

Item 4

**SIMPLIFIED
VERIFIED COMPLAINT FORM
(MICROSOFT WORD VERSION)**

**WARNING! The simplified verified complaint form beginning on the next page is designed for rapid use by a busy street lawyer who may be collecting similar information from multiple clients. Nonetheless, this is not to imply that a careful analysis should be skipped concerning whether or not to submit such a form to DEP, or to take any other out-of-court or in-court steps concerning any particular client. Further, counsel is always free to draft a better verified complaint letter!
See Disclaimer, Item 1 above.**

VERIFIED COMPLAINT UNDER SECTION 403.412, FLORIDA STATUTES

SENT BY [Place "X" next to any which apply; always at least use Certified Mail, Return Receipt Requested, although additional measures are encouraged to assure the 30-day period begins running as soon as possible]:

___ CERTIFIED MAIL, RETURN RECEIPT REQUESTED

___ HAND-DELIVERY

___ OVERNIGHT MAIL

___ FAX (850-245-2303)

TO:

State of Florida Department of Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Description of Party Making Complaint

I, _____ [print full name],
hereinafter Complainant, whose address is

_____ [print street address], am a citizen
of the state of Florida,

residing or owning real property in the following county(ies):

_____ [print County(ies) name(s)]

Description of Party Complaint is Being Made Against

This complaint is made against the State of Florida Department of Environmental Protection (DEP). DEP is the state agency charged with the duty to enforce laws, rules and regulations for the protection of the air, water, and other natural resources of the state, including Chapter 403, Florida Statutes, including, but not limited to, the duty to prohibit any person from causing pollution so as to harm or injure human health or welfare, animal, plant, or aquatic life or property under Section 403.161(1)(a), Florida Statutes.

Brief Description of Complaint

This verified complaint seeks to compel DEP to enforce against the companies responsible for the *Deepwater Horizon* oil spill* the laws, rules and regulations for the protection of the air, water, and other natural resources of the state, including Chapter 403, Florida Statutes, including, but not limited to, the duty to prohibit any person from causing pollution so as to harm or injure human health or welfare, animal, plant, or aquatic life or property under Section 403.161(1)(a), Florida Statutes.

This verified complaint gives DEP 30 days notice under Section 403.412(2)(c), Florida Statutes, including, but not limited to, that DEP has failed and is failing to prohibit and prevent the companies responsible for the *Deepwater Horizon* oil spill from causing pollution within the territory of the State of Florida so as to harm or injure human health or welfare, animal, plant, or aquatic life or property. Complainant reserves the right to file an immediate judicial action against DEP or any other entities or persons,

* BP, PLC, BP PRODUCTS NORTH AMERICA, INC., BP AMERICA, INC., TRANSOCEAN, LTD., TRANSOCEAN OFFSHORE DEEPWATER DRILLING, INC., TRANSOCEAN DEEPWATER, INC., HALLIBURTON ENERGY SERVICES, INC., and CAMERON INTERNATIONAL CORPORATION F/ K/A COOPER CAMERON CORPORATION.

although this out-of-court verified complaint against DEP is intended to meet the condition precedent language of Section 403.412(2)(c), Florida Statutes, should it be deemed to apply.

**Facts Upon Which Complaint Is Based
and Manner In Which The Complaining Party is Affected**

I allege in good faith the following:

[Place “X” in box next to any which apply]

Air Pollution

___ (a) I personally observed, experienced, or heard about, or have learned of public reports about, air pollution associated with the *Deepwater Horizon* oil spill being present within the territorial limits of the state (including over Gulf of Mexico waters, and which may, now or ultimately, include over the waters off the Florida Keys and Atlantic coastal waters).

[Give date(s) and any other detailed information that you can recall about *Deepwater Horizon*-related oil spill air pollution incidents which you personally observed, experienced, or heard about, or which you learned about in public reports, including within the media, from academia, or from the government]

; or

Water Pollution

___ (b) I personally observed, experienced, or heard about, or have learned of public reports about, the presence of *Deepwater Horizon* oil spill-related water pollution, including, but not limited to, oil-contaminated fish or wildlife, within the territorial limits of the state (including in Gulf of Mexico waters, and which may, now or ultimately, include in waters off the Florida Keys and Atlantic coastal waters);

[Give date(s) and any other detailed information that you can recall about *Deepwater Horizon*-related oil spill water pollution incidents, including, but not limited to, oil-contaminated fish or wildlife, which you personally observed, experienced, or heard about, or which you learned about in public reports, including within the media, from academia, or from the government.]

; or

Oil Spill-Related State of Emergency Exceeding Local Abilities

___ (c) residence or real property ownership by me in a county or counties in a declared or undeclared *Deepwater Horizon* oil spill-related state of emergency where local government is financially or technically unable to provide assurance that if and when *Deepwater Horizon* oil spill pollution nears state waters off that county that air and water pollution related to the spill will not enter state waters off that county or expose nearby waters, beaches, lands or persons within the county to such pollution.

[Give date(s) and any other detailed information that you can recall to support your concern.]

; or

Threatened Use, Enjoyment, or Interest in Florida Waters and Air

____ (d) other threatened use, enjoyment, or interest by me in Florida waters and air being free from *Deepwater Horizon* oil spill-related pollutants, as more specifically described below:

Demand for Relief

Complainant hereby demands that DEP immediately enforce against the companies responsible for the *Deepwater Horizon* oil spill the laws, rules and regulations for the protection of the air, water, and other natural resources of the state, including Chapter 403, Florida Statutes, including, but not limited to, the duty to prohibit any person from causing pollution so as to harm or injure human health or welfare, animal, plant, or aquatic life or property under Section 403.161(1)(a), Florida Statutes, and, without limitation, undertake any and all legal action necessary to immediately force these parties to undertake or fund any and all actions necessary to prevent air or water

pollution related to the spill from entering state air or waters and to take all other action necessary to ensure protection of Florida's environment and citizens.

Respectfully submitted on _____ [Print date]

Signature

Print Full Name

Verification Before a Notary Public

STATE OF FLORIDA
COUNTY OF _____ [Print name of county]

Before me, the undersigned authority, personally appeared the complainant, _____ [print full name], who is personally known to me or who presented the following as identification: _____, and who, being first duly sworn, deposed and said that he/she verifies the foregoing complaint and that the facts contained in the complaint are true and correct to the best of his/her knowledge.

Signature of Notary Public

SEAL