

CAUSE NO. C2024253

Citizens Concerned About Wolf Hollow, PLAINTIFF v. Marathon Digital Holdings, Inc., DEFENDANT	IN THE DISTRICT COURT FOR HOOD COUNTY, TEXAS 335TH JUDICIAL DISTRICT
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**VERIFIED PETITION, APPLICATION FOR PERMANENT INJUNCTION, AND
REQUEST FOR DISCLOSURE**

TO THE HONORABLE COURT:

Plaintiff association Citizens Concerned About Wolf Hollow (“CCAWH”), files this Original Petition and Application for Permanent Injunction against Defendant Marathon Digital Holdings, Inc. (“Marathon”) for the intolerably loud noise conditions Marathon has created and continues to create by operation of its cryptomine in Hood County. The excessive noise conditions created by Marathon constitute a nuisance that invades and substantially interferes with the use and enjoyment of CCAWH’s Members’ respective properties by causing extreme discomfort and annoyance to CCAWH Members attempting to use and enjoy their properties. In support, Plaintiff would respectfully show this Honorable Court the following:

I. DISCOVERY LEVEL

1. Plaintiff pleads that discovery should be conducted in accordance with a Level 3 tailored discovery control plan under Tex. R. Civ. P. 190.4.

II. VENUE AND JURISDICTION

2. This court is a proper venue for trial of this action under Tex. Civ. Prac. & Rem. Code § 15.002(a)(1), because all or a substantial part of the events or omissions giving rise to the cause of action occurred in Hood County, Texas.
3. This court has jurisdiction over the subject matter of this action pursuant to Texas Rule of Civil Procedure 47 because Plaintiff seeks only non-monetary relief, which is within the Court’s jurisdictional requirements. Tex. R. Civ. P. 47(c)(5). This Court also has

jurisdiction over this action pursuant to Section 65.021 of the Texas Civil Practice and Remedies Code, as Plaintiff seeks injunctive relief. Tex. Civ. Prac. & Rem. Code § 65.021.

4. At all relevant times, Defendant Marathon conducted business within this County.
5. This court has *in personam* jurisdiction over Marathon pursuant to Texas' long-arm statute. Tex. Civ. Prac. & Rem. Code § 17.041 *et seq.* Marathon conducts business in the State of Texas through operation of its cryptocurrency mining operation in this County, communicated with members of CCAWH directly in this County, and committed a tort in Texas.

III. PARTIES

6. Plaintiff CCAWH is an association comprised of more than two dozen individual members ("Members") who are residents of Granbury and own real property in Hood County, Texas. Formed in 2024, CCAWH functions as a community group for residents who share concerns and are experiencing extreme annoyance, personal discomfort, discontentment, inconvenience, and are emotionally and physically harmed by the noise from Marathon's so called MARA Data Center ("MARA Cryptomine") on an almost daily and nightly basis. The mission of CCAWH is to protect the health of the environment and community in Hood County from the harmful noise pollution and vibrations emitted by Defendant Marathon's cryptomining operation in Granbury, Texas, which draws power from the Wolf Hollow power station. The purpose of CCAWH is to bring awareness to the harmful public health impacts of industrial noise pollution of cryptomining, improve community wellbeing, and advocate for operational change at the MARA Cryptomine and Wolf Hollow gas plant to promote a more healthful environment.
7. Plaintiff Member and founder of CCAWH Cheryl Shadden is the owner of real property in Hood County: [REDACTED].
8. Plaintiff Member Daniel Lakey is the owner of real property in Hood County: [REDACTED]
[REDACTED]
9. Plaintiff Member Thomas Weeks is the owner of real property in Hood County: [REDACTED]
[REDACTED].
10. At all times mentioned and material to this action, these CCAWH members were, and continue to be, residents of Granbury who live at their respective properties.

11. Marathon, a Nevada, foreign for-profit corporation, operates the MARA Cryptomine in Granbury, located in Hood County, Texas whose business address is 2001 Mitchell Bend Hwy, Hood County, Granbury, Texas 76048. Marathon is a digital asset technology company, which engages in mining cryptocurrency, with a focus on blockchain and digital assets. Citation may be served on by and through its registered agent, Vcorp Agent Services, Inc. at 1999 Bryan Street, Suite 900 Dallas, Texas 75201.

IV. INTRODUCTION

12. This lawsuit arises out of the right of Members of the Plaintiff organization to the use and enjoyment of their property without unreasonable interference from Marathon's cryptomining operations. The low frequency noise and vibrations from Marathon's persistent and excessively loud operating equipment are the central focus of this suit. The disruptive conditions created by the MARA Cryptomine substantially interfere with the use and enjoyment of Members' properties. The nuisance conditions also compromise the health and wellness of CCAWH's members, disturb their peace and comfort, and spur significant stress and anxiety for those living near the MARA Cryptomine.
13. Specifically, Marathon's operations at the MARA Cryptomine cause substantial offsite impacts and interfere with the use and enjoyment of the different properties belonging to the individual Members of CCAWH. The interference takes the form of intrusive, inescapable noise—as well as vibrations to homes and structures—that result in extreme annoyance and personal discomfort. These impacts are causing interrupted and lost sleep for Members of CCAWH, as well as irritability, fatigue, anxiousness, and emotional distress. Members of CCAWH no longer enjoy spending time outside on their properties because of the noise from the MARA Cryptomine. Even in their own homes, CCAWH Members can hear the MARA Cryptomine's noise and feel its vibrations. As a consequence, CCAWH Members' homes are no longer a refuge, and they suffer day in and day out from the MARA Cryptomine's impacts.
14. In short, the unrelenting noise and physical vibrations created by the MARA Cryptomine constitute a private nuisance because Marathon's operations have the effect of substantially interfering with CCAWH Members' use and enjoyment of their respective pieces of property. This interference causes extreme discomfort and annoyance as Marathon generates noise conditions day and night that harm the physical and

psychological health of CCAWH Members. The Granbury community was once pastoral and rural with very few noises that disrupted the peacefulness of the countryside, much less the peacefulness inside residents' homes. Now, the MARA Cryptomine's continuous operations have destroyed that general silence, along with Members' peace of mind. Marathon's operation of the MARA Cryptomine will continue in the future if not enjoined and CCAWH Members have no adequate remedy at law for their injuries.

15. The MARA Cryptomine is located in Hood County at 2001 Mitchell Bend Hwy, Hood County, Granbury, Texas 76048. *See Aerial View of MARA Cryptomine & Properties of CCAWH Members, attached as Exhibit A.* Marathon leases the property from the Wolf Hollow gas plant and operates the MARA Cryptomine.¹ *See Marathon SEC Form 10-Q, attached as Exhibit B.* The MARA Cryptomine is comprised of numerous "pods" or "rigs" encasing highly powerful computers that are continually engaged in the process of cryptocurrency mining, also known as cryptomining.² Cryptomining is an extremely energy demanding process whereby specialized computers solve highly complex mathematical puzzles and equations to validate transactions on a blockchain or a digital ledger network, in return for digital currency.
16. The cryptomining process involves numerous computing processes that generate a significant amount of heat. A cooling system is necessary to keep the cryptomining equipment at operational temperatures. The MARA Cryptomine's cooling system is comprised of large industrial fans.³ These noisy industrial fans along with the rigs at the MARA Cryptomine are sited in an open dirt field.⁴ *See Aerial View of MARA Cryptomine & Properties of CCAWH Members, attached as Exhibit A; see Texas Tribune Article (Sept.*

¹ *See* UNITED STATES SECURITIES AND EXCHANGE COMMISSION, FORM 10-Q: MARATHON DIGITAL HOLDINGS, INC. (June 30, 2024), <https://www.sec.gov/ix?doc=/Archives/edgar/data/1507605/000162828024034196/mara-20240630.htm> [hereinafter Marathon SEC Form 10-Q].

² Nirumpa Devi Bhaskar et al., Chapter 3: Bitcoin Mining Technology, in Handbook of Digital Currency (David Lee Kuo Chuen ed., 2024).

³ Keaton Peters, *Power plant expansion tied to Bitcoin mining faces backlash in rural Hood County*, THE TEXAS TRIBUNE (Sept. 12, 2024), <https://www.texastribune.org/2024/09/12/texas-power-plant-expansion-granbury-bitcoin-mine-pollution/>; Keaton Peters, *Texas leaders worry that Bitcoin mines threaten to crash the state power grid*, THE TEXAS TRIBUNE (July 10, 2024), <https://www.texastribune.org/2024/07/10/texas-bitcoin-mine-noise-power-grid-cryptocurrency/> [hereinafter Power Grid]; Andrew R. Chow, *'We're living in a Nightmare: 'Inside the Health Crisis of a Texas Bitcoin Town*, TIME (May 21, 2024), <https://time.com/6982015/bitcoin-mining-texas-health/>; MARA GRANBURY, *Discover the History of the Hood County Data Center & Track Our Progress on Improvements*, <https://www.maragranbury.com/#section-history> (last visited Sept. 28, 2024) [hereinafter History of MARA Granbury].

⁴ *Id.*

12, 2024), attached as Exhibit C; See Texas Tribune Article (July 10, 2024), attached as Exhibit D; see Time Article, attached as Exhibit E.

V. OPERATIVE FACTS

A. Granbury Was Formerly a Quiet and Peaceful Community Before the Operation of MARA Cryptomine

17. Before the MARA Cryptomine came online, the surrounding area was generally peaceful, calm, and free from any *major* noise and/or sound disturbances of a commercial or industrial nature.
18. Members of the Plaintiff group previously enjoyed their right to the quiet use and enjoyment of their properties, unabated, living in their rural-country homes free from any major industrial and commercial noise.
19. Ms. Shadden's property is located only 0.26 miles away from the nearest rig at MARA Cryptomine. See *Aerial View of MARA Cryptomine & Properties of CCAWH Members*, attached as Exhibit A. The MARA Cryptomine is located across Mitchell Bend Highway from Ms. Shadden's home, and the MARA Cryptomine is visible from her backyard. See *Affidavit of Cheryl Shadden* ¶ 5, attached as Exhibit F. Ms. Shadden has lived on her property for twenty-seven years. *Id.* ¶ 4. Prior to the operation of the MARA Cryptomine, Ms. Shadden enjoyed spending time in the outdoors of her property and would regularly have friends and family over to visit and ride her horses. *Id.* ¶ 6. On cool evenings, she could sleep with the windows open and remain undisturbed in the peaceful quiet. *Id.* Although she heard occasional noise from passing traffic and the Wolf Hollow gas plant, it was not disruptive, and the area was generally quiet. *Id.*
20. Mr. Weeks' property is located about 0.36 miles away from the MARA Cryptomine. See *Aerial View of MARA Cryptomine & Properties of CCAWH Members*, attached as Exhibit A. Mr. Weeks and his wife have lived on their property for twenty-seven years. See *Affidavit of Tom Weeks* ¶ 4, attached as Exhibit G. Before the MARA Cryptomine, the environment around Mr. Lakey's home was quiet and peaceful. *Id.* ¶ 6. Although the Wolf Hollow gas plant and nearby traffic on the road made occasional noise, his home was quiet. *Id.*
21. Mr. Lakey's property is located only 0.47 miles away from the MARA Cryptomine. See *Aerial View of MARA Cryptomine & Properties of CCAWH Members*, attached as Exhibit

A. Mr. Lakey and his wife Mrs. Deena Lakey, have lived on their property for almost three years. *See Affidavit of Daniel Lakey* ¶ 4, attached as Exhibit H. Prior to the operation of the MARA Cryptomine Mr. Lakey could enjoy cool, quiet evenings in his backyard around the firepit. *Id.* ¶ 7. Noise around his property was minimal and life for Mr. and Mrs. Lakey was peaceful. *Id.*

B. The Cryptomine is Constructed and Marathon Eventually Takes Over Operations

22. Without Plaintiff Members' knowledge, Compute North Holdings began construction of the cryptomine in April 2022.⁵
23. At the time, it was planned that the cryptomine would have a capacity of 300 MW.⁶ Five months later, Compute North Holdings filed for bankruptcy.⁷
24. From the years 2022-2024, the owners and operators of the cryptomine changed hands several times.⁸
25. As of September of 2022, the cryptomine was only "partially operational."⁹ *See Forbes Article, attached as Exhibit I.*
26. Ms. Shadden did not hear noise from the cryptomine in the spring of 2022. *See Affidavit of Cheryl Shadden* ¶ 7, attached as Exhibit F. Similarly, Mr. Weeks and Mr. Lakey did not hear noise from the cryptomine in the spring of 2022 either. *See Affidavit of Tom Weeks* ¶ 7, attached as Exhibit G; *see Affidavit of Daniel Lakey* ¶ 8, attached as Exhibit H.
27. U.S. Data Mining Group, Inc. ("U.S. Bitcoin Corp.") took over as operators of the site from roughly November 2022 – November 2023.¹⁰

⁵ Dan Swinhoe, *Compute North breaks ground on 300 MW data center in Granbury, Texas*, DATA CENTER DYNAMICS (Apr. 12, 2022), <https://www.datacenterdynamics.com/en/news/compute-north-breaks-ground-on-300mw-data-center-in-granbury-texas/>; *see also* Jamie Redman, *Compute North Reveals Bitcoin Miner Is Building a 300 MW Data Center in Texas*, BITCOIN NEWS (Apr. 8, 2022), <https://news.bitcoin.com/compute-north-reveals-bitcoin-miner-is-building-300-mw-data-center-in-texas/>.

⁶ *Id.*

⁷ Colin Harper, *Bitcoin Mining's First Major Bankruptcy Creates Uncertainty For Key Partners, Opportunity For Others*, FORBES (Sept. 30, 2022, 8:29 am), <https://www.forbes.com/sites/colinharper/2022/09/30/bitcoin-minings-first-major-bankruptcy-creates-uncertainty-for-key-partners-opportunity-for-others/?sh=2e2e6e36657d>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Ashley Terry, *Granbury US Bitcoin Corp erects 24-foot soundproofing wall*, HOOD COUNTY NEWS (Nov. 13, 2023, 8:12 am), <https://www.hcnews.com/stories/granbury-us-bitcoin-corp-erects-24-foot-soundproofing-wall,21717>.

28. U.S. Bitcoin Corp. and Hut 8 Mining Corp. merged on November 30, 2023, and the combined companies continued to operate the cryptomine under the name Hut 8 Corp. or New Hut.¹¹ *See Hut 8 SEC Form S-4, attached as Exhibit J; see SEC News Release on Merger, attached as Exhibit K.*
29. In January 2024, Marathon Digital Holdings took over the lease at the Granbury site.¹² *See Marathon SEC Form 10-Q, attached as Exhibit B.* Hut 8 Corp. continued to operate the cryptomine until April 30, 2024.¹³
30. Marathon officially took over operations of the mine thereafter and continues to function as the operator of the site, as of the filing of this petition in October 2024.¹⁴

C. Operations Increase at the MARA Cryptomine

31. The sensory, emotional, psychological, and health impacts of the noise and vibrations from the MARA Cryptomine as experienced by Ms. Shadden, Mr. Lakey, and Mr. Weeks are described below.
32. CCAWH Member and founder Ms. Shadden first began to hear the noise from the MARA Cryptomine in the spring of 2023. *See Affidavit of Cheryl Shadden ¶ 7, attached as Exhibit F.* During this time when the noise first began, Ms. Shadden recalls that the noise sounded like a low hum or vacuum cleaner that was running in the distance. *Id.* The volume of the noise was inconsistent and would fluctuate between night and day. *Id.* Ms. Shadden recalls that she knew the noise during this time was not attributable to the Wolf Hollow gas plant, as the characteristic of the sound was different. *Id.* Ms. Shadden could still enjoy being outdoors on her property during this time. *Id.* Ms. Shadden believes that on a scale of 1-10, with 10 being the worst, the noise from the MARA Cryptomine in the spring of 2023 was a 4. *Id.*

¹¹ UNITED STATES SECURITIES AND EXCHANGE COMMISSION, FORM S-4: HUT 8 CORP. (June 12, 2023), https://www.sec.gov/Archives/edgar/data/1964789/000110465923070494/tm235928-8_s4a.htm; *see HUT 8, News Release: Hut 8 and USBTC Announce Completion of Business Combination* (Nov. 30, 2023), <https://hut8.com/2023/11/30/hut-8-corp-hut-8-and-usbtc-announce-completion-of-business-combination/>; UNITED STATES SECURITIES AND EXCHANGE COMMISSION, *Hut 8 and US Bitcoin announce merger of equals to create a preeminent digital asset mining, hosting, managed infrastructure operations, and high performance computing organization* (Feb. 7, 2023), https://www.sec.gov/Archives/edgar/data/1731805/000110465923011597/tm235750d1_425.htm.

¹² *See Marathon SEC Form 10-Q, supra note 1*; Ben Strack, *Marathon Digital to remove rival bitcoin miner form Hut 8 newly acquired sites*, BLOCKWORKS (Feb. 2, 2024, 1:32 pm), <https://blockworks.co/news/marathon-digital-terminates-competitor-involvement>.

¹³ *Id.*

¹⁴ History of MARA Granbury, *supra* note 3.

33. CCAWH Member Mr. Weeks began to hear the noise and feel the vibrations from the MARA Cryptomine in the summer of 2023. *See Affidavit of Tom Weeks* ¶ 7, *attached as Exhibit G*. When the noise first began, Mr. Weeks recalls that it sounded like a vacuum cleaner was turned on in the distance and it could be heard at all hours of the day and night. *Id.* First believing the noise may have come from the Wolf Hollow gas plant, Mr. Weeks drove to the property and saw the new MARA Cryptomine. *Id.* He then realized this different type of noise was coming from the MARA Cryptomine and not the Wolf Hollow gas plant. *Id.* Mr. Weeks believes that on a scale of 1-10, with 10 being the worst, the noise from the cryptomine in the summer of 2023 was a 7. *Id.*
34. Plaintiff Member Mr. Lakey began to hear the noise from the MARA Cryptomine in October 2023. *See Affidavit of Daniel Lakey* ¶ 8, *attached as Exhibit H*. The noise sounded like a low AC fan or hum, and he could only hear the sound intermittently. *Id.* Mr. Lakey knew that the noise during this time was not coming from the Wolf Hollow gas plant because the sound had different characteristics. *Id.* He and his wife also learned during this time the MARA Cryptomine had been constructed after reading neighbors' posts on the community website Nextdoor. *Id.* Mr. Lakey believes that on a scale of 1-10, with 10 being the worst, the noise from the cryptomine in October 2023 was a 4 or 5. *Id.*

D. The MARA Cryptomine's Offsite Impacts Significantly Worsened within the Past Year

35. CCAWH Members noticed noise from the MARA Cryptomine became significantly worse in the fall and winter of 2023.
36. The MARA Cryptomine erected a wall on a small portion of the property sometime in or around November 2023.¹⁵ The partial wall covers or otherwise encloses only roughly 46% of the property's perimeter. *See Aerial View of MARA Cryptomine & Properties of CCAWH Members, attached as Exhibit A*. Although the purported purpose of the wall was to dampen the noise from the MARA Cryptomine, as described in more detail below, CCAWH Members report that the wall did not improve noise conditions in the community. Instead, the wall amplified and worsened the noise for many residents living near the MARA Cryptomine.

¹⁵ Terry, *supra* note 10.

37. CCAWH Member Ms. Shadden reports that noise problem became significantly worse and unbearable in the fall of 2023. *See Affidavit of Cheryl Shadden* ¶ 8, attached as Exhibit F. The sound from the MARA Cryptomine became unrelenting and intolerable, twenty-four hours a day. *Id.* While the MARA Cryptomine’s noise previously sounded like a vacuum cleaner was running in the distance, in the fall of 2023 it began to sound like the vacuum was running only inches away from Ms. Shadden’s ears. *Id.* The MARA Cryptomine operations also caused her windows and floors to vibrate, causing significant discomfort. *Id.* Ms. Shadden also recalls that she and her neighbors began to see more workers entering and exiting the MARA Cryptomine during this time. *Id.* Ms. Shadden also noticed that after the wall was constructed at the MARA Cryptomine, the sound became magnified and made the noise conditions much worse. *Id.* ¶ 9. Ms. Shadden believes that on a scale of 1-10, with 10 being the worst, the noise during the fall of 2023 had worsened significantly to a 9 or 10. *Id.* ¶ 8.
38. Frustrated by the worsening noise through the fall and winter, Ms. Shadden began making regular complaints about the noise to the Hood County Constable, the Hood County Sheriff’s Office, and to the Hood County Commissioner in December 2023. *Id.* ¶ 10. *See Sheriff Department Records, attached as Exhibit N.*
39. In response to these worsening conditions, Ms. Shadden began speaking out about the noise problem to the media and various news outlets on February 1, 2024. *Id.* ¶ 11. Ms. Shadden expressed to the media her frustrations and discomfort caused by MARA Cryptomine’s noise to various outlets including, but not limited to: Time, NBC News, The Texas Tribune, and the Fort Worth Star Telegram. *See Time Article, attached as Exhibit E; see Texas Tribune Article (July 10, 2024), attached as Exhibit D; see Texas Tribune Article (Sept. 12, 2024), attached as Exhibit C.*
40. In these news articles and media videos, Ms. Shadden recounts in horrific detail the pain and suffering she endures from MARA Cryptomine’s nonstop noise.¹⁶ *See Time Article, attached as Exhibit E.* Ms. Shadden shared with the media that she suffers from permanent hearing loss, sleep deprivation, headaches, dizziness, a buzzing in her ears 24 hours a day,

¹⁶ *See* Chow, *supra* note 3; *see also* Amanda McCoy, ‘It’s miserable.’ Residents speak out against Hood County bitcoin mining operation, FORT WORTH STAR-TELEGRAM (June 21, 2024, 5:00 AM), <https://www.star-telegram.com/news/local/article289412480.html>.

7 days a week, and that she no longer spends time outdoors.¹⁷ She also reported to various outlets that the noise is causing her animals to present restless and anxious behavior, with her dogs becoming so stressed that they have pulled out their own fur.¹⁸ *See Texas Tribune Article (July 10, 2024), attached as Exhibit D.*

41. CCAWH Member Mr. Weeks reports that the noise became significantly worse in the fall of 2023. *See Affidavit of Tom Weeks ¶ 8, attached as Exhibit G.* The noise could be heard twenty-four hours a day and the vibrations in his home were much more noticeable. *Id.* The sound worsened at night and remained terrible through the evening and into the early morning. *Id.* Mr. Weeks saw the wall on the MARA Cryptomine property being constructed and recalls that the wall caused the sound to become much louder and caused him more discomfort than before. *Id.* ¶ 9. The noise had become so unbearable during this time that it made Mr. Weeks' daily life more difficult. Mr. Weeks believes that on a scale of 1-10, with 10 being the worst, the noise during the fall of 2023 had worsened significantly to an 8 or 9. *Id.* ¶ 8.
42. CCAWH Member Mr. Lakey reports that the noise problem worsened in December 2023 as the noise became louder and more constant. *See Affidavit of Daniel Lakey ¶ 10, attached as Exhibit H.* The noise sounded like an AC unit was running continuously and the noise was inescapable at any location on his eight-acre property. *Id.* Mr. Lakey also noticed that the wall that partially encloses the MARA Cryptomine property appeared to amplify the sound and make it louder and more unpleasant. *Id.* ¶ 9. Mr. Lakey believes that on a scale of 1-10, with 10 being the worst, the noise during December 2023 had worsened significantly to a 7. *Id.* ¶ 10.

E. The MARA Cryptomine is Causing Detrimental Offsite Impacts

43. As of the date of this filing, the noise from the MARA Cryptomine is severe, unrelenting, and intolerable for CCAWH's Members.
44. CCAWH Member Ms. Shadden reports that as of September 2024, the sound from the MARA Cryptomine is intolerable and severely impacts her life. *See Affidavit of Cheryl Shadden ¶ 11, attached as Exhibit F.* Ms. Shadden is no longer able to enjoy the outdoors

¹⁷ *See McCoy, supra note 16; see also NBC NEWS NIGHTLY NEWS, Inside the Texas bitcoin mine reportedly making residents sick, at 01:19 (Sept. 8, 2024), <https://www.nbcnews.com/nightly-news/video/inside-the-texas-bitcoin-mine-reportedly-making-residents-sick-218859077625>.*

¹⁸ Power Grid, *supra* note 3.

at her property because the noise is so loud. *Id.* Friends and family no longer visit Ms. Shadden's home because the noise is intolerable. *Id.* Ms. Shadden notices that the sound from the MARA Cryptomine becomes tremendously worse and louder each day around the time the sun begins to set, which is usually between 5:00 pm-7:00 pm. *Id.* At sunset, the sound then remains consistently and unbearably loud all through the evening, night, and into the morning. Ms. Shadden believes the MARA Cryptomine turns down the volume of the sound around 6:00-6:30 am in the morning. *Id.* She also reports that the noise is consistently terrible at all hours of the day. *Id.* Because the noise is louder in the evening, she is no longer able to sleep with the windows open. *Id.* Her compounding lack of sleep night after night has led her to feel fatigued and unwell. *Id.* Ms. Shadden believes that on a scale of 1 to 10, with 10 being the worst, the noise level as of September 2024 is consistently at an 8 or 9. *Id.*

45. CCAWH Member Mr. Weeks reports that as of September 2024, the sound from the MARA Cryptomine is constant and aggravating. *See Affidavit of Tom Weeks* ¶ 10, *attached as Exhibit G.* He cannot go outside without hearing the noise from the MARA Cryptomine. *Id.* Mr. Weeks reports that his hearing worsened in recent months. *Id.* The vibrations from the MARA Cryptomine's operations can be felt throughout his home and are so severe that liquids on his bar cart can be seen shaking. *Id.* Mr. Weeks notices that the noise generally becomes louder in the evening at 9:00 pm and remains consistently loud throughout the night and into the morning. *Id.* Mr. Weeks believes that on a scale of 1 to 10, with 10 being the worst, the noise level as of September 2024 is consistently at 7. *Id.*

46. CCAWH Member Mr. Lakey reports that as of September 2024, the sound from the MARA Cryptomine is constant, unrelenting, and is driving him crazy. *See Affidavit of Daniel Lakey* ¶ 12, *attached as Exhibit H.* He notices that the sound generally becomes louder around 7:30 pm each evening and is constantly bad all through the night. *Id.* He notices the noise becomes slightly less bad around 6:30 in the morning each day. *Id.* Mr. Lakey believes that on a scale of 1 to 10, with 10 being the worst, the noise level as of September 2024 is consistently a 7. *Id.*

F. The MARA Cryptomine is Harming the Health and Wellbeing of CCAWH Members

47. As described in greater detail below, the noise and vibration from the MARA Cryptomine are severely impacting the physical and mental health of CCAWH Members, several of whom now have irreversible and permanent health issues and conditions.
48. CCAWH Member Ms. Shadden is experiencing significant impacts to her physical and mental health because of the noise and vibrations from the MARA Cryptomine. *See Affidavit of Cheryl Shadden* ¶ 12-14, *attached as Exhibit F*. Ms. Shadden has difficulty sleeping and is afflicted with stress and anxiety. *Id.* ¶ 12. She now suffers from fatigue, headaches, hearing loss, vertigo and loss of balance, and tinnitus. *Id.* She feels like the MARA Cryptomine's operations have caused her to experience what feels like constant minor concussions and seasickness. *Id.* The sleepless nights have severely impacted her energy levels and have affected her ability to do her job. *Id.* Ms. Shadden's mental health has also been compromised as a result of the MARA Cryptomine's operations. *Id.* ¶ 13. She now experiences frustration, stress, and anxiety, which has greatly harmed her mood and morale. *Id.* About four months ago an audiologist diagnosed Ms. Shadden with permanent conduction hearing loss. *Id.* ¶ 14. She did not have hearing issues prior to operation of the MARA Cryptomine. *Id.* Ms. Shadden has also consulted with her doctor about her other health symptoms, including lack of sleep. *Id.*
49. CCAWH Member Mr. Weeks now experiences fatigue, tinnitus, headaches, poor sleep, and sleepless nights. *See Affidavit of Tom Weeks* ¶ 11, *attached as Exhibit G*. He never previously suffered from headaches and now is burdened by them on a regular basis. *Id.* Mr. Weeks also believes that his pre-existing high blood pressure may have been exacerbated as a result of the noise from the MARA Cryptomine. *Id.* In the last year, Mr. Weeks visited the emergency room for treatment for his severe symptoms associated with high blood pressure. *Id.* ¶ 13. He believes the noise from the MARA Cryptomine is a contributing factor to the worsening condition of his health. *Id.* Mr. Weeks also visited the chiropractor in an effort to get relief from the stress and tension caused by the invasion of noise from the MARA Cryptomine. *Id.* Mr. Weeks' mental health is also suffering as he now feels anxious, stressed, and is in a constant state of exhaustion. *Id.* ¶ 12.

50. CCAWH Member Mr. Lakey reports that the noise and vibrations from the MARA Cryptomine causes him to suffer poor sleep, constant fatigue, memory loss, headaches, and brain fog. *See Affidavit of Daniel Lakey* ¶ 13, *attached as Exhibit H*. Additionally, Mr. Lakey's doctor recently diagnosed him with heart arrhythmia, and Mr. Lakey reported he did not have this issue prior to the MARA Cryptomine's operations. *Id.* His mental health is impacted by the noise and vibrations from the MARA Cryptomine, as he now feels irritable, frustrated, and argumentative. *Id.* ¶ 14.

G. Additional Detrimental Impacts to CCAWH Members

51. The MARA Cryptomine's operations have financially impacted CCAWH Members in the form of increases to their electricity bills and decreases in their property values. Additionally, CCAWH Members report that they have noticed behavioral changes in their pets and have experienced fewer sightings of wildlife in Hood County since the MARA Cryptomine began operations.

52. CCAWH Member Ms. Shadden noticed an increase of about \$100-\$200 in her electricity bill per month. *See Affidavit of Cheryl Shadden* ¶ 17, *attached as Exhibit F*. Her bills are now double and triple what they were two years ago. *Id.* Ms. Shadden's property taxes decreased by 50% after she requested a hearing before the Hood County appraiser and the appraiser agreed her property had recently lost significant value. *Id.* ¶ 18. Ms. Shadden attributes this property value loss to the MARA Cryptomine's operations. *Id.*

53. CCAWH Member Ms. Shadden noticed her dogs and horses became extremely anxious and distraught because of the noise and vibrations from the MARA Cryptomine. *Id.* ¶ 15. Several months ago, one of Ms. Shadden's dogs began displaying extreme signs of stress and began to rip out her own hair. *Id.* The dog was prescribed numerous medications, antibiotics, and antifungals by her veterinarian, which did not improve the dog's condition. *Id.* On the advice of the veterinarian, the dog eventually had to be put down, which was extremely painful and distressing for Ms. Shadden. *Id.* One of Ms. Shadden's horses also began to display similar behavioral signs of distress and fell ill in September 2023. *Id.* The horse previously was in great health but suddenly began to change her eating patterns and experience rapid weight loss. *Id.* To the great dismay of Ms. Shadden, her horse also had to be put down. *Id.* Ms. Shadden's remaining horses all display anxiety, which Ms. Shadden attributes to the noise and vibrations from the MARA Cryptomine.

Id. Ms. Shadden also sees fewer hogs cross her property when they were once abundant in the area for many years. *Id.* ¶ 16. She also does not see the usual deer on her property and rarely sees songbirds. *Id.* Ms. Shadden believes the operations of the MARA Cryptomine are impacting the local wildlife and their reproductive abilities. *Id.*

54. CCAWH Member Mr. Weeks noticed his dog became anxious, nervous, and easily bewildered as a result of the MARA Cryptomine’s operations. *See Affidavit of Tom Weeks* ¶ 14, *attached as Exhibit G.* His dog’s behavior changes dramatically, however, when Mr. Lakey takes the dog to their lake house in a different city. *Id.* There, the dog displays normal behavior and is not as anxious as when the dog is in Granbury. Mr. Weeks also notices there are fewer birds, possums, or racoons around his home. *Id.* ¶ 15.

55. CCAWH Member Mr. Lakey made various investments and improvements to his land by purchasing a mobile home and upgrading his barn. *See Affidavit of Daniel Lakey* ¶ 18, *attached as Exhibit H.* He now can no longer enjoy the benefits of these investments as he intended because the noise pollution from the MARA Cryptomine makes being outside intolerable. *Id.*

56. CCAWH Member Mr. Lakey notices his dog recently becomes more aggressive and growls more frequently. He also notices that there are fewer skunks and rabbits in the area. *Id.* ¶ 16.

H. Hood County and Local Residents Have Documented Noise Violations From MARA Cryptomine

57. Hood County Constable, Precinct 2 issued 37 citations between April 4, 2023, through April 17, 2024, to Marathon for noise violations at the MARA Cryptomine pursuant to Texas Penal Code 42.01: Disorderly Conduct. TEX. PENAL CODE ANN. § 42.01(c)(2).¹⁹ *See Hood County Constable Citations, attached as Exhibit L; see Hood County News Article, attached as Exhibit M.*

58. The Texas Penal Code at § 42.01(c)(2) provides that “a noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person making the noise

¹⁹ See Emily Nava, *Bitcoin noise leads to multiple citations issued*, HOOD COUNTY NEWS (Feb. 16, 2024, 12:38 pm), <https://www.hcnews.com/stories/bitcoin-noise-leads-to-multiple-citations-issued,28808>; see also Mohammad Shahidullah, *Bitcoin mining causes health, noise crises in small Texas town*, CRYPTO.NEWS (Feb. 1, 2024, 7:24 pm), <https://crypto.news/bitcoin-mining-health-crisis-texas/>.

receives notice from a magistrate or peace officer that the noise is a public nuisance.” TEX. PENAL CODE ANN. § 42.01(c)(2).

59. The Hood County Sheriff’s Office received numerous noise complaints about MARA Cryptomine from November 2023 through March 2024 from distressed residents reporting noise disturbances. *See Sheriff Department Records, attached as Exhibit N. Exhibit N* contains seven deputy reports summarizing noise complaints from residents about MARA Cryptomine and the ensuing actions taken by responding officers. *Id.* One report from February 2024 provides that the complainant “could clearly hear the fans of the BitCoin plant.” *Id.* at 15. Many residents complained of their houses shaking and vibrating because of the persistent noise. *Id.* at 35. Some residents even complained of the noise distressing and causing physical pain to their children and scaring livestock. *Id.* at 5, 15. Residents described the noise as “horrendously loud” and “excessive.” *Id.* at 10, 15. The residents’ persistent calls for help, as demonstrated by the numerous complaints and deputy reports, were ultimately left unresolved and many residents were given answers by the deputy such as “there is no criminal offense,” or “if it reaches 85 decibels or above” to call the Sheriff’s Office. *Id.* at 40, 46.
60. Members of CCAWH have also complained to the Hood County Sheriff’s Office about noise from the MARA Cryptomine. Ms. Shadden made several complaints about Marathon’s noise to the Sheriff’s Office between November 2023 through March 2024. *Id.* at 2, 7, 37. Additionally, Mr. Lakey made at least one complaint about the noise to the Sheriff’s Office in March 2024. *Id.* at 28.
61. Members of CCAWH have taken their own noise measurements with decibel reading apps on their phones.
62. Plaintiff Member Ms. Shadden has recorded decibel readings on her phone at her property and her data demonstrates that the noise levels are excessively and unreasonably high. *See Affidavit of Cheryl Shadden* ¶ 20, attached as Exhibit F; *see Spreadsheet Summarizing Cheryl Shadden’s Decibel Recordings, attached as Exhibit O.* For example, on August 10, 2023, at 4:58 am, noise reached 88 dBz. Similarly on September 22, 2023, at 3:30 am, noise reached 88 dBz. *Id.*

63. Environmental noise pollution and low-frequency noise detrimentally impact human health.²⁰ See *Alves et al. Paper, attached as Exhibit P*. A survey synthesizing thirty-nine scientific articles that focused on the effects of low-frequency noise exposure on human health observed that the main effects of these noise conditions include sleep disorders, discomfort, sensitivity and irritability to noise, annoyance, stress, hearing loss, reduced performance, fatigue, cardiovascular disease, high blood pressure, anxiety, depression, imbalance, and mental performance.²¹ *Id.*

VI. CAUSE OF ACTION – PRIVATE NUISANCE

64. Plaintiff incorporates the foregoing paragraphs herein by reference.
65. Whether intentionally or negligently, Defendant Marathon created and continues to create conditions that substantially interfere with CCAWH Members' use and enjoyment of their respective properties.
66. The conditions created by Marathon qualify as a permanent private nuisance.
67. Marathon's actions are regular and constant and likely to continue.
68. Marathon's conduct has resulted in and continues to result in substantial and unreasonable discomfort and annoyance to CAAWH Members when they attempt to use and enjoy their property, whether they are outside their homes or inside them.
69. CCAWH Members are all people with ordinary sensibilities.
70. Marathon's actions are unreasonable under the circumstances.
71. The noise and sounds from Marathon's tremendously loud operations at its MARA Cryptomine have invaded, and continue to invade, Members' properties and Members are now unable to sleep through the night within their homes.
72. Members are unable to enjoy the outdoors on their respective properties because of this noise created by the MARA Cryptomine.
73. Members' respective properties are also shaken by vibrations that originate at the MARA Cryptomine. Members feel these vibrations inside their own homes and on their properties throughout the night and day.

²⁰ Juliana Araujo Alves et al., *Low-Frequency Noise and Its Main Effects on Human Health—A Review of the Literature between 2016 and 2019*, APPLIED SCIENCES (July 28, 2020).

²¹ *Id.* at 4.

74. In addition, CCAWH Members have begun to experience harmful impacts to their health and wellbeing in the form of impaired hearing and/or hearing loss, interrupted and/or a complete lack of sleep, headaches, tinnitus, fatigue, irritability, stress, and anxiety.
75. Several CCAWH Members have been diagnosed with permanent and irreversible health conditions because of the MARA Cryptomine's operations. Some Members' existing health issues have also been exacerbated by the MARA Cryptomine's operations.
76. Marathon's conduct substantially interferes with Plaintiff Members' private use and enjoyment of their properties in the following respects:
- i. Marathon operates loud equipment—including industrial fans—at the MARA Cryptomine in an open field;
 - ii. A small wall that covers only a portion of the property does not mitigate the sound that comes from the equipment. The small wall actually causes the sound to be amplified and more pronounced at the residences of several CCAWH Members;
 - iii. Marathon's excessively loud operations are continuous throughout the daytime and become worse during the evening and throughout the night;
 - iv. Marathon's unbearably loud operations occur on a daily basis, throughout the week and weekend;
 - v. Marathon was issued numerous citations by the Hood County Constable for violations of TEX. PENAL CODE ANN. § 42.01(c)(2).
 - vi. Members often shelter in their home to try and escape the persistent and intrusive noise, limiting their time spent outside engaged in activities. Even so, the noise penetrates their homes, which denies them the peace and quiet that they had enjoyed before, turning their refuge into a prison.
77. Marathon's interference with and invasion of CCAWH Members' interests in their respective properties has caused, and continues to cause, irreparable injury to CCAWH Members.
78. CCAWH Members have suffered physical and mental health consequences as a result of Marathon's operations at the MARA Cryptomine. For example, CCAWH Members have experienced permanent hearing loss, lack of sleep, headaches, tinnitus, and vertigo. In

addition, members continue to lose sleep on a nightly basis and have reported brain fog, anxiety, stress, and irritability that impacts their daily lives.

79. CCAWH Members are unable to escape the noise from the MARA Cryptomine because the sound is recurrent, ongoing, continuous, and is able to penetrate into their homes, both day and night.
80. Marathon's actions have caused CCAWH Members annoyance, personal discomfort and inconvenience. CCAWH Members have incurred additional injury by Marathon's operation of MARA Cryptomine in the form of loss of use and enjoyment of their respective properties, probable diminution to property value, and an increase in electricity bills.
81. There is no adequate remedy at law because Marathon will not cease or alter its cryptomining operations at the MARA Cryptomine if not enjoined; Marathon's action effectively precludes CCAWH Members' use and enjoyment of their properties. Therefore, CCAWH Members will continue to suffer imminent harm and irreparable injury for which CCAWH Members have no adequate remedy at law.
82. CCAWH seeks a permanent injunction enjoining Marathon from creating, causing, or allowing any unreasonable noise and vibrations from its operations at the MARA Cryptomine.

VII. APPLICATION FOR PERMANENT INJUNCTION

83. Plaintiff incorporates the foregoing paragraphs herein by reference.
84. CCAWH asks the Court to grant a permanent injunction, on final trial of this issue, enjoining Marathon and any other representatives, agents or affiliates from directly or indirectly creating, causing, or allowing any unreasonable noise and vibrations from its operations at the MARA Cryptomine at 2001 Mitchell Bend Hwy, Hood County, Granbury, Texas 76048.
85. CCAWH's application for a permanent injunction is authorized by Texas Civil Practice & Remedies Code §§ 65.011(1), 65.001(2). CCAWH is entitled to relief because irreparable injury, loss, and damage will occur to CCAWH Members and Members' real property if Marathon is allowed to continue to detrimentally interfere with Plaintiff Members' use and enjoyment of their property.

86. CCAWH Members have no adequate remedy at law. Unless injunctive relief is provided, CCAWH Members will continue to suffer imminent and irreparable harm in the form of loss of enjoyment of their properties, damage to their physical and psychological health, loss of peace of mind, substantial impairment to the use and enjoyment of their properties, and a complete loss in market value of their homes.

VIII. REQUEST FOR DISCLOSURE

87. Plaintiff requests that Defendant Marathon disclose, within 50 days of the service of this request, the information or material described in Rule 194.2. *See* Tex. R. Civ. P. 194.

IX. PRE- AND POST-JUDGMENT INTEREST

88. Plaintiff seeks recovery of such pre-judgment and post-judgment interest at the highest rates permitted by law.

X. JURY DEMAND

89. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

XI. PRAYER

WHEREFORE, the plaintiff respectfully prays for the following relief upon trial:

90. A permanent injunction enjoining Marathon from creating, causing, or allowing any unreasonable noise from its operations at the MARA Cryptomine;
91. Prejudgment and post-judgment interest at the maximum rate permitted by law;
92. For costs of suit incurred; and
93. For such other and further relief, at law or in equity, to which the plaintiff may be justly entitled.

Respectfully submitted,

EARTHJUSTICE

By: /s/ Rodrigo G. Cantú
Rodrigo G. Cantú
Texas Bar No. 24094581

[REDACTED]

Rebecca Ramirez
Texas Bar No. 24126749

[REDACTED]

Counsel for Plaintiff Association Citizens Concerned about Wolf Hollow

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Rebecca Ramirez on behalf of Rodrigo Cantu
Bar No. 24094581
rramirez@earthjustice.org
Envelope ID: 92792574
Filing Code Description: Petition
Filing Description: First Verified Petition
Status as of 10/4/2024 10:34 AM CST

Associated Case Party: Citizens Concerned About Wolf Hollow

Name	BarNumber	Email	TimestampSubmitted	Status
Danielle Broyles		[REDACTED]	10/4/2024 9:52:35 AM	SENT
Rodrigo Cantu		[REDACTED]	10/4/2024 9:52:35 AM	SENT
Rebecca Ramirez		[REDACTED]	10/4/2024 9:52:35 AM	SENT