IN THE DISTRICT COURT OF LINCOLN COUNTY
STATE OF OKLAHOMA

FILED
DEC 18 2015
KIRBY, COURT CLERK
LINCOLN COUNTY, OKLAHOMA

SANDRA LADRA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CJ-2014-115
	)	
NEW DOMINION, LLC; and SPESS OIL COMPANY, JOHN DOES 1-25,	)	
	)	
Defendants.	)	

ORDER

This matter came on for hearing on December 11, 2015, on the Defendants' motions to dismiss. All parties appeared by and through counsel. After hearing argument from the parties, the Court took the matter under advisement. After further review of the pleadings, the Court enters the following findings and order.

The Defendants argued that the Plaintiff's cause of action was not timely filed, claiming that the two-year statute of limitations had run when the case was filed. There is no dispute that the subject earthquake occurred November 5, 2011. The Plaintiff's case was filed on August 4, 2014. The Plaintiff argued that the statute of limitations was tolled until March of 2013 when the Plaintiff learned of the alleged causal connection between the subject earthquake and the Defendants' actions.

The Court finds that in Oklahoma, the discovery rule allows limitations in tort cases to be tolled until the injured party knows or, in the exercise of reasonable diligence, should have known, of the injury or its cause.

The Court further finds that whether the discovery rule tolled the two-year statute of limitations in this case is a question of fact. The Defendants' motions to dismiss are hereby overruled. However, the Defendants will be allowed to re-urge the affirmative defense of statute of limitations in a motion for summary judgment.

IT IS THEREORE ORDERED that the Defendants' motions to dismiss are overruled.

Cynthia Ferrell Ashwood
Judge of the District Court

Certificate of Mailing/Delivery

This is to certify that on this 17th Day of December, 2015, a true and correct copy of the above and forgoing was hand delivered to the Courthouse drawer or mailed, postage prepaid, to the following named counsel of record:

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I, Cindy Kirby, Court Clerk of Lincoln County Oklahoma hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record and on file in my office of Lincoln County, Okla. this 18th day of December 2015

CINDY KIRBY COURT CLERK
By Tanya Bacon Deputy