

IN THE CIRCUIT COURT OF MILLER COUNTY, ARKANSAS
— 1st — DIVISION

PILOT TRAVEL CENTERS, LLC

PLAINTIFF

v.

Case No. 46CV-20-228-1

FED-EX GROUND PACKAGE SYSTEM, INC;
REGINALD SHELTON;
TRIPLE G, LLC; and JOHN DOES 1-3

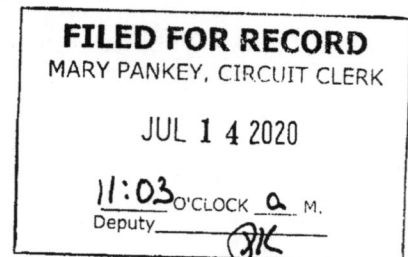
DEFENDANTS

COMPLAINT

COMES NOW Plaintiff, Pilot Travel Centers, LLC (“Pilot”), by and through the undersigned counsel, Barber Law Firm, PLLC, and for its Complaint, states as follows:

Jurisdiction, Venue, and Parties

1. This is a civil action brought pursuant to the Arkansas Rules of Civil Procedure.
2. Plaintiff, Pilot, is a Delaware limited liability company with its principal place of business located in Knoxville, Tennessee. Pilot is in good standing and authorized to conduct business in the state of Arkansas.
3. Separate Defendant Fed-Ex Ground Package System, Inc. (“Fed-Ex”) is a foreign for-profit corporation which may be served through its registered agent, the CT Corporation System, 124 West Capitol Avenue, Suite 1900, Little Rock, Arkansas.
4. Separate Defendant Reginald Shelton is an individual residing at 1575 Madison Avenue, Memphis, TN 38104.



5. Separate Defendant Triple G, LLC, is a foreign limited liability company which may be served through its registered agent, Dan W. Greer, 2289 Tanglewood Brooke Lane, Birmingham, AL 35243.

6. John Does 1-3 include other responsible parties and the possible agents of Defendants at the time of the subject incident. The identities of these John Doe Defendants are unknown as this time.

7. Attached hereto as Exhibit 1 is an affidavit as required by Ark. Code Ann. § 16-56-125 regarding the identities and whereabouts John Does 1-3.

8. The above-described Defendants have in the past, and continue to have in the present, continuous and substantial contacts with the State of Arkansas. All Defendants engaged in systematic and continuous activity in Arkansas, thereby purposefully availing themselves of the benefits and protection of the law of the State of Arkansas. These contacts are sufficient to establish personal jurisdiction within the State of Arkansas.

9. Jurisdiction properly lies in this Court based upon the type and amount of relief sought. Venue lies properly in this Court based upon the residence of this Plaintiff and the County in which a substantial part of events or omissions giving rise to the claims occurred.

Factual Background

10. On July 14, 2017, a vehicle owned by Fed-Ex and driven by Reginald Shelton, who was employed by Fed-Ex's contractor Triple G Logistics, Inc., spilled diesel gasoline at Plaintiff's store located at 8300 State Highway 108, Texarkana, Arkansas, 71854 (Store 606).

11. Plaintiff paid the costs and expenses of cleaning up the hazardous spilled diesel gasoline created as a result of Defendants' negligence.

12. More specifically, Plaintiff hired Broadbent and Associates, Inc. ("Broadbent"), an environmental consulting firm, to clean up the hazardous spilled diesel gasoline and handle the paperwork required by the state of Arkansas. Broadbent subcontracted some of the work to TAS Environmental Services, LLP.

13. The total cost of cleaning up the hazardous spilled gasoline was \$9,724.72. Attached hereto as Exhibit 2 are invoices evidencing the same.

14. Plaintiff reported the spill incident to Fed-Ex, and requested reimbursement for the costs and expenses of cleaning up the hazardous spilled diesel gasoline.

15. To date, Plaintiff has not received reimbursement for the costs of the cleanup, which were incurred through no fault of Plaintiff.

Count I--Negligence

16. Defendants' negligence was the sole and proximate cause of the spill. Defendants' negligence includes, but is not limited to, the following:

- (a) failure to exercise ordinary care under the circumstances;
- (b) failure to protect the property of others; and
- (c) failure to supervise the truck carrying the gasoline.

17. As a direct result of Defendants' negligence, Plaintiffs' property was damaged, thereby causing Plaintiffs to suffer damages.

Damages and Request for Relief

18. As a result of Defendants' negligence, Plaintiff has sustained damages totaling \$9,724.72, and is entitled to reimbursement for the same.

19. Additionally, Plaintiff prays that the Court award it pre-judgment interest at a rate of six percent (6%) annum, pursuant to Article 19, Section 13 of the Arkansas Constitution, post-judgment interest at the maximum rate allowed by law, and all other just and proper relief to which Plaintiff may be entitled;

20. Plaintiff demands a trial by jury on all issues so triable.

WHEREFORE, Plaintiff, Pilot Travel Centers, LLC, prays for all relief requested herein, plus interest at the maximum rate allowable under law, for all reasonable attorney's fees, for its costs herein expended, and for all other just and proper relief.

Respectfully submitted,

BARBER LAW FIRM PLLC
425 W. Capitol Avenue, Suite 3400
Little Rock, AR 72201
501-372-6175
888-412-3288 = fax

By: /s/ J. Carter Fairley
J. Carter Fairley #99068
Rachel E. Hildebrand #2017134
ATTORNEYS FOR DEFENDANT
cfairley@barberlawfirm.com
rhildebrand@barberlawfirm.com

IN THE CIRCUIT COURT OF MILLER COUNTY, ARKANSAS
_____ DIVISION

PILOT TRAVEL CENTERS, LLC

PLAINTIFF

v. Case No. _____

FED-EX GROUND PACKAGE SYSTEM, INC;
REGINALD SHELTON;
TRIPLE G, LLC; and JOHN DOES 1-3

DEFENDANTS

AFFIDAVIT

COMES NOW the Affiant, pursuant to Ark. Code Ann. § 16-56-125, and for his affidavit states, under oath, as follows,

Several of the possible defendants, which may have contributed to the subject incident and acted as agents, employees or formed some other legal relationship with Defendants, are designated as John Doe 1, John Doe 2, and John Doe 3, and are presently unknown. Should the tortfeasor(s) become known, the Complaint will be amended to substitute the real name.

FURTHER, Affidant sayeth not.

By: /s/ J. Carter Fairley
J. Carter Fairley #99068
ATTORNEY FOR PLAINTIFF
cfairley@barberlawfirm.com





BROADBENT

8 West Pacific Ave., Henderson, NV 89015
[T] 702-563-0600 [F] 702-563-0610
broadbentinc.com

CREATING SOLUTIONS. BUILDING TRUST.

PILOT TRAVEL CENTERS LLC
ATTN: DAVID DIPPEL
5508 LONAS ROAD
KNOXVILLE, TN 37909

Invoice number 77579
Date 08/31/2017
Project 17-07-101 PFJ ER - 2017

BILLING PERIOD: AUGUST 1 to AUGUST 31, 2017

Code: 606-605-88
Adjuster: Borin Poeung
GC# 2017126646
ADDITIONAL INVOICES TO FOLLOW

Professional services performed during this billing period includes: Project management; partial preparation of a spill report; and correspondence with the ADEQ and PFJ.

11607 - FJ 606 TEXARKANA, TX 3RD PARTY 50 GAL DIESEL SPILL 7-14-17

LABOR

	Hours	Rate	Billed Amount
PROJECT	2.00	180.00	360.00
SENIOR STAFF	0.50	165.00	82.50
STAFF	11.00	150.00	1,650.00
11607 - FJ 606 TEXARKANA, TX 3RD PARTY 50 GAL DIESEL SPILL 7-14-17 subtotal			2,092.50
		Invoice Total	2,092.50

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
77208	07/31/2017	6,977.22		6,977.22			



PILOT TRAVEL CENTERS LLC
Project 17-07-101 PFJ ER - 2017

Invoice number 77579
Date 08/31/2017

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
77579	08/31/2017	2,092.50	2,092.50				
	Total	9,069.72	2,092.50	6,977.22	0.00	0.00	0.00

Broadbent now accepts Visa, MasterCard, Discover, & American Express for invoice payment. A 1.5% processing fee applies. Call our Henderson office at 1-800-574-6767 M-F, 8AM-5PM PST to process your payment. When paying by check, please include Customer ID & invoice no. with your remittance to assure proper credit. Remit to: Broadbent & Associates, Inc. 8 West Pacific Ave. Henderson, NV 89015 We appreciate your business!



BROADBENT

3 West Pacific Ave., Henderson, NV 89015
T 702-563-0600 F 702-563-0610
broadbentinc.com

CREATING SOLUTIONS. BUILDING TRUST.

PILOT TRAVEL CENTERS LLC
ATTN: DAVID DIPPEL
5508 LONAS ROAD
KNOXVILLE, TN 37909

Invoice number 77208
Date 07/31/2017

Project 17-07-101 PFJ ER - 2017

BILLING PERIOD: JULY 1 to JULY 31, 2017

Code: 606-605-88
Adjuster: Borin Poeung
GC# 2017126646
ADDITIONAL INVOICES TO FOLLOW

Professional services performed during this billing period includes: Project management; coordination of an ER crew to clean up the diesel spill; reported spill to the ADEQ; and correspondence with the ADEQ and PFJ.

11607 - FJ 606 TEXARKANA, TX 3RD PARTY 50 GAL DIESEL SPILL 7-14-17

LABOR

SENIOR
PROJECT
CONSULTANT

	Hours	Rate	Billed Amount
	1.00	135.00	135.00
	5.00	180.00	900.00

SUBCONTRACTOR
TAS ENVIRONMENTAL SERVICES L.P.

	Cost Amount	Multiplier	Billed Amount
	5,167.15	1.15	5,942.22

Phase subtotal 6,977.22

Invoice Total 6,977.22

PILOT TRAVEL CENTERS LLC
Project 17-07-101 PFJ ER - 2017

Invoice number 77208
Date 07/31/2017

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
77208	07/31/2017	6,977.22	6,977.22				
	Total	6,977.22	6,977.22	0.00	0.00	0.00	0.00

Broadbent now accepts Visa, MasterCard, Discover, & American Express for invoice payment. A 1.5% processing fee applies. Call our Henderson office at 1-800-574-6767 M-F, 8AM-5PM PST to process your payment. When paying by check, please include Customer ID & invoice no. with your remittance to assure proper credit. Remit to: Broadbent & Associates, Inc. 8 West Pacific Ave. Henderson, NV 89015
We appreciate your business!

Remit Payment To:

TAS Environmental Services, L.P.
P.O. Box 173803
ARLINGTON, TX 76003-3803

817-535-7222 Phone 817-535-8187 Fax

Tax ID# 20-1454928

Invoice

Vendor #	Date	Invoice #
	7/27/2017	72309

Bill To
Broadbent Jason Petty or Chris Haugstad 113 Falls Court, Suite 700 Boerne, TX 78006

Project Location
Flying J Travel Center Exit 7 Mandeville, AR 71854

P.O. Number	Terms	Due Date	Location	Job#	Prepared by:
	Net 80	10/15/2017	XK	XK170150ERM	AM

Quantity	Item Code	Description	Price Each	Amount
	JOBINFO	ER Call - Respond to and Clean Diesel Spill		
	SVC-WORKSHEET	Worksheet #62562, 7/14/17, Friday		
1	PERS-1013	Resource Coordinator	60.00	60.00T
5	PERS-1005	Supervisor	75.00	375.00T
2	PERS-1005-OT	Supervisor, Overtime	112.50	225.00T
12	PERS-1016	Technician	45.00	540.00T
6	PERS-1016-OT	Technician, Overtime	67.50	405.00T
2	AUTO-1018	Pick-Up Truck, 1 ton #341 and #316	200.00	400.00T
60	MSM-1004	Mileage (2 Trucks / Round Trip)	0.50	30.00T
1	AUTO-1029	Trailer, Haz-Mat Response	400.00	400.00T
4	TAS PPE-1029	Gloves, Nitrile, Inner, pair	1.50	6.00T
4	TAS PPE-1012	Gloves, Leather, pair	10.00	40.00T
4	TAS PPE-1008	Coveralls, Poly Coated Tyvek Hood and Boots, each	20.00	80.00T
4	PPE-1034	Level D, PPE, Each	35.00	140.00T
2	MSS-1010	Heat Relief/Hydration	15.00	30.00T
1	MSE-1046	Hand Tool	22.00	22.00T
20	TAS-BMC	BMC Absorb-N-Dry Absorbent, bag	10.00	200.00T
3	TAS-OTSD55	Drum, Steel, OT 55 gl	70.00	210.00T
1	MSE-1030	Sprayer, Pump, Hand-Held	35.00	35.00T
1	TAS-MBELSC1	Micro-Blaze Emerg. Liquid Spill Control, 1 gl	31.50	31.50T
	SVC-WORKSHEET	Worksheet #62571, 7/22/17, Saturday		
2	PERS-1019-OT	Disposal Coordinator, Overtime	90.00	180.00T
	SVC-WORKSHEET	Worksheet #62577, 7/26/17, Wednesday		
2	PERS-1006	Driver	30.00	60.00T
1	AUTO-1018	Pick-Up Truck, 1 ton #341	200.00	200.00T
208	MSM-1004	Mileage (Round Trip)	0.50	104.00T
1	MSM-1003	Fuel Surcharge	27.00	27.00T
1	PPE-1034	Level D, PPE, Each	35.00	35.00T
5	SVC-NHC2SD	Non-Hazardous Class 2 Solid Waste, per 55 gl drum. Manifest #173276	175.00	875.00T
1	SVC-REPORT	Report Preparation	50.00	50.00T
1	PERS-1017P	Processing Fee	35.00	35.00T

Subtotal	\$4,795.50
Sales Tax (7.75%)	\$371.65
Payments/Credits	\$0.00
Balance Due	\$5,167.15

We accept American Express, Discover, Master Card, and Visa Prompt pay discounts not allowed if paid with credit card.

Project #	Phase	Activity



82567

3929 California Parkway E., Fort Worth, TX 76119
 817.535.7222 • Fax: 817.535.8187

HAZARDOUS
 NON-HAZARDOUS
 DISPOSAL

San Antonio * Dallas * Austin
 Texarkana * Longview * Bossier City, LA

DAILY TIME / EQUIPMENT REPORT

Client Name Broadbent	PO Number	TAS Job # XK170150ERM	Day Friday	Date 7/14/17
--------------------------	-----------	--------------------------	---------------	-----------------

Work Description:

Respond to ~ 50 gallon diesel spill at Flying J- Exit 7 madeville, Ar
 apply 20 bags of granular sorbent. Suck granular sorbent up. Apply
 microblaze to cleaned up area. Return to Texarkana, Tx. Restock ER-trailer

PERSONNEL										
	Name	Title	L	In	Out	S/T	O/T	O/T Rate	S/T Rate	Total
1	Sean Eddington	S	.5	1030	1800					
2	Alan Campbell	T	.5	1200	1800					
3	Peter Squires	T	.5	1030	1800					
4	Drew Anderson	T	.5	1200	1800					
5	Darryl Rayburn	RC	0	0930	1030					
6										
7										
8										
9										
10										

EQUIPMENT										
Qty	Description	Rate	U	Amt	Qty	Description	Rate	U	Amt	
2	Pickup 341, 316		D		1	Hand Tools		E		
	Fuel Surcharge		E			P-100's Sorbent Pads		B		
30	Mileage X2		E			UP-100's Chemical Pads		B		
1	Response Trailer 55		D			Sorbent Boom 5' / 8'		B		
	Utility Trailer		D		20	Granular Sorbent		E		
	2 1/2 Ton ER Truck		D			pH Paper		E		
	Pressure Wash Trailer		D			Air Monitor Type		D		
	SCBA		E		3	Drums- 55 gal steel / poly		E		
	Full Face Respirator		E			Drums- gal steel / poly		E		
	Respirator Cartridge		pr			Drum Liners		E		
4	Gloves, Nitrile		pr			Drum Head Vacuum		E		
	Glove Liners, / Cotton / Laytex		pr		1	Sprayer, Pump, Hand-Held		E		
4	Gloves		pr			Communications		E		
	Fully-Encapsulated Suit		E			Duct Tape		E		
4	PE Coated Tyvek		E			Degreaser		G		
	Sewn Seam Saranex		E		1 gal	Microbes		G		
	Taped Seam Saranex		E			Photos		E		
4	PPE Level D		E			Per Diem		E		
2	Heat Stress Relief		E							

Legend: D = per day, E = each, G = gallons, B = bale, pr = pair



81571

3929 California Parkway E., Fort Worth, TX 76119
 817.535.7222 • Fax: 817.535.8187
 San Antonio * Dallas * Austin
 Texarkana * Longview * Bossier City, LA

HAZARDOUS
 NON-HAZARDOUS
 DISPOSAL

DAILY TIME / EQUIPMENT REPORT

Client Name <i>Bioscience</i>	PO Number	TAS Job # <i>XK170150 EPM</i>	Day <i>Saturday</i>	Date <i>7/23/17</i>
----------------------------------	-----------	----------------------------------	------------------------	------------------------

Work Description:

Report Writing

PERSONNEL

	Name	Title	L	In	Out	S/T	O/T	O/T Rate	S/T Rate	Total
1	<i>Sean Eddington</i>	<i>DC</i>		<i>1200</i>	<i>1400</i>					
2										
3										
4										
5										
6										
7										
8										
9										
10										

EQUIPMENT

Qty	Description	Rate	U	Amt	Qty	Description	Rate	U	Amt
	Pickup		D			Hand Tools		E	
	Fuel Surcharge		E			P-100's Sorbent Pads		B	
	Mileage		E			UP-100's Chemical Pads		B	
	Response Trailer		D			Sorbent Boom 5' / 8'		B	
	Utility Trailer		D			Granular Sorbent		E	
	2 1/2 Ton ER Truck		D			pH Paper		E	
	Pressure Wash Trailer		D			Air Monitor Type		D	
	SCBA		E			Drums- gal steel / poly		E	
	Full Face Respirator		E			Drums- gal steel / poly		E	
	Respirator Cartridge		pr			Drum Liners		E	
	Gloves, Nitrile		pr			Drum Head Vacuum		E	
	Glove Liners / Cotton / Laytex		pr			Sprayer, Pump, Hand-Held		E	
	Gloves		pr			Communications		E	
	Fully-Encapsulated Suit		E			Duct Tape		E	
	PE Coated Tyvek		E			Degreaser		G	
	Sewn Seam Saranex		E			Microbes		G	
	Taped Seam Saranex		E			Photos		E	
	PPE Level D		E			Per Diem		E	
	Heat Stress Relief		E						

Legend: D = per day, E = each, G = gallons, B = bale, pr = pair



02577

3929 California Parkway E., Fort Worth, TX 76119
 817.535.7222 • Fax: 817.535.8187
 San Antonio * Dallas * Austin
 Texarkana * Longview * Bossier City, LA

HAZARDOUS
 NON-HAZARDOUS
 DISPOSAL

DAILY TIME / EQUIPMENT REPORT

Client Name	PO Number X KITR250 E2M	TAS Job #	Day Wed	Date 7-26-17
-------------	----------------------------	-----------	------------	-----------------

Work Description:

went to WCA disposed waste off for disposal 5 drums with sorbent bags Empowered / Diesel

PERSONNEL

	Name	Title	L	In	Out	S/T	O/T	O/T Rate	S/T Rate	Total
1	Sienny Price	D	0	0830	1030					
2										
3										
4										
5										
6										
7										
8										
9										
10										

EQUIPMENT

Qty	Description	Rate	U	Amt	Qty	Description	Rate	U	Amt
✓	Pickup		D		✓	Hand Tools		E	
✓	Fuel Surcharge		E			P-100's Sorbent Pads		B	
208	Mileage Round trip		E			UP-100's Chemical Pads		B	
	Response Trailer		D			Sorbent Boom 5' / 8"		B	
	Utility Trailer		D			Granular Sorbent		E	
	2 1/2 Ton ER Truck		D			pH Paper		E	
	Pressure Wash Trailer		D			Air Monitor Type		D	
	SCBA		E			Drums- gal steel / poly		E	
	Full Face Respirator		E			Drums- gal steel / poly		E	
	Respirator Cartridge		pr			Drum Liners		E	
	Gloves, Nitrile		pr			Drum Head Vacuum		E	
	Glove Liners, / Cotton / Laytex		pr			Sprayer, Pump, Hand-Held		E	
✓	Gloves		pr			Communications		E	
	Fully-Encapsulated Suit		E			Duct Tape		E	
	PE Coated Tyvek		E			Degreaser		G	
	Sewn Seam Saranex		E			Microbes		G	
	Taped Seam Saranex		E			Photos		E	
✓	PPE Level D		E			Per Diem		E	
✓	Heat Stress Relief		E						

Legend : D = per day, E = each, G = gallons, B = bale, pr = pair



UC 173276
XR 170150 CRM

NON-HAZARDOUS MANIFEST

GENERATOR

Generator FLYING J AFE # _____
 Address EXIT 7 1-30 Well Number & Location Info _____
MANDONVILLE AR Shipping Location _____
 Address _____
 Phone _____ Phone _____

Description of Waste Materials	Industrial Waste Code #	Profile Number	Total Quantity	Unit of Measure	Container Type
SOLVENT EMPACTORS w/ DISOL		UC-1124L	5	DRUM	DRUM

I hereby certify that the above-described materials are not hazardous wastes as defined by 40 CFR, Part 261 or any applicable state law or regulation, have been fully and accurately described, classified and packaged, and are in proper condition for transportation according to applicable law and regulations.

ALAN CAMPBELL (AS AGENT FOR) Alan Campbell (AS AGENT FOR) 7-26-17
 Generator Authorized Agent Name (Print) Signature Delivery Date

TRANSPORTER

Transporter Name TAS ENVIRONMENTAL Driver Name (Print) Sidney Price
 Address 6409 W 7th ST Truck Number 341
TARRANT TX 75001 Truck Type FLAT BED PICKUP

I hereby acknowledge receipt of the above-described materials for transport from the generator shipping location listed above. I hereby acknowledge that the above-described materials were received from the generator shipping location and were transported without incident to the destination listed below.

[Signature] 7-26-17 [Signature] 7-26-17
 Driver Signature Shipment Date Driver Signature Delivery Date

DESTINATION

Site Name WCA Waste Corp.
 Address 3083 Smackover Hwy.
Eldorado, AR. 71730 Phone Number 870-725-3821

Disposal Location: North _____ East _____ Level _____ 7-26-17
 I hereby acknowledge receipt of the above-described materials.
Katherine JOHNSON [Signature] [Signature]
 Name of Authorized Agent (Print) Signature Receipt Date

White Original Canary Disposer Retain Pink Transporter Retain Goldenrod Generator Retain
 www.northstarforms.com Form # 308.WCA



BROADBENT

8 West Pacific Ave., Henderson, NV 89015

[T] 702-563-0600 [F] 702-563-0610

broadbentinc.com

CREATING SOLUTIONS. BUILDING TRUST.

PILOT TRAVEL CENTERS LLC
ATTN: DAVID DIPPEL
5508 LONAS ROAD
KNOXVILLE, TN 37909

Invoice number 77973
Date 09/30/2017
Project 17-07-101 PFJ ER - 2017

BILLING PERIOD: SEPTEMBER 1 to SEPTEMBER 30, 2017

Code: 606-605-88

Adjuster: Borin Poeung

GC# 2017126646

ADDITIONAL INVOICES TO FOLLOW

Professional services performed during this billing period includes: Project management; final preparation and submittal of spill report; and correspondence with ADEQ and PFJ.

11607 - FJ 606 TEXARKANA, TX 3RD PARTY 50 GAL DIESEL SPILL 7-14-17

LABOR

	Hours	Rate	Billed Amount
PROJECT	5.00	120.00	600.00
SENIOR STAFF	0.50	110.00	55.00
11607 - FJ 606 TEXARKANA, TX 3RD PARTY 50 GAL DIESEL SPILL 7-14-17 subtotal			655.00
		Invoice Total	655.00

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
77973	09/30/2017	655.00	655.00				
	Total	655.00	655.00	0.00	0.00	0.00	0.00

Broadbent now accepts Visa, MasterCard, Discover, & American Express for invoice payment. A 1.5% processing fee applies. Call our Henderson office at 1-800-574-6767 M-F, 8AM-5PM PST to process your payment. When paying by check, please include Customer ID & invoice no. with your remittance to assure proper credit. Remit to: Broadbent & Associates, Inc. 8 West Pacific Ave. Henderson, NV 89015
We appreciate your business!