

IN THE COURT OF COMMON PLEAS  
LUCAS COUNTY, OHIO

96-2992

STATE OF OHIO, ex rel.  
BETTY D. MONTGOMERY,  
ATTORNEY GENERAL OF OHIO  
30 East Broad Street  
Columbus, Ohio 43215-3428

Plaintiff,

v.

C.S. BURGE, INC.  
451 East State Line Road  
Toledo, Ohio 43612

Defendant.

CASE NO. \_\_\_\_\_

JUDGE

ASSIGN TO JUDGE BOWMAN

CONSENT ORDER

FILED  
LUCAS COUNTY  
SEP 27 10 58 AM '96  
COMMON PLEAS COURT  
HARRY D. BARKER  
CLERK OF COURTS

The Complaint in the above-captioned matter having been filed herein, and the Plaintiff State of Ohio by its Attorney General, Betty D. Montgomery, (hereinafter "Plaintiff") and Defendant C.S. Burge, Inc. (hereinafter "C.S. Burge") having consented to the entry of this Order,

NOW THEREFORE, without trial of any issue of fact or law, and upon consent of the parties hereto, and without admission of fact or liability by C.S. Burge, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

**I. JURISDICTION AND VENUE**

1. The Court has jurisdiction over the parties and the subject matter of this case. The Complaint states a claim upon which relief can be granted against Defendant under Chapter 3704 of the Ohio Revised Code, and venue is proper in this Court.

**II. PARTIES**

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert or privity with any of them.

### III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint, *inter alia*, that C.S. Burge has violated Ohio Rev. Code Chapter 3704 and the rules promulgated thereunder pertaining to asbestos emission control and demolition and/or renovation operations. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant for all violations under such laws alleged in the Complaint. Nothing in this Order shall be construed to limit the authority of the State of Ohio to seek relief for violations not alleged in the Complaint, including violations which occur after the entry of this Consent Order.

### IV. INJUNCTION

#### A. Compliance With Ohio Rev. Code Chapter 3704

4. C.S. Burge agrees to refrain and is permanently enjoined from violating Ohio Rev. Code Chapter 3704.

#### B. Compliance With Ohio Administrative Code Chapter 3745-20

5. C.S. Burge agrees to refrain and is permanently enjoined from violating Ohio Administrative Code Chapter 3745-20.

### V. CIVIL PENALTY

6. Defendant C.S. Burge shall pay a civil penalty of Five Thousand Dollars (\$5,000.00). This amount shall be paid by delivering certified checks to Matt Sanders, Administrative Assistant (or his successor), Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428, payable to the order of "Treasurer, State of Ohio", according to the following payment schedule:

\$1,500.00	Within Thirty (30) Days of the Entry of This Order;
\$1,750.00	Within Six (6) Months of the Entry of This Order; and,
\$1,750.00	Within Twelve (12) Months of the Entry of This Order.

## **VI. STIPULATED PENALTIES**

7. In the event C.S. Burge is found to have violated the permanent injunction set forth in paragraphs 4 and 5 herein relating to compliance with Ohio Rev. Code Chapter 3704 and Ohio Administrative Code Chapter 3745-20, C.S. Burge shall be liable for and shall immediately pay stipulated penalties in the amount of Two Thousand Dollars (\$2,000.00) per day for each violation.

8. Such stipulated penalties shall be paid by delivering certified checks in the appropriate amounts, payable to the order of "Treasurer, State of Ohio," to Matt Sanders, Administrative Assistant (or his successor), Office of the Ohio Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3428.

## **VII. RETENTION OF JURISDICTION**

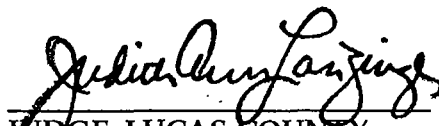
9. The court will retain jurisdiction of this action for the purpose of enforcing this Consent Order and resolving disputes arising under the Order.

## **VIII. COSTS**

10. Defendant C.S. Burge is hereby ordered to pay the costs of this action.

IT IS SO ORDERED:


ENTERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996.

  
\_\_\_\_\_  
JUDGE, LUCAS COUNTY  
COURT OF COMMON PLEAS

APPROVED:

C.S. BURGE, INC.

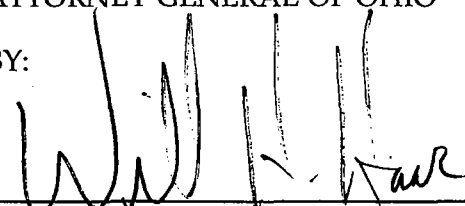
BY:

  
\_\_\_\_\_  
JAMES M. PERLMAN, ESQ  
Hunter & Schank Co., L.P.A.  
1700 Canton Avenue  
Toledo, Ohio 43624-1378  
(419) 255-4300


Counsel for Defendant

STATE OF OHIO, ex rel.  
BETTY D. MONTGOMERY  
ATTORNEY GENERAL OF OHIO

BY:

  
\_\_\_\_\_  
WILLIAM H. HAAK (0063952)  
Assistant Attorney General  
Environmental Enforcement Section  
30 East Broad Street, 25th Floor  
Columbus, Ohio 43215-3428  
(614) 466-2766

BY:

  
\_\_\_\_\_  
(Authorized Representative of Defendant, C.S. Burge, Inc.)

TITLE:

VICE - PRESIDENT