

IN THE DISTRICT COURT OF BOURBON COUNTY, KANSAS

DERECK RANES, CASSIE RANES,)	
DAVID RANES, and VERNA RANES)	
)	
Plaintiffs,)	
)	Case No. BB-2026-CV-000013
v.)	
)	
EVOLUTION TECHNOLOGY, LLC)	
)	
AND)	
)	
CHARLES REES)	
Defendants.)	

Pursuant to Chapter 60

FIRST AMENDED PETITION

COMES NOW the Plaintiffs for their cause of action against Defendants Evolution Technology, LLC (“Evotech”) and Charles Rees (“Rees”), state and allege as follows:

PARTIES AND JURISDICTION

1. Plaintiffs Dereck Ranes and Cassie Ranes are residents of Bourbon County, Kansas, residing at 2357 70th Street, Mapleton, KS 66754 and have an equitable interest in that property.
2. Plaintiffs David Ranes and Verna Ranes are residents of Bourbon County, Kansas residing at 819 Hwy 65, Mapleton, KS 66754, and are the fee title owners of the property commonly referred to as 2357 70th Street, Mapleton, KS 66754.
3. Defendant, Evolution Technology, LLC ("Evotech"), is a Missouri limited liability company doing business in Bourbon County, Kansas, at 668 Willow Rd, Mapleton, KS 66754, which is located adjacent to Plaintiffs' property.
4. Defendant Charles Rees ("Rees") is a resident of Bourbon County, Kansas, and the owner of the property commonly referred to as 668 Willow Rd, Mapleton, KS 66754.

5. This Court has jurisdiction over this matter pursuant to K.S.A. 20-301 and 60-901.
6. Venue is proper in this Court because one or more Defendants reside or conduct business in Bourbon County, Kansas, and the injuries occurred therein.

FACTUAL ALLEGATIONS

7. In or around June 2025, Evotech began operating one or more electrical generators at 668 Willow Rd, Mapleton, KS 66754, to power computers used in a bitcoin mining operation. Since that time, Evotech's generators have run continuously, 24 hours a day, generating constant noise in excess of 80 decibels (dB) and often exceeding 90 dB on Plaintiffs' property.
8. This noise constitutes a direct violation of Bourbon County, Kansas, ordinances regarding sound levels.
9. Plaintiffs have notified Defendants of the excessive noise and requested that it cease, yet Defendants have refused to remedy the situation.
10. Defendant Charles Rees permits, allows, and directly benefits from Evotech's bitcoin mining operation on Rees's property.
11. The noise caused by Defendants' bitcoin mining operation is not a reasonable use of property, is unnecessary, and occurs continuously, 24 hours a day.
12. The constant and excessive noise caused by Defendants' bitcoin mining operation has caused the Plaintiffs to suffer adverse health effects, including but not limited to tinnitus.
13. The constant and excessive noise caused by Defendants' bitcoin mining operation continually annoys Plaintiffs, interrupts their sleep, and disturbs their reasonable use and enjoyment of their property.
14. Defendants are aware of the persistent and excessive noise and nuisance caused by the bitcoin mining operation and are indifferent to, and have reckless disregard for, Plaintiffs' rights to use and enjoy their property.
15. Defendants acted with willful, wanton, and malicious disregard for the rights of Plaintiffs. Defendants knew the continuous generator operation caused physical harm and severe sleep deprivation to Plaintiffs but deliberately prioritized operational profits over human health and local law.
16. Acknowledgment of Temporary Cessation: On a date after the filing of the original Petition on February 13, 2026, and before the filing of this First Amended Petition, Defendants temporarily stopped running the electrical generators, causing the continuous noise to cease at least temporarily.

17. Application of Voluntary Cessation Doctrine: Defendants' temporary cessation of the noise is a tactical response to the initiation of this lawsuit and does not render this action moot.
18. Defendants maintain full custody, control, and possession of the bitcoin mining computers, infrastructure, and the electrical generators at 668 Willow Rd, Mapleton, KS 66754.
19. Defendants remain fully capable of restarting the generators at any moment. Defendants have failed to provide any legally binding, permanent assurance that they will not resume the continuous 24-hour bitcoin mining operations.
20. Because Defendants' ongoing business model relies on the continuous operation of these generators, a real, cognizable danger exists that the unlawful noise will recur immediately upon the dismissal of court oversight, threatening Plaintiffs with a repetition of the injury.

COUNT I. PRIVATE NUISANCE

21. Plaintiffs incorporate paragraphs 1–20 by reference.
22. The Plaintiffs have an interest in protecting their land from intrusion by Defendants' unrelenting and obnoxious noise, and that interest is different in character and degree from that of the general public.
23. Plaintiffs are entitled to the use and enjoyment of their land.
24. Defendants' bitcoin mining operations, and the noise created by such operations, are of such a nature, duration, and amount as to constitute unreasonable interference with Plaintiffs' use and enjoyment of their land.
25. Defendants' interference with Plaintiffs' use and enjoyment of their land is unreasonable and substantial.
26. Defendants have acted with knowledge and intent to interfere with Plaintiffs' use and enjoyment of their land.
27. Defendants' operations are conducted negligently.
28. Defendants know that their operations are resulting in, or are substantially certain to result in, a nuisance.
29. As a direct and proximate result of Defendants' ongoing nuisance, Plaintiffs suffered a loss of quiet enjoyment, severe disruption, and discomfort, resulting in actual damages in the nominal amount of \$1.00.

NEGLIGENCE

30. Plaintiffs incorporate paragraphs 1–29 by reference.
31. Defendants owe Plaintiffs a duty of care not to engage in actions that unreasonably interfere with the use and enjoyment of adjacent property.
32. Under the doctrine of negligence per se, Defendants owed a specific duty to Plaintiffs to comply with Bourbon County ordinances regarding sound levels, which were enacted to protect neighboring property owners from acoustic harm.
33. Defendants breached this duty by creating excessive noise, which a reasonable person would know causes substantial annoyance, distress, and physical harm, and which openly violated local law.
34. As a direct and proximate result of Defendants' negligence, Plaintiffs have suffered loss of sleep, physical harm in the form of tinnitus, other physical discomforts, and mental anguish, resulting in actual damages in the nominal amount of \$1.00.

PRAYER FOR DAMAGES AND INJUNCTIVE RELIEF

35. Plaintiffs incorporate paragraphs 1–34 by reference.
36. Plaintiffs have no adequate remedy at law. While Plaintiffs claim \$1.00 in past actual damages for the technical torts, a single dollar cannot measure or remedy the future threat of chronic sleep deprivation and permanent health injury if Defendants turn the generators back on.
37. Plaintiffs will suffer immediate, irreparable injury if Defendants resume operations. The balance of equities heavily favors Plaintiffs' right to reside safely in their homes over Defendants' desire to run unmitigated, code-violating industrial machinery.

DEMAND FOR JURY TRIAL

38. Plaintiffs designate Fort Scott, Kansas, as the place of trial for this matter.
39. Pursuant to K.S.A. 60-238, Plaintiffs hereby demand a trial by jury on all issues so triable in this action.

WHEREFORE, Plaintiffs pray for judgment against Defendants, jointly and severally, for:

- a) A Permanent Injunction prohibiting Defendants from creating, allowing, or permitting others to create noise greater than 55 dB outdoors on Plaintiffs' land between 7:00 a.m. and 10:00 p.m., and from creating noise greater than 45 dB on Plaintiffs' land between 10:00 p.m. and 7:00 a.m.;

- b) Actual damages for Plaintiffs' loss of quiet enjoyment of their property in the amount of **\$1.00**;
- c) Costs of this action; and
- d) Such other relief as the Court deems just and proper.

Respectfully Submitted,
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