

IN THE COURT OF COMMON PLEAS

COLUMBIANA COUNTY, OHIO

ANDREW G. SKALKOS, Chief
Division of Oil and Gas

Plaintiff

CASE NO. 82-CIV-41

-vs-

CLIFTON M. ATHEY

Defendant

JUDGE RICHARD D. KENNEDY

and

CLIFTON M. ATHEY

Plaintiff

CASE NO. 83-CIV-408

-vs-

DONALD A. YENNIE, et al.

JUDGE RICHARD D. KENNEDY

Defendants

JUDGMENT ENTRY

This matter came on for hearing on the 1st day of September, A.D. 1983 upon the Motion to Cite for Contempt filed by the Plaintiff, ANDREW G. SKALKOS, Chief, Division of Oil and Gas, in Case No. 82-CIV-41 and the Motion to Dismiss filed by the Defendant, ANDREW G. SKALKOS, Chief, Division of Oil and Gas, in Case No. 83-CIV-408.

And the Court having heard the arguments of counsel for the various parties, FINDS that the aforementioned Motions are well-taken and the same are hereby SUSTAINED.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Defendant CLIFTON M. ATHEY in Case No. 82-CIV-41 is FOUND to be in contempt for violation of the Consent Judgment previously

filed in Case No. 82-CIV-41 on October 14th, 1982 for failure to produce or in the alternative plug certain oil and gas wells located on the lands of DONALD A. YENNIE, SR. and CATHERINE D. YENNIE; being 70.5 acres in the Northeast Quarter of Section 22, Knox Township, Columbiana County, Ohio. Pursuant to the provisions of Section 1509.33 of the Ohio Revised Code, the Defendant CLIFTON M. ATHEY in Case No. 82-CIV-41 is hereby FINED as and for said violation and contempt the sum of THIRTY THOUSAND and no/100s DOLLARS (\$30,000.00), PROVIDED HOWEVER, that said Defendant, CLIFTON M. ATHEY, in Case No. 82-CIV-41 may purge himself of the foregoing finding of contempt if he shall within thirty (30) days of the journalization of this Order either bring into lawful production or legally plug all of the oil and gas wells which are the subject of the Consent Judgment filed in Case No. 82-CIV-41 on October 14th, 1982. In the event that the Defendant CLIFTON M. ATHEY shall purge himself of the finding of contempt, then, in that event, the amount of TWENTY-NINE THOUSAND FIVE HUNDRED and no/100s DOLLARS (\$29,500.00) of the fine hereinabove levied upon said Defendant shall be suspended and the remaining fine balance of FIVE HUNDRED DOLLARS (\$500.00) shall be paid to the Ohio Department of Natural Resources, Division of Oil and Gas in accordance with the provisions of Section 1509.02 of the Ohio Revised Code. In the event that the Defendant CLIFTON M. ATHEY shall decide to legally plug any or all of said oil and gas wells, then, in that event, said Defendant, CLIFTON M. ATHEY is hereby ORDERED to notify the Ohio Department of

Natural Resources, Division of Oil and Gas, reasonably in advance of plugging said wells so that the Division of Oil and Gas may send an inspector to witness said plugging procedures; and it is

FURTHER ORDERED that the Defendant, ANDREW G. SKALKOS, Chief, Division of Oil and Gas, be and he is hereby DISMISSED as a party Defendant in Case No. 83-CIV-408, it being the FINDING of the Court that the Complaint of the Plaintiff in Case No. 83-CIV-408 fails to state a claim upon which relief can be granted as against said Defendant and that the Court lacks subject matter jurisdiction to hear the aspect of said Case No. 83-CIV-408 as against said Defendant.

All other pending Motions and prayers for relief in Case No. 83-CIV-408 are hereby CONTINUED. The costs incurred in Case No. 82-CIV-41 to date are assessed against the Defendant therein, CLIFTON M. ATHEY.

RICHARD D. KENNEDY
Judge


Approved By:

ANTHONY J. CELEBREZZE, JR.
Attorney General of Ohio

By: _____ per telephone authority

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DONALD A. YENNIE, SR.

CATHERINE D. YENNIE