



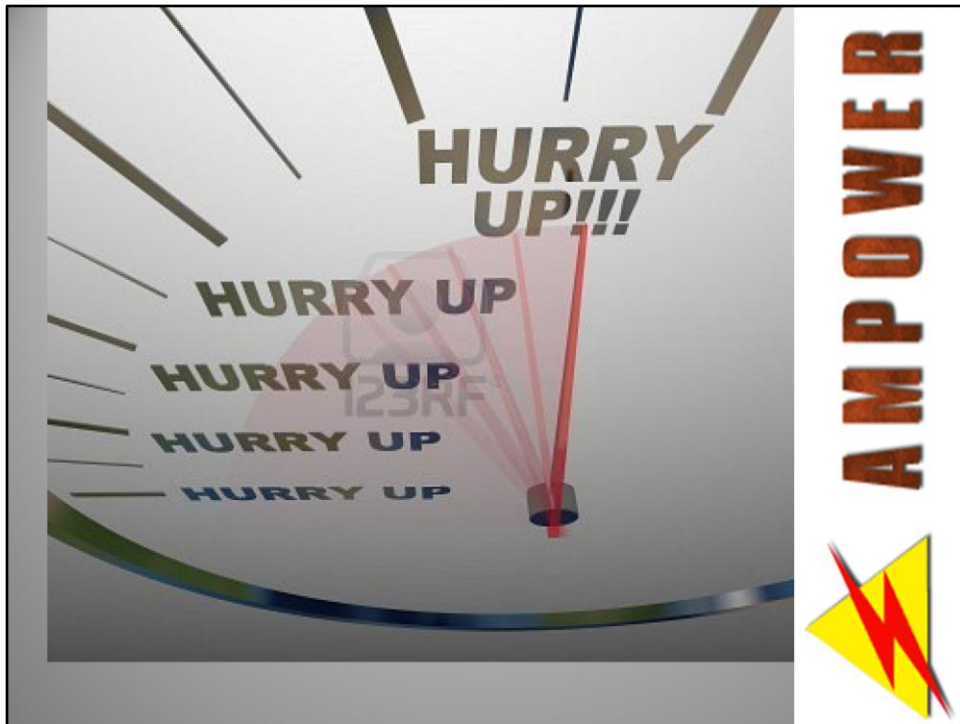
Bill and Mary Delaney Family

Ladies and Gentlemen:

My name is James Chesterton. And I represent this young couple... Bill and Mary Delaney! I am honored, truly HONORED to represent them for reasons that will become obvious.

Their story is a sad one, a tragic one. It involves an explosion at an oil well which occurred about five years ago. The explosion tragically and permanently changed the life of Bill, who was caught up in the explosion, and Mary, his wife, and their two small children.

To make this case even more tragic, **THIS EXPLOSION DID NOT NEED ... TO ... OCCUR.**



The evidence will show you that the explosion occurred because Ampower Oil Company was in a hurry.. In a hurry to complete the oil well so it could begin pumping oil and making money.

Ampower Ignored Warnings:



Ampower was warned before this explosion occurred that it was dangerous to continue with the project once certain data began showing there was a leak in the well.

I repeat....Ampower knew the well was leaking.

Ampower Ignored Warnings:



Ampower was warned the well was being subjected to very high pressures. It knew an explosion was a serious possibility.

Put Profits First.



So what did it do?

Nothing.

Ampower disregarded those warnings and continued the fracking project.



The result? An explosion, a fiery, fierce explosion which changed Bill's life-- and the life of his family--..... forever

The Marines: Bill's Story



Let's back up now..

Bill graduated from high school and wanted to serve his country. He enlisted in the Marines after graduating from high school and served four years in the infantry. During that time, he was stationed both in Iraq and Afghanistan.



During his tour of duty in those two countries, and especially Afghanistan, he was involved in **heavy** combat and was personally involved in a number of explosions.. Both mortar attacks and roadside bombs.

He saw several of his buddies killed. He saw close friends burned beyond recognition.



Bill does not like to talk about those events, but he has testified briefly at his deposition to the horrors of combat and the lasting effect it had on him.

Bill received an honorable discharge from the Marines.

This is why I am so honored to represent him and Mary in this case.

Mary Delaney

Trained as nurse

Main Patient: Husband



Now Mary, she is a nurse. Because of this careless explosion in the oil patch, she become the one who needed to support the family, both financially and emotionally. And she has done so.



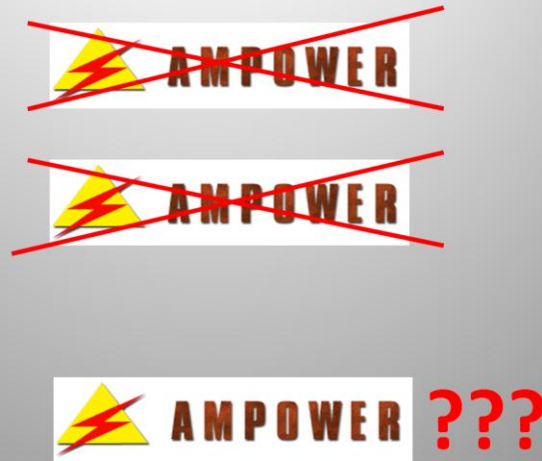
Upon returning home from Afghanistan, Bill realized he was having difficulty coping with the memories of his combat experiences. He consulted the Veterans Administration medical program, and received a diagnosis of posttraumatic stress disorder.

However, with outpatient counseling and various medications, Bill was able to get himself to the point where he could function normally.

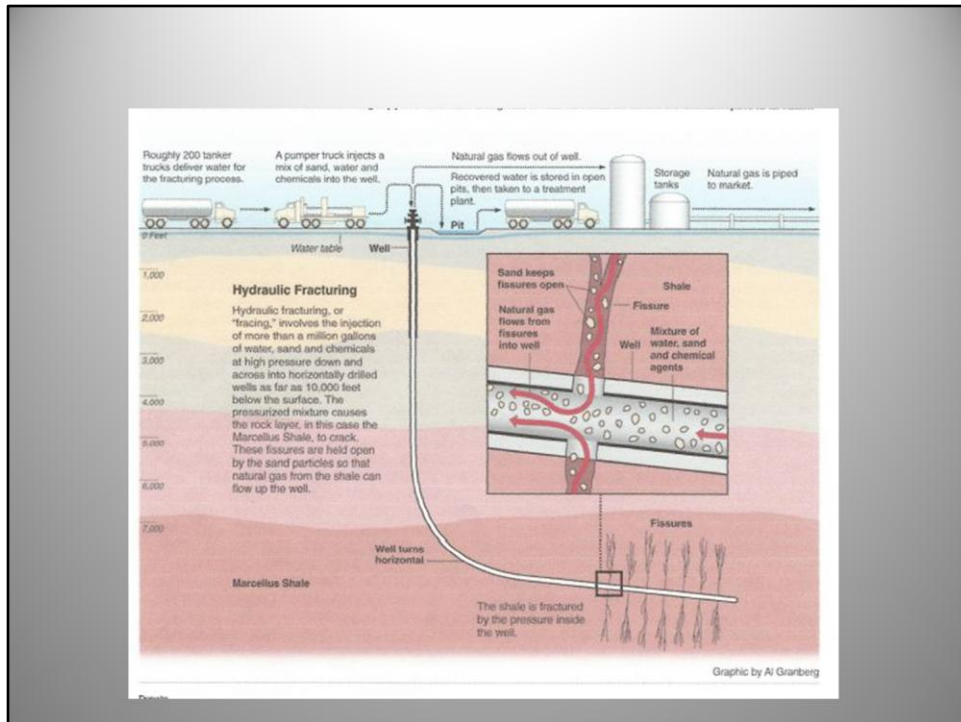


Not long after his return home, he took a job in the oilfields with an oil well service company named Fracturing Services. At the time of the explosion, he was crew chief and was in charge of the crew during a fracking project.

Ampower's "Well from Hell"

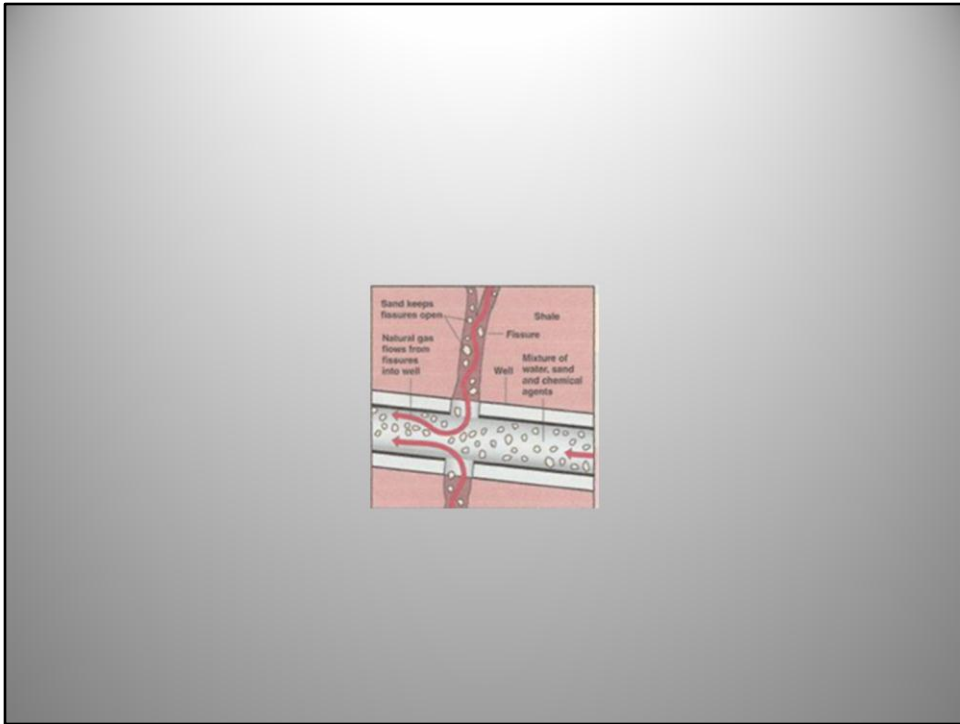


The oil well where this explosion occurred had undergone two previous fracking projects by Fracturing Services. Bill had worked on one of those previous projects. It was during this third fracturing project -- using **extremely** high pressures-- that this careless explosion occurred.



The picture in front of you is a general overview of how a fracturing project is conducted. If the well is not producing to its maximum capacity, a fracturing project cracks open the shale rock in the horizontal production zone.

This makes it much easier for the oil to flow into the well and to be pumped to the surface.



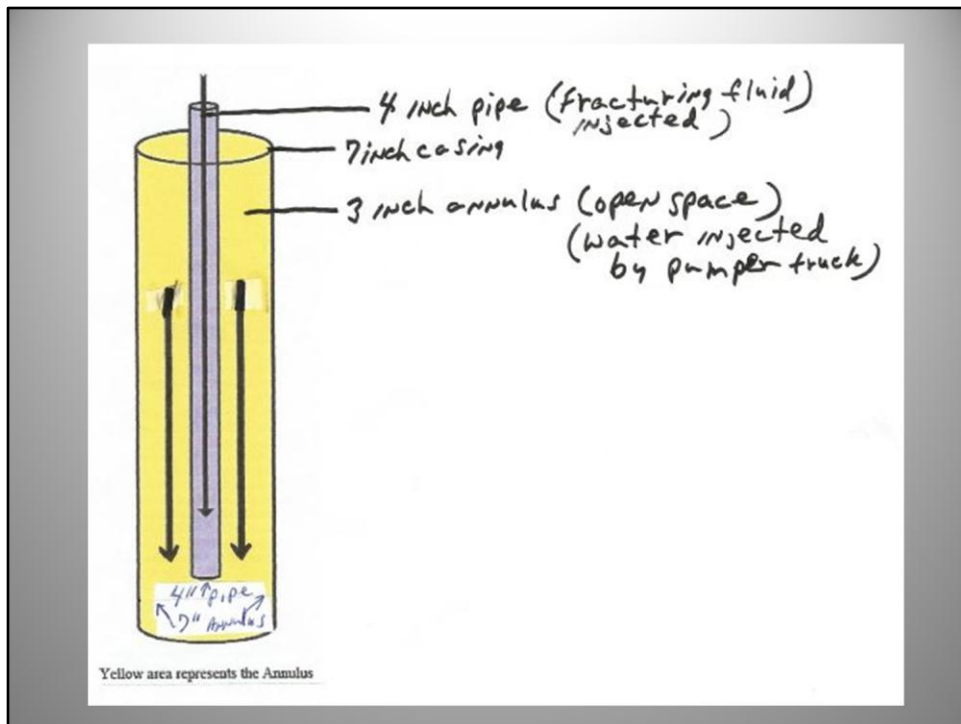
This diagram shows how these cracks, or “fissures,” facilitate oil flowing from the shale formation into the pipe of the oil well.

AmPower: Use LOTS of pressure



Now...In order to crack open the shale, liquid is pumped into the well from the surface by pump trucks.

On the day of this careless explosion, **Ampower had decided** to use the MAXIMUM -- the maximum -- amount of pressure which the pump trucks could generate, about 10,000 pounds per square inch.



This picture shows an oil well casing and fracturing pipe. The fracturing fluid is pumped down the purple pipe, which is approximately four inches in diameter.

The outer part is the outside casing of the well, which is about seven inches in diameter. This leaves a three-inch space between the four-inch pipe and the outside of the well casing. The empty space is known as the “annulus.”

On the day of the explosion, the fluid which was being pumped into the annulus was pressurized to about 4,500 pounds per square inch, about one-half of that which was being pumped into the purple pipe. There is a separate pump truck that is used to pump the fluid into the annulus.

“Leak!”



Now....

as pressure was building in the purple pipe, the Fracturing Services's employees watching the pressure monitors noted that there appeared to be a leak in the purple pipe.

This is **very dangerous**. Its extremely dangerous because ... if pressure gets too high inside the purple pipe, the pressure can escape out of the purple pipe and cause an explosion.

Ampower: “Don’t Worry About the Leak”



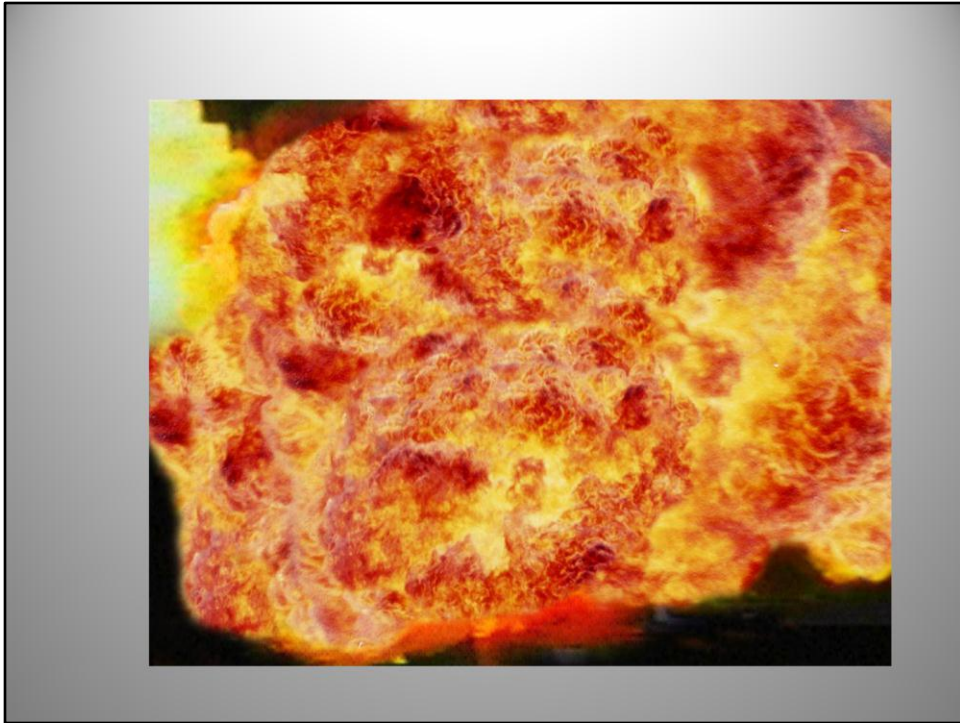
Was there an Ampower Oil Company supervisor present during the fracturing project? ABSOLUTELY.

He was monitoring pressure data during the project! Three different Fracturing Services employees – three of them!-- were next to the Ampower supervisor.

They ALL warned him that the data showed there was a leak in the purple pipe.

The Ampower supervisor told them ... not to worry about it!

“Continue with the project.

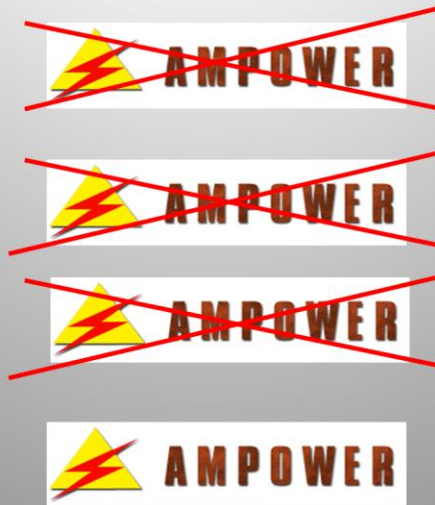


About three minutes later ----- we have an **explosion**.

....

The evidence will show you that the explosion at the well was very similar to the fireballs and explosions that Bill endured in Iraq and Afghanistan.

Ampower's "Well from Hell"



Now, as part of this lawsuit, we had a well known expert review the pressure data which was produced during this fracking project. The expert will tell you that the data did, in fact, indicate a leak prior to the explosion. This leak was proven several months after this explosion, when Ampower attempted a fourth fracturing project on this well.



During that fourth project, the same type of leak occurred as on the day of this explosion.

The experts will tell you, and EVERYONE in the oil industry agrees, that if there is a leak during a project of this nature using such high pressures, the project should be shut down -- immediately -- for safety reasons.

Put Profits First



In this case... had the Ampower supervisor heeded the warnings he was given, the project would have been shut down.... and the explosion avoided.

Instead, he chose to proceed with the project and risk the lives and safety of everyone present.

Human Affects of the Explosion



So, that's what happened.

Now ... you folks also need to evaluate these injuries, and do so in a way that fairly and fully compensates Bill and Mary for all that they have experienced.

Bill's Lost Compensation:

- Employed Three Years
- Continuously Promoted
- \$100,000 per Year



After this explosion, Fracturing Services gave all of the affected employees several days off.

Bill attempted to work at Fracturing Services after the explosion and worked there for about three weeks, but found that he was no longer able to do the job that he was hired to do. The explosion had brought back the horrifying memories and experiences of combat, ... the fireballs the death..... The blasts that Bill had experienced as a Marine.

His posttraumatic stress disorder became so severe that he was not able to function in his employment with Fracturing Services.

He resigned about three weeks after the explosion, having been employed there for three years and having been continuously promoted to the title of crew chief at the time of the explosion.

Bill was making about \$110,000 a year, including benefits.



From the time of this explosion to the present time, Bill's story goes downhill.

His posttraumatic stress disorder became VERY severe.

He began to self-medicate by drinking heavily. He became severely depressed. He felt useless. He felt alone.

Finally, about four months after this explosion, he tried to commit suicide. Sadly, he remains unemployed-- and under treatment--to this day.

Ampower Admits: Explosion Made Bill Unemployable



During the course of this lawsuit, Ampower Oil Company had Bill examined by a psychiatrist who is an expert in posttraumatic stress disorder.

This is really interesting: Even the expert hired by Ampower says that the oil well explosion pushed Bill's posttraumatic stress disorder over the edge and that this careless explosion has made BILL unemployable.

According to the expert hired by Ampower, the outlook for Bill ever entering the workforce again is, in the word of the expert, "guarded." Bill's posttraumatic stress disorder is permanent and disabling. He will require lifelong treatment.

Changes are HUGE



Bill's most prized accomplishments in the world are -- his marriage to Mary, and their two small children.

Mary is a nurse and has been required to support the family during the VERY long years since this explosion. She will tell you that prior to this explosion, Bill had minimal PTSD effects. He was outgoing, loved his job, and was working hard to support his family.

Economic Losses

Wages:

Past: \$550,000

Future: \$3.95 million ($\$110,000/\text{yr} \times 30 \text{ yrs}$)

Total Economic Losses: \$4.6 million

In addition to the emotional trauma the economic effects of this explosion have been **devastating** for the Delaneys.

As a crew chief, Bill was earning approximately \$110,000 per year, which included the value of his fringe benefits. He has been unemployable for the past five years since this explosion. His total loss of income to date is approximately \$550,000.

The economist will tell you that even without assuming any type of wage increase in the oil patches of the future, the economic damages in this case are \$4.6 million.

We Live to Work--NOT vice versa

8. What amount of damages, if any, do you award to Bill for:

Past economic loss	\$550,000
Future economic loss	\$3,950,000
Past noneconomic loss	\$1,000,000
Future noneconomic loss	\$2,950,000

As jurors you are also required to evaluate Bill and Mary's **Non**-Economic damages. They include all the pain and suffering and humiliation and loss of enjoyment of life that have been caused by this senseless and completely unnecessary explosion.

Please reflect on this carefully. Very few of us live to work. Most of us work ... to live. **It's the living** that is most important. And so I suggest to you that these intangible losses are more important, and far more valuable, than the lost wages.

Ampower Knew of Leak



There will be **NO DISPUTE** that several minutes prior to the explosion, the Fracturing Services's employees warned the Ampower supervisor that there was a leak . They all knew that a leak indicates that the project should be shut down immediately.



This was a willful and wanton disregard of the rights of every worker on this site. This was elevating profits above **every** other consideration.

Fairness = Ampower PUNISHED



This is behavior that cries out for punishment **above and beyond** the few days that this oil company will have to operate in order to pay Bill's modest compensatory damages.

12. If you answered yes to Question No. 11, what amount of punitive damages do you award?

\$19,500,000 (\$3.9 million x 5)

This is EXACTLY why the law allows juries to impose punitive damages. We suggest you punish Ampower in the **only language they understand...money.**

We suggest you assess punitive damages in the amount of \$19.5 million, which is five times the compensatory losses Bill and Mary have endured as a result of this needless explosion.



Justice is never afraid to speak the truth boldly. So we are asking you, as peers of Bill and Mary Delaney's, to speak out boldly against the abuses of this greedy corporation.

Teach them a lesson. Award Bill and Mary \$8 million in compensatory damages. And make Ampower pay \$19.5 million in compensatory losses.