

Resident replies to \$13-million lawsuit defence

BY DAN SINGLETON
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A Didsbury-area resident suing an oil and gas company for more than \$13 million has made a formal reply in court to the recently-filed statement of defence.

On Feb. 7 Angle Energy Incorporated filed the statement of defence denying claims made by Diana Daunheimer in a statement of claim filed in December.

Angle was the lessee and operator of five wells in close proximity to the land owned by Daunheimer and her husband at 15-031-02-W5.

In an 11-page statement of claim filed on Dec. 6 Daunheimer contends, in part, that on "numerous occasions throughout the company's five year operating history, occurring in close proximity to the Daunheimer residence, reasonable care was not exercised by Angle's employees and executives alike, resulting in chronic and acute operations that have harmed the plaintiff's property, personal health, mental well being, financial status, personal safety and compromised the environment they relay on to exist."

The Daunheimer suit seeks general damages in the amount of \$8,000,000, special damages of \$405,557.50, and punitive damages of \$5,000,000.

None of the allegations have been proven in court.

In its six-page statement of defence, Angle denies that it caused any harm or injury to the plaintiff.

"Angle denies that any breach of

a duty that it owed to the plaintiff caused or contributed to any of the injuries or damages alleged by the plaintiff," the statement says.

"Angle denies that the plaintiff can establish the tort of battery, trespass, intentional infliction of emotional distress or deceit. Further Angel did not make any fraudulent or negligent misrepresentations to the plaintiff, and the plaintiff did not reasonably rely on any representation from Angle."

On Feb. 20 Daunheimer filed a reply to defence with the court, making 16 specific replies to the statement of defence.

Those replies include the following:

- "Where the defendant expresses denial that Angle's breach of duty is cause for the plaintiff's claim of injuries and damage and that any conditions were pre-existing, the plaintiff pleads her family was perfectly healthy until Angle began operations near their home and that such operations, so toxic and hazardous in nature, can be attributed to the cause of such injuries and damages."

- "The plaintiff argues that the appropriate required consultations were not performed by Angle and our confirmation of non-objections were either incomplete or based on inaccurate public notifications, support by an AER audit and subsequent high risk non-compliance."

Although Angle was acquired by Bellatrix Exploration in 2013, the statement of defence was filed by defendant Angle Energy Incorporated.

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