

IN THE COURT OF COMMON PLEAS

ATHENS COUNTY, OHIO

STATE OF OHIO, ex rel.  
ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

CASE NO. CI-84-4-232

Plaintiff

JUDGE THOMAS S. HODSON

v.

COAKLEY-PIZZA OIL & GAS, et al

JUDGMENT

This action came on for trial before the Court on September 4, 1984, and the issues having been duly tried and a decision having been duly rendered,

It is ORDERED and ADJUDGED that:

A) Defendants Coakley-Pizza Oil and Gas and John V. Coakley are permanently enjoined, pursuant to R.C. 1509.04, to plug the Kyle No. 1 well, Permit No. 1832, on or before October 4, 1985;

B) Defendants Coakley-Pizza Oil and Gas and John V. Coakley are permanently enjoined to restore the area disturbed by the Kyle No. 1 well on or before October 4, 1985;

C) Defendants Coakley-Pizza Oil and Gas and John V. Coakley are both jointly and severally assessed a civil penalty of \$10,000; provided, that should defendants comply with this judgment, they may petition this court to amend the judgment for reduction of the penalty;

D) Should Coakley-Pizza Oil and Gas or John V. Coakley fail to comply with the judgment, defendants shall pay the full amount of the penalty to the division of oil and gas no later

E) Should Coakley-Pizza Oil and Gas or John V. Coakley comply with the judgment but fail to petition this court for reduction of the penalty within 90 days after entry of this judgment, defendants shall pay the full amount of the penalty to the division of oil and gas no later than 90 days after entry of this judgment;

F) Payment of the penalty shall be in the form of a certified check made payable to the "Treasurer, State of Ohio" and forwarded to the Fiscal Section, Division of Oil and Gas, Fountain Square, Building A, Columbus, Ohio, 43224;

G) Defendants shall pay court costs.

9-9-85  
DATE

*Thomas J. Harker*  
JUDGE

APPROVED:

ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

By: *Dominic J. Hanket*  
DOMINIC J. HANKET  
Assistant Attorney General  
Environmental Enforcement Section  
Division of Oil and Gas  
Building A., Fountain Square  
Columbus, OH 43224  
(614) 265-6914

Attorney for Plaintiff

*Charles A. Gerken*  
CHARLES A. GERKEN  
59 E. Second Street  
P.O. Box 565  
Logan, OH 43138

Attorney for Defendants

RECEIVED  
DEC 23 1985  
ATHENS COUNTY, OHIO

IN THE COURT OF COMMON PLEAS

ATHENS COUNTY, OHIO **FILED**  
ATHENS COUNTY, OHIO

DEC 19 1985

*Margaret Mitchell*  
CLERK OF COMMON PLEAS COURT

State of Ohio, ex rel.  
Anthony Celebrezze, Jr.,  
Attorney General of Ohio,  
Plaintiff,

v.

Coakley-Pizza Oil & Gas et al,  
Defendants.

Case No. CI 84-4-232

DECISION AND JOURNAL ENTRY

ON REDUCTION OF CIVIL PENALTY

This matter came on to be heard upon defendant's October 15, 1985 motion to reduce the civil penalty previously levied by this court.

On October 21, 1985, plaintiff filed a motion contra and an attached memorandum.

On September 9, 1985, the court imposed a penalty of \$10,000 jointly and severally against defendants. After review of the file and the arguments of counsel, the court shall not rescind the full penalty. The court shall reduce the penalty to \$7500 jointly and severally against the defendants.

It is so ORDERED.

December 19, 1985

Judge

IN THE COURT OF COMMON PLEAS

ATHENS COUNTY, OHIO

STATE OF OHIO, ex rel.  
ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

CASE NO. CI-84-4-232

Plaintiff

v.

COAKLEY-PIZZA OIL & GAS, et al

AFFIDAVIT

Defendants

RANDY BARTOW, BEING DULY SWORN,  
DEPOSES AND SAYS AS FOLLOWS:

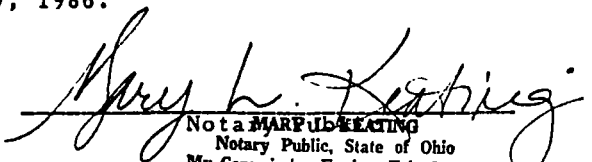
1. That he is an inspector for the Ohio Department of Natural Resources, Division of Oil and Gas;
2. Further, that his duties include enforcement of the provisions of R.C. Chapter 1509 in Athens County, Ohio to see whether such operations comply with the requirements of this law and rules adopted thereunder;
3. Further, that, in the performance of his duties, he did on Feb. 18, 1986 check to see whether the civil penalty of \$7,500 had been paid to the Division of Oil and Gas;
4. Further, that he found that defendants have not paid their civil penalty to the Division of Oil and Gas as of that date; and,

FURTHER, AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
RANDY BARTOW

Sworn to before me and subscribed in my presence this

18th day of February, 1986.

  
\_\_\_\_\_  
Not a ~~MARF~~ ~~KEATING~~  
Notary Public, State of Ohio  
My Commission Expires Feb. 8, 1988

My commission expires \_\_\_\_\_