

CAUSE NO. \_\_\_\_\_

PATRICIA BIRD, KRISTIN BIRD,	§	
JENNIFER BLACK,	§	IN THE DISTRICT COURT OF
CAROLYN KENNEY,	§	
LUIS MICHIELI, and	§	
ELIZABETH URQUIOLA	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
TURKEY LEG HUT & CO. LLC, d/b/a	§	
TURKEY LEG HUT,	§	
NAKIA PRICE,	§	
and LYNDELL PRICE	§	
	§	
<i>Defendants.</i>	§	_____ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION AND  
APPLICATION FOR TEMPORARY RESTRAINING ORDER,  
TEMPORARY INJUNCTION, AND PERMANENT INJUNCTION**

Patricia Bird, Kristin Bird, Jennifer Black, Dr. Carolyn Kenney, Luis Michieli, and Elizabeth Urquiola (“Plaintiffs”) file this Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction against Defendants Turkey Leg Hut & Company, LLC d/b/a “Turkey Leg Hut,” Nakia Price, and Lyndell Price.

**NATURE OF THE CASE AND SUMMARY OF THE RELIEF REQUESTED**

1. This case concerns fundamental public health and safety issues jeopardizing Plaintiffs and their infant children as well as the employees and patrons of Defendant Turkey Leg Hut. The Turkey Leg Hut is an unpermitted, illegal, and unregulated business. Moreover, its illegal operations create a range of activity that is harmful to

people and property. First and foremost is the continuous production of noxious thick wood smoke filled with harmful particulates that engulf and enter Plaintiffs' homes. Second, Turkey Leg Hut poses additional health and safety hazards to its customers and neighbors beyond just billowing wood smoke. Indeed, Plaintiffs have received the opinions of experts that, in summary, conclude the conditions present at the Turkey Leg Hut pose an elevated public health risk to the surrounding community as well as to customers:

Conditions observed on site, including excessive smoke from the complete absence of approved ventilation systems or enclosures consistent with the City of Houston Food Ordinance and elevated risk of potential food borne illness posed by an unpermitted, outdoor cooking area, require that all outdoor food preparation, including the use of the smokers, cease immediately. All unpermitted equipment should be removed from the premises.<sup>1</sup>

Federal agencies such as EPA and CDC have extensive scientific and medical literature documenting the potential adverse health effects of air pollution, including from particulate emission sources such as wood burning. Those who live near such sources have a higher probability of exposure. Risk of health injury is greatest for infants and the elderly. At the Turkey Leg Hut, the smoke plumes from the smoking operations appear to travel at least 500 feet from the source, and probably travel as far as 1000 feet, or further.<sup>2</sup>

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<sup>1</sup> See Appendix at Tab B (Lisa Edwardsen, Registered Sanitarian).

<sup>2</sup> See Appendix at Tab A (Randy Horsak, Environmental Scientist and Engineer).

Concentrations of measured particulate matter on site indicate that EPA air quality standards are probably being exceeded throughout much of the year. Based on published scientific and medical data, this poses an elevated risk to those near the smokers, especially infants and children. The smoke is also a logical source of discomfort.<sup>3</sup>

2. Plaintiffs accordingly seek temporary and permanent injunctive relief as detailed in this Petition.

#### **DISCOVERY LEVEL**

3. Plaintiffs intend to conduct discovery in this matter under Level 3. Tex. R. Civ. P. 190.4.

#### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction as the amount in controversy exceeds its minimum jurisdictional requirements.

5. Venue is proper in Harris County because all or a substantial part of the events giving rise to the claim occurred in Harris County. Tex. Civ. Prac. & Rem. Code § 15.002(a)(1). Further, suit may be brought there as the county of Defendants' residence at the time the cause of action accrued for those defendants who are natural persons, and as the county of the Defendant's principal office in this state for the Defendant limited liability company. Tex. Civ. Prac. & Rem. Code §§ 15.002(a)(2)-(3).

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<sup>3</sup> *Id.*

## PARTIES

6. Plaintiff Patricia Bird is a resident of Harris County, Texas, and resides in the 2100 block of Arbor Street, Houston, Texas 77004.
7. Plaintiff Kristin Bird is a resident of Harris County, Texas, and resides in the 2100 block of Arbor Street, Houston, Texas 77004.
8. Plaintiff Jennifer Black is a resident of Harris County, Texas and resides at 1812 Rosedale Street, Houston, Texas 77004.
9. Plaintiff Dr. Carolyn Kenney is a resident of Harris County, Texas and resides in the 1800 block of Rosedale Street, Houston, Texas 77004.
10. Plaintiff Luis Michieli is a resident of Harris County, Texas and resides at 1817 Rosedale St., Houston, Texas 77004.
11. Plaintiff Elizabeth Urquiola is a resident of Harris County, Texas and resides in the 1800 block of Rosedale Street, Houston, Texas 77004.
12. Defendant Turkey Leg Hut & Company, LLC d/b/a Turkey Leg Hut is a for-profit limited liability company with its principal place of business at 4830 Almeda Rd., Houston, Texas 77004. It may be served with process by serving its registered agent and managing member, Nakia Price, at 7006 Brewster Ln., Houston, Texas 77459, or at 4830 Almeda Rd., Houston, Texas 77004, or wherever else she may be found.
13. Defendant Nakia S. Price is an individual residing in Harris County, Texas, with a last known address of 17523 Sugar Pine Drive, Houston, Texas 77090, or at 4830

Almeda Rd., Houston, Texas 77004. Ms. Price is an owner and authorized agent of Turkey Leg Hut. She may be served with process at her last known address or wherever else she may be found.

14. Defendant Lyndell Price is an individual residing in Harris County, Texas, with a last known address of 17523 Sugar Pine Drive, Houston, Texas 77090, or at 4830 Almeda Rd., Houston, Texas 77004. Mr. Price is an authorized agent of Turkey Leg Hut who is engaged in its routine and regular business operations. He may be served with process at his last known address or wherever else he may be found.

15. Whenever in this Petition reference is made to any acts of the Defendants, those allegations shall be deemed to include the principal, member, managing member, director, officer, agent, supervisor, contractor, employer, employee, or representative of the Defendants that did or was authorized to do such acts while actively engaged in the management, operation, or conduct of the affairs of the Defendants, and while acting within the course and scope of their employment or agency.

**PRELIMINARY EVIDENTIARY SUPPORT FOR THE CLAIMS ASSERTED**

16. In support of the claims made and equitable relief asserted in this suit, Plaintiffs submit the following proof:

- Exhibit A Affidavit and Resume of Randy Horsak (Environmental Scientist/Engineer)
- Exhibit B Affidavit and Resume of Lisa Edwardsen (Registered Sanitarian)
- Exhibit C Affidavit of Dr. Luisa Arnal (Pediatrician)
- Exhibit D Affidavit of Plaintiff Patricia Ann Bird

- Exhibit E Affidavit of Plaintiff Jennifer Black
- Exhibit F Affidavit of Plaintiff Dr. Carolyn Kenney
- Exhibit G Affidavit of Plaintiff Luis Michieli
- Exhibit H Affidavit of Plaintiff Elizabeth Urquiola

### **FACTS**

17. Plaintiffs live in the residential areas surrounding the Turkey Leg Hut. The neighborhood at issue is home to Houstonians from all walks of life.
18. Plaintiff Patricia Bird has lived in the Third Ward for close to sixty years. In 1959, her parents purchased the home in which she currently resides and where she has lived except for a brief period in the late 1970s and early 1980s. Ms. Bird suffers from asthma. She lives in her residence with her husband and her daughter Plaintiff Kristin E. Bird.
19. Plaintiff Jennifer Black is a nurse anesthetist. She has lived at her current address since February 2016. Ms. Black's husband and their five-week old son also live at the residence.
20. Plaintiff Dr. Carolyn Kenney is a board-certified obstetrician-gynecologist. She has lived in the neighborhood for the past two and a half years. Dr. Kenney's husband and their fourteen-month-old daughter also live at the residence.
21. Plaintiff Luis Michieli is a Mechanical Engineer. He has lived in the neighborhood for two and a half years and resides in his home with his wife and their five-week old child.

22. Plaintiff Elizabeth Urquiola is a Physician Assistant focusing on cancer treatment. She has lived in the neighborhood for three years and resides in her home with her husband, elderly mother-in-law, and seventeen-month-old daughter.

### I.

23. The Turkey Leg Hut is a newcomer to the area, having moved to its current location in summer 2017. Defendant Nakia Price and her husband, Defendant Lyndell Price, are the owners of the Turkey Leg Hut and responsible for its operations.

24. According to the Turkey Leg Hut's filings in another lawsuit, the business was founded by Chicago-native Nakia Price in 2016 at its previous location on Washington Avenue. Ms. Price "created the concept which would eventually become The Turkey Leg Hut ... Price's turkey legs are unlike any other: smoked on a pit for hours, rubbed with a proprietary blend of spices, re-smoked, and stuffed with a customizable variety of ingredients."<sup>4</sup>

25. The Turkey Leg Hut leased its first brick-and-mortar location on Washington Avenue, selling its food from the now defunct Caddy Shack Bar & Grill. However, the Turkey Leg Hut's time on Washington Avenue was short-lived. Delinquent on its rental payments and other debts, The Turkey Leg Hut vacated the premises in April 2017 and "unlawfully took numerous pieces of kitchen and dining equipment ... removed nine televisions that were mounted to the walls of the Washington Avenue

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<sup>4</sup> *Ralph Thomas v. Nakia S. Price, The Turkey Leg Hut & Company, LLC, et al.*, Cause No. 2018-76695, filed in the 133rd Judicial District Court of Harris County, Texas.

Property. Again, these items belonged solely to [their landlord], and none of the Defendants had ownership rights to them.”<sup>5</sup>

26. On or about August 2017, the Turkey Leg Hut moved to its current location at 4830 Almeda, occupying a building that formerly housed a bar. It began business operations without appropriate permits from the City of Houston.

27. Recently, the Turkey Leg Hut further expanded its illegal outdoor cooking operations to a location across the street, smoking meat from a shuttered bar and grill located at 4902 Almeda. It increased its business operations without appropriate permits from the City of Houston.

## II.

28. Unlike a neighbor who occasionally holds a backyard barbecue – or even comparable restaurants anywhere else in Houston – the Turkey Leg Hut is a veritable unregulated and unenclosed illegal outdoor meat smoking factory. It boasts serving more than 25,000 to 30,000 customers a week. It has been the site of municipal political events and purported charitable activity.

29. To service such volume, the Turkey Leg Hut burns thousands of pounds of wood in outdoor smokers. The Turkey Leg Hut states in social media that it smokes each turkey leg for fourteen hours and produces 20,000 smoked turkey legs a week. The

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<sup>5</sup> *Id.*

Turkey Leg Hut boasts that the “wood-fired smokers out back never stop.”<sup>6</sup> Plaintiffs can verify that, indeed, the smokers never quit.



30. Those wood-fired smokers are situated in the rear of the establishment in an unenclosed area, hidden from street view:

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<sup>6</sup> Andy Olin, *At Houston's Breakout Eatery, Turkey Legs Attract Big Names and Bigger Crowds*, <https://www.growwire.com/turkey-leg-hut> (last accessed Nov. 18, 2019).



31. Burning tremendous amounts of wood and meat for fourteen hours a day or more in outdoor smokers yields vast amounts of air pollutants: nitrogen oxides, carbon monoxide, and organic gas and particulates, all of which are known to cause adverse health effects. Wood burning, when combined with burning fat, yields additional organic compounds known to have carcinogenic properties. As stated by the EPA:

Smoke may smell good, but it's not good for you. The biggest health threat from smoke is from fine particles, also called fine particulate matter or  $PM_{2.5}$ . These microscopic particles can get into your eyes and respiratory system, where they may cause burning eyes, runny nose, and illnesses, such as bronchitis.

Fine particles can make asthma symptoms worse and trigger asthma attacks. Fine particles can also trigger heart attacks, stroke, irregular heart rhythms, and heart failure, especially in people who are already at risk for these conditions.<sup>7</sup>

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<sup>7</sup> See <https://www.epa.gov/burnwise/wood-smoke-and-your-health>. " $PM_{2.5}$ " describes fine inhalable particulate matter, with diameters that are generally 2.5 micrometers and smaller.

32. Air monitoring performed in the vicinity of the Turkey Leg Hut over the past few months has revealed high levels of PM<sub>2.5</sub>. *See* Affidavit of Randy D. Horsak. These elevated air pollutant levels pose a threat to the health of people who live near the Turkey Leg Hut's operations. *Id.* Older adults and young children are especially vulnerable to smoke inhalation. Plaintiff Patricia Bird, who suffers from asthma, and Plaintiffs' infant children, are the exact population most at risk from the Turkey Leg Hut's reckless illegal business practices.

33. Plaintiffs and other area residents are assaulted by this noxious stream of pollutants that permeates the neighborhood and penetrates Plaintiffs' homes in the day and night.





34. Routine outdoor activity is now an unpleasant experience for Plaintiffs because of the persistent haze emanating from the Turkey Leg Hut. Plaintiffs cannot enjoy simple activities like taking a stroll or enjoying their patios with friends without inhaling the particulate matter hanging in the air. *See* Affidavits of Luis Michieli, Patricia Bird, Carolyn Kenny, and Elizabeth Urquiola. For Plaintiffs, standing outside means suffering from headaches, itchy throats, and burning eyes.

35. This problem has been ongoing. As a non-party neighbor told the City Health Department in July 2019:

The smoke situation is so bad that I am not able to let my children outside in the yard to play. I have two young children (ages 4 years old and 7 months old). The smoke is causing their eyes to water and prevents them from using our outdoor space to its full capacity. There are days that just stepping outside for a few minutes causes a lingering smoke smell in our hair and clothes. We (adults in the household) have had persistent headaches from the smoke, in addition to watery eyes. We are unable to open any window or doors in our house for any prolonged period of time without the smoke wafting into the house. Items in our garage have a

lingering smoke smell, and the smell of smoke is noticeable inside our home on the first floor. \* \* \* Knowing all the scientific research on the health detriments of 1st, 2nd and 3rd hand smoke, I am concerned about the well being of all the individuals affected by this smoke, but most concerned about my children and the long term effects of living so close to this smoke.

36. Plaintiffs cannot even escape the smoke and odor when they are inside their own homes. Plaintiff Luis Michieli explained the situation to the City's Health Department in August 2019:

Our house is close to TLH about the 3rd house through Rosedale in row right next to the Turkey Leg Hut and right now it ha[s] been since they open they are trying to smoke us out of our house, literally.

Their outdoors smokers and grill start around 9 am in the morning and run all day dumping smell and smokes to our house which makes it a lot worse for them not having an appropriate ventilation ... [I]magine not been able to enjoy our rooftop, open our windows and our doors, something as simple as doing our garden cannot be done under those conditions. The smell from TLH if it gets inside the house through vents, the smell will stay for days, extremely frustrating living conditions. ... Enjoying our rooftop in this beautiful summer days is basically impossible because of severe air pollution from their grills, breathing bad quality air is not good for Me, and my expecting wife.

Young children, especially infants, are highly vulnerable to inhaled smoke due to their developing lungs. *See* Affidavit of Dr. Luisa Arnal. Plaintiffs Dr. Kenney, Black, Urquiola Michieli, and many other neighbors all have young children who are exposed in their own homes to the smoke produced by the Turkey Leg Hut. The pediatrician for

Mr. Michieli's newborn daughter has recommended that all actions be taken to minimize exposure to smoke. *See* Affidavit of Dr. Luisa Arnal.

37. Adults suffer too. Plaintiff Bird suffers from seasonal asthma. Since the Turkey Leg Hut began producing smoke and odor, her asthma symptoms have only grown worse and she now suffers year-round and must constantly use an inhaler.

38. It is not just Plaintiffs who are forced to inhale the Turkey Leg Hut's plumes of smoke. The Turkey Leg Hut's own employees are frequently seen exposing themselves to the smoke without any kind of air filtration masks.



39. The level of air pollutants pumped into the ambient air is only expected to increase. The Turkey Leg Hut, seeking to capitalize on increased holiday demand, intends to increase its output and smoke thousands more pounds of turkey meat in its outdoor smokers in coming weeks.

40. The Turkey Leg Hut's production of smoke and odor not only presents health hazards to Plaintiffs, but the illegal and unpermitted operations pose a risk of harm to the public as well. The business's commercial food preparation activities violate a host of municipal ordinances. *See* Affidavit of Lisa Edwardsen, R.S. For instance, permanent unenclosed outdoor food preparation areas are prohibited. Food preparation areas must have hand-washing sinks. Food must also be prepared away from dumpsters. The Turkey Leg Hut does not comply with any of these most basic health and safety requirements, thereby posing an elevated risk of food poisoning to its patrons. Further, there appears to be no fire suppression system in place near the smokers with obvious risk to customers and near neighbors.

### III.

41. Smoke and odor are not the sole negative effects created by the unrestrained operations of the Turkey Leg Hut.

42. The business regularly produces electronically amplified bass during the evening hours in violation of the City of Houston's Sound Ordinance. The persistent thump of bass prevents Plaintiffs and others from enjoying the tranquility of their own homes.<sup>8</sup>

43. Noise from the Turkey Leg Hut does not stop when patrons have left the premises. At all hours of the night and early morning, the dumpsters behind the

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<sup>8</sup> *See* <https://www.facebook.com/turkeyleghut/videos/803662466750459/> (Facebook, Nov. 9, 2019 at 6:51 p.m.).

establishment are emptied by dump trucks, and then slammed back down onto the concrete, creating a cacophonous crashing noise.

44. On other nights, Plaintiffs and near neighbors in the area are greeted with the sound of firewood being thrown and stacked for hours at a time:



45. Beyond noise, the Turkey Leg Hut's free-for-all operation has yielded severe parking issues in the streets adjacent to Plaintiffs' homes. Not just skirting permitting requirements for its business, Turkey Leg Hut has also failed to plan for basic logistics such as customer parking for its patrons. As a result, the Turkey Leg Hut's employees and customers park wherever they can find space for their vehicles. Plaintiffs and others in the area regularly find cars parked in front of their driveways.

46. Notwithstanding its unpermitted operation of a business producing excessive air contaminants, the Turkey Leg Hut is openly hostile to anyone who dares to express displeasure with its operations. For example, Plaintiff Kristin Bird expressed her

frustration with the parking impediments created by the Turkey Leg Hut’s personnel and customers. After an exchange on Twitter, the Turkey Leg Hut’s lawyer sent Ms. Bird a “cease and desist” letter threatening to sue Ms. Bird for “defamation/business disparagement” and commanding her to “remove all current defamatory statements from your social media ... or suit will be filed against you.”

#### IV.

47. Plaintiffs, other area residents, and neighborhood associations have all sought help from local leaders and enforcement officials with the City of Houston for months. Scores of complaints have been lodged with municipal officials – sadly without positive result and without cessation of Defendants’ illegal business operations.

48. For instance, on August 6, 2019, City officials met with local residents to discuss the air quality issues surrounding the Turkey Leg Hut. City officials received a wealth of information exposing the scope and extent of the problems emanating from the Turkey Leg Hut.

49. It appeared that municipal officials were prepared to enforce applicable ordinances and otherwise act against the business. To be sure, the City has the ability to abate the unlawful activities occurring at the Turkey Leg Hut: the City’s ordinances provide that “[w]hatever is dangerous to human health or welfare, or whatever renders the ground, the water, the air, or food a hazard to human health is hereby declared to be a nuisance.” Houston, Texas, Municipal Code § 10-451. And the City always has the police power to issue citations and seek enforcement against unpermitted restaurant

operations. *Id.* at Chapter 20; 20-19.<sup>9</sup> Yet the City's incipient enforcement activities came to a sudden and inexplicable halt.

50. With local government giving a pass to the Turkey Leg Hut, the business continues to ignore measures necessary to mitigate or abate the plumes of particulate matter it pumps into the ambient area and into Plaintiffs' homes. Indeed, after the City of Houston turned a blind eye to its illegal and unpermitted restaurant operations, the Turkey Leg Hut responded with ever bolder efforts as if recognizing it could act above the law. As a result, the most basic and fundamental health requirements required by the City of Houston are flagrantly disregarded.

51. Consequently, Plaintiffs have been left with no choice but to file this lawsuit and seek relief from the Turkey Leg Hut's operations.

#### **CAUSES OF ACTION**

52. Plaintiffs incorporate and adopt by reference the allegations contained in the preceding paragraphs of this Petition.

##### **A. Private Nuisance**

53. Defendants, as the owners, tenants, or occupiers of the properties at 4830 Alameda Road and 4902 Alameda Road, have a duty to keep the properties from a use

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<sup>9</sup> *E.g.*, Houston, Texas, Municipal Code § 20-19 ((b) No food service establishment or food processing establishment shall be operated within the city unless it conforms with the requirements of this article. (c) Any person who violates any provision of this article, or rule or regulation promulgated by the health officer, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than \$2,000.00. Each day a violation of this article continues shall constitute a separate offense.)

that is unlawful. Defendants' unlawful and unpermitted use of the properties is a private nuisance per se. The illegal operations cause physical harm to Plaintiffs and their property by the encroachment of a damaging substance, cause physical harm to Plaintiffs and their family members from an assault on their senses, and present a risk of personal injury through exposure to pollutants, risk of fire, and other health and safety violations that are normally precluded by code enforcement and City permitting requirements.

54. Plaintiffs request injunctive relief to abate this private nuisance per se and enjoin Defendants from maintaining or participating in the nuisance and for any other reasonable requirements to prevent the operation of the 4830 Alameda Road and 4902 Alameda Road locations as a nuisance per se.

55. Further, even if Defendants operated their business under a valid permit, that would not justify the creation or maintenance of a nuisance.

56. Smoke has long been recognized as a nuisance:

[A]ny business, although in itself lawful, which necessarily impregnates large volumes of the atmosphere with disagreeable, unwholesome, or offensive matter, may become a nuisance to those occupying adjacent property, in case it is so near, and the atmosphere is contaminated to such an extent, as substantially to impair the comfort or enjoyment of adjacent occupants.

*City of Temple v. Mitchell*, 180 S.W.2d 959, 961 (Tex. Civ. App.—Austin 1944, no writ).

57. A defendant may be held liable for negligently or intentionally causing a nuisance based on proof that it created or maintained a condition that substantially

interferes with the claimant's use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities attempting to use and enjoy it.

58. The Turkey Leg Hut defendants knowingly and intentionally burn thousands of pounds of wood with the desire to produce plumes of smoke. Defendants produce such smoke and odor with the knowledge that the burning will pollute the ambient air and infiltration of smoke and odor into surrounding homes is substantially certain to result. The Turkey Leg Hut has proceeded with its operations with full knowledge that such smoke and odor would harm Plaintiffs' interests or harm was substantially certain to follow.

59. Defendants' production of smoke and odor has substantially interfered, and continues to interfere, with Plaintiffs' use and enjoyment of their properties. The smoke and odor pouring from Defendants' wood-fired smokers causes discomfort, anxiety, stress, annoyance, apprehension, and harm to Plaintiffs' health. The smoke, odor, and noise from the establishment prevents Plaintiffs from engaging in routine indoor and outdoor activities; prevents them from hosting social gatherings; interrupts sleep; and negatively affects their health, tranquility, and peace of mind.

60. The effects of the substantial interference on Plaintiffs are objectively unreasonable. An ordinary person living in the area or community would regard these invasions as definitively offensive, seriously annoying, and intolerable.

61. The circumstances of this case underscore the substantial and unreasonable nature of the Defendants' interference with Plaintiffs' use and enjoyment of their homes. The character and nature of the neighborhood is ill-suited for a commercial enterprise that continually churns out smoke and odor of any kind. The Turkey Leg Hut is the only establishment in the area engaging in similar conduct, *i.e.*, using its land to smoke thousands of pounds of meat each day solely for commercial purposes.

62. It is patently unreasonable to expect Plaintiffs to simply cease occupying their homes, wear dust masks inside their own homes, or install thousands of dollars of air purification equipment. The Turkey Leg Hut, on the other hand, can more easily cease or mitigate its pollutive activities.

63. Plaintiffs request injunctive relief to abate this private nuisance and enjoin Defendants from maintaining or participating in the nuisance and for any other reasonable requirements to prevent the continuance of the 4830 and 4902 Alameda Road locations as a private nuisance.

64. Further, a writ of injunction may be granted if "irreparable injury to real or personal property is threatened, irrespective of any remedy at law." Tex. Civ. Prac. & Rem. Code § 65.011(5). Plaintiffs seeks equitable relief to prevent the threat to their real property and personal property in their homes resulting from the acts and omissions, and creation and maintenance of a nuisance and nuisance per se, as alleged above.

## **B. Common Nuisance**

65. Chapter 125 of the Texas Civil Practice & Remedies Code defines a common nuisance and provides additional remedies.

66. A suit to enjoin or abate a common nuisance under Chapter 125 may be brought by an individual against any person who maintains, owns, uses, or is a party to the use of a place for purposes constituting a nuisance.

67. Tex. Civ. Prac. & Rem. Code § 125.0015(a) states that “[a] person who maintains a place to which persons habitually go for [prohibited] purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance.”

68. Intentionally or knowingly “creat[ing], by chemical means, a noxious and unreasonable odor in a public place” is a prohibited purpose. Tex. Civ. Prac. & Rem. Code § 125.0015(a)(24), citing Tex. Pen. Code § 42.01(a)(3).

69. Defendants knowingly tolerate this activity and furthermore fail to make reasonable attempts to abate the activity.

70. Plaintiffs request injunctive relief to abate this nuisance and enjoin Defendants from maintaining or participating in the nuisance and for any other reasonable requirements to prevent the continuance of the 4830 and 4902 Alameda Road location as a common nuisance. Tex. Civ. Prac. & Rem. Code §§ 125.002(b) and (e).

71. If the judgment is in favor of Plaintiffs, the Court should grant an injunction ordering Defendants to abate the nuisance and be enjoined from maintaining or

participating in the common nuisance. The Court may include in the order reasonable requirements to prevent the use or maintenance of 4830 and 4902 Alameda Rd and the business operations there as a nuisance. The judgment must order that the location where the nuisance was found be closed for one year.

72. Further, a writ of injunction may be granted if “irreparable injury to real or personal property is threatened, irrespective of any remedy at law.” Tex. Civ. Prac. & Rem. Code § 65.011(5). Plaintiffs seeks equitable relief to prevent the threat to their real and the personal property in their homes resulting from the acts and omissions, and creation and maintenance of a common nuisance, as alleged above.

### **C. Trespass**

73. Defendants are liable for common law and statutory trespass. Tex. Civ. Prac. & Rem. Code § 75.002(h) provides that “[a]n owner, lessee, or occupant of real property in this state is liable for trespass as a result of migration or transport of any air contaminant, as defined in Section 382.003(2), Health and Safety Code, other than odor, only upon a showing of actual and substantial damages by a plaintiff in a civil action.”

74. The Health and Safety Code defines “[a]ir contaminant” to mean “particulate matter, radioactive material, dust, fumes, gas, mist, smoke, vapor, or odor, including any combination of those items, produced by processes other than natural.” Tex. Health & Safety Code § 382.003(2).

75. Plaintiffs request injunctive relief to restrain Defendants' trespass resulting from migration or transport of air contaminants and to enjoin Defendants from maintaining or participating in the trespass activities.

**E. Intentional Interference with Property Rights**

76. It is well settled in Texas that "[a]ny intentional invasion of, or interference with, property, property rights, personal rights or personal liberties causing injury without just cause or excuse is an actionable tort." *King v. Acker*, 725 S.W.2d 750, 754 (Tex. App.—Houston [1st Dist.] 1987, no pet.).

77. The Turkey Leg Hut tortiously and intentionally interfered and continues to interfere with Plaintiffs' interest in their peaceful use and enjoyment of their homes. The Turkey Leg Hut's conduct is intentional and has caused Plaintiffs' injury. The interference is conducted without just cause or legal excuse.

78. Additionally, the Turkey Leg Hut, as an adjacent and nearby occupant of the land, has a duty to see that its employees and patrons do not trespass on Plaintiffs' property. Defendants have breached that duty by failing to institute any mechanisms to control its employees and patrons.

79. Despite being on notice of the continual trespasses of its customers and employees, Defendants have advised, encouraged, and/or ratified its customers' and employees' tortious conduct by failing to take steps to prevent same, and are therefore liable as a joint trespasser.

80. Plaintiffs request injunctive relief to restrain Defendants from their tortious and intentional interference with Plaintiffs' interest in their peaceful use and enjoyment of their homes.

81. Further, a writ of injunction may be granted if "irreparable injury to real or personal property is threatened, irrespective of any remedy at law." Tex. Civ. Prac. & Rem. Code § 65.011(5). Plaintiffs seeks equitable relief to prevent the threat to their real and the personal property in their homes resulting from the acts and omissions, and tortious and intentional interference, alleged above.

**APPLICATION FOR TEMPORARY RESTRAINING ORDER,  
TEMPORARY INJUNCTION AND PERMANENT INJUNCTION**

82. Plaintiffs incorporate and adopt by reference the allegations contained in the preceding paragraphs of this Petition.

83. A temporary restraining order may be granted without notice to the adverse party if it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Tex. R. Civ. P. 680.

84. For the reasons set forth in this Petition, and its attached affidavits, a temporary restraining order is needed to preserve the *status quo* and to restrain Defendants from continuing the maintenance of a nuisance.

85. A temporary restraining order is necessary to prevent the ongoing nuisance that substantially interferes with Plaintiffs' use and enjoyment of their homes and negatively affects their health and the health of their loved ones.

86. A temporary restraining order is necessary to prevent threatened irreparable injury to Plaintiffs' real or personal property.

87. Without a temporary restraining order, Plaintiffs will suffer imminent harm. Plaintiffs ask the Court to enjoin Defendants, their officers, agents, servants, employees, successors, assigns, attorneys, and any person acting in concert with them, from the following:

- i. Desist and refrain from producing smoke and odor at the 4830 and 4902 Almeda Road locations until the Court conducts a full trial on the merits.
- ii. Desist and refrain from unpermitted restaurant operations, including outdoor food preparation and the use of the smokers, at the Defendant's business premises so long as such operations do not conform with the requirements of the City of Houston Ordinances regulating food establishments.

88. Plaintiffs also request a temporary injunction. Tex. Civ. Prac. & Rem. Code §§ 65.011(1)-(3); 65.011(1); 125.002. Plaintiffs are entitled to relief which requires the immediate restraint of Defendants' actions pending full trial on the merits.

89. To obtain a temporary injunction, the applicant must plead and prove three specific elements: (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim

(except where a statute or rule provides otherwise). *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).<sup>10</sup>

90. To show a probable right of recovery, an applicant need not prove conclusively that she will prevail on the merits, only that a *bona fide* issue exists as to her right to ultimate relief. *See Group Joint Venture v. SPF Joint Venture*, 765 S.W.2d 901, 904 (Tex. App.—Austin 1989, writ dismiss'd w.o.j.). Under this standard, it is enough for Plaintiffs to merely adduce evidence that tends to support their right to relief on the merits. *Id.* at 904.

91. The facts set out in this Petition and the affidavits attached all support Plaintiffs' right to relief on the merits for their claims against Defendants for nuisance per se, private and common nuisance, trespass, and intentional interference with property rights.

92. There is no adequate remedy at law because the nuisance complained of is recurring and ongoing in nature. In the absence of a temporary injunction, Defendants will not cease or abate the nuisance or halt their continuing trespasses and invasions of property rights. Defendants' past and prospective actions have deprived and continue to threaten the deprivation of Plaintiffs' rights in the use and enjoyment of

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<sup>10</sup> Where a statute defines the requirements for injunctive relief, it will supersede common law requirements. Tex. Civ. Prac. & Rem. Code § 65.001 ("The principles governing courts of equity govern injunction proceedings if not in conflict with this chapter or other law.").

their properties. Defendants' conduct, if allowed to continue without abatement, also threatens the health of Plaintiffs and their children.

93. Further, a writ of injunction may be granted if "irreparable injury to real or personal property is threatened, irrespective of any remedy at law." Tex. Civ. Prac. & Rem. Code § 65.011(5). The facts as alleged in this Petition support injunctive relief irrespective of any remedy at law.

94. If, after notice and hearing on a request by a party for a temporary injunction, a Court determines that the party is likely to succeed on the merits in a suit brought under Tex. Civ. Prac. & Rem. Code § 125.002, the Court: (1) may include in its order reasonable requirements to prevent the use or maintenance of the place as a nuisance; and (2) shall require that the defendant execute a bond. Tex. Civ. Prac. & Rem Code § 125.045.

95. In addition to the above-requested relief, Plaintiffs further request that a permanent injunction be ordered on the final trial of this cause, enjoining Defendants from continuing to maintain or participate in the nuisances existing on and arising from the Defendants' property and business practices conducted there.

#### **ATTORNEY'S FEES**

96. Pursuant to Tex. Civ. Prac. & Rem. Code § 125.003, Plaintiffs request that Defendants be adjudged jointly and severally liable for reasonable attorney's fees, investigative costs, witness fees, court costs, and any other reasonable expenses incurred in bringing this lawsuit.

**JURY DEMAND**

97. Plaintiffs demand a trial by jury on all triable issues of right by a jury.

**REQUEST FOR DISCLOSURE**

98. Under Texas Rule of Civil Procedure 194, Plaintiffs request that Defendants disclose, within 50 days of the services of this request, the information or material described in

Rule 194.2.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer and, on final trial, that Plaintiffs be awarded a judgment against Defendants for the following:

- Temporary restraining order;
- Temporary injunction;
- Permanent injunction;
- Court costs;
- Reasonable and necessary attorney's fees; and
- All such other relief to which Plaintiffs are entitled.

**[signature block on next page]**

Respectfully submitted,  
FELDMAN & FELDMAN, P.C.

/s/ Cris D. Feldman  
Cris D. Feldman  
State Bar No. 24012613  
3355 West Alabama, Suite 1220  
Houston, Texas 77098  
Tel: (713) 986-9471  
Fax: (713) 986-9472  
*cris.feldman@feldman.law*

ATTORNEY FOR PLAINTIFFS

Verification

I make this unsworn declaration under penalty of perjury in place of verification as allowed by Tex. Civ. Prac. & Rem. Code Ann. § 132.001.

I declare under penalty of perjury that: I am an attorney of record and authorized representative of the Plaintiffs; I have read this Petition; and the statements in paragraphs 17–50 are true and correct.

Executed on November 20, 2019 at Houston, Texas.

*/s/ Cris D. Feldman*

# **EXHIBIT A**

Affidavit of Randy D. Horsak, PE  
Principal Engineer and Scientist  
3TM Consulting, LLC  
PO Box 941735  
Houston, Texas 77094  
(281) 752-6700  
(281) 850-6693  
rhorsak@3tmconsulting.com

November 6, 2019

**SUMMARY OF EXPERTISE AND EXPERIENCE**

1. My name is Randy D. Horsak. I am over twenty-one years of age, of sound mind, and otherwise competent to make this Affidavit.
2. The facts stated within this Affidavit are within my personal knowledge, and are true and correct.
3. A copy of my Curriculum Vitae is included as Attachment I to this Affidavit.
4. I am a Registered Professional Engineer in the State of Texas.
5. I am the President and Owner of 3TM Consulting, LLC, an Environmental Consulting Company which specializes in multifaceted environmental services.
6. I received my Bachelor of Science in Engineering from the University of Texas at Austin. I received my Master of Science in Environmental Science from the University of Texas at San Antonio.
7. I am a registered professional engineer in Texas with more than 45 years of experience in environmental science and engineering, including: consulting, engineering, construction, forensic investigation, litigation support, expert testimony, operations management, office supervision, strategic planning, business development, proposal preparation, and project management and administration.
8. I have managed projects involving multi-media environmental contamination including air pollution at a variety of sites, including: residential properties, commercial properties, public properties, manufacturing and industrial sites, oil and gas sites, contaminated waste sites, hazardous waste management facilities, refineries, chemical plants, fossil fuel and nuclear power plants, geothermal energy plants, manufacturing facilities, pipelines, and power transmission lines.
9. I have had project management responsibility for more than 500 environmental projects in the United States and Mexico. These projects have included: Phase I due diligence assessments, project master planning, site selection and evaluation studies, regulatory compliance audits, regulatory liaison and permitting, environmental impact analyses, licensing support, remedial investigations, engineering feasibility studies, risk assessments, exposure assessments, forensic investigations, conceptual design, closure planning and remedial construction, remediation, pollution prevention and waste minimization studies, and training.
10. I have authored numerous publications including professional papers on air pollution, site assessment, remedial investigations, decontamination and remediation of contaminated sites, and environmental forensics.

11. I have provided professional consulting and forensic testing services to numerous clients in the area of the collection and testing of multi-media environmental samples, including soil, sediment, surface water, groundwater, household dust, attic dust, ambient air, and other media.
12. I have expertise in air pollution and exposure assessment. I have experience in the following areas:
  - Ambient air quality testing
  - Indoor air quality testing
  - Attic dust testing
  - Worker exposure
  - New source permitting
  - Air dispersion modeling
  - Air permitting
  - PSD permitting
  - Emission estimation
  - Particle size bandwidth analysis
  - Air pollution control systems
  - Exposure from air pollutants
  - Forensic investigations
13. I have worked on a wide variety of air pollution projects, including those associated with the combustion of wood and other substances (and chemical reactions associated with wood combustion) and the generation of particulate matter and other air pollutants, such as exist in this Lawsuit. These projects have involved exposures to workers and the general public.
14. My education, training, and experience make me knowledgeable regarding Good Engineering Practice as it pertains to this Lawsuit. The results, findings, opinions, conclusions, and recommendations stated herein are based on widely known and accepted environmental engineering and scientific principles and practice, personal education and training, personal environmental engineering and scientific judgment, personal engineering and scientific experience gained throughout my professional career on similar projects, observations made during the conduct of my work, and written and verbal information and data obtained by 3TM Consulting or made available to 3TM Consulting during the conduct of my work, and should not be inferred in any manner beyond that stated in this Affidavit.

**MY RETENTION ON THIS LAWSUIT**

15. I was retained by the Feldman & Feldman Law Firm of Houston, Texas on November 1, 2019 to provide consulting findings and opinions on the referenced matter. My findings and opinions are being made on behalf of the Plaintiffs and are intended to be considered by the Court.

16. I was requested to:

- Conduct a site reconnaissance of the area surrounding the Turkey Leg Hut property.
- Provide an engineering opinion regarding the types of emissions of smoke from the Turkey Leg Hut operations.
- Provide an engineering opinion regarding the potential health effects as a result of emissions of smoke from the Turkey Leg Hut operations to nearby receptors.
- Provide an Affidavit that summarizes the above tasks.

17. Specifically, this Affidavit is not:

- A regulatory compliance audit of the Turkey Leg Hut operations.
- A medical diagnosis of illness or potential illness of any receptor, although exposure and risk are described herein.
- An engineering study that suggests specific engineering or construction designs or changes in operating practice to mitigate any impact.

18. This Affidavit is an engineering evaluation of the information stated herein. One of my responsibilities as a Registered Professional Engineer in the State of Texas is the protection of the health and safety of the general public. My evaluation is based on limited data and is preliminary.

#### **OVERVIEW OF THE TURKEY LEG HUT PROPERTY AND OPERATIONS**

19. The Plaintiffs in this Lawsuit are neighbors of the Turkey Leg Hut.

20. Based on information and belief the Turkey Leg Hut began business operations at the current location in about 2018. Apparently, the business has grown significantly since its founding.

21. Based on public statements made by the owners of the Turkey Leg Hut, they utilize approximately 8 large commercial smokers to smoke approximately 20,000 turkey legs per week.

22. A ground-level photograph of the Turkey Leg Hut property is shown below. As subsequently discussed, I also took photographs of the Turkey Leg Hut from the outside upper patio of the residence located at 1821 Rosedale (property is shown in the background).



23. I was provided other videos and still photographs by the Feldman & Feldman Law Firm which I reviewed that showed the smoke emissions.

#### **AMBIENT AIR QUALITY MONITORING DATA AT THE RECEPTOR LOCATIONS**

24. The US EPA has promulgated and enforces the National Ambient Air Quality Standards (NAAQS) for several pollutants, including particulate matter, specifically PM<sub>2.5</sub> and PM<sub>10</sub>.
25. A snippet from the US EPA Website says:

"The Clean Air Act, which was last amended in 1990, requires EPA to set National Ambient Air Quality Standards (40 CFR part 50) for pollutants considered harmful to public health and the environment. The Clean Air Act identifies two types of national ambient air quality standards. **Primary standards** provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly. **Secondary standards** provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

The EPA has set National Ambient Air Quality Standards for six principal pollutants, which are called "criteria" air pollutants. Periodically, the standards are reviewed and may be revised. The current standards are listed below. Units of measure for the standards are parts per million (ppm) by volume, parts per billion (ppb) by volume, and micrograms per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ).

26. A snippet from the US EPA Website that shows the Particulate Standards is shown below:

Category	Standard	Category	Averaging Period	Concentration Limit	Frequency
<a href="#">Particle Pollution (PM)</a>	PM <sub>2.5</sub>	primary	1 year	12.0 µg/m <sup>3</sup>	annual mean, averaged over 3 years
		secondary	1 year	15.0 µg/m <sup>3</sup>	annual mean, averaged over 3 years
		primary and secondary	24 hours	35 µg/m <sup>3</sup>	98th percentile, averaged over 3 years
	PM <sub>10</sub>	primary and secondary	24 hours	150 µg/m <sup>3</sup>	Not to be exceeded more than once per year on average over 3 years

27. Some of the Plaintiffs have installed individual monitoring devices to measure PM levels at their homes (outside environments). These devices are termed "Purple Monitors" and measure concentrations of particulate matter in the atmosphere. According to the manufacturer, it is an "Air quality sensor to measure real time PM<sub>2.5</sub> concentrations and more for residential, commercial, or industrial use with limited or no access to WiFi. Internal data storage to record data with or without a WiFi connection." Various peer-reviewed scientific comparisons have been made between these Purple Monitors and more sophisticated instruments, and the general conclusion has been reached that they provide reliable information regarding the concentration of particulate matter in local atmosphere at the time of monitoring. Two photographs of Purple Monitors are shown below: a close-up of the actual device, and an installation of the device at 1821 Rosedale.



28. Purple Monitor data was provided by the Feldman & Feldman Law Firm to me. This data was collected by the residence located at 1821 Rosedale during the August – November, 2019 timeframe.

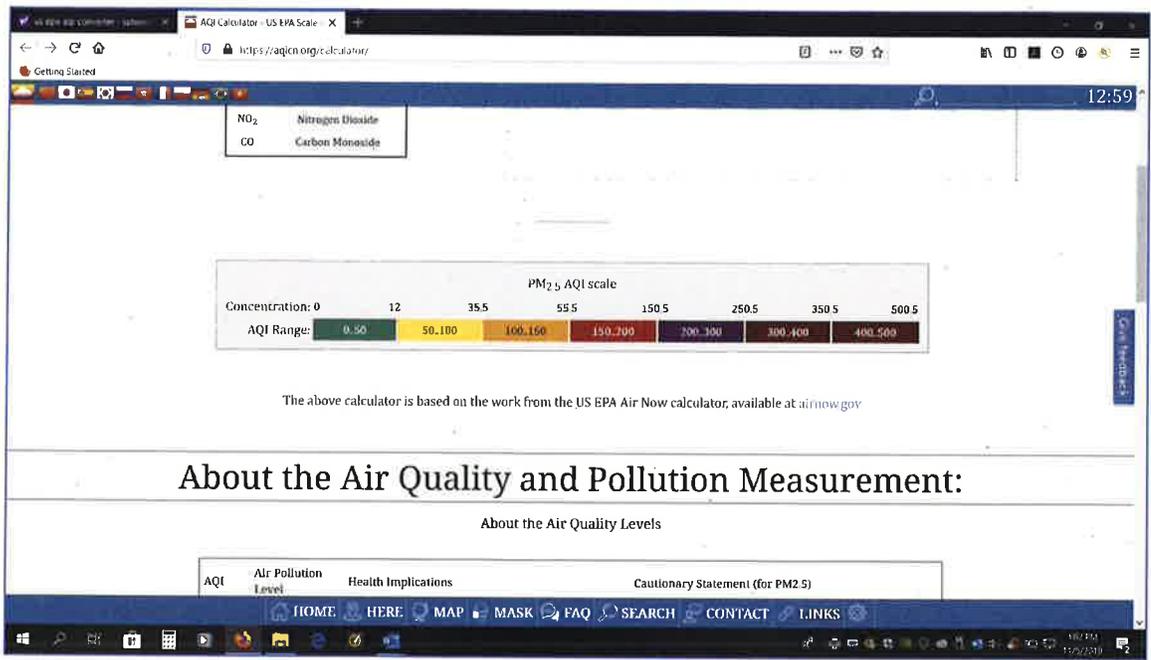
29. I reviewed the raw data which was presented to me in Excel Format, and I summarized the data thusly:

Site 1:	1821 Rosedale
Time Period:	August 16, 2019 – November 2, 2019
N =	56,726 readings
PM <sub>2.5</sub> ATM average:	83.0 µg/m <sup>3</sup>

Site 2:	1821 Rosedale
Time Period:	August 16, 2019 – November 2, 2019
N =	56,649 readings
PM <sub>2.5</sub> ATM average:	84.3 µg/m <sup>3</sup>

30. Comparing the data from these two monitoring locations to the NAAQS previously discussed indicates that the ambient air concentration of PM<sub>1.0</sub>, PM<sub>2.5</sub>, and PM<sub>10.0</sub> are high. The PM<sub>2.5</sub> levels measured by the monitors indicate the exceeding of the NAAQS for the three-month period. Thus, the NAAQS are probably being exceeded as well on an annual basis.

31. In addition, I observed screen shots of the Purple Monitor device that showed high levels of particulate matter as denoted by the orange, red, and purple color codes. These color codes are shown below and signify an elevated potential for health injury.



## About the Air Quality and Pollution Measurement:

### About the Air Quality Levels

AQI	Air Pollution Level	Health Implications	Cautionary Statement (for PM2.5)
0-50	Good	Air quality is considered satisfactory, and air pollution poses little or no risk.	None.
51-100	Moderate	Air quality is acceptable; however, for some pollutants there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.	Active children and adults, and people with respiratory disease, such as asthma, should limit prolonged outdoor exertion.
101-150	Unhealthy for Sensitive Groups	Members of sensitive groups may experience health effects. The general public is not likely to be affected.	Active children and adults, and people with respiratory disease, such as asthma, should limit prolonged outdoor exertion.
151-200	Unhealthy	Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.	Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion.
201-300	Very Unhealthy	Health warnings of emergency conditions. The entire population is more likely to be affected.	Active children and adults, and people with respiratory disease, such as asthma, should avoid all outdoor exertion; everyone else, especially children, should limit outdoor exertion.
300+	Hazardous	Health alert: everyone may experience more serious health effects.	Everyone should avoid all outdoor exertion.

### SITE RECONNAISSANCE OF NOVEMBER 1, 2019

32. During the afternoon of November 1, 2019 at approximately 4:00 pm I conducted a site reconnaissance of the general area around the Turkey Leg Hut property located at 4830 Alameda Road in Houston, Texas.
33. At the time, the temperature was cool and the wind was calm. Thus, the plume meandered among the buildings and other structures and was strong from the balcony where I took the

photographs. After a few minutes, my eyes began burning and my throat was coated from the smoke. From the balcony, it could not be determined how many smokers were in operation, or if they were operating at full capacity.

#### **BACKGROUND DISCUSSION ON AIR POLLUTION AT IT APPLIES TO THIS MATTER**

34. Meat smoking operations consist of the ignition of wood which then burns as a chemical process, thereby creating heat to not only cook the meat but also generate "smoke" to provide meat with the "smoke flavoring." The consumption of the wood generates "smoke," which is defined scientifically as particulate emissions.
35. The addition of other substances to the meat (e.g., seasonings) may impact the smoke that is released. Such substances may or may not increase the emissions.
36. According to the US Environmental Protection Agency, the following chemicals and substances can be generated by smoking operations and emitted into the atmosphere:
  - Carbon Monoxide
  - Total Suspended Particulate Matter (TSP/PM)
  - Volatile Organic Compounds (VOCs)
  - Elemental Carbon (EC)
  - Organic Carbon (OC)
  - Polycyclic Aromatic Hydrocarbons (PAHs)
  - Dioxins/Furans (D/F)
37. Carbon Monoxide is generated from incomplete combustion of the wood material. Smoking operations are uncontrolled with respect to ignition stoichiometry, and gases such as CO are generated and cannot be adjusted or controlled.
38. Particulate matter is the residue from the combustion process, and is sometimes referred to as "smoke" or "fly ash." The ash is a residual substance from the destruction of the wood, and is common to any type of burning of organic material, including wood.
39. VOCs are highly mobile in the atmosphere, and may include carcinogens such as Benzene. Some studies suggest that Benzene is the dominant VOC.
40. EC and OC are particle-related pollutants that have unique health injury metrics as opposed to "simple particles."
41. PAHs are Semi-Volatile Organic Compounds (SVOCs) that are generated from the combustion of organic material. Most PAHs are carcinogens or suspected carcinogens, and have half-lives of several years.

42. Dioxins/Furans are complex chlorinated organic compounds that are generated during the combustion process in the presence of Chloride molecules. Dioxins are suspected carcinogens and carcinogenic enhancers with half-lives of years to decades.
43. TSP is generally broken down according to particle size bandwidth. For example, the US EPA regulates PM<sub>2.5</sub> (aerodynamic particle diameter of 2.5 microns) and PM<sub>10</sub> (aerodynamic particle diameter of 10.0 microns). Particles with diameters of less than 10 microns have significant health effects, as documented by a plethora of studies conducted by the US EPA, NIH, ATSDR, and private organizations. Particles with diameters smaller than 2.5 microns are especially harmful since they can penetrate deep into the lungs where they can cause health injury.
44. Health injury from particles stems from two sources: the small particles themselves, and any other contaminant sorbed onto the particle, such as PAHs, etc.
45. As early as 1975, the US EPA studied the particle size distribution associated with air pollution emissions from burn events. They found that most of the particles were sub-micron and about 90 percent were less than 0.5 micron. Only about 2 percent were larger than 2 microns.<sup>1</sup> This information supports the general medical opinion that the inhalation of ultra-small particles is an important health metric.
46. The Engineering Tool Box website states that particles from burning wood are in the 0.2 – 3.0 micron bandwidth.

#### **POTENTIAL HEALTH INJURY FROM AIR POLLUTION**

47. Air pollution can impact human and other receptors by several means: inhalation, dermal contact, and ingestion. Inhalation is the primary route of exposure.
48. There is a plethora of engineering, scientific, toxicological, and medical information and data on air pollution and wood smoke and its impact on human health. The Clean Air Act promulgated by the US Congress addressed the issue.
49. The following is a quote from the US Environmental Protection Agency (EPA) website:

##### **“Wood Smoke and Your Health**

##### **On this page:**

- **What is wood smoke?**
- **Health effects of wood smoke**

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<sup>1</sup> “Air Pollutant Emissions from Burning Sugar Cane and Pineapple Residues,” US EPA 450/3-75-071, July 1975.

- **Who is at risk from wood smoke?**
- **Environmental effects**

**What is wood smoke?**

**Smoke from wood that is not burned completely contains a number of chemicals, including carbon monoxide (CO).**

**More than 150 people die annually from CO poisoning related to the use of home heating appliances.**

**CO is odorless and colorless. If you use a wood stove or fireplace, install a digital CO detector, which sounds an alarm when CO levels increase.**

**Smoke forms when wood or other organic matter burns. The smoke from wood burning is made up of a complex mixture of gases and fine particles (also called particle pollution, particulate matter, or PM). In addition to particle pollution, wood smoke contains several toxic harmful air pollutants including:**

- **benzene,**
- **formaldehyde,**
- **acrolein, and**
- **polycyclic aromatic hydrocarbons (PAHs).**

**The more efficiently you burn wood (e.g., using an EPA-certified wood stove and dry, seasoned wood) the less smoke is created.**

**Health effects of wood smoke:**



# WOOD SMOKE AND YOUR HEALTH

Wood smoke may smell good but it's not good for you. With a few simple steps you can help reduce wood smoke to protect your health and the air we breathe.

## DID YOU KNOW?

One old, inefficient wood stove can emit as much air pollution as 5 dirty old diesel trucks.



### Tiny particles in wood smoke can affect your health





#### HEART IMPACTS

Increases the risk of heart attack, irregular heartbeat, heart failure, stroke and early death.



#### LUNG IMPACTS

Triggers asthma attacks and aggravates other lung diseases and damages children's lungs.

#### WHO IS AT GREATER RISK?

- Older adults
- Children and teens
- People with heart or lung disease

### Four easy steps to reduce wood smoke

**1** Burn dry, seasoned wood that has been split, stacked, covered and stored.



**3** Use a cleaner-burning gas or wood stove.



**2** Test wood with a moisture meter (20% moisture or less is best).



**4** Provide sufficient air to the fire; never let it smolder.



Learn more at [www.epa.gov/burnwise](http://www.epa.gov/burnwise) 

**Smoke may smell good, but it's not good for you. The biggest health threat from smoke is from fine particles, also called fine particulate matter or PM2.5. These microscopic particles can get into your eyes and respiratory system, where they may cause burning eyes, runny nose, and illnesses, such as bronchitis.**

**Fine particles can make asthma symptoms worse and trigger asthma attacks. Fine particles can also trigger heart attacks, stroke, irregular heart rhythms, and heart failure, especially in people who are already at risk for these conditions.**

**Learn more about the health and environmental effects of fine particles.**

**Who is at risk from wood smoke?**

Each year, about 3,000 people die in residential fires in the U.S. – mainly from smoke inhalation. A properly installed and maintained smoke alarm is one of the best and cheapest ways to be warned early of a potentially deadly fire.

Wood smoke can affect everyone, but children, teenagers, older adults, people with lung disease, including asthma and COPD or people with heart diseases are the most vulnerable. Research indicates that obesity or diabetes may also increase risk. *New or expectant mothers may also want to take precautions to protect the health of their babies, because some studies indicate they may be at increased risk. (Emphasis Added).*

It's important to limit your exposure to smoke—especially if you are more susceptible than others:

If you have heart or lung disease, such as congestive heart failure, angina, chronic obstructive pulmonary disease, emphysema or asthma, you may experience health effects earlier and at lower smoke levels than healthy people:

Older adults are more likely to be affected by smoke, possibly because they are more likely to have chronic heart or lung diseases than younger people.

Children also are more susceptible to smoke for several reasons:

their respiratory systems are still developing,

they breathe more air (and air pollution) per pound of body weight than adults, and

they are more likely to be active outdoors.

Components of wood smoke:

- Particle pollution
- Benzene
- Formaldehyde
- Acrolein
- PAHs

Health resources:

- How smoke from fires can affect your health
- How wood smoke harms your health

Asthma resources:

- [EPA Asthma website](#)

- [CDC Asthma website](#)
- [NoAttacks.orgExit](#)

**Outreach materials:**

- o [Burn Wise Awareness Kit](#)
- o [Wood Smoke and Asthma Videos](#)

50. The following is a quote from the Agency for Toxic Substances and Disease Registry (ATSDR) and Center for Disease Control (CDC) website:

**"Particle pollution — also called particulate matter (PM) — is made up of particles (tiny pieces) of solids or liquids that are in the air. These particles may include:**

- **Dust**
- **Dirt**
- **Soot**
- **Smoke**
- **Drops of liquid**

**Some particles are big enough (or appear dark enough) to see — for example, you can often see smoke in the air. Others are so small that you can't see them in the air.**

**Where does particle pollution come from?**

**Particle pollution can come from two different kinds of sources — primary or secondary. Primary sources cause particle pollution on their own. For example, wood stoves and forest fires are primary sources.**

**Secondary sources let off gases that can form particles. Power plants and coal fires are examples of secondary sources. Some other common sources of particle pollution can be either primary or secondary — for example, factories, cars and trucks, and construction sites.**

**Smoke from fires and emissions (releases) from power plants, industrial facilities, and cars and trucks contain PM<sub>2.5</sub>.**

**Particle Pollution and Your Health**

**Breathing in particle pollution can be harmful to your health. Coarse (bigger) particles, called PM<sub>10</sub>, can irritate your eyes, nose, and throat. Dust from roads, farms, dry riverbeds, construction sites, and mines are types of PM<sub>10</sub>.**

**Fine (smaller) particles, called PM<sub>2.5</sub>, are more dangerous because they can get into the deep parts of your lungs — or even into your blood.**

**How can particle pollution affect my health?**

**Particle pollution can affect anyone, but it bothers some people more than others. People most likely to experience health effects caused by particle pollution include:**

- **People with heart or lung diseases (for example, asthma)**
- **Older adults**
- ***Babies and children***

**If you have asthma, particle pollution can make your symptoms worse. Carefully follow your asthma management plan on days when pollution levels are high.**

**Particle pollution has also been linked to:**

- **Eye irritation**
- **Lung and throat irritation**
- **Trouble breathing**
- **Lung cancer**
- **Problems with babies at birth (for example, low birth weight)**

#### **Heart Disease**

**If you have heart disease, breathing in particle pollution can cause serious problems like a heart attack. Symptoms include:**

- **Chest pain or tightness**
- **Fast heartbeat**
- **Feeling out of breath**
- **Being more tired than usual**

**If you have any of these signs, contact your doctor. Be sure to let your doctor know if the symptoms get worse or last longer than usual.**

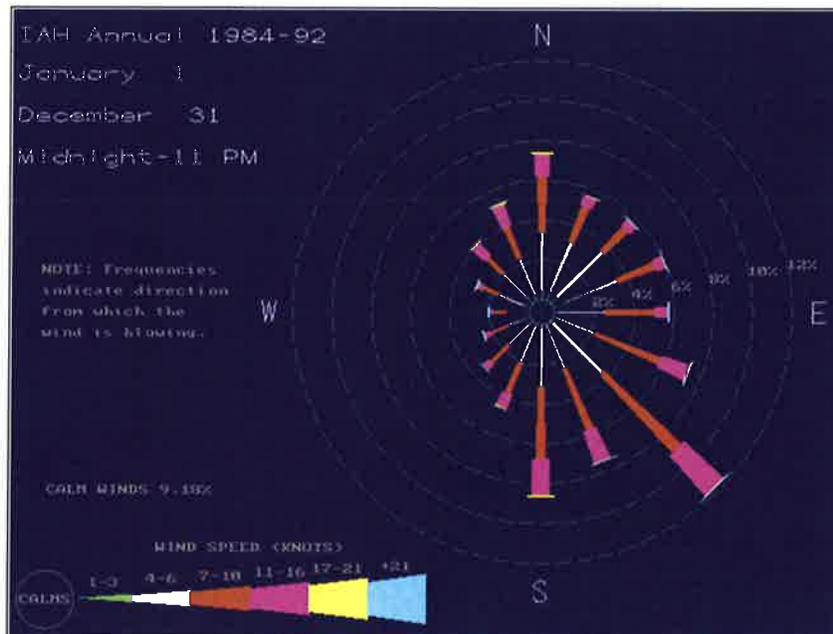
51. Air pollution is also linked to breast cancer. For example, in some studies the National Institute of Health concluded:

"In this prospective study, using an indoor wood-burning stove/fireplace in the longest adult residence at least once a week and burning either wood or natural gas/propane was associated with a modestly higher risk of breast cancer. <https://doi.org/10.1289/EHP827>"

- Indoor air pollution exposure from use of indoor stoves and fireplaces in association with breast cancer: a case-control study. White AJ<sup>1</sup>, Teitelbaum SL, Stellman SD, Beyea J, Steck SE, Mordukhovich I, McCarty KM, Ahn J, Rossner P Jr, Santella RM, Gammon MD. Department of Epidemiology, University of North Carolina, CB#7435, McGavran-Greenberg Hall, Chapel Hill, NC 27599-7435, USA. [whitea@unc.edu](mailto:whitea@unc.edu).
- Indoor Wood-Burning Stove and Fireplace Use and Breast Cancer in a Prospective Cohort Study, Alexandra J. White<sup>1</sup> and Dale P. Sandler. *Environ Health Perspect.* 2017

Jul; 125(7): 077011. Published online 2017 Jul 18. doi: [10.1289/EHP827](https://doi.org/10.1289/EHP827), PMID: [28728136](https://pubmed.ncbi.nlm.nih.gov/28728136/), PMCID: [28728136](https://pubmed.ncbi.nlm.nih.gov/28728136/)

52. 3TM Consulting obtained annual wind rose data from the Texas Commission on Environmental Quality (TCEQ) website for Houston, Texas. As shown, wind direction can occur in 360 degrees throughout the year, with dominant wind directions occurring from the south, southeast, north, and northeast. Thus, receptors surrounding the Turkey Leg Hut in all directions may be affected during certain portions of the year. The "pollution rose" is the inverse of the "wind rose." Thus, if the wind rose shows a wind vector for the northwest, then the corresponding pollution vector will be toward the southeast.



53. The expected plume travel distance from the Turkey Leg Hut operations may extend several thousand feet downwind under certain meteorological conditions. The highest impacts would likely be observed within an approximate 500-foot radius of the smokers.
54. However, due to the number of tall buildings and other structures in the immediate vicinity of the smokers, plumes may "meander" between buildings rather than disperse, and thus travel in unpredictable directions for long distances under certain meteorological conditions.

### **MY OPINIONS**

55. Opinion No. 1 – The smoke plumes from the smoking operations appear to travel at least 500 feet from the source, and probably travel as far as 1000 feet, or further.

56. Opinion No. 2 – The US EPA, NIH, ATSDR, and CDC have published extensive scientific and medical literature on the potential health effects of air pollution, including from particulate emission sources such as wood burning. Receptors who live near such sources have a higher probability of exposure. Risk of health injury is very dependent upon the age and health of any individual receptor, the duration of exposure, etc., with infants and the elderly being at a higher risk of health injury.
  
57. Opinion No. 3 – The concentrations of Particulate Matter measured by the Purple Monitors by the Plaintiffs indicate that US EPA National Ambient Air Quality Standards are probably being exceeded throughout much of the year. Based on published scientific and medical data, this poses an elevated risk to people in close proximity to the smokers in question, especially infants and children. It is also my opinion that the smoke in question is a logical source of discomfort. Exposures may be significantly higher in some instances than the calculated averages presented herein.

**AFFIDAVIT**

I declare under penalty of perjury that the foregoing allegations, statements, findings, and opinions are true and correct to the best of my knowledge, information, and beliefs. If called upon at trial, I have the expertise and experience to express my Findings and Opinions on this Lawsuit, which will be consistent with this Affidavit and any other work which I complete that is associated with this Lawsuit.

The results, findings, opinions, conclusions, and recommendations stated in this Affidavit are based on widely known and accepted environmental engineering and scientific principles and practice, personal education and training, personal environmental engineering and scientific judgment, personal engineering and scientific experience gained throughout professional careers on similar projects, observations made during the conduct of the Work, and written and verbal information and data obtained by 3TM Consulting or made available to 3TM Consulting during the conduct of the Work, and should not be inferred in any manner beyond that stated in this Affidavit. Information obtained through interviews with knowledgeable persons is based on the best of their knowledge at the time of the interview.

I reserve the right to retract, alter, modify, add to, subtract from, delete, or clarify any or all results, findings, opinions, conclusions, and recommendations presented in this Affidavit upon evaluation of any further pertinent information and data that may become available in the future.

STATE OF TEXAS  
COUNTY OF HARRIS

SUBSCRIBED AND SWORN BEFORE ME, on this the 6<sup>th</sup> day of November, 2019.

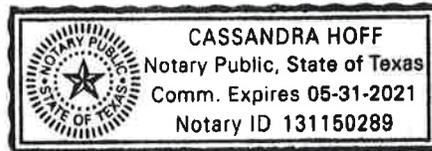


Signature: Randy D. Horsak, PE



Signature  
NOTARY PUBLIC

(Seal)



My Commission expires: 05/31/2021

End of Affidavit



**RANDY D. HORSACK, PE**  
**PRINCIPAL**  
**3TM CONSULTING, LLC**

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### SUMMARY

Mr. Horsak is a registered Professional Engineer and scientist with more than 45 years of experience in multiple phases of environmental engineering and science: consulting, engineering, construction, operations management, office supervision, strategic planning, business development, proposal preparation, project management, litigation support, and expert witness testimony. He has managed and directed environmental projects in a variety of areas, including: air pollution, ambient air quality testing, noise, soil and sediment, groundwater, surface water, water treatment and purification, contaminated dust, and ecosystems. His experience includes a wide range of sites and facilities, including: abandoned (legacy) sites, hazardous waste management facilities, CERCLA sites, refineries, chemical plants, fossil and nuclear power plants, geothermal energy plants, manufacturing and commercial facilities, pipelines, power transmission lines, oil and gas exploration and production sites, and public and private properties. He has authored about 60 professional publications and lectures, and has testified as an expert witness on multiple occasions. Project categories (alphabetical order) include:

- Chemical fingerprinting
- Conceptual design and site conceptual modeling
- Decontamination studies
- Electromagnetic imaging and ground penetrating radar
- Economic analysis and engineering cost estimates
- Engineering feasibility studies
- Environmental impact assessments
- Health-based exposure and risk assessments
- Historical exposures based on historical emissions and contaminant half-life
- In-situ chemical oxidation of soil and groundwater
- Licensing support for grassroots projects
- Multi-media environmental sampling and analysis (soil, sediment, soil gas, surface water, groundwater, sludge, ambient air quality indoor air quality, indoor dust, ecosystems)
- Oil and gas legacy site assessment and remediation/restoration cost estimates
- Phase I environmental due diligence assessments
- Phase II and III environmental site assessments
- Pollution prevention and waste minimization studies
- Regulatory compliance audits
- Regulatory liaison and permitting support
- Site selection and site evaluation studies
- Soil and groundwater remediation and restoration of contaminated sites
- Vapor intrusion assessment
- Water and wastewater treatment

### PROJECT EXPERIENCE (OVERVIEW)

Mr. Horsak has had project and technical management responsibility for more than 500 environmental projects in the United States and more than 50 international projects, ranging in size from small consulting assignments (a few thousand dollars) to large, multi-disciplinary projects (more than 25,000 professional labor hours) to turnkey engineering-construction projects (ranging from tens of thousands to millions of dollars). He has also provided technical assistance for projects in Mexico, Taiwan, Venezuela, Ecuador, Argentina, Guam, Lebanon, Egypt, Libya, South Sudan, Somaliland, Malasia (Natuna), the Philippines, and Canada.

**EDUCATION**

Bachelor of Science – Engineering, 1967 – 1971  
University of Texas at Austin

Master of Science – Environmental Science, 1972 – 1974 (night classes)  
University of Texas at San Antonio

**PROFESSIONAL AFFILIATIONS (CURRENT AND PREVIOUS)**

Registered Professional Engineer – TX, LA, NE, AL

National Society of Professional Engineers

Phi Eta Sigma

Eta Kappa Nu

Tau Beta Pi

Beta Beta Beta

Advisory Board: *Hazardous Substances Journal*

Peer Review Committee: EPA Office of Research and Development

Air and Waste Management Association

Texas Water Pollution Control Association

Houston Engineers Society

Houston Chamber of Commerce

International Society of Environmental Forensics

National Groundwater Association

Peer Reviewer: *Environmental Forensics Journal*

Member: ASTM Committee on Forensic Environmental Investigations

Member: Forensic Expert Witness Association

Member: Association for the Advancement of Cost Engineering (International)

Texas Board of Professional Engineers – Technical Expert for Enforcement

Lecturer – University of Houston Engineering Graduate Program

Lecturer – San Jacinto College Construction Management Program

PROJECT EXPERIENCE: ENVIRONMENTAL MEDIA

Ambient air  
Ecosystems  
Groundwater  
Household attic dust  
Indoor ambient air  
Outdoor dust  
Sediment  
Sludge  
Soil  
Soil gas  
Surface water

PROJECT EXPERIENCE: ENVIRONMENTAL SETTINGS

Industrial

Chemical Plants  
Electrical Transmission Lines  
Iron, Steel, Aluminum, Chrome, other Metals Plants  
Manufacturing Plants  
Mining  
Oil & Gas Exploration and Production  
Pesticide Plants  
Pipelines (Crude, Product, Natural Gas, Water)  
Power Plants  
Refineries and Fuel Terminals  
Wood Preserving, Wood Treating Sites

Commercial

Dry Cleaners  
Gas Stations  
Machine Shops  
Restaurants  
Shopping Malls

Private Property

Farm Land  
Ranch Land  
Residential Areas

PROJECT EXPERIENCE: CONTAMINANTS

Agent Orange  
Carbon Black  
Carbon Monoxide  
Chloride  
Chlorinated Hydrocarbons (TCA, TCE, PCE)  
Dioxins/Furans  
Food Residue  
Metals (RCRA, Priority Pollutant)  
Mold and Biological Agents  
NAPLs (DNAPL and LNAPL)  
Particles, Large to Ultrafine (PM<sub>100</sub> to PM<sub>0.5</sub>)  
Pentachlorophenol (PCP)  
Persistent Organic Pollutants (POPs)  
Pesticide and Herbicides  
Polychlorinated Biphenyls (PCBs)  
Polycyclic Aromatic Hydrocarbons (PAHs)

Radionuclides  
Salinity, TDS, Sodium, Chlorides  
Semi-Volatile Organic Compounds (SVOCs)  
Sulfur, Sulfides, and Inorganics  
Total Dissolved Solid (TDS)  
Total Petroleum Hydrocarbons (TPH)  
Viruses  
Volatile Organic Compounds (VOCs)

**PROJECT EXPERIENCE: ENVIRONMENTAL SCIENCE AND ENGINEERING**

Air, water, wastewater, solid waste, and hazardous waste permitting and regulatory compliance  
Environmental reports and impact statements  
Expert reports  
Exposure assessments and human health and ecological risk assessments  
Fate and transport studies  
Forensic investigations and chemical fingerprinting  
Multi-media environmental sampling and analysis (air emission testing, ambient air quality sampling, household dust sampling, outdoor dust sampling, surface soil and subsurface soil sampling, sludge sampling, groundwater and surface water sampling, ecosystem sampling)  
Pollution abatement and waste minimization system design and construction  
Site selection and site evaluation studies

**PROJECT EXPERIENCE: POWER SYSTEMS**

Fossil-fueled electrical generating stations (natural gas, fuel oil, wood, lignite, and coal)  
Gas turbine and combined cycle units, with heat recovery  
Geothermal and hydrothermal power systems  
Nuclear power generating stations  
Solar power systems  
Wet, wet/dry, and dry cooling tower systems  
Wind power systems

Assignments have included:

Air dispersion modeling  
Engineering feasibility studies  
Environmental impact assessments  
Impact of power plant fugitive emissions on receptors  
Licensing studies  
Nuclear fuel cycle cost analysis  
Pro forma cost estimates and engineering cost estimates  
Project management and system planning  
Site selection and permitting  
Regulatory compliance  
Transmission and distribution studies, protective relaying

**PROJECT EXPERIENCE: GROUNDWATER**

Conventional drilling  
Direct push technology (Geoprobe, Cone Penetrometer Testing, VibraCore, etc.)  
Electromagnetic imaging, ground penetrating radar, 3-D seismic  
Expert reports  
Fate and transport assessment (modeling using Rice University, etc.)  
Hydrocarbon, chlorinated hydrocarbon, metals, salinity, and other plumes  
Installation of groundwater monitoring wells  
LNAPL, DNAPL, dissolved phase plumes  
Phase I, II, III assessments  
Remediation (pump and treat, in-situ chemical oxidation, Regeneration, other technologies)

Remediation system evaluation  
Sampling and analysis

#### PROJECT EXPERIENCE: WATER AND WASTEWATER TREATMENT

Assessment of effluents in terms of drinking water applications  
Bench-scale treatability studies  
Carbon nanotubes  
Conceptual design of processes involving electro-coagulation/flocculation, filtration, reverse osmosis, ultra-violet light purification, ozonation, chlorination, carbon block filters, and other technologies  
Conceptual design of water and wastewater treatment systems involving the treatment of raw sewage, industrial waste, chemical-contaminated water, and pathogen-contaminated water  
Engineering economic evaluations  
Expert reports  
Field pilot studies  
Project planning, and engineering feasibility studies  
Sorbents  
Use of solar and wind turbine systems to power water treatment processes  
Water and wastewater sampling and analysis

#### PROJECT EXPERIENCE: OIL AND GAS OPERATIONS

Background establishment  
Chemical fingerprinting  
Electromagnetic imaging  
Engineering cost estimates  
Expert reports  
Fate and transport assessments  
Natural resource damage assessment  
Petroleum hydrocarbons, chlorides / salinity, metals, radionuclides  
Records review  
Remediation of hydrocarbons, salinity, NORM, and metals in soils and groundwater  
Site assessment, including sampling of soil, sludge, groundwater, surface water, and ecosystems  
Site reconnaissance  
Spill plans

#### EXPOSURE AND RISK ASSESSMENTS

Air, water, soil pathways  
Ambient concentration studies  
Duration and historical exposure studies  
Health-based risk assessment  
Inhalation, ingestion, immersion, and Dermal pathways  
Fate and transport studies  
Natural resource damage assessment

#### ENGINEERING FORENSICS

Allocation and apportionment  
Identification of source of contamination  
Good engineering practice / standard of care  
Identification of responsible party  
Impact to environmental media  
Proximate causation  
Toxic tort and health injury

**PROJECT EXPERIENCE: ENGINEERING COST ESTIMATES**

ASCE Level I, 2, 3, 4, 5 estimates  
Deterministic estimates (e.g., Excel based)  
Expert reports  
Pro Forma Cost estimates  
Projects: a few thousand \$ to several billion \$  
Stochastic estimates (e.g., Monte Carlo based)

**TECHNOLOGY DEVELOPMENT**

Black Corn Flake Technology to remove petroleum hydrocarbons from a water matrix  
Generation III water purification  
Patented technology to treat metals, arsenic, and radionuclides in a water matrix  
Provisional patents to attenuate and treat viruses in the human body and environmental media

## PROJECT AND WORK EXPERIENCE

### City Public Service (1972-75)

Staff Engineer, Project Coordinator  
City Public Service  
San Antonio, Texas

- Performed breakeven economic calculations of coal-fired versus nuclear powered electrical generation facilities.
- Designed a conceptual layout of a power transmission line from an existing fossil-fueled power plant to a large cooling reservoir.
- Performed economic analyses associated with pumping condenser cooling water and transmitting high voltage power for a conceptual nuclear power plant.
- Performed economic analyses associated with various environmental considerations for a conceptual nuclear power plant site.
- Worked with consultants to develop a site selection methodology for a nuclear power plant.
- Studied and provided technical coordination of site selection studies for a proposed nuclear power plant. The primary considerations were environmental impact, technical feasibility of the site, and relative economics.
- Assisted other engineers and scientists in developing a methodology and data base for the selection of candidate sites for a proposed nuclear power plant.
- Prepared a bid specification for a meteorological monitoring station at an existing fossil-fueled power plant, and then evaluated bids, and recommended a contractor for implementation.
- Prepared EPA permit applications for wastewater discharges from fossil-fueled power plants.
- Collected wastewater samples from a fossil-fueled power plant and had them tested to support EPA NPDES permit requirements.
- Assisted in the review of the environmental impact statement for South Texas Nuclear Project.

### R. W. Beck & Associates (1975-79)

Senior Engineer / Project Manager  
R. W. Beck & Associates  
Columbus, Nebraska  
Denver, Colorado

- Performed an independent review of an environmental impact statement for a coal-fired power plant.
- Provided environmental inputs into financial feasibility studies and funding for public power supply projects (multiple projects).
- Performed site selection studies for several gas turbine, combined cycle, and coal-fired power generation facilities. The primary considerations were environmental impact, technical feasibility of the site, and relative economics (multiple projects).
- Prepared EPA, BLM, and state permit applications for wastewater discharges and air emissions from several gas turbine, combined cycle, and coal-fired power generation facilities (multiple projects).

- Prepared EPA / other federal lead agency Environmental Impact Statements for several gas turbine, combined cycle, and coal-fired power generation facilities (multiple projects).
- Performed calculations, assisted in the development of computer simulation models, and wrote reports (published by the Electric Power Research Institute and the State of California) which pertained to the relative economics associated with the use of wet, wet/dry, and dry cooling tower systems to dissipate waste heat from the thermal process associated with geothermal power plants.
- Performed calculations, assisted in the development of computer simulation models, and wrote reports which pertained to the relative economics associated with the use of wet, wet/dry, and dry cooling tower systems to dissipate waste heat from the thermal process associated with nuclear power plants.
- Performed calculations, assisted in the development of computer simulation models, and wrote reports which pertained to the relative economics associated with the use of wet, wet/dry, and dry cooling tower systems to dissipate waste heat from the thermal process associated with fossil-fueled power plants.
- Assisted other engineers in evaluating the technical and economic feasibility of constructing a grassroots wood-burning power plant.
- Assisted other engineers in evaluating the cost of nuclear fuel for a nuclear power plant.
- Analysis of air pollution control equipment and compliance with Clean Air Act

#### Brown & Root, Inc. - Halliburton (1979-80)

Senior Engineer / Project Manager  
Brown & Root  
Houston, Texas

- Coordinated the site selection and environmental permits for a grassroots coal-fired power plant. The primary considerations were environmental impact, technical feasibility of the site, and relative economics. This included the collection of baseline environmental data.
- Reviewed various environmental permit applications for a grassroots coal-fired power plant.
- Assisted in the development of standardized licensing and permitting support documents to be used on all fossil-fueled power plant projects (air pollution control, water and wastewater treatment, waste management, etc.)

#### Pace Consultants and Engineers (1980-83)

Project Manager and Practice Leader  
Pace Consultants  
Houston, Texas

- Conducted site selection studies for grassroots chemical plants which included site economics, potential environmental impact, and logistical considerations (multiple projects).
- Studied the feasibility and associated economics of various methods of managing and disposing of hazardous wastes in the liquid, sludge, and solid forms (multiple projects).
- Prepared multi-client studies that reviewed the feasibility and economics associated with alternative methods of recycling toxic solvent wastes.
- Prepared multi-client studies that reviewed the feasibility and economics associated with alternative methods of disposing of toxic wastes in incinerators, landfills, treatment units, deep well injection, etc.
- Prepared a feasibility study for the destruction of toxic wastes using at-sea incineration technology.

- Provided recommendations to clients who were contemplating entry into the commercial hazardous waste market (multiple projects).
- Prepared EPA, other federal, and state permit applications for wastewater discharges and air emissions from chemical plants (multiple projects).
- Assisted other engineers in the evaluation of coal-gasification facilities in terms of market penetration.
- Constructed supply/demand curves for establishing the pricing of commercial waste management services.

#### NUS Corporation - Halliburton (1983-90)

Manager of Business Development  
Regional Manager  
Director of Regional Business Development  
General Manager  
NUS Corporation  
Houston, Texas

- Managed the regional business development program which included sales, marketing, and proposal preparation for multi-disciplinary environmental studies, permits, conceptual design, engineering design, and remedial construction.
- Managed a 55-person staff of engineers, scientists, technicians, and support staff in the execution of various engineering and scientific studies, permits, conceptual design, engineering design, and remedial construction. Facilities included landfills, wastewater treatment systems, air pollution control systems, etc. at chemical plants, refineries, fossil-fueled power plants, and energy production facilities.
- Principal-in-Charge for an environmental upgrade program for a major chemical plant in Texas City.
- Principal-in-Charge for RCRA Part A and Part B permit applications for refineries in the Gulf Coast region (multiple projects).
- Principal-in-Charge for the conceptual design of a wastewater treatment upgrade program for a major chemical plant.
- Principal-in-Charge for air emissions and ambient air quality testing for a major chemical complex.
- Principal-in-Charge for the remediation and closure of a refinery landfarm (multiple projects).
- Principal-in-Charge for the remediation and closure of a waste disposal area for a chemical plant.
- Provided oversight for remedial investigations and feasibility studies for CERCLA sites (multiple projects).
- Provided oversight for vadose zone and groundwater investigations (multiple projects).
- Project Manager for a major engineering study of the necessary upgrades of a major refinery in Mexico to comply with mirror US regulations.

#### Roy F. Weston (1990-91)

Project Director  
Roy F. Weston  
Houston, Texas

- Served as Project Director for a wastewater treatment feasibility study for a major petrochemical plant.

- Prepared a corporate business plan for pursuit of the Mexican environmental engineering services market.
- Prepared a summary plan for the environmental upgrade of a refinery.

#### M. W. Kellogg / KBR (1991-92)

Environmental Program Manager  
M W Kellogg  
Houston, Texas

- Project Manager for an environmental engineering feasibility study of technical options for the management and disposal of refinery wastes at several refineries and production facilities.
- Provided managerial oversight of the Benzene-NESHAP upgrade program for seven major refineries.
- Project Manager for a state-of-the-art environmental engineering study for the American Petroleum Institute on pollution prevention for refinery crude oil units.
- Lead Engineer in the preparation of the 1992 Strategic Business Plan and the development of a project management system for environmental projects.
- Prepared the environmental engineering portion of a proposal for a turnkey \$14 billion international LNG complex.

#### McLaren/Hart Environmental Engineering (1992-94)

Regional Manager  
McLaren/Hart Environmental Engineering Company  
McLaren/Hart de Mexico  
Houston, Texas

- Managed three offices with a 25-person staff of engineers, scientists, technicians, and support staff in the execution of various engineering and scientific studies, regulatory compliance audits, due diligence assessments, permits, conceptual and engineering design, and remedial construction. Facilities included industrial and manufacturing sites, orphan sites, pipelines, chemical plants, refineries, and energy exploration sites.
- Project Manager for exposure and human risk assessment studies for contaminated oilfield properties (multiple projects).
- Project Manager for the site assessment, human health risk assessment, engineering feasibility study, and remedial construction of a contaminated oilfield property in a residential subdivision.
- Principal-in-Charge for regulatory compliance and site assessment work for a pipeline company.
- Project Manager for a remedial investigation of a benzene release from an oil and gas field production facility.
- Reviewed remediation plans for a CERCLA site.
- Project Manager for due diligence assessments, regulatory assessments, risk audits, process safety management studies, technical audits, and regulatory compliance audits for industrial and manufacturing facilities (steel production, refining, petrochemical, specialty chemicals, automotive, and glass manufacturing) in Mexico (multiple projects), including air pollution, wastewater, and waste management systems.

- Developed hybrid US-Mexican environmental regulatory compliance audit protocols.
- Conducted first process safety management study/Haz-Ops study for a glass manufacturing facility in Mexico under new Mexican federal guidelines.
- Conducted comprehensive environmental assessments (air, wastewater, and hazardous waste media) of two major refineries and production areas in Mexico, including the technical and financial requirements to upgrade the complexes to meet US environmental standards.
- Project Manager for the planning, site characterization studies, remedial investigations, and remediation plans for clean-up of several contaminated industrial sites in Mexico.
- Key participant and featured speaker in the First International Symposium on Environmental Auditing in Mexico.
- Taught various training seminars on project management, environmental regulations, environmental control technologies, regulatory compliance audits, process safety management, waste minimization/pollution prevention, and environmental Total Quality Management (TQM) in Mexico.

#### 3TM International, Inc. (1994-present)

President and Principal Engineer  
 3TM International / Terra Technologies  
 Technical Liaison to Petra Environmental and Petra Remediation Systems  
 Houston, Texas

#### Projects (1994 – 2017):

- Project Manager for the environmental site assessment and due diligence assessment for the acquisition of 26 oil and gas properties for a major products pipeline company.
- Project Manager for the collection of environmental and geotechnical subsurface soil samples using direct push technology/cone penetrometer technology for a US DOD site (multiple projects).
- Project Manager for the collection of environmental and geotechnical subsurface soil samples using direct push technology/cone penetrometer technology for a US DOE site.
- Project Manager for the collection of environmental and geotechnical subsurface soil samples using direct push technology/cone penetrometer technology for hazardous waste and municipal waste landfills (multiple projects).
- Project Manager for the collection of environmental and geotechnical subsurface soil samples using direct push technology/cone penetrometer technology for spills sites (multiple projects).
- Project Manager for the collection of environmental and geotechnical subsurface soil samples using direct push technology/cone penetrometer technology for a nitrate contaminated site.
- Project Manager for the collection of environmental sediment samples in a bay in Texas using direct push technology/cone penetrometer technology.
- Project Manager for the collection of environmental baseline data using direct push technology and other techniques for a major refinery, terminals, and service stations in the Pacific Rim.
- Project Manager for the site characterization of service station sites in Texas (multiple projects).
- Project Manager for the site characterization of contaminated oilfield properties using direct push technology (multiple sites).

- Project Manager for the site characterization of a contaminated product pipeline property using direct push technology.
- Project Manager for the site characterization of contaminated oilfield properties, spill sites, creosote facilities, pipeline, and vacant properties using electromagnetic imaging (multiple projects).
- Technical Manager for the collection of soil and groundwater samples at dry cleaning facilities (multiple projects).
- Technical Manager for the collection of subsurface soil gas and indoor ambient air quality samples at a high school.
- Technical Manager for the excavation and removal of contaminated soil (multiple projects).
- Technical Manager for the conducting of laboratory bench-scale treatability studies aimed at evaluating in-situ chemical treatment of soils and groundwater contaminated with BTEX, chlorinated hydrocarbons, and other contaminants (multiple projects) using hydrogen peroxide, Fenton's Reagent, Oxi, sodium and potassium permanganate, and other reagents.
- Technical Manager for the preparation of cost estimates to treat contaminated soil and groundwater using in-situ chemical treatment and other technologies (multiple projects).
- Technical Manager for the in-situ chemical treatment of soils and groundwater contaminated with BTEX, chlorinated hydrocarbons, and other contaminants using high pressure jetting and low pressure injection of reagents (multiple projects).
- Technical Manager for the in-situ chemical treatment of soils and groundwater contaminated with hexavalent chrome using high pressure jetting and low pressure injection of reagents (multiple projects).
- Project Manager and provided expert engineering testimony for environmental toxic tort cases involving the following toxic chemicals: PCBs, Dioxins/Furans, Volatile and Semivolatile Hydrocarbons, Polycyclic Aromatic Hydrocarbons, Toxic Metals and Metalloids, Radionuclides, Biological Agents, and other substances. These cases involved releases of these contaminants from a source into the atmosphere, surface water, groundwater, surface soils, and/or subsurface soils and subsequent impact upon human and ecological receptors.
- Project Manager and provided expert engineering testimony for environmental toxic tort cases in which I calculated the pro forma cost associated with decontamination and restoration programs for contaminated soils, sediments, and groundwater and indoor living environments at residences and buildings.
- Evaluated widespread releases of PCBs, Dioxins, and chlorinated solvents throughout a large residential community; environmental media assessed included soil, sediments, airborne dust, household dust, surface water, and groundwater.
- Evaluated widespread releases of Dioxins throughout a residential community and creek system; environmental media assessed included soils and sediments.
- Evaluated widespread releases of Agent Orange and Dioxins throughout a residential community; environmental media assessed included surface soils and indoor household dust.
- Evaluated widespread releases of creosote materials, polycyclic aromatic hydrocarbons, and Dioxins throughout a large residential community; environmental media assessed included soil, sediments, airborne dust, household dust, ambient air, surface water, and groundwater (multiple sites and projects).
- Prepared management summary reports for assessing the technical merits of the case for several creosote sites throughout the US.

- Evaluated widespread releases of creosote materials and polycyclic aromatic hydrocarbons throughout a small residential community located in the Everglades; environmental media assessed included soil, sediments, airborne dust, household dust, surface water, and groundwater.
- Evaluated widespread releases of benzene and other volatile organic compounds throughout a residential community; environmental media assessed included soil, soil gas, and ambient indoor air.
- Evaluated widespread releases of benzene and other volatile organic compounds throughout the campus of a major high school; environmental media assessed included soil, soil gas, and ambient indoor air.
- Evaluated widespread releases of VOCs, sulfur compounds, and carbon black throughout a residential area; environmental media assessed included ambient air and indoor dust.
- Evaluated the releases of toxic mold and other biological agents throughout a residential area; environmental media assessed included soil, sediments, airborne dust, household dust, and surface water.
- Evaluated the releases of toxic mold and other biological agents, metals, and other substances from poultry operations; environmental media assessed included soil, sediments, airborne dust, household dust, and surface water.
- Evaluated the widespread release of chlorinated solvents, including DNAPL, into the groundwater beneath a large residential community; source of solvents was an adjacent petrochemical company that had impacted four aquifers.
- Evaluated widespread release of hexachlorobenzene, other chlorinated hydrocarbons, and hydrocarbons into public waterways and estuaries; source of the contamination was a large petrochemical company.
- Evaluated the release of chlorinated solvents by a dry cleaning operation onto commercial and residential property.
- Evaluated the contamination of private ranch land with petroleum hydrocarbons and brines from oil producing facilities; environmental media assessed included soils, groundwater, and surface water.
- Evaluated the contamination of private properties with chlorinated hydrocarbons from an electric component manufacturing facility.
- Developed cost estimates to remediate and/or restore contaminated properties, including soil, groundwater, and residences as a result of various type of contamination, including hydrocarbon, chlorinated solvent, PAHs, Dioxins, and PCBs (multiple projects).
- Evaluated the release of petroleum hydrocarbons from underground storage tanks into surrounding soil, groundwater, ditches, and utility corridors.
- Evaluated the release of pesticides from the aerial application of pesticide-coated rice seed and tail water in an agricultural environment (multiple projects).
- Evaluated the release of pesticides from a pesticide manufacturing facility into surrounding soils and sediments; environmental media assessed included soils, sediments, and indoor dust.
- Evaluated the release of brine from a saltwater pipeline into a protected estuary.
- Evaluated the release of odor and biological pathogens from an open sewage lagoon into a residential community.
- Evaluated the releases of various chemicals from commercial landfills.
- Evaluated the release of crude oil from a breach in a crude oil pipeline onto private property.

- Forensic identification of sources of contamination for PAHs, PCBs, Agent Orange, Pesticides, and Dioxins/Furans using chemical fingerprinting techniques (multiple projects).
- Preparation of pro forma cost estimates to restore contaminated private properties following the failure of a crude oil tank as a result of damage by Hurricane Katrina.
- Preparation of pro forma cost estimates to restore private property that became contaminated from historical oilfield operations (multiple projects).
- Preparation of pro forma cost estimates to restore two large refinery complexes in New Jersey by the remediation of contamination and the construction of productive wetlands.
- Preparation of engineering cost estimates to restore hundreds of impacted properties in Ecuador that became contaminated from historical oilfield operations (public estimate was \$27 billion).
- Preparation of technical review of expert reports involving the nature and extent of soil and groundwater contamination at oil and gas properties.
- Preparation of engineering cost estimates to remediate and restore oil field sites.
- Evaluation of emissions from a fossil-fueled power plant in Ohio.
- Technical engineering expert for US Economic Opportunity Commission.
- Preparation of engineering cost estimates to treat frack water and produced water at various shale play sites (multiple projects).
- Collection of household attic dust samples for major pesticide litigation.
- Preparation of expert report involving alleged exposure to contaminated construction dust and debris.
- Management consulting support to small private oil company.
- Remediation of soils and restoration of private property impacted by frack-out during the installation of a pipeline.

**Projects (2018 – 2019):**

The following is a list of consulting projects, litigation cases, and business initiatives for the 2018 – 2019 timeframe:

**Air Emissions:**

Air emissions from sugar cane field burn events  
 Carbon monoxide poisoning inside residence  
 Coal-fired power plant: fly ash and bottom ash releases  
 Evaluation of noise levels from mining facility  
 Exposure assessment from sulfide compound that resulted in worker injury  
 Fugitive dust from frack sand mining facility  
 Particulate emissions impact to private property from metal recycling operations  
 Pesticide plant: collection of household attic dust samples and air dispersion modeling

**Oil and Gas Sector:**

Enhancement of oil field production yield  
 Oil and gas legacy site: investigation of hydrocarbons, salinity, metals, radionuclides in soil / groundwater (multiple projects)  
 Oil and gas operating site: investigation of salinity impacted areas  
 Oil and gas operating site: remediation of impacted soils  
 Oil and gas operating site: remediation of tank battery

Release of crude oil and salinity from pipeline (multiple projects)  
Removal of sulfurs and metals from crude oil

Water, Wastewater, and Groundwater:

Consultant to new technology for the treatment of metals and radionuclides in wastewater  
Consultant to treatment of groundwater to produce agricultural irrigation  
Development of provisional patent to treat metals and radionuclides in water  
Engineering cost estimate for wetlands restoration  
Impact to soil and groundwater from the release of chlorinated hydrocarbons  
Impacts from a municipal wastewater treatment plant (CERCLA)  
Nature and extent of groundwater plumes at refinery  
Nature and extent of groundwater plumes at wood treating facility  
Radionuclides in public water supply drinking water  
Release of salinity to crawfish farming operation  
Treatment of oily wastewater at tank cleaning facility

Solar Power Systems:

Conceptual design of solar power systems  
Engineering cost estimates of solar power systems

Miscellaneous:

Forensic investigation of allegedly-contaminated Native American property  
Forensic investigation of commercial property from release of cleaning agents  
Forensic investigation of contaminated food  
Screening of industrial sites in Caribbean area with respect to litigation

Medical:

Impact of aluminum and mercury on neuro-degenerative diseases  
Patent work on delivery systems for disinfection of virus-contaminated surfaces  
Patent work on enteric encapsulation of medical composition  
R&D with NIH  
R&D with USDA

Impact from Flooding:

Impact to private residence from neighbor property flooding  
Impact to rural properties from Hurricane Harvey and from plant releases  
Impact to subdivision from Hurricane Harvey

Product Liability

Alleged failure of engineered protective liner system

PUBLICATIONS / PROFESSIONAL PAPERS

## Books...

Horsak, R. "Chapter 5: Water Utilization, Management, and Treatment," Textbook: Hydraulic Fracturing Operations: Handbook of Environmental Management Practices, Scrivener/Wiley Publishers, Published in 2015.

Horsak, R. "Cross in the Background," WestBow Press, Biography/Autobiography/Memoir, Published in July 2010.

Horsak, Bedient, Hamilton, Thomas, et al "Chapter 8 – Pesticides" Environmental Forensics, Published in December 2005.

## Other Publications...

Horsak, R. "Disaster Preparedness: How to Apply Uncertainty to Construction Cost Estimates," University of Houston Graduate Engineering Program, February 2, 2019.

Horsak, R. "The Use of Monte Carlo Methods to Assess Contingency and Risk," University of Houston Graduate Engineering Program, February 3, 2018.

Dahlgren, Dr. James, Horsak, R. "Health Injury Incidence in Coal Combustion Waste Landfill Workers" being published, 2Q2018.

Horsak, R. "Applying Uncertainty to Construction Cost Estimates: The Use of Monte Carlo Methods to Assess Contingency and Risk," University of Houston Graduate Engineering Program, February 4, 2017.

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Horsak, R.D., "Siting a Nuclear Power Plant: An Environmental Overview," American Society of Civil Engineers, Beaumont, Texas 1975.

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SUMMARY OF DEPOSITIONS / EXPERT TESTIMONY AT TRIAL

**Project:** Soil and groundwater contamination of a dry cleaning facility in Baytown, Texas  
**For Defendant:** Bay Plaza Realty  
**Client:** Mr. Robin Morse of Crain, Caton & James and Mr. Carl Brassow of Houston, Texas  
**Services:** Sampling and analysis, expert reports, deposition, and testimony at trial  
**Contaminants:** Chlorinated solvents  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil and groundwater, remediation using in-situ chemical oxidation

**Project:** Soil and groundwater contamination at a community adjacent to a petrochemical complex in Lake Charles, Louisiana  
**For Plaintiff:** Citizens of Mossville Community  
**Client:** Mr. Hunter Lundy of Lundy & Davis of Lake Charles, Louisiana  
**Services:** Sampling and analysis, expert reports, and deposition  
**Contaminants:** Chlorinated solvents  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil and groundwater

**Project:** Science textbooks for the State of Texas  
**For Plaintiff:** Texas Citizens for a Sound Economy  
**Services:** Expert testimony before the Texas State Board of Education  
**Area:** Bias of proposed science textbooks

**Project:** Groundwater contamination at the Senn Ranch in west Texas  
**For Plaintiff:** Senn Ranch  
**Client:** Mr. Bill Robins of Robins, Cloud & Lubel of Houston, Texas  
**Services:** Sampling and analysis, expert reports, and deposition  
**Contaminants:** Petroleum hydrocarbons and salinity  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil and groundwater, cost to remediate contaminated groundwater

**Project:** Soil and groundwater contamination at the Pavestone Corporation site in Katy, Texas  
**For Plaintiff:** Katy Land Company and Pavestone Corporation  
**Client:** Mr. Tom Hoekstra of Godwin-Gruber of Dallas, Texas  
**Services:** Sampling and analysis, expert reports, deposition, and testimony at trial  
**Contaminants:** Chlorinated and non-chlorinated hydrocarbons, miscellaneous chemicals  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil and groundwater

**Project:** Multi-media environmental contamination near the Kerr McGee Creosote Facility in Columbus, Mississippi  
**For Plaintiff:** Citizens of Columbus, Mississippi  
**Client:** Mr. Hunter Lundy of Lundy & Davis of Lake Charles, Louisiana  
**Services:** Sampling and analysis, expert reports, and deposition  
**Contaminants:** Creosote chemicals, metals, polycyclic aromatic hydrocarbons, pentachlorophenol, Dioxins/Furans  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil, sediment, groundwater, surface water, drinking water, indoor dust

**Project:** Transformer manufacturing facility in Crystal Springs, Mississippi  
**For Plaintiff:** Citizens of Crystal Springs  
**Client:** Ms. Meg McAlister and Mr. Doug Mercier of David Nutt & Associates of Jackson, Mississippi  
**Services:** Sampling and analysis, expert reports and deposition  
**Contaminants:** PCBs, Dioxins/Furans, chlorinated hydrocarbons  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil, sediment, groundwater, surface water, storm water, drinking water, indoor dust

Project: Review of environmental assessment conducted by another consulting firm for an industrial site owner in Houston, Texas  
 For Defendant: Realtors  
 Client: Mr. Gary Pate of Kelly, Smith & Murrah of Houston, Texas  
 Services: Expert reports and deposition  
 Contaminants: Chlorinated and non-chlorinated hydrocarbons, metals, and miscellaneous contaminants  
 Area: Environmental site assessment

Project: Contamination of rice fields  
 For Plaintiff: Rice farmers of Louisiana  
 Client: Mr. Hunter Lundy of Lundy & Davis of Lake Charles, Louisiana  
 Services: Sampling and analysis, expert reports, deposition, and testimony at trial  
 Contaminants: Pesticides and metabolites  
 Area: Environmental site assessment, sampling and analysis of contaminated soil and groundwater, degradation half-life of pesticides, use of in-situ chemical oxidation to degrade pesticides

Project: Contamination of private property  
 For Plaintiff: Homeowners in Corpus Christi, Texas  
 Client: Mr. Bob Hilliard of Hilliard & Munoz of Corpus Christi, Texas  
 Services: Sampling and analysis, expert report, deposition, and testimony at trial  
 Contaminants: Oilfield wastes, refinery wastes, PCBs, pesticides  
 Area: Environmental site assessment, sampling and analysis of contaminated soil and groundwater, environmental forensics, degradation half-life of hydrocarbon contaminants, Superfund, ATSDR, and probability

Project: Contamination of community  
 For Plaintiff: Citizens of Sutton, West Virginia  
 Client: Mr. Vince Trevelli of The Calwell Practice of Charleston, West Virginia  
 Services: Sampling and analysis, expert report and deposition  
 Contaminants: Creosote chemicals, metals, polycyclic aromatic hydrocarbons, pentachlorophenol, Dioxins/Furans  
 Area: Environmental site assessment, sampling and analysis of contaminated soil, sediment, groundwater, surface water, drinking water, indoor dust, background conditions

Project: Contamination of community  
 For Plaintiff: Citizens of Greenville, Mississippi  
 Client: Ms. Lee Rickard of Cory & Rikard of Jackson, Mississippi  
 Mr. Mike McGartland of McGartland & Associates of Ft. Worth, Texas  
 Services: Sampling and analysis, expert report and deposition  
 Contaminants: Insecticides, herbicides, arsenic  
 Area: Environmental site assessment, sampling and analysis of contaminated soil, sediment, and surface water; pesticide behavior in the environment

Project: Transformer manufacturing facility in Crystal Springs, Mississippi  
 For Plaintiff: Citizens of Crystal Springs  
 Client: Ms. Meg McAlister and Mr. Doug Mercier of David Nutt & Associates of Jackson, Mississippi  
 Services: Sampling and analysis, expert reports and deposition  
 Contaminants: PCBs, Dioxins/Furans, chlorinated hydrocarbons  
 Area: Environmental site assessment, sampling and analysis of contaminated soil, sediment, groundwater, surface water, storm water, drinking water, indoor dust; fingerprinting; contaminant half-life

**Project:** High school campus in Beverly Hills, California  
**For Plaintiff:** Citizens of Beverly Hills, California  
**Client:** Mr. Al Stewart and Mr. Jim Piel of Baron & Budd of Dallas, Texas  
**Services:** Sampling and analysis, expert report and deposition  
**Contaminants:** Benzene, volatile hydrocarbons, phthalate  
**Area:** Environmental site assessment; sampling and analysis of subsurface soil gas and indoor ambient air quality; assessment of the extent of benzene in the subsurface environment and the potential for vapor intrusion; completed pathway assessment

**Project:** Multi-media environmental contamination near the Koppers Creosote Facility in Grenada, Mississippi  
**For Plaintiff:** Citizens of Grenada, Mississippi  
**Client:** Mr. Hunter Lundy of Lundy & Davis of Lake Charles, Louisiana  
**Services:** Sampling and analysis, expert reports, deposition, and testimony at trial  
**Contaminants:** Creosote chemicals, metals, polycyclic aromatic hydrocarbons, pentachlorophenol, Dioxins/Furans  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil, sediment, ambient air, surface water, drinking water, indoor dust

**Project:** Background Study  
**For Plaintiff:** Citizens of Sutton, West Virginia  
**Client:** Mr. Vince Trevelli of The Calwell Practice of Charleston, West Virginia  
**Services:** Sampling and analysis, expert report and deposition  
**Contaminants:** Creosote chemicals, polycyclic aromatic hydrocarbons, pentachlorophenol, Dioxins/Furans  
**Area:** Sampling and analysis of soil to determine background conditions

**Project:** Contamination of rural community  
**For Plaintiff:** Citizens of Prairie Grove, Arkansas  
**Client:** Mr. Clayton Davis of Lundy & Davis of Lake Charles, Louisiana  
**Services:** Sampling and analysis, affidavit and deposition  
**Contaminants:** Poultry wastes, toxic metals, biological agents  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil, sediment, ambient air quality, indoor dust, background conditions

**Project:** Contamination of oilfield property  
**For Plaintiff:** Property owner in New Iberia, Louisiana  
**Client:** Talbot, Carmouche, & Marcello of Baton Rouge, Louisiana  
**Services:** Expert report and deposition  
**Contaminants:** Petroleum hydrocarbons, toxic metals, salinity, radionuclides  
**Area:** Feasibility of remediation of contaminated soil and groundwater; preparation of cost estimates to remediate and decontaminate private land to background levels

**Project:** Contamination of oilfield property  
**For Plaintiff:** Property owner in Shreveport, Louisiana  
**Client:** Talbot, Carmouche, & Marcello of Baton Rouge, Louisiana  
**Services:** Expert report and deposition  
**Contaminants:** Petroleum hydrocarbons, toxic metals, salinity, radionuclides  
**Area:** Feasibility of remediation of contaminated soil and groundwater; preparation of cost estimates to remediate and decontaminate private land to background levels

**Project:** Multi-media environmental contamination near the Kerr McGee Creosote Facility in Columbus, Mississippi  
**For Plaintiff:** Citizens of Columbus, Mississippi  
**Client:** Mr. Bill Duke of the Tollison Law Firm  
**Services:** Expert reports and deposition  
**Contaminants:** Creosote chemicals, metals, polycyclic aromatic hydrocarbons, pentachlorophenol, Dioxins/Furans  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil, sediment, groundwater, surface water, drinking water, indoor dust

**Project:** Contamination of rice fields  
**For Plaintiff:** Rice farmers of Louisiana  
**Client:** Mr. Chris Piasecki of Davidson, Meaux, Sonnier & McElligott of Lafayette, Louisiana  
**Services:** Sampling and analysis, expert reports and deposition  
**Contaminants:** Pesticides and metabolites  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil, degradation half-life of pesticides

**Project:** Contamination of residential and other public areas  
**For Plaintiff:** Citizens of Nitro, West Virginia  
**Client:** The Calwell Practice and the James Humphreys Law Firm of Charleston, West Virginia  
**Services:** Sampling and analysis, expert reports and deposition  
**Contaminants:** Agent Orange; 2,4,5-T; Dioxins and Furans  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil and household dust, chemical fingerprinting, engineering cost estimate

**Project:** Contamination of rice fields  
**For Plaintiff:** Rice farmers of Louisiana  
**Client:** Mr. Elwood Stevens of the Crawfish Litigation Group of Lafayette, Louisiana  
**Services:** Deposition and testimony at trial  
**Contaminants:** Pesticides and metabolites  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil, degradation half-life of pesticides

**Project:** Contamination of residential and other public areas  
**For Plaintiff:** Citizens of Proctor, West Virginia  
**Client:** Mr. Chris Regan of Bordas & Bordas  
**Services:** Sampling and analysis, expert reports and deposition  
**Contaminants:** Carbon black, particulates, sulfur compounds, PAHs, metals  
**Area:** Environmental site assessment, sampling and analysis of ambient air and household environments

**Project:** Contamination of private property  
**For Plaintiff:** Brownell Land Company  
**Client:** Talbot, Carmouche, & Marcello and Weeks-Gonzalez  
**Services:** Expert report and deposition  
**Contaminants:** Hydrocarbons, Metals, Salinity, Radionuclides  
**Area:** Feasibility of remediation of contaminated soil and groundwater; preparation of cost estimates to remediate and decontaminate private land to background levels

**Project:** Contamination of private property  
**For Plaintiff:** Private Landowner  
**Client:** Due, Price, Guidry, Piedrahita & Andrews, PA  
**Services:** Expert report and deposition  
**Contaminants:** Hydrocarbons, Salinity  
**Area:** Feasibility of remediation of contaminated soil and groundwater; preparation of cost estimates to remediate and decontaminate private land to background levels

**Project:** Remediation and restoration of refinery properties  
**For Plaintiff:** State of New Jersey vs Exxon  
**Client:** Kanner & Whitely and Nagel, Rice & Mazie  
**Services:** Expert reports and deposition  
**Contaminants:** Hydrocarbons and Miscellaneous  
**Area:** Preparation of engineering cost estimate to remediate contaminated areas within two refineries and restoration to productive wetlands

**Project:** Nature and extent of contamination at / near the St. Regis Superfund Site  
**For Plaintiff:** Citizens of Cass Lake, Minnesota  
**Client:** Sieben, Grose, et al and Law Office of Don Russo  
**Services:** Sampling and analysis, expert reports and deposition  
**Contaminants:** VOCs, SVOCs, PAHs, CCA, Dioxins/Furans, Pentachlorophenol, Other  
**Area:** Preparation of reports that address the historical operations and current nature and extent of contamination in surface soils, deeper soils, sediments, surface water, groundwater, ecosystems, and household dust media

**Project:** Multi-media environmental contamination at the Durawood Wood Treating Facility in Alexandria, Louisiana  
**For Plaintiff:** Citizens of Alexandria, Louisiana  
**Client:** McKernan Law Firm  
**Services:** Sampling and analysis, expert reports and deposition  
**Contaminants:** Creosote chemicals, metals, polycyclic aromatic hydrocarbons, pentachlorophenol, Dioxins/Furans  
**Area:** Environmental site assessment, sampling and analysis of contaminated soil, sediment, ambient air, surface water, indoor dust

**Project:** Contamination of private and commercial properties from Citgo oil spill  
**For Plaintiff:** Gray Plantation and other citizens near Lake Charles, Louisiana  
**Client:** Lundy, Lundy, Soileau, & South  
**Services:** Sampling and analysis, expert reports, deposition and testimony at trial  
**Contaminants:** Waste oil, slop oil  
**Area:** Environmental site assessment; sampling and analysis of contaminated soil, sediment, and surface water

**Project:** Contamination of private residences  
**For Plaintiff:** Citizens near McIntosh, Alabama  
**Client:** Reich & Binstock  
**Services:** Sampling and analysis, expert report and deposition  
**Contaminants:** DDT  
**Area:** Engineering cost estimate to decontaminate and restore houses contaminated with DDT dust

**Project:** Contamination of private residences  
**For Plaintiff:** Citizens in Grenada, Mississippi  
**Client:** Lundy, Lundy, Soileau & South  
**Services:** Sampling and analysis, expert reports and deposition  
**Contaminants:** Dioxins, PAHs, Toxic Metals, Creosote, Pentachlorophenol  
**Area:** Sampling and analysis, fate and transport, chemical fingerprinting, cost to decontaminate residences, historical contamination levels

**Project:** Contamination of private property and residences  
**For Plaintiff:** Citizens of Pineville, Louisiana  
**Client:** Lundy, Lundy, Soileau & South  
**Services:** Sampling and analysis, expert reports and deposition, testimony at trial  
**Contaminants:** Dioxins, PAHs, Toxic Metals, Creosote, Pentachlorophenol  
**Area:** Sampling and analysis of multiple environmental media, chemical fingerprinting, nature and extent of contamination, exposure

**Project:** Oil spill and release  
**Plaintiff:** Shell Oil Company  
**For Defendant:** Viking Pump Corporation  
**Client:** Forman, Perry, Watkins, Krutz and Tardy  
**Services:** Forensic review of oil release, deposition, and testimony at trial  
**Contaminants:** Crude Oil  
**Area:** Run to failure practice, spill response, and remediation costs

**Project:** Class Action Certification  
**For Plaintiff:** Community of Pineville, LA  
**Client:** Steve Irving & Associates, et al  
**Services:** Sampling and analysis, expert reports, deposition  
**Contaminants:** Dioxins, PAHs, wood preserving chemicals  
**Area:** Sampling and analysis, forensic fingerprinting, nature and extent of contamination, exposure assessment

**Project:** Nation-Wide Contamination  
**For Plaintiff:** Various Parties in Ecuador, et al  
**Defendant:** Chevron Oil Company, et al  
**Client:** Multiple  
**Services:** Expert reports, deposition  
**Contaminants:** Oilfield and petroleum hydrocarbons  
**Area:** Engineering cost estimates to remediate and restore contaminated soil, groundwater, and sediment

**Project:** Contamination of Private Property  
**For Plaintiff:** Citizens in Alexandria, Louisiana  
**Client:** LLSS, et al  
**Services:** Sampling and analysis, expert reports, deposition  
**Contaminants:** Dioxins, VOCs, SVOCs, PAHs, wood preserving chemicals  
**Area:** Sampling and analysis, forensic fingerprinting, nature and extent of contamination, exposure assessment

**Project:** Arbitration Between Two Industrial Groups  
**Client:** Yetter-Coleman  
**For Plaintiff:** Oxbow / GLC  
**Defendant:** PASE  
**Services:** Expert report, deposition, testimony at arbitration  
**Contaminants:** Opacity, sulfur compounds, particulates, other airborne contaminants  
**Area:** Air pollution control systems, stack corrosion, contract language

**Project:** Salinity Impact of Farmland  
**Client:** Haik, Minvielle & Grubbs  
**For Plaintiff:** Dugas (Farmer)  
**Services:** Sampling and analysis, expert work, deposition  
**Contaminants:** Salinity, pesticides  
**Area:** Sampling and analysis, nature and extent of contamination, impact on crop yield

**Project:** Creosote Impact of Commercial Property in New York  
**Client:** Steve Fuchs / Keith Richman of New York  
**For Defendant:** Steve Fuchs  
**Services:** Expert report, testimony at trial  
**Contaminants:** Creosote, PAHs, Metals, Pesticides  
**Area:** Sampling and analysis, nature and extent of contamination, chemical fingerprinting

**Project:** Class Action Certification Report  
**Client:** Woodfill Law Firm of Houston, Texas  
**For Plaintiffs:** Local Property Owners  
**Defendants:** Dow, Union Carbide, Elkem Metals, et al  
**Services:** Sampling and analysis, expert reports, testimony at deposition  
**Contaminants:** Dioxins/Furans, Metals, VOCs, SVOCs, Silica, other  
**Area:** Sampling and analysis, nature and extent of contamination, radius of influence

**Project:** Remediation and Restoration of Historical Wetlands  
**Client:** State of New Jersey (Kanner & Whitely)  
**For Plaintiff:** State of New Jersey  
**Defendant:** ExxonMobil, et al  
**Services:** Testimony at trial  
**Contaminants:** Petroleum Hydrocarbons, PCBs, Pesticides, RCRA Metals, Chlorinated Compounds  
**Area:** Engineering cost estimate to remediate soil, sediment, and groundwater contamination and restore portions of the refinery to productive wetlands

**Project:** Remediation and Restoration of Oil and Gas Property  
**Client:** Gieger, Laborde and Laperouse of New Orleans, Louisiana  
**For Defendant:** Sanchez Oil & Gas  
**Services:** Expert reports, testimony at deposition  
**Contaminants:** Petroleum Hydrocarbons, Salinity, Metals, Miscellaneous  
**Area:** Nature and extent of contamination, soil and groundwater contamination, engineering cost estimating

**Project:** Contamination of Public and Private Properties from Pesticide Releases  
**Client:** Lightfoot, Franklin and White of Alabama  
**For Plaintiffs:** Local Citizens of Hattiesburg, Mississippi  
**Defendant:** Hercules, et al  
**Services:** Sampling and analysis, expert reports, and depositions  
**Contaminants:** Pesticides, Other  
**Area:** Nature and extent of contamination, household attic dust sampling and analysis, air dispersion modeling

**Project:** Alleged Contamination of Ranch Land by Leaking Petroleum Pipeline  
**Client:** Hicks-Thomas of Houston, Texas  
**For Defendant:** Harvest Pipeline, Arrowhead Gathering, and Conoco-Phillips  
**Services:** Expert report and deposition  
**Contaminants:** Crude Oil, Saltwater, Flushed Soapy Water  
**Area:** Nature and extent of contamination in soil and groundwater, electromagnetic imaging / differential conductivity mapping, soil conditions, remediation and restoration

**Project:** Alleged Contamination of Farmland by Oil and Gas Field Operations  
**Client:** Gieger, Laborde and Laperouse of New Orleans, Louisiana  
**For Defendant:** Sanchez Oil & Gas, et al  
**Services:** Expert reports, testimony at deposition  
**Contaminants:** Petroleum Hydrocarbons, Salinity, Metals, Miscellaneous  
**Area:** Nature and extent of contamination, soil and groundwater contamination, engineering cost estimating

**Project:** Contamination of Private Properties from Pesticide Releases  
**Client:** Lightfoot, Franklin and White of Alabama  
**For Plaintiffs:** Citizens of Hattiesburg, Mississippi  
**Defendant:** Hercules, et al  
**Contaminants:** Pesticides, Associated VOCs  
**Area:** Nature and extent of contamination, household attic dust sampling and analysis, indoor air quality sampling and analysis

**Project:** Contamination of Private Properties from Carbon Black / Sulfur Releases  
**Client:** Fitzsimmons Law Firm and King & Spalding Law Firm  
**For Plaintiff:** Columbian Chemical Company  
**Defendant:** Insurance Carriers  
**Contaminants:** Carbon Black, Sulfur Emissions  
**Area:** Nature and extent of impact from emissions, impact to ambient air quality

**Project:** Contamination of Private Properties from Pesticide Releases  
**Client:** Lightfoot, Franklin and White of Alabama  
**For Plaintiffs:** Citizens of Hattiesburg, Mississippi and City of Hattiesburg  
**Defendant:** Hercules, et al  
**Services:** Sampling and analysis, expert report, and deposition  
**Contaminants:** Pesticides, Associated COCs  
**Area:** Nature and extent of contamination, household attic dust sampling and analysis

**Project:** Remediation and Restoration of Private Property  
**Client:** Garcia & Martinez of McAllen, Texas  
**For Defendant:** Mo-Vac Services  
**Services:** Expert Report, Deposition, and Testimony at Trial  
**Contaminants:** Salinity, chlorides  
**Area:** Nature and extent of contamination, soil and groundwater contamination, remediation and restoration

**Project:** Exposures / Health Impacts to Receptors from Coal Combustion Residue  
**Client:** Bordas & Bordas of West Virginia  
**For Plaintiffs:** Local citizens and workers  
**Defendant:** AEP, et al  
**Services:** Expert Reports, Deposition  
**Contaminants:** Fine particles, dust, metals, radionuclides, Dioxins, other  
**Area:** Sampling and testing of CCR material, exposure assessment metrics

**CONTACT INFORMATION**

Randy D. Horsak, PE  
 3TM Consulting, LLC  
 PO Box 941735  
 Houston, Texas 77094  
 Telephone: (281) 752-6700  
 Cell Phone: (281) 850-6693  
 Email: rhorsak@3tmconsulting.com  
 Website: www.3tmconsulting.com

aug2019

# **EXHIBIT B**

## AFFIDAVIT OF LISA EDWARDSSEN

STATE OF TEXAS §  
§  
HARRIS COUNTY §

Before me, the undersigned notary, on this day personally appeared Lisa Edwardsen. After I administered an oath, affiant testified as follows:

1. My name is Lisa Edwardsen. I am over 18 years of age. I am of sound mind and capable of making statements contained herein.
2. I have been a licensed Registered Sanitarian with the State of Texas for fifteen years. I obtained my Bachelors Degree in Food Science and Technology from Texas A & M university in 2002. To obtain my license as a Registered Sanitarians, I was required to hold a Bachelor's degree with at least 30 hours of science, pass the State Registered Sanitarian Exam, and complete at least 2 years work experience as a "Sanitarian in training" before obtaining the title and license of Registered Sanitarian. In order to maintain my Registered Sanitarian license, I am required to complete 24 hours of continuing education in the area of Environmental Health every 2 years. My job as a Registered Sanitarian is to protect the public health.
3. On a regular basis, I consult with architects, designers, and food establishment operators regarding food safety practices and procedures. As a consultant I provide guidance and education related to local health codes. I work closely with the City of Houston Health Department plan review staff and field inspectors to ensure full compliance.
4. I regularly review the design and construction drawings for food establishments located in the City of Houston. While reviewing construction drawings, I ensure that all aspects of the design, layout, and equipment are in compliance with the City of Houston Food Ordinance. I also make further recommendations that may enhance sanitation and food safety procedures.
5. Prior to consulting, I worked at the City of Houston Health department for over 12 years. During that time, I was a Retail Food Inspector, Health Department Plan Analyst, and Supervisor in both the Retail Food Inspection Program and Plan Review section. As a retail food inspector, I inspected various food establishments for compliance with the City of Houston Food Ordinance. On average, I performed 75-80 inspections per month. I inspected full-service restaurants, fast food establishments, schools, day cares, convenient stores, bars, and other retail establishments that provide food to the public. As a Health Department Plan Analyst, I was tasked with reviewing an average of 30-40 plans monthly for compliance with the City of Houston Food Ordinance. During my time as a Supervisor, I was responsible for overseeing up to 7 employees. My duties

included reviewing and approving inspection reports, performing regular audits of food inspectors and plan reviewers to ensure quality and consistency, assigning complaint investigations, developing and implementing employee training, and additional tasks as assigned.

6. On November 12, 2019, I observed the premise of the Turkey Leg Hut located at 4830 Alameda. Attached are pictures of what I observed. These pictures are consistent with photographs previously provided to me of the establishment.
7. I approached the establishment on foot. When I was 2 blocks away, I immediately began to smell the strong odor of smoke. As I approached the establishment, I observed a large, outdoor cooking area behind the main establishment with multiple smoker pits located under a metal canopy. The smoker pits did not have a ventilation system or filters that would normally be required for cooking equipment. The odor of the smoke was strong and visible. The buildings surrounding the establishment appeared to have discoloration due to the smoke exposure.
8. Based on a search of the public food inspection website, an inspection dated 6-13-19 noted that the establishment converted an existing structure to use as a food establishment by “remodeling/ alterations before submitting properly prepared plans/specifications for approval”. This inspection also noted a “temporary food service establishment operating at a permitted establishment preparing and serving food outside on premises and not having the required temporary food dealer’s permit”. My observations concur that this establishment is operating the outdoor cooking area illegally and without a permit, as noted in this inspection. In the current state, the outdoor cooking area does not comply with the requirements of the City of Houston Food Ordinance.
9. While observing the premise, I inhaled smoke and noticed my eyes starting to burn slightly. Upon returning to the car, I noticed that my brand-new jacket now had a strong odor of smoke. I had to wash it once I got home.
10. An unpermitted, outdoor cooking area, employing large industrial smokers would not be allowed to operate in this manner. “Pit Rooms” in the City of Houston are required to be fully enclosed in an insect and rodent proof room and provide proper ventilation and smoke mitigation. Section 20-21.25 of the City of Houston Food Ordinance states “Ventilation systems shall be installed and operated according to all applicable laws and, when vented to the outside, shall not create a public health hazard or nuisance or unlawful discharge”. It is my opinion that due to the lack of a proper enclosure and approved ventilation system, that the smoke being discharged to the outside is creating a nuisance pursuant to my training and education as a City of Houston Sanitarian and pursuant to the City of Houston Food Ordinance.

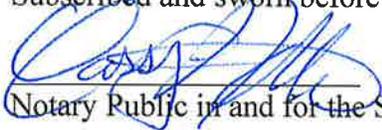
11. The outdoor cooking area is not utilizing effective measures to eliminate the presence of insects, rodents, and other pests by enclosing the outdoor cooking area. Section 20-21.21(a) of the City of Houston Food Ordinance requires that “the premises shall be kept in such condition to prevent harborage or feeding of insects and rodents”. Section 20-21.21(b) requires that “openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by filling or closing holes and other gaps along floors, walls, and ceilings; tight-fitting, self-closing doors, kept closed, closed windows, screening, properly designed and installed air curtains to control flying insects, or other means”. The outdoor cooking area is not remotely in compliance with these sections of the ordinance.
12. There did not appear to be any running water that could be utilized for proper hand washing. On two occasions, an employee entered and exited a white house located next to the establishment, carrying large buckets of water back to the outdoor cooking area. Section 20-21.19(a) of the City of Houston Food Ordinance states “Hand-washing sinks shall be installed according to all applicable laws and located to permit convenient use by all employees in food preparation areas, food dispensing areas, and utensil-washing areas. Hand-washing sinks shall be accessible to employees at all times”.
13. The outdoor smoker pits were located in close proximity to the dumpsters, which appear to be consistently left open. Photos shown to me of the establishment showed the dumpsters open. During my visit on 11-12-19, the dumpsters were open as well. This can create an environment for pest activity and potential contamination of food and food equipment, due to the proximity to the smoker pits.
14. The ground in which the outdoor cooking area is located had visible pooling water, dirt, mud, and piles of ash. These are all potential food and food equipment contaminants. Section 20-21.2 (a) of the City of Houston Food Ordinance states “At all times, including while being stored, prepared, displayed, served, received, or transported, food shall be protected from potential contamination by all agents, including dust, insects, rodents, toxic materials, cross-contamination, damaged or spoiled products, distressed merchandise, recalled products, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding, draining, and overhead leakage or overhead drippage from condensation”. Section 20-21.22 (a) states that floors in food preparation areas shall be constructed of smooth, durable materials such as sealed concrete, terrazzo, ceramic tile, vinyl, plastic, or tight wood impregnated with vinyl or plastic, and shall be maintained in good repair”.
15. I further observed an empty, dirty food container located directly next to one of the smoker pits. Also observed large cooking pots being stored outside next to the walk-in cooler.

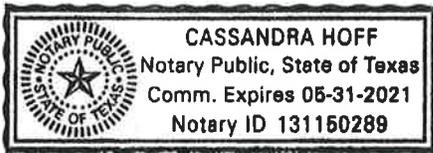
16. I also further observed large amounts of firewood, open dumpsters, unused equipment, and wood pallets creating an environment conducive to pests. This type of environment increases the risk of pest activity on the premises and surrounding areas.
17. In my experience, this type of cooking equipment is usually installed with mechanical ventilation systems that include a fire suppression system. From what I observed, there did not appear to be any fire suppression or fire safety mechanisms in place.
18. Based upon all the above, it is my professional opinion that patrons are being subjected to an elevated risk of potential food borne illness, including Norovirus, E. Coli, Salmonella, and others. When people go out to eat, they should be able to trust that their food is being handled safely and prepared within a sanitary, permitted food preparation area.
19. In my fifteen years of experience, I do not recall ever seeing an establishment this far out of compliance that has been allowed to continue to operate. During my time at the City of Houston Health Department, the protocol in place when an establishment is found to be cooking outside without a permit is to document the violation on an inspection report, have the establishment cease outdoor food preparation, quarantine all outdoor food equipment and have it removed from the premises, and provide additional enforcement as needed, such as requiring a reinspection or citations.
20. The above protocol regarding the cessation of unpermitted outdoor food preparation was taught to new and existing food inspectors and was included as part of a series of continuing education training sessions during my employment with the City of Houston Health Department. I was the team leader of the continuing education program that was responsible for creating and providing this training. To my knowledge, this procedure would still be in place, as there have been no changes in the City of Houston Food Ordinance that would impact this procedure.
21. Based on my experience, training, and education, I believe that the conditions present at 4830 Almeda pose a nuisance and elevated public health risk to the surrounding community as well as the patrons of this establishment. The owners also operate the food establishment located 4902 Almeda. Outdoor smokers were also noted in the food inspection report dated 7-19-19 by the City of Houston Health Department. Based on this report, the smokers at this location do not meet the requirements of the City of Houston Food Ordinance. Outdoor food preparation should not be allowed at this address as well as basic requirements for an outdoor smoking area do not exist. As a result of the health and safety issues observed, including the existence of excessive smoke due to the complete absence of approved ventilation systems and enclosures consistent with the City of Houston Food Ordinance, and the elevated risk of potential food borne illness posed by the completely unpermitted outdoor cooking area, it is my professional opinion that all outdoor food preparation, including the use of the smokers, cease immediately and all unpermitted equipment be removed from the premises at 4830 Almeda and 4902 Almeda.

Further affiant sayeth not.

  
\_\_\_\_\_  
Lisa Edwardsen

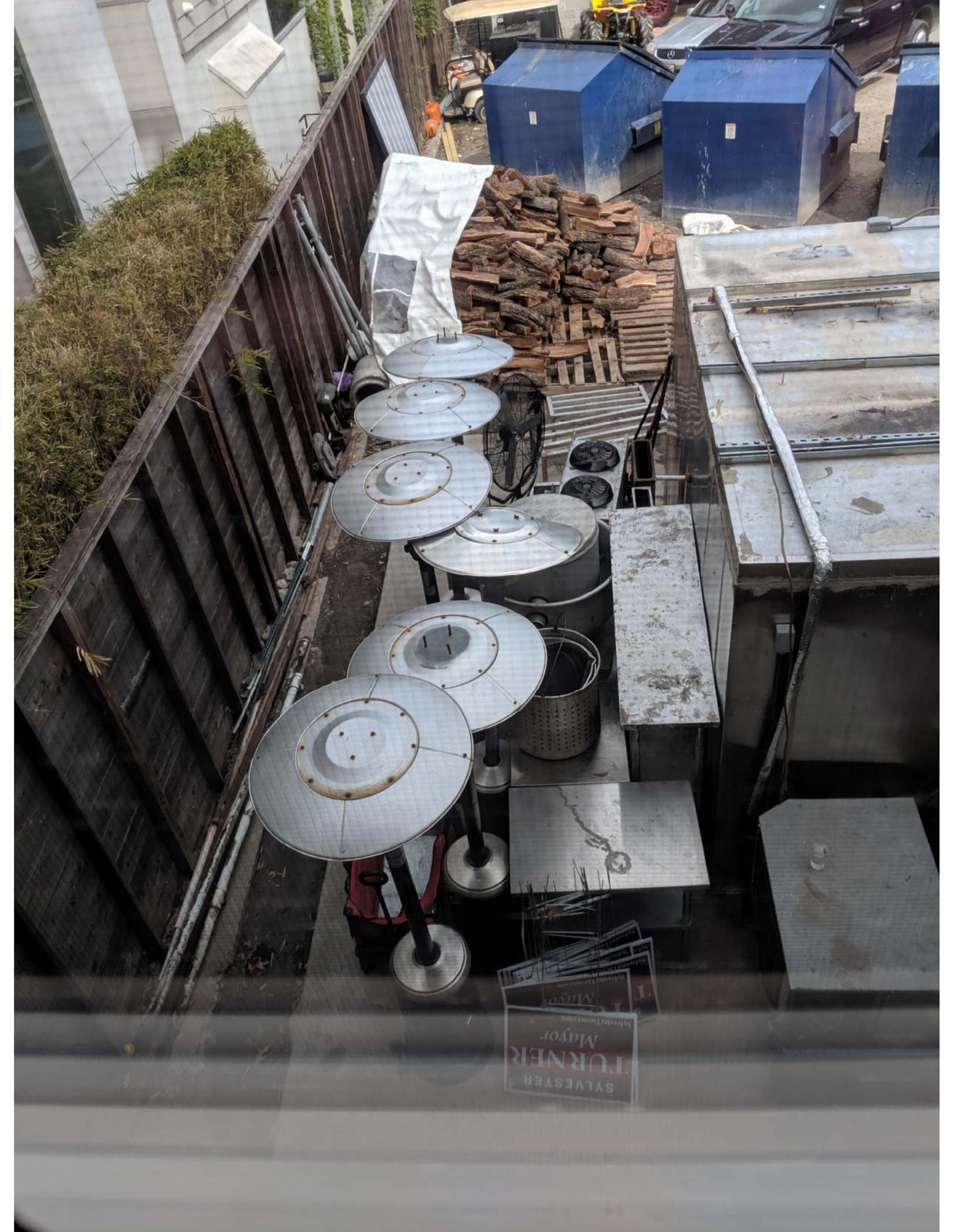
Subscribed and sworn before me, the undersigned authority, on this 13<sup>th</sup> day of November, 2019.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas













## Lisa Edwardsen R.S.

### Education

- December 2002- Bachelor of Science from Texas A&M University in Food Science and Technology.

### Work Experience

- January 2017-Present- Owner, plan review specialist- ACE Food Safety Consultants
  - Provide health code consulting and health department plan review services for various food establishments to ensure compliance with local health department regulations. Specialized in City of Houston Health Department plan review and permitting.
  - Plan review services include thorough review of construction documents and drawings for health code compliance. Provide feedback based on code requirements, formatting suggestions to allow for easy review and permitting with the local health department, and additional suggestions in order to improve food safety practices.
  - Provide on-site inspections for food establishments. Inspections include pre-construction site visits, pre-operation inspections during and following construction, and food safety inspections for existing establishments already in operation.
  - Review food handling and safety procedures for compliance with local health department regulations. This includes hand washing procedures, cooking and cooling protocols, record keeping, standard operating procedures, temperature maintenance, and other various food production processes.
  - Consult on 30 + projects per year.
  - Some previous consulting projects include - The Houston Zoo, Karbach Brewing Company, Buffalo Bayou Brewery, The Lancaster Hotel, Postino Wine Bar, Texadelphia, Jack and Ginger, Food Hall at Capitol Tower, Golden Chick, GEN Korean BBQ, and Bravery Food Hall.
- June 2004- January 2017- City of Houston Health Department- Food Inspection Program
  - 2 years- Sanitarian I - Retail Food Inspections
    - Inspected retail food establishments for compliance with the city of Houston food ordinance.
  - 8 years as a Sanitarian III- Plan Analyst for the City of Houston Health Department.
    - Reviewed an average of 30-40 plans monthly for compliance with the city of Houston food ordinance.
  - 1.5 years Supervisor- City of Houston Health Department- Retail Food inspection program
    - Supervised 5-7 retail food inspectors, covering approximately 4,000 different food establishments.
    - Responsible for reviewing and approving inspection reports prior to release on public the website.
    - Performed monthly audits of food inspectors to ensure quality and consistency of inspections.
    - Reviewed and assigned complaint investigations.
    - Additional tasks as assigned.

- 1 year- Plan Review Supervisor
  - Supervised 3-4 health plan analysts.
  - Reviewed approximately 12-16 plans per month for health code compliance.
  - Performed monthly audits to ensure quality and consistency of plan analysts review of various types of food establishment plans.
  - Worked with architects, food service designers, and food establishment operators.
  - Created training documents for current and new health plan review employees to ensure continuing education and staff development.
  - Additional tasks as assigned
- Team Lead- Continuing Education Program for City of Houston Health Department–
  - Developed food safety and ordinance training for Food Inspection Program employees.
  - Trainings were provided monthly covering information such as ordinance requirements, code interpretations, how to document and enforce specific violations.

## Certifications and Memberships

- August 2004- present- Registered Sanitarian (R.S.) with the State of Texas
  - Licensing requirements include:
    - A Bachelor’s degree with a minimum 30 hours of science
    - Passing the State of Texas Registered Sanitarian Exam
    - Minimum 2 years work experience in the field of environmental health
    - A minimum of 24 hours of continuing education every 2 years required to maintain Registered Sanitarian License.
      - Continuing education courses cover topics such as food safety procedures, food code updates, foodborne illness outbreak studies, specialized food processes, plan review, disaster response and recovery, vector control, and other environmental health topics.
- Member of the National Environmental Health Association (N.E.H.A)- 2018
- Graduated from the City of Houston Leadership Institute Program- March 2015
  - The Leadership Institute Program is an 8-month long training program for employees identified as emerging leaders. The training includes topics such as communication and motivation, workforce and organization development, culture changes, succession planning, and ethics. The program commences with a week-long team project in which real life scenarios are presented and the team must use creative and innovative problem solving to develop new city programs. The team project I worked on addressed issues of succession planning. We developed a program that identified exceptional talent in employees and targeted training and development needs in order to help those employees reach their full potential. Our group competed among several other teams, and achieved the highest score and top recognition for our project.
- City Accredited Supervisor Program (C.A.P.S.)- 2014
  - The C.A.P.S. program is a city provided training program for all new supervisors. This program focuses on city policies, employee development and evaluation programs, city approved discipline policies, communication, and organization skills. This program also provides networking opportunities with fellow supervisors, creating a collective environment for problem solving and learning.

## Other

- Guest speaker- Texas Environmental Health Association Annual Conference, Austin TX- October 2014
  - Discussed the role of a sanitarian during a mass sheltering event following a disaster.
  - Based on mass sheltering event at the George R. Brown Convention center following Hurricane Katrina.

# **EXHIBIT C**





Janet Pate, MD  
Luisa Arnal, MD  
6900 S. Rice Ave  
Bellaire, TX 77401  
Ph (713) 894-2751  
Fax (713) 839-0191

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To whom it may concern,

Infants, in particular newborns are highly susceptible to air pollutants due to their developing lungs. Infants are more vulnerable to the harmful effects of pollutants than adults because they breathe faster and inhale more pollutants in proportion to their body weight than adults do. This puts them at an increased risk of bronchiolitis and asthma as well as increasing hospitalization rates and can have detrimental effects in lung function long term.

I recommend that all actions be taken to minimize air pollution exposure to my patient, Emily Michieli, DOB 10/15/2019 including air pollution monitoring with the use of appropriate sensors and if harmful levels detected, appropriate actions taken to minimize air pollution/ exposure.

Should you have any questions, don't hesitate to contact our office.

  
Luisa Arnal M.D

11/7/19

# **EXHIBIT D**

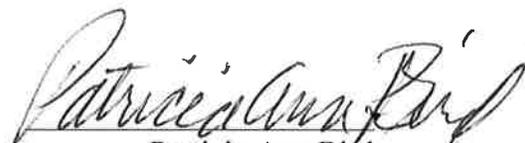
### AFFIDAVIT OF PATRICIA ANN BIRD

STATE OF TEXAS §  
§  
HARRIS COUNTY §

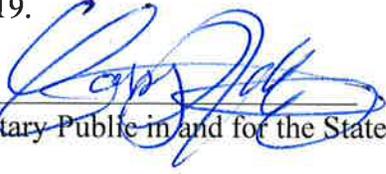
Before me, the undersigned notary, on this day personally appeared Patricia Ann Bird. After I administered an oath, affiant testified as follows:

1. My name is Patricia Ann Bird. I am over eighteen years of age. I am of sound mind and capable of making the statements contained herein.
2. I reside on the 2000 block of Arbor Street, Houston, Texas 77004. In 1959 my parents purchased this property and I have lived there ever since except for seven years from 1976 to 1983. My home is in my name, and my sister's name.
3. I use and enjoy my home like most people. After coming home from work, I enjoy eating dinner with my family, watching TV, and trying to get a good night's sleep.
4. The smoke and odor coming from the Turkey Leg Hut has become a substantial disruption to my use and enjoyment of my home. On certain days there is the distinct smell of smoke outside my house, and inside my house.
5. On at least a weekly basis, there are multiple days where I can smell and sense the smoke from the Turkey Leg Hut. On those days, while standing outside, it does not take long for the smoke to affect my body.
6. I suffer from asthma. In the past, my asthma was an issue on a seasonal basis, normally in the Fall. However, due to the smoke from the Turkey Leg Hut, I struggled with asthma throughout this past year. I never had an issue with wheezing prior to the Turkey Leg Hut beginning major operations, but now I do. The smoke from the Turkey Leg Hut has required me to use an inhaler almost every day. Prior to the Turkey Leg Hut I only occasionally used my inhaler.
7. I cannot escape the smoke and odor even when I am inside my own home. The smoke penetrates the interior of my house such that my kitchen, living areas and bedrooms have a noticeable odor that seems to complicate my asthma.

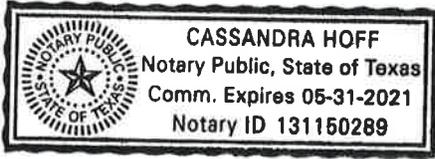
Further affiant sayeth not.

  
Patricia Ann Bird

Subscribed to and sworn before me, the undersigned authority, on this 10th day of November, 2019.



Notary Public in and for the State of Texas



# **EXHIBIT E**

**AFFIDAVIT OF JENNIFER BLACK**

STATE OF TEXAS §  
§  
HARRIS COUNTY §

Before me, the undersigned notary, on this day personally appeared Jennifer Black. After I administered an oath, affiant testified as follows:

1. My name is Jennifer Black. I am over eighteen years of age. I am of sound mind and capable of making the statements contained herein.

2. I reside on the 1800 block of Rosedale, Houston, Texas 77004. In February 2016 I purchased this property, prior to the Turkey Hut beginning operations.

3. I use and enjoy my home like most normal people. I enjoy eating dinner with my family, watching TV, caring for my 5-week-old son, and trying to get a good night's sleep. I also enjoy hosting my friends and family at my house whenever possible.

4. The smoke and odor coming from the Turkey Leg Hut has become a substantial disruption to my use and enjoyment of my home. There is often visible smoke around my home, and the smell of smoke is now a regular feature inside, and outside, of my house. This occurs on nearly a daily basis. The smoke is worse at night.

5. The smoke has increased to the point where I cannot enjoy my balcony or go outside to enjoy my neighborhood without the smoke and odor causing discomfort. The smoke from the Turkey Leg Hut enters my house from the vents in the kitchen and bathrooms. Even the air purifiers I purchased for these areas cannot get rid of the smell.

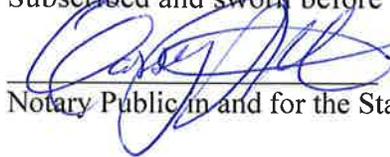
6. The smoke from the Turkey Leg Hut has also made it difficult to have friends over or to otherwise use my house for entertainment purposes.

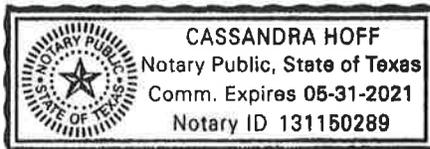
7. Most importantly, I am concerned about the health impacts on my infant son. I will not be able to take him on walks or play outside my own home with this air pollution.

Further affiant sayeth not.

  
Jennifer Black

Subscribed and sworn before me, the undersigned authority, on this 14th day of November, 2019.

  
Notary Public in and for the State of Texas



# **EXHIBIT F**

## AFFIDAVIT OF DR. CAROLYN KENNEY

STATE OF TEXAS §  
§  
HARRIS COUNTY §

Before me, the undersigned notary, on this day personally appeared Dr. Carolyn Kenney. After I administered an oath, affiant testified as follows:

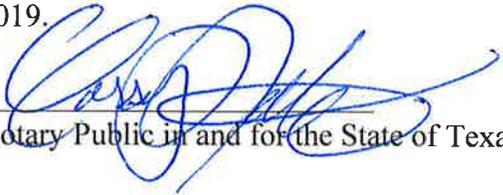
1. My name is Dr. Carolyn Kenney. I am over eighteen years of age. I am of sound mind and capable of making the statements contained herein.
2. I reside on the 1800 block of Rosedale, Houston, Texas 77004. I purchased this property in April of 2017, prior to the Turkey Leg Hut beginning operations at 4830 Almeda.
3. I graduated from medical school in 2011. I am a board certified practicing OB/GYN. As part of my medical training and practice I focus on the health of expecting mothers and their unborn children. As a regular part of my practice I counsel patients on ways to reduce the risk of Sudden Infant Death Syndrome, including exposure to smoke in their home environment. Expecting mothers inherently pass on inhaled environmental contaminants to their unborn children, posing various health risks, including increased risk of premature labor. It is also well understood within the medical community that infants and babies are more susceptible to health risks imposed by inhaling smoke due to higher inhalation rates.
4. I use and enjoy my home like most normal people. After coming home from work, I enjoy eating dinner with my family, watching TV, caring for my fourteen month old child, and trying to get a good night's sleep. I also enjoy hosting my friends and family at my house whenever possible.
5. The smoke and odor coming from the Turkey Leg Hut has become a substantial disruption to my use and enjoyment of my home. Throughout any given day there is a visible cloud of wood smoke around my home, and the smell of smoke is now a regular feature inside my house. The smoke and odor not only make it impossible to enjoy my home, they pose a health risk to my family.
6. While standing outside, it does not take long for the smoke to affect my body. I cannot enjoy my rooftop or open a window without noticeably experiencing the smoke and odor which causes discomfort (including headaches and watery eyes). The smoke has increased to the point where I am waking up to the taste of smoke, nasal congestion, headaches, cough, and tightening of my throat due to it making its way inside my house while we sleep at night.

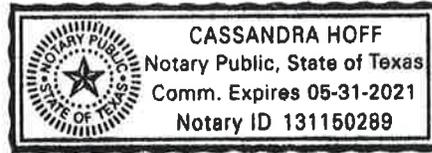
7. I have a fourteen-month-old daughter that has been exposed to this situation for almost her entire life. She has had a persistent cough since the Turkey Leg Hut began mass production, and I am very concerned about the long term health impacts.

Further affiant sayeth not.

  
Dr. Carolyn Kenney

Subscribed to and sworn before me, the undersigned authority, on this 10<sup>th</sup> day of November, 2019.

  
Notary Public in and for the State of Texas



# **EXHIBIT G**

**AFFIDAVIT OF LUIS MICHIELI**

STATE OF TEXAS §

§

HARRIS COUNTY §

Before me, the undersigned notary, on this day personally appeared Luis Michieli. After I administered an oath, affiant testified as follows:

1. My name is Luis Michieli. I am over eighteen years of age. I am of sound mind and capable of making the statements contained herein.

2. I reside on the 1800 block of Rosedale, Houston, Texas 77004. In April 2017 I purchased this property, prior to the Turkey Hut beginning operations.

3. I use and enjoy my home like most normal people. After coming home from work, I enjoy eating dinner with my family, watching TV, caring for my one-month old daughter, and trying to get a good night's sleep. I also enjoy hosting my friends and family at my house whenever possible.

4. The smoke and odor coming from the Turkey Leg Hut has become a substantial disruption to my use and enjoyment of my home. There is often visible smoke around my home, and the smell of smoke is now a regular feature inside, and outside, of my house. This occurs on nearly a daily basis.

5. While standing outside, it does not take long for the smoke to affect my body. The smoke causes my eyes to itch and I begin to cough. The smoke has increased to the point where I cannot enjoy my rooftop or open a window without the smoke and odor causing discomfort. The smoke from the Turkey Leg Hut enters my house to the point where it causes headaches. The smoke often enters at night, and I wake up with headaches.

6. The smoke from the Turkey Leg Hut has also made it difficult to have friends over or to otherwise use my house for entertainment purposes.

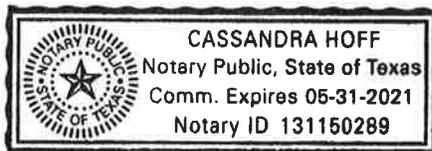
7. Most importantly, I am concerned about the health impacts on my infant daughter. I have been informed by her pediatrician to do whatever possible to make sure my daughter is not exposed to smoke such as this.

Further affiant sayeth not.

Luis Michiel

Subscribed to and sworn before me, the undersigned authority, on this 10th day of November, 2019.

Notary Public in and for the State of Texas



# **EXHIBIT H**

**AFFIDAVIT OF ELIZABETH URQUIOLA**

STATE OF TEXAS §  
§  
HARRIS COUNTY §

Before me, the undersigned notary, on this day personally appeared Elizabeth Urquiola. After I administered an oath, affiant testified as follows:

1. My name is Elizabeth Urquiola. I am over eighteen years of age. I am of sound mind and capable of making the statements contained herein.

2. I reside on the 1800 block of Rosedale, Houston, Texas 77004. In June 2016 I purchased this property prior to the Turkey Leg Hut commencing operations at 4830 Almeda.

3. I am a veteran of the U.S. Navy, having served from 2006 to 2010 as a surface warfare officer. I left the Navy with honorable discharge and the rank of Lieutenant.

4. I am currently a Physician Assistant specializing in cancer treatment, specifically sarcoma. In the course of my duties I have worked with the cancer treatment of patients exposed to environmental toxins, including smoke. Based upon my own personal research I am very aware of the health consequences of sustained exposure to wood smoke, and such consequences are not limited to cancer. Wood smoke exposure is also commonly associated with respiratory infections, eye damage, and heart and lung diseases.

5. I use and enjoy my home like most normal people. After coming home from work, I enjoy eating dinner with my family, watching TV, caring for my seventeen-month old daughter, and trying to get a good night's sleep. I also enjoy hosting my friends and family at my house whenever possible.

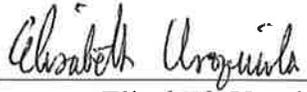
6. The smoke and odor coming from the Turkey Leg Hut has become a substantial disruption to my use and enjoyment of my home. Nearly every day smoke from the Turkey Leg Hut surrounds my house and enters my house.

7. While standing outside of my house or while standing on my patios, smoke from the Turkey Leg Hut causes me headaches and I begin to cough. The smoke causes my eyes to start itching and burning, and I can feel the smoke in my throat. The smoke prevents me from having friends over and entertaining guests on my rooftop patio. The smoke prevents me from opening windows. The smoke from the Turkey Leg Hut has been so concentrated in my house that smoke alarms have been set off.

8. The smoke penetrates the interior of my house such that my kitchen, living areas, and bedrooms have a noticeable odor that cause me headaches. My clothes and my hair often smell like smoke for the entirety of the day while I am at work.

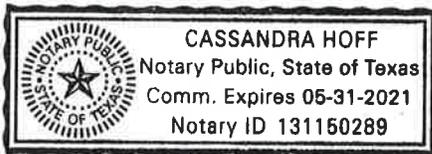
9. Of utmost concern is the health of my seventeen-month old daughter. The fact that smoke from the Turkey Leg Hut is constantly around her is of great concern to me. Also of concern is the health of my seventy-six year old mother-in-law. Both my mother-in-law and my daughter are at home all day and night while the Turkey Leg Hut uses its smokers. Their sustained and consistent exposure to smoke is a source of great consternation.

Further affiant sayeth not.

  
Elizabeth Urquiola

Subscribed to and sworn before me, the undersigned authority, on this 10th day of November, 2019.

  
Notary Public in and for the State of Texas



CAUSE NO. \_\_\_\_\_

PATRICIA BIRD, KRISTIN BIRD,	§	
JENNIFER BLACK,	§	IN THE DISTRICT COURT OF
CAROLYN KENNEY,	§	
LUIS MICHIELI, and	§	
ELIZABETH URQUIOLA	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
TURKEY LEG HUT & CO. LLC, d/b/a	§	
TURKEY LEG HUT,	§	
NAKIA PRICE,	§	
and LYNDELL PRICE	§	
	§	
<i>Defendants.</i>	§	_____ JUDICIAL DISTRICT

**ORDER GRANTING TEMPORARY RESTRAINING ORDER**

On November 20, 2019, the Court considered the Application of Plaintiffs Patricia Bird, Kristin Bird, Jennifer Black, Carolyn Kenney, Luis Michieli, and Elizabeth Urquiola for Temporary Restraining Order against Defendants Turkey Leg Hut & Company, LLC d/b/a “Turkey Leg Hut,” Nakia Price, and Lyndell Price.

Applicants announced ready and appeared by and through counsel.

Defendants received notice of a hearing and had opportunity to appear through counsel.

The Court, after considering Plaintiffs’ Application, exhibits admitted into evidence and made part of the Application, arguments of counsel and any response is of the opinion that Plaintiffs’ Application for Temporary Restraining Order should be granted for the reasons given by Applicants. The Court finds

1. Defendants are operating and continue to operate the Turkey Leg Hut so as to produce smoke and odor that presents health hazards to Applicants and other neighbors to the properties at 4830 and 4902 Alameda Road. Further, the Defendants' operation of the Turkey Leg Hut involves presently illegal and unpermitted operations posing a risk of harm to the public, including unenclosed outdoor food preparation areas and use of smokers.

2. Applicants have pleaded that Defendants' actions violate Houston, Texas, Municipal Code § 20-19, Tex. Civ. Prac. & Rem. Code §§ 125.0015(a) and (a)(24), constitute a nuisance per se, private nuisance, common nuisance, and have resulted in trespasses onto Applicants' properties.

3. Having presented evidence sufficient to raise a bona fide issue as to Applicants' right to ultimate relief, Applicants have established a probable right to the relief sought against Defendants for the allegations pertaining to the creation of smoke and odors and the illegal use of unenclosed outdoor food preparation areas, including smokers.

4. Having sought a temporary restraining order under Tex. Civ. Prac. & Rem. Code § 65.011(5), Applicants need not establish a probable, imminent, and irreparable injury. Nevertheless, if the relief requested is not granted, Applicants will suffer further imminent harm and irreparable injury and will have no adequate remedy at law.

5. This temporary restraining order will serve the public interest. The harm to Applicants if this Application is not granted outweighs any potential harm to Defendants by the issuance of the temporary restraining order.

Accordingly, the Court GRANTS the Plaintiffs' Application for Temporary Restraining Order and makes the following order under Tex. R. Civ. P. 683:

Defendants Turkey Leg Hut & Company, LLC d/b/a "Turkey Leg Hut," Nakia Price, and Lyndell Price and Defendants' members, agents, employees, successors, assigns, attorneys, and any person acting in concert or participation with them who receives actual notice of this Order by personal service or otherwise are PROHIBITED AND ENJOINED from:

- i. Producing smoke and odor at the 4830 and 4902 Almeda Road locations until the Court conducts a full trial on the merits.
- ii. Outdoor food preparation and the use of the smokers at the Defendant's business premises so long as such operations do not conform with the requirements of the City of Houston Ordinances regulating food establishments.

IT IS FURTHER ORDERED that Applicants shall execute and file with the clerk of this Court a bond, or cash deposit in lieu of bond, in the amount stated below in conformity with Rule 684 of the Texas Rules of Civil Procedure, payable to Defendants and conditioned that Plaintiffs will abide by the decision which may be made in the cause and that Plaintiffs will pay all sums of money and costs that may be adjudged against them if the Temporary Restraining Order shall be dissolved in whole or in part.

The clerk shall, when so requested by Applicants and after they have filed the bond described above, issue a writ of temporary restraining order in conformity with the law and the terms of this Order.

IT IS FURTHER ORDERED that, unless extended by agreement of the parties or changed by further order of this Court, this Order becomes effective only at such time as Applicants file with the clerk of this Court a bond in the amount of \$100.00.

IT IS FURTHER ORDERED that Plaintiffs' Application for a Temporary Injunction will be heard before the Court on \_\_\_\_\_, 2019 at \_\_\_\_\_.

IT IS FURTHER ORDERED that this Order expires no later than fourteen days after issuance or when amended by order of this Court, whichever occurs first.

Signed on November \_\_, 2019 at \_\_\_\_\_ .m.

\_\_\_\_\_  
Honorable \_\_\_\_\_  
Judge, \_\_\_\_\_ District Court



# Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

### Request for Issuance of Service

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiffs' Original Petition & App for TRO, TI & Permanent Injunction

FILE DATE: 11/20/2019 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Turkey Leg Hut & Company, LLC d/b/a Turkey Leg Hut

Address of Service: 7006 Brewster Ln., Houston, Texas 77459, or

City, State & Zip: 4830 Alameda Rd., Houston, Texas 77004, or wherever else she may be found

Agent (if applicable) Nakia Price

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- Citation     Citation by Posting     Citation by Publication     Citations Rule 106 Service
- Citation Scire Facias    Newspaper \_\_\_\_\_
- Temporary Restraining Order     Precept     Notice
- Protective Order
- Secretary of State Citation (\$12.00)     Capias (not an E-Issuance)     Attachment
- Certiorari     Highway Commission (\$12.00)
- Commissioner of Insurance (\$12.00)     Hague Convention (\$16.00)     Garnishment
- Habeas Corpus     Injunction     Sequestration
- Subpoena
- Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ATTORNEY PICK-UP (phone) 713-986-9471     E-Issuance by District Clerk  
(No Service Copy Fees Charged)
  - MAIL to attorney at: \_\_\_\_\_
  - CONSTABLE
  - CERTIFIED MAIL by District Clerk
- Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents. Visit www.hcdistrictclerk.com for more instructions.*
- CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
  - OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Cris Feldman Bar # or ID 24012613

Mailing Address: 3355 West Alabama St., Ste 1220 (77098)

Phone Number: 713-986-9471



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FILE DATE: 11/20/2019 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Nakia S. Price

Address of Service: 17523 Sugar Pine Drive, Houston, Texas 77090, or

City, State & Zip: 4830 Almeda Rd., Houston, Texas 77004, or wherever else she may be found

Agent (if applicable) \_\_\_\_\_

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Issuance of Service Requested By: Attorney/Party Name: Cris Feldman Bar # or ID 24012613

Mailing Address: 3355 West Alabama St., Ste 1220 (77098)

Phone Number: 713-986-9471



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FILE DATE: 11/20/2019 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Lyndell Price

Address of Service: 17523 Sugar Pine Drive, Houston, Texas 77090, or

City, State & Zip: 4830 Almeda Rd., Houston, Texas 77004, or wherever else he may be found

Agent (if applicable) \_\_\_\_\_

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