

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

**STATE OF OHIO, ex rel.
MICHAEL DEWINE,
OHIO ATTORNEY GENERAL,**

Plaintiff,

v.

SAADY A. ABOUHASHEM, et al.,

Defendants.

: CASE NO. CV 10 719253
:)
: JUDGE: CASSANDRA
: COLLIER-WILLIAMS
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ORDER

On November 29, 2012, the parties came before the Court for a hearing on Defendants' non-compliance with the April 5, 2012 Consent Order. In its January 8, 2013 judgment order, this Court held that Defendants are not in compliance with the Consent Order. Specifically, this Court held that Defendants were in non-compliance with Paragraph 14 for failure to remove all tires from their property at 2285 Ashland Road, Cleveland, Ohio (the "Site") on or before May 1, 2012; Defendants were in non-compliance with Paragraph 15 for failure to provide Plaintiff with receipts for disposal of all tires from their Site on or before May 11, 2012; Defendants were in non-compliance with Paragraph 16 for failure to remove 900 cubic yards of waste and/or construction and demolition debris from the Site and properly transport the solid waste and/or debris to a licensed and/or registered facility on or before June 30, 2012; and Defendants were in non-compliance with Paragraph 24 for failure to provide receipts as required no later than ten days after each of the removal deadlines set forth in Paragraph 16.

In addition, the Court granted Defendants thirty days leave, or until February 7, 2013, to provide Plaintiff and the Court with proof of solid waste and/or construction debris removed from the Site in terms of volume as measured in cubic yards. Defendants have failed to provide any disposal receipts or other proof of solid waste and/or construction debris removed, by February 7, 2013, as ordered. Accordingly, in addition to Defendants' noncompliance as held in the Court's January 8, 2013 Order, this Court finds that that Defendants are in non-compliance with Paragraph 24 for failure to provide required receipts by the October 10, 2012 deadline. Further, this Court finds that Defendants are in non-compliance with Paragraph 17 for failure to remove 1800 cubic yards of waste and/or construction and demolition debris from the Site and properly transport the solid waste and/or debris to a licensed and/or registered facility on or before September 30, 2012.

Pursuant to Paragraph 27 of the Consent Order, Defendants are ordered to pay stipulated penalties in the amount of eighty-two thousand, six hundred dollars (\$82,000) as follows: for failure to remove all tires from their Site on or before May 1, 2012, as required by Paragraph 14, Defendants are ordered to pay a stipulated penalty of \$2,800; for failure to provide Plaintiff with receipts for disposal of all tires from their Site on or before May 11, 2012, as required by Paragraph 15, Defendants are ordered to pay a stipulated penalty of \$20,200; for failure to remove 900 cubic yards of waste and/or construction and demolition debris from the Site and properly transport the solid waste and/or debris to a licensed and/or registered facility on or before June 30, 2012, as required by Paragraph 16, Defendants are ordered to pay a stipulated penalty of \$15,200; for failure to remove 1800 cubic yards of waste and/or construction and demolition debris from the Site and properly transport the solid waste and/or debris to a licensed and/or registered facility on or before September 30, 2012, as required by Paragraph 17,

Defendants are ordered to pay a stipulated penalty of \$6,000; for failure to provide receipts within ten days of the May 1, 2012 removal deadline, as required by Paragraph 24, Defendants are ordered to pay a stipulated penalty of \$19,200; for failure to provide receipts within ten days of the June 30, 2012 removal deadline, as required by Paragraph 24, Defendants are ordered to pay a stipulated penalty of \$14,200; and for failure to provide receipts within ten days of the September 30, 2012 removal deadline, as required by Paragraph 24, Defendants are ordered to pay a stipulated penalty of \$5,000. These stipulated penalty payments do not offset any amount of the total civil penalty as set forth in Paragraph 25 of the Consent Order.

No later than thirty days after the date of entry of this Order, Defendants shall deliver to Plaintiff a certified check in the amount of eighty-two thousand, six hundred dollars (\$82,600), payable the order of "Treasurer, State of Ohio."

IT IS SO ORDERED.

March 19, 2013
Date

Cassandra Collier-Williams
Judge Cassandra Collier-Williams

RECEIVED FOR FILING

MAR 20 2013

CUYAHOGA COUNTY
CLERK OF COURTS
By W. Manner Deputy