

## Aruba Petroleum Wins Appellate Ruling in Closely-Watched Nuisance Case

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February 3, 2017 Michael Mazzone, Christina Crozier, Nina Cortell

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**PRACTICES** Appellate, Hydraulic Fracturing, Energy, Power and Natural Resources

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In *Parr v. Aruba*, a case that has been closely followed by the oil and gas community, a Texas court of appeals on February 1 reversed a \$2.9 million judgment against Aruba Petroleum Inc., holding that the plaintiffs failed to establish that the company's natural gas operations constituted an intentional nuisance.

The suit stemmed from drilling and production activity in the Barnett Shale in Texas. The plaintiffs, who owned land in the area, claimed Aruba's natural gas operations caused them various personal injuries, mental anguish, and property damages. The plaintiffs' lawyers claimed the suit was the first fracking trial in the nation — even though most of the evidence presented at trial did not concern hydraulic fracturing.

At the April 2014 trial, the jury found that Aruba created an intentional nuisance and awarded the plaintiffs \$2.9 million in damages.

But the Fifth Court of Appeals in Dallas reversed and rendered a take-nothing judgment. The court concluded that the plaintiffs failed to establish a claim for intentional nuisance because there was “no legally sufficient evidence that Aruba intentionally created or maintained a condition that substantially interfered with [the plaintiffs'] use and enjoyment of their land.”

“Aruba Petroleum is pleased with the opinion of the appellate court, as we believe the original verdict was without merit,” said James L. Poston, Aruba's chief executive officer. “We seek to operate in compliance with all industry health, safety and environmental standards, as we believe we did in this particular matter.”

Aruba was represented by the law firm of Haynes Boone.

“I'm happy for Aruba,” said Haynes Boone Partner [Michael Mazzone](#), Aruba's lawyer at trial. “They are good people and should not have been sued for drilling and producing gas wells in the Barnett Shale. We appreciate their principled stand, and we're proud that we were able to help them get justice.”

Mazzone tried the case with Ben K. Barron of Ben K. Barron, PC. Haynes Boone lawyers [Christina Crozier](#) and Mike Stewart assisted during the trial, while firm Partners Anne Johnson and [Nina Cortell](#), along with Crozier, handled Aruba's appeal.