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Mill Creek families win \$73M verdict

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TISHOMINGO – Three Mill Creek families were awarded a \$73 million verdict after a Johnson County jury found two companies guilty of wrongful conduct.

John and Felix Sikes, Ava Converse and members of the Shirley-Robbins family were awarded \$60 million in punitive damages and \$13 million for actual damages after 10 million gallons of untreated sewage was pumped into creeks and streams on their properties in October 2006.

The damages were awarded after the jury found Mehlburger Brawley Inc., an Oklahoma engineering company, and B3 Inc., an Arkansas construction and excavation company, guilty of wrongful conduct for the sewage discharge, an attorney for the families said.

Jason Aamodt, counsel for the Environmental Law Center of Tulsa, said the companies Mehlburger Brawley and B3 Inc. had been hired to rehabilitate a sewage lagoon in Mill Creek.

“They did exactly what they were hired to prevent,” Aamodt said.

Aamodt said the companies were asked by landowners, city officials and the Oklahoma Department of

Environmental Quality to stop the discharges.

“They were aware of the problem,” he said. “They were asked to stop three times.”

Trae Gray, a Coalgate attorney who also represented the plaintiffs, said the case focused on the value of water and the state’s natural resources.

“The jury voiced a clear message that water is one of the most valuable natural resources and that must be respected,” Gray said. “These clients were incredible. Over the past seven years they went through hell and never wavered. I believe the team approach we took to trying this case was unconventional and it worked.”

Gray said Mehlburger Brawley fired its attorneys three weeks before the trial.

“The case was tried on damages only as liability was determined prior to the jury taking the box,” he said. “B3 was unwilling to leave Arkansas to appear for trial.”

He said a federal bankruptcy court previously denied B3’s request to discharge any judgment with respect to B3 and the families.

“This being a land damages case, the next step will be to seek approval of our attorney fees from the court. After that, we will try to collect these judgments on behalf of the fami-

lies,” Gray said.

The award is believed to be one of the largest damage awards ever given in Johnson County, John Small, a reporter with the Tishomingo-based newspaper, the *Johnson County Capital Democrat*, said.

“It’s the biggest award I can recall and I’ve been here 20 years,” Small said.

Because tourism is such a large part of the area’s economy, Small said juries in the area were particularly sensitive to environmental issues.

Gray said the families in the lawsuit relied on the creeks and streams for their household water supply and for their recreational and aesthetic use.

Ava Converse, a plaintiff, said her family waited seven years for a verdict.

“We waited seven long years for this and the jury’s award solidified what we, the families, knew all along about how wrong this was,” Converse said in a media statement. “We, the families and the lawyers, became a family through all of this. We experienced a horrible thing, but through it all we became extremely close. I think the jury respected this and recognized that what happened was very wrong.”

By taking both companies to court, Converse said the families wanted Oklahomans to know that what B3 and Mehlburger Brawley did was wrong.