

TEXAS DISPOSAL SYSTEMS
LANDFILL, INC.

Plaintiff,

vs.

WASTE MANAGEMENT, INC. and
WASTE MANAGEMENT OF
TEXAS, INC.,

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

126th JUDICIAL DISTRICT

**PLAINTIFF'S SECOND SUPPLEMENT TO
PLAINTIFF'S THIRD AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiff, Texas Disposal Systems Landfill, Inc. ("TDSL") complaining of Waste Management, Inc. ("WMI") and Waste Management of Texas, Inc, ("WMT") (collectively the "Defendants" or "Waste Management"), and files this Second Supplement to Plaintiff's Third Amended Petition, and respectfully shows the Court as follows:

1. Paragraph 29 of Plaintiff's Third Amended Petition is supplemented to add the following allegation to the end of that paragraph: In addition to the general damages suffered by the Plaintiff as a result of Defendants' action, TDSL also suffered special damages. Those special damages include the following:

- a. The distribution of the Action Alert caused TDSL to lose sales of its landfill services to the City of San Antonio as a result of delaying the execution of the second amendment to TDSL's contract with the City of San Antonio. The second amendment to the contract with the City of San Antonio put a 100,000 ton minimum commitment with the City of San Antonio, raising the City of San Antonio's minimum commitment from 50,000 tons to 100,000 tons. As a result of the delays induced by the Action Alert, TDSL lost sales for the disposal of a minimum of 50,000 tons of waste from the City of San Antonio for which it could have collected funds with minimal increased costs associated with disposing of that waste. TDSL also lost sales of disposal of waste from other sources

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TRAVIS COUNTY, TEXAS

in the City of San Antonio and surrounding areas. In addition, TDSL incurred additional costs because of the delay in the start of its takeover of the Starcrest Transfer Station TDSL was denied the opportunity to offset those costs with additional proceeds from disposal of waste from other sources in San Antonio and surrounding areas.

- b. The Action Alert caused TDSL to lose sales in the City of Austin when TDSL was delayed in obtaining its agreement with the City of Austin to dispose of the City of Austin's municipal waste.
- c. TDSL incurred substantial expenses in the form of attorneys' fees, consultant fees, professional engineering fees, other similar fees, and the cost of executive and administrative time devoted to offsetting the effects of the Action Alert.

2. The prayer of Plaintiff's Third Amended Petition is supplemented to add the words "special damages" after "consequential" in paragraph 1 of the prayer.

Respectfully submitted,

GEORGE & DONALDSON, L.L.P.

By: 


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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Second Supplement to Plaintiff's Third Amended Petition has been served upon counsel for Defendants as indicated below on the 31 day of March, 2003:

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