safety, comfort, welfare and peace depend on the control of unreasonable noise.

281. The injuries Plaintiffs and Class Members have suffered and continue to suffer, including loss of sleep, emotional distress, and interference with the use and enjoyment of property are precisely the types of harm the Code seeks to prevent.

282. Defendants' violations of Title X, chapter 2 through the emission of noise that is not part of normal operations with activities properly conducted and that exceeds 70 dBA constitutes negligence per se, establishing breach of duty as a matter of law.

283. Defendants' violations directly and proximately caused and continue to cause Plaintiffs' and Class Members' injuries and damages as described herein.

FIFTH CAUSE OF ACTION

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

284. Plaintiffs hereby incorporate by reference the allegations contained in the preceding

paragraphs of this Complaint as if they were set forth at length herein.

285. Defendants' negligent operation of the Southaven Plant in a residential area has exposed, and continues to expose, Plaintiffs to an unreasonable risk of bodily harm and emotional injury as detailed above.

286. Defendants knew or should have known that constant industrial noise and vibration from their operations can cause severe stress, anxiety, and sleep disturbance among nearby residents, as well as nuisance-level physical harms.

287. Defendants' conduct endangered, and continues to endanger, Plaintiffs' and Class Members' physical safety and health by subjecting them to chronic noise-related stress and sleep deprivation.

288. As a direct and proximate result of Defendants' negligence, Plaintiffs and Class Members have suffered, and continue to suffer, severe emotional distress, including irritability, anxiety, depression, increased stress, sleep disturbance, and reduced quality of life.

289. Moreover, in addition to emotional manifestations of injury, Plaintiffs and Class Members have suffered, and continue to suffer, nuisance-level physical harms including headaches, nausea, and tinnitus.

290. Plaintiffs' and Class Members' distress is serious, verifiable, and supported by scientific evidence linking chronic environmental noise exposure to the nuisance-level health harms suffered by Plaintiffs and Class Members, including harms to emotional wellbeing.

DAMAGES SOUGHT BY THE CLASS

291. Plaintiffs hereby incorporate by reference the allegations contained in the preceding paragraphs of this Complaint as if they were set forth at length herein.

292. Plaintiffs and Class Members have sustained, and will continue to suffer, a loss of use and enjoyment of their property as a result of Defendants' actions, as well as distress and

nuisance-level physical harms. As a result, Plaintiffs and Class Members seek monetary damages for each violation of the First through Fifth Claims for Relief. In particular, Plaintiffs and Class Members seek monetary damages to compensate them for, *inter alia*, mental anguish and emotional distress, interference with, and loss of, the use and enjoyment of their property, nuisance-level physical harms, and violation of their private and public rights caused by Defendants' operation. Plaintiffs and Class Members who own their properties further seek damages to compensate for diminution in value of their property caused by Defendants' conduct, including the stigma tainting their neighborhood due to Defendants' operations therein.

293. Further, because Defendants' acts were done maliciously, oppressively, deliberately, and in reckless disregard of Plaintiffs and the class, Defendants' conduct warrants an assessment of punitive damages in an amount sufficient to punish and deter such conduct in the future.

294. In addition to the above, Plaintiffs and the Class seek injunctive relief to abate the nuisance in a manner to be determined by experts.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the Court:

- a) Certify the Class with Plaintiffs appointed as Class representatives and the undersigned appointed as Class counsel;
- b) Enter a judgment in favor of Plaintiffs on all claims;
- c) Award actual, compensatory, statutory, and consequential damages, along with punitive, treble or other multiple damages, according to proof; damages for loss of the use and enjoyment of Plaintiffs' property; damages for diminution in property value, damages for nuisance-level physical harm, and general damages for fear, worry, annoyance, discomfort, disturbance, inconvenience, mental anguish, anxiety, and emotional distress;
- d) Direct Defendants to disgorge all amounts obtained in connection with or as a result of the violations of law alleged herein;

- e) Grant an award to Plaintiffs for punitive and exemplary damages according to proof;
- f) Award Plaintiffs the costs of this action, including reasonable attorneys' fees and expenses and expert fees, as allowed by law;
- g) Award pre-judgment and post-judgment interest at the highest rate allowed by law; and
- h) Award such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiffs hereby demand a trial by jury.

Dated: June 8, 2026

Respectfully submitted,

WALTZER WIYGUL GARSIDE & WILD, LLC

By: /s/ Robert B. Wiygul

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