

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**RUBY HISER**

**PLAINTIFF**

**v.**

**No. 4:11-cv-00517 KGB**

**XTO ENERGY INC.**

**DEFENDANT**

**JUDGMENT**

This matter came for trial by jury on the 27<sup>th</sup> day of August, 2012. Plaintiff Ruby Hiser appeared through her attorneys Maryna O. Jackson and Stephen Rauls. Defendant XTO Energy Inc. appeared through its corporate representative, Jamie Sorrells, and its attorneys James D. Rankin III and Julie DeWoody Greathouse. All parties announced ready for trial. A jury of twelve was duly selected and sworn.

On August 29, 2012, the jury returned a verdict as follows:

1. On the claim of Ms. Hiser against XTO Energy for negligence we find by a preponderance of the evidence in favor of:

Ms. Hiser  
(Ms. Hiser )            or            (XTO Energy)

2. On the claim of Ms. Hiser against XTO Energy for private nuisance we find by a preponderance of the evidence in favor of:

Ms. Hiser  
(Ms. Hiser )            or            (XTO Energy)

3. On the claim of Ms. Hiser against XTO Energy for trespass we find by a preponderance of the evidence in favor of:

Ms. Hiser  
(Ms. Hiser )            or            (XTO Energy)

Note: Answer Question 4 only if one the above findings is in favor of Ms. Hiser. If ALL of the above findings are in favor of XTO Energy, have your foreperson sign and date the form because you have completed your deliberations on this case.

4. We find that Ms. Hiser should be awarded compensatory damages in the amount of:

\$ 100,000 (stating the amount)

5. Has it been proved that XTO Energy knew or ought to have known in the light of the surrounding circumstances, that its conduct would naturally and probably result in damage and that it continued such conduct in reckless disregard of the consequences from which malice may be inferred?

X Yes             No

Note: If you answered yes to Question 5, you should award punitive damages to punish XTO Energy and to deter XTO Energy and others from similar conduct.

6. We find that Ms. Hiser should be awarded punitive damages in the amount of:

\$ 200,000 (stating the amount)

Foreperson:       /s/ Michael Horn      

Dated:       8/29/12      

Judgment is therefore entered in favor of Ruby Hiser against XTO Energy Inc. in the amount of \$300,000.00, together with post-judgment interest at the rate of 0.18% per annum from the date of the Judgment until paid.

SO ORDERED this 10<sup>th</sup> day of September, 2012.

      Kristine G. Baker        
Kristine G. Baker  
United States District Judge