

# **Van Zandt County Residents Draw the Line: Legal Fight Begins Over the Amador Energy Storage Project**

## **Van Zandt County Residents File Legal Action to Protect Community, Livestock, Natural Resources and Rural Way of Life**

**Van Zandt County, TX — December 18th, 2024**— Residents of Van Zandt County, Texas, have filed legal action against stakeholders involved in the Amador Energy Storage Project, a 100 MW lithium battery energy storage facility under construction near FM 47 and FM 1651 on approximately 48 acres. Construction began in December 2024, with operations expected to start in December 2025. The Amador Energy Storage Project is 100% owned by the Taaleri SolarWind III fund, managed by Taaleri Energia, a Finnish-based wind, solar, and battery energy storage developer and fund manager. The project has drawn significant opposition from local citizens who argue it threatens their safety, livestock, and the rural lifestyle that defines their community. Concerns include fire risks, environmental contamination, lack of firefighting resources, and proximity to homes and the Explorer Pipeline. This legal action highlights the community's resolve to protect their way of life and ensure their voices are heard in the face of profit-driven development.

The Amador Energy Storage Project involves lithium-ion batteries, which carry inherent fire risks associated with potential thermal runaway events. The project's proposed location heightens these concerns, as the closest home is just 1,056 feet away. Such incidents have occurred, including a 14-day lithium battery fire in Otay Mesa, California, in May 2024. Van Zandt County lacks the resources to combat these types of fires, with no dedicated fire department in rural areas, insufficient water supplies, and no access to specialized hazmat teams locally. Fires at similar facilities have necessitated evacuations within a one-mile radius, posing significant risks to the surrounding area.

In the event of a battery rupture or fire, toxic substances could potentially contaminate the local environment, posing risks to human health, livestock, and crops. If these substances leach into the soil or water, they could disrupt agricultural productivity and pollute the nearby watershed and creeks that feed into Cedar Creek Lake. Cedar Creek Lake is owned and operated by the Tarrant Regional Water District (TRWD), one of the largest water suppliers in Texas, providing municipal and industrial water to the region.

The project's proposed location near critical infrastructure, including the Explorer Pipeline, raises additional alarms. Residents fear that placing a lithium battery facility in close proximity to a petroleum pipeline could lead to devastating consequences in the event of a fire or explosion.

Van Zandt County, Texas, is no stranger to tornado activity, with a tornado index of 216.03—well above the Texas average of 208.58 and the national average of 136.45. This elevated risk raises critical safety concerns for the proposed Amador Energy Storage Project, which would house lithium-ion batteries prone to thermal runaway and catastrophic fires. A tornado striking the facility could not only damage the site but also pick up and scatter batteries, potentially

depositing them near residential areas or atop critical infrastructure like the Explorer Pipeline. Such an event could result in fires or explosions in close proximity to homes and the pipeline, amplifying the danger to the community and highlighting the risks associated with placing such a facility in a high-tornado-risk area.

Van Zandt County residents have also raised concerns about the limited local benefits of the Amador Energy Storage Project. Despite the risks posed to the community, the energy stored at the facility, labeled as "*2-hour energy storage*," will not benefit Van Zandt County directly; instead, it is intended for use in another county in Texas. This disconnect between the risks borne by the local community and the project's benefits further underscores the opposition to the development.

Residents are deeply concerned that the facility will diminish property values and disrupt their way of life. Research indicates that proximity to similar energy projects often leads to significant declines in property values. Beyond economic impacts, the facility poses additional challenges, including noise, light pollution, and the risk of chemical leaks, all of which could harm livestock, compromise quality of life, and threaten the region's agricultural sustainability.

"Our goal is to stop this project before it's too late," said a local resident. "The safety of our community, the health of our environment, and the preservation of our way of life depend on it." Congressman Lance Gooden echoed the community's concerns, stating, "We will not allow Van Zandt County to become a testing ground for dangerous industrial experiments."

If you are concerned about the Amador Energy Storage Project and would like to inquire about being added to the lawsuit, please email [VZLawsuitJoin@gmail.com](mailto:VZLawsuitJoin@gmail.com). Together, we can stand up for our community and ensure our voices are heard.

To ensure the success of this lawsuit and protect our community from the risks posed by the Amador Energy Storage Project, we need the support of our neighbors. Legal battles require significant resources, and monetary donations from the Van Zandt County community will play a crucial role in funding this effort. Every contribution, no matter the size, brings us closer to safeguarding our homes, environment, and way of life.

### **How to Donate:**

1. Join others who have already contributed to this effort by donating to our established Escrow account. This ensures that 100% of your contribution goes directly to the cause without transaction fees associated with platforms like GoFundMe. For details, email [VZLawsuitDonations@gmail.com](mailto:VZLawsuitDonations@gmail.com).
2. Visit the **Stand with Van Zandt County to Preserve Our Way of Life** GoFundMe page here: <https://gofund.me/f6b1f8f8>
3. If you'd prefer other donation options or have questions, feel free to reach out via email.

Together, we can make a difference.

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We are a group of impacted and concerned residents and property owners in Van Zandt County, united in our efforts to protect the safety, natural resources, and quality of life in our community. As individuals directly affected by the Amador Energy Storage Project, we are raising our voices to advocate for transparency, accountability, and the well-being of our neighbors. Our goal is to address the risks posed by this industrial development and ensure that the future of Van Zandt County remains safe and sustainable for generations to come.

Visit our Community Efforts Facebook pages to learn more, stay updated, and join the conversation.

- [Van Zandt County: Community Updates/Efforts on BESS, Solar & Wind](#)
- [Save Van Zandt County](#)

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Aerial View with the Explorer Pipeline



Colton Yeldell

24-00204

CAUSE NO. \_\_\_\_\_

RONALD LANE, NANCY WHITE, §  
NEATHERLY WALTZ, SCOTT §  
HISE, JAMIE HISE, DAVID KIDD, §  
KIMBERLY KIDD, RICHARD §  
WELLING, WANDA WELLING, §  
KENNETH COLLARD, JERRY §  
MCCAIN, MICHAEL JAY, SARA §  
JAY, BENJAMIN ORF, ROSE ORF, §  
ALAN ATWOOD, SCOTT JONES §  
and JIM TODD TUNNELL §  
Plaintiffs §

IN THE DISTRICT COURT

vs

294th JUDICIAL DISTRICT

BT AMADOR STORAGE, LLC, §  
MARIA AMADOR, §  
JOSE VALEDELMAR AMADOR, §  
RES GROUP, LLC, BELLTOWN §  
POWER TEXAS LAND 2 LLC and §  
CSC TRUST COMPANY OF §  
DELAWARE §  
Defendants §

VAN ZANDT COUNTY, TEXAS

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**PLAINTIFFS' FIRST PETITION FOR DAMAGES, TEMPORARY AND PERMANENT  
INJUNCTION AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, RONALD LANE, NANCY WHITE, NEATHERLY WALTZ,  
SCOTT HISE, JAMIE HISE, DAVID KIDD, KIMBERLY KIDD, RICHARD WELLING,  
WANDA WELLING, KENNETH COLLARD, JERRY MCCAIN, MICHAEL JAY,  
SARA JAY, BENJAMIN ORF, ROSE ORF, ALAN ATWOOD, SCOTT JONES and JIM

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**PLAINTIFFS' PETITION FOR DAMAGES, TEMPORARY AND PERMANENT  
INJUNCTION AND JURY DEMAND**

**TODD TUNNELL**, collectively, Plaintiffs, submitting this Plaintiffs' Petition for Damages, Temporary and Permanent Injunction and Jury Demand against Defendants **BT AMADOR STORAGE, LLC, MARIA AMADOR, JOSE VALEDELMAR AMADOR, RES GROUP, LLC, BELLTOWN POWER TEXAS LAND 2 LLC and CSC TRUST COMPANY OF DELAWARE**, and would show unto the Court the following:

**RULE 190**

1. Discovery of this case is intended to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

**PARTIES**

**Plaintiffs**

2. Plaintiff, **RONALD LANE** is an individual who resides in Van Zandt County, Texas.

3. Plaintiff, **NANCY WHITE** is an individual who resides in Van Zandt County, Texas.

4. Plaintiff, **NEATHERLY WALTZ** is an individual who resides in Van Zandt County, Texas.

5. Plaintiffs, **GERARDO and CONNIE MUNOZ**, are individuals who reside in Van Zandt County, Texas.

6. Plaintiffs, **SCOTT and JAMIE HISE**, are individuals who reside in Van Zandt County, Texas.

7. Plaintiffs, **DAVID and KIMBERLY KIDD**, are individuals who reside in Van Zandt County, Texas.

8. Plaintiffs, **RICHARD and WANDA WELLING**, are individuals who reside in Van Zandt County, Texas.

9. Plaintiff, **KENNETH COLLARD**, is an individual who resides in Van Zandt County, Texas.
10. Plaintiff, **JERRY MCCAIN**, is an individual who resides in Van Zandt County, Texas.
11. Plaintiffs, **MICHAEL and SARA JAY**, are individuals who reside in Van Zandt County, Texas.
12. Plaintiffs, **BENJAMIN ORF and ROSE ORF**, are individuals who reside in Van Zandt County, Texas.
13. Plaintiff, **ALAN ATWOOD**, is an individual who reside in Van Zandt County, Texas.
14. Plaintiff, **SCOTT JONES**, is an individual who reside in Van Zandt County, Texas.
15. Plaintiff, **JIM TODD TUNNELL**, is an individual who reside in Van Zandt County, Texas.
16. All Plaintiffs reside adjacent to and within the “Evacuation Zone” of the Battery Electric Storage System (“BESS”) which is the subject of this suit.

#### **Defendants**

17. Defendant, **BT AMADOR STORAGE, LLC**, a Texas limited liability company, can be served through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. BT Amador is the owner or lessee of the property upon which the BESS is located and is the developer of the BESS project.
18. Defendant, **MARIA AMADOR**, is an individual who can be served at 110 Victor Lane, Gun Barrel City, Texas 75156. Maria Amador is the owner or lessor of the property upon which the BESS is located.
19. Defendant, **JOSE VALEDELMAR AMADOR**, is an individual how can be served at 110 Victor Lane, Gun Barrel City, Texas 75156. Jose Valedelmar Amador is the owner or lessor

of the property upon which the BESS is located.

20. Defendant **RES GROUP, LLC**, a New York limited liability company. Defendant RES Group LLC has not designated an agent for service in Texas. Defendant RES Group LLC has committed acts which constitute doing business in the State of Texas pursuant to Texas Civil Practice and Remedies Code by entering into an agreement or contract. In addition to the foregoing, Defendant RES Group LLC has entered into contracts by mail or otherwise with a Texas resident in which performance of both the contract and the agreement are performable in whole or in part in the State of Texas. In addition to the foregoing, the Defendant's performance of the agreement is now due in the State of Texas.

As a result of the foregoing, and pursuant the Texas Civil Practice and Remedies Code, the Secretary of the State of Texas is an agent for service of process on the Defendant RES Group, LLC who has engaged in business in this State but does not maintain a regular place of business in this State or a designated agent for service of process and in that the subject matter of this litigation arises out of the business done in the State of Texas to which Defendant is a party. The Secretary of the State of Texas shall forward one of the copies of the Citation and the Petition to **Defendant RES Group LLC**, to New York Registered Agent's **The LLC, 84 Cherrywood Drive, Manhasset Hills, New York 11040** by registered mail or certified mail, return receipt requested. Defendant RES Group is the contractor constructing the BESS project.

21. Defendant **BELLTOWN POWER TEXAS LAND 2 LLC**, a Texas limited liability company, can be served through its registered agent, Wayne L. Pope, 13612 Midway Road, Suite 200, Farmers Branch, Texas 75244. Defendant Belltown Power Texas Land 2 LLC is the owner or lessor of the property upon which the BESS is located.

22. Defendant **CSC TRUST COMPANY OF DELAWARE**, is an unknown entity.



Defendant CSC Trust Company of Delaware has not designated an agent for service in Texas. Defendant CSC Trust Company of Delaware has committed acts which constitute doing business in the State of Texas pursuant the Texas Civil Practice and Remedies Code by entering into an agreement or contract. In addition to the foregoing, Defendant CSC Trust Company of Delaware has entered into contracts by mail or otherwise with a Texas resident in which performance of both the contract and the agreement are performable in whole or in part in the State of Texas. In addition to the foregoing, the Defendant's performance of the agreement is now due in the State of Texas.

As a result of the foregoing, and pursuant to the Texas Civil Practice and Remedies Code, the Secretary of the State of Texas is an agent for service of process on the Defendant CSC Trust Company of Delaware who has engaged in business in this State but does not maintain a regular place of business in this State or a designated agent for service of process and in that the subject matter of this litigation arises out of the business done in the State of Texas to which Defendant is a party. The Secretary of the State of Texas shall forward one of the copies of the Citation and the Petition to **Defendant CSC Trust Company of Delaware**, to its registered address **2711 Centerville Road, Suite 210, Wilmington, Delaware 19808** by registered mail or certified mail, return receipt requested. Defendant CSC Trust Company of Delaware is the owner of the property upon with the BESS is to be constructed because it owns the property in trust and as sued in its capacity as a trustee.

#### **JURISDICTION AND VENUE**

23. Jurisdiction is proper in this Court because the amount in controversy exceeds the minimum jurisdictional limits of the Court. The monetary relief sought herein is over one million dollars in addition to non-monetary relief.

24. Venue is proper in this Court because all or substantially all of the facts and circumstances giving rise to Plaintiffs' causes of action occurred in this county; all the real property at issue in this case is situated in Van Zandt County, Texas. The Defendants conducted substantial business in Van Zandt County, Texas.

## **FACTS**

### **Introduction**

25. All of the Defendants are, in some way more particularly described above, involved in the construction of a lithium BESS in the corner of Farm Road 47 and Farm Road 1651, Van Zandt County, Texas, and residential area. A BESS using lithium batteries is a well-known, ultra-hazardous nuisance if constructed in a residential area. This project is being constructed with no environmental impact statement or any study of any kind with regard to its impact on adjacent property, the value of adjacent property, or the health and welfare of residents on adjacent property.

### **Individual Plaintiffs**

26. The individual Plaintiffs own and reside on the land adjacent to the proposed BESS. In addition, **Plaintiff Lane** owns a cattle operation adjacent to the proposed BESS.

27. Defendants described above own or lease the adjacent property to Plaintiffs' property.

### **Defendant BT**

28. **Defendant BT** has taken a lease from one or more of the other Defendants for the purpose of developing and using the property for energy storage purposes (the installation of a Battery Electric Storage System ("BESS")).

29. A BESS is an array of lithium batteries used for the storage of energy and they have a history of catching fire, exploding and distributing noxious gas. They are inherently dangerous

and particularly unsuited for construction in a populated area and housing development.

30. Obviously, the land use for the purpose of a BESS will have a detrimental and adverse effect on Plaintiffs' use and quiet enjoyment of their property because the adverse effect will obviously not respect property lines.

31. In addition, the "view pollution" will destroy the natural views of Plaintiffs.

32. All of the above has already adversely impacted the value of Plaintiffs' land. All of the above have caused a measurable and marked diminution in the value of Plaintiffs' land. Recent studies have found that the mere announcement of the development of a BESS lease within a mile of adjacent property will decrease the value of that property by as much as between ten and twenty-five percent. The mere filing of the BESS of public record is an announcement of the BESS. Additionally, the lease play has been announced by **Defendant BT** on its website and elsewhere. Therefore significant and measurable damages in the form of diminution of property value has already occurred. This diminution in value will continue and increase as the project moves forward. In this particular case, because of the residential nature of the Plaintiffs' property the BESS renders the property virtually worthless for that purpose and constitutes the diminution in value of the property and, as the project continues renders it without value of any kind.

33. **Defendant RES Group, LLC** is the contractor constructing the BESS.

34. All of the remaining Defendants are owners and/or lessees or lessors of the property conveyed or assigned to **Defendant BT** with the knowledge that the property would be used to construct a BESS and will profit, monetarily, from the construction and operation of the BESS.

**Irreparable Injury, No Adequate Remedy at Law**

35. These actions of Defendants, if allowed to continue, will cause irreparable injury to

Plaintiffs' real estate for which there is no adequate remedy at law. The real estate of Plaintiffs is unique and, once despoiled by the actions of Defendants, cannot be restored. The business will be destroyed or adversely affected.

### **Nuisance Defined**

36. Nuisance is a condition that "substantially" interferes with the use and enjoyment of land by causing "unreasonable" discomfort or annoyance to persons of "ordinary" sensibilities attempting to use and enjoy the land. Determining what is "substantial," "unreasonable," and "ordinary" in this definition of nuisance is a jury question. The standard for determining whether the effects of the interference are unreasonable is an objective one based on a person of ordinary sensibilities.

## **CAUSES OF ACTION ARISING IN NUISANCE**

### **Intentional Nuisance:**

37. The Defendants have and will act with the desire to create an interference or with knowledge that the interference is substantially certain to result and are liable for intentionally causing the interference even if the defendant does not agree that the interference is substantial or that the effects on the plaintiffs are unreasonable.

### **Negligent Nuisance**

38. The Defendants have and will act in a manner that will cause damage to Plaintiffs' land by acting in such a manner that would not be engaged in by persons using ordinary care.

### **Strict-Liability Nuisance**

39. A strict liability claim is based on conduct that constitutes an "abnormally dangerous activity".

### **Anticipatory Nuisance**

40. The Doctrine of Injunctive Relief For Anticipatory Nuisance is well established in Texas Law. *City of Marlin v. Holloway*, 192 S.W. 623 (Tex. Civ. App. 1917)

41. The proposed BESS should be classified similarly to the proposed sewage plants in the Texas anticipatory nuisance cause of action, because it is the equivalent of the legalized category of cases which can be anticipatorily enjoined. There are circumstances in which a court may exercise equitable power to enjoin a prospective nuisance, that is to prevent a threatened injury, where an act or structure will be a nuisance per se, or will be a nuisance for which there is no adequate remedy at law, or which nuisance is eminent, threatened injury, which is reasonably certain. All of these criteria apply here.

42. A court of equity is empowered to interfere by injunction to prevent a threatened injury where an act or structure will be a nuisance per se, or will be a nuisance for which there is no adequate remedy at law, or where a nuisance is imminent. *Id.* at § 113 p. 881. *See also O'Daniel v. Libal*, [196 S.W.2d 211, 213](#) (Tex.Civ.App. — Waco 1946, no writ). The nuisance here is eminent and reasonably certain. (As previously alleged, it and resulting damage and resulting injury has already occurred. There is no adequate remedy at law.) When an attempt is made to enjoin an anticipated nuisance and the threatened injury is reasonably certain, a court will exercise its equitable power to restrain it. The injury or damage is not required to happen at once. *O'Daniel*, [196 S.W.2d at 213](#).

### **CAUSES OF ACTION**

#### **Intentional Nuisance**

43. In accordance with the legal definitions set forth above, Defendants intend to cause and unless enjoined, will cause a temporary and permanent nuisance to Plaintiffs and Plaintiffs' real

estate for which there is no adequate remedy at law.

**Negligence Nuisance**

44. In accordance with the legal definitions set forth above, Defendants have and will negligently cause, unless enjoined, both a temporary and permanent nuisance to Plaintiffs and Plaintiffs' real estate for which there is no adequate remedy at law.

**Strict-Liability Nuisance**

45. In accordance with the legal definitions set forth above, Defendants will cause a temporary and permanent nuisance for which they will be strictly liable because they are engaging in an abnormally dangerous activity for which there is no adequate remedy at law.

**Anticipatory Nuisance**

46. In accordance with the legal definitions set forth above, Defendants are causing and will cause an anticipatory temporary and permanent nuisance unless enjoined, to Plaintiffs and Plaintiffs' real estate for which there is no adequate remedy at law.

**Trespass**

47. The actions of Defendants are or will constitute a trespass upon the property of Plaintiffs.

**Declaratory Judgment**

48. Plaintiffs further seek a Declaratory Judgment pursuant to the Declaratory Judgement Act that Defendants, if not enjoined, will cause Plaintiffs and Plaintiffs' real estate temporary and permanent damage for which there is no adequate remedy.

**Damages**

49. The acts of Defendants, alleged herein, have already caused Plaintiff damages for diminution in property values of between ten and twenty-five percent.

**Attorney's Fees**

50. In addition, Plaintiff seeks attorney's fees in accordance with the Declaratory Judgement Act, and the Texas Civil Practice and Remedies Code in the amount of \$1,000,000.00.

51. The actions of Defendants have and will cause damages to Plaintiffs in an amount in excess of the jurisdictional limits of this Court, but not exceeding \$10,000,000.00.

**Jury Demand**

52. Plaintiffs hereby demand trial by jury.

**WHEREFORE PREMISES CONSIDERED**, Plaintiff prays that Defendants, upon final hearing hereof, have judgment over and against Defendants, jointly and severally, for damages in excess of the minimum jurisdictional limits of this Court not to exceed ten million dollars, attorney's fees in the amount of one million dollars, fifty thousand dollars for appeal, twenty-five thousand dollars for a writ and ten thousand dollars if the writ is granted, costs, interest and general relief. Plaintiff further prays that upon hearing Plaintiffs have a Temporary Injunction against all Defendants against and, upon final hearing, have a Permanent Injunction against all Defendants from all further development of any kind on the real estate for the purpose of constructing a BESS.

Respectfully Submitted,

Gary E. Smith, P.C.  
GRAHAM, BRIGHT & SMITH  
Attorneys and Counselors

By: /s/ Gary E. Smith  
GARY E. SMITH  
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**ATTORNEYS FOR PLAINTIFF**