

CAUSE NO. 97-12163

TEXAS DISPOSAL SYSTEMS	§	IN THE DISTRICT COURT OF
LANDFILL, INC.	§	
Plaintiff,	§	
	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
WASTE MANAGEMENT, INC. and	§	
WASTE MANAGEMENT OF	§	
TEXAS, INC.,	§	
Defendants.	§	126 th JUDICIAL DISTRICT

**PLAINTIFF'S FIRST SUPPLEMENT TO
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 First Supplement to Plaintiff's Third Amended Petition, and respectfully shows the Court as follows:

1. Paragraph 15 of Plaintiff's Third Amended Petition is supplemented to add the following allegation to the end of that paragraph: The Action Alert falsely implies that other area landfills do not have performance design liner system approvals from the TNRCC at the time of its publication when, in fact, each of the Waste Management landfills had requested and received TNRCC approvals for such alternate liner systems in each of its area landfills.

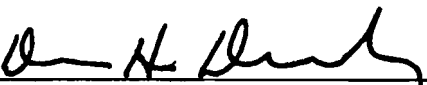
2. Paragraph 16 of Plaintiff's Third Amended Petition is supplemented to add the following allegation to the end of that paragraph: The Action Alert was false and defamatory, taken as a whole, in its characterization of the TDSL and its facility.

3. Paragraph 20 of Plaintiff's Third Amended Petition is supplemented to add the following allegations to the end of that paragraph: Further, former Waste Management

employee Larry Cohn and consultant Al Erwin, along with other employees of Defendants, routinely told governmental officials that the TDSL facility had “no liner” and no leachate collection system when in fact the landfill uses engineer-certified and state-approved clay liners. Erwin, acting on behalf of Defendants, referred to TDSL’s permit as a “political permit” and implied that it had not been properly approved by the TNRCC. Erwin continued to insist that the false statements in the Action Alert were in fact true, even after being put on notice of the statements’ falsity and being provided with documentation of their falsity. Erwin continued to represent and/or imply to senior TNRCC officials and legislators that TDSL received its Subtitle D permit modifications improperly and that the permit modifications should be reconsidered.

Respectfully submitted,

GEORGE & DONALDSON, L.L.P.

By: 

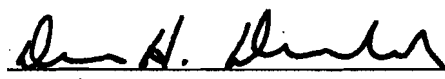
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing First Supplement to Plaintiff's Third Amended Petition has been served upon counsel for Defendants *via* U.S. Express Mail on the 24th day of July 2002:

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