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IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

85CV-03-1682

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

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

Plaintiff,

JUDGE \_\_\_\_\_

v.

JOHN M. DOWNEY CARPET  
CLEANING COMPANY,

and

JOHN M. DOWNEY, SR.,

Defendants.

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CLERK OF COURTS

CONSENT JUDGMENT

The Complaint in the above-captioned case having been filed herein, and the Plaintiff State of Ohio by its Attorney General Anthony J. Celebrezze, Jr., (hereinafter "Plaintiff"), and the Defendants, John M. Downey Carpet Cleaning Company and John M. Downey, Sr. (hereinafter "Defendants"), having consented to entry of this Consent Judgment,

NOW, THEREFORE, without trial of any issues of law or fact, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. This Court has jurisdiction over the subject matter herein pursuant to Chapter 3734 of the Ohio Revised Code. The Complaint states a claim upon which relief can be granted against Defendants under this statute. This Court has jurisdiction over the parties hereto.

2. The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, and successors in interest.

3. As described in the Complaint, Defendants have violated various sections of Ohio Revised Code Chapter 3734. Compliance with the terms of this Consent Judgment shall be full satisfaction for Defendants' liability for the foregoing violations of law.

4. Defendants shall pay a civil penalty pursuant to Ohio Revised Code Section 3734.13(C) in the amount of seven thousand dollars (\$7,000.00). Three thousand five hundred dollars (\$3,500.00) of this amount shall be paid by John M. Downey Carpet Cleaning Company and three thousand five hundred dollars (\$3,500.00) shall be paid by John M. Downey, Sr. These payments shall be made by April 15, 1985, by delivering to Plaintiff's attorney, for payment into the Hazardous Waste Cleanup Special Account created by Ohio Revised Code Section 3734.28, certified checks in such amounts to be made to the order of "Treasurer, State of Ohio".

5. In the event that Defendants in the future generate, store, transport, treat, or dispose of hazardous waste, Defendants are enjoined to comply with the requirements of the hazardous waste rules applicable to that waste.

6. If Defendants in the future arrange for the transportation or disposal of hazardous waste, Defendants shall send copies of manifests for this transportation or disposal within thirty (30) days to the Division of Solid and Hazardous Waste Management, Surveillance and Enforcement Section, of Ohio EPA.

7. The Court retains jurisdiction of this suit for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Consent Judgment.

8. Defendants shall pay court costs.

*William J. Hellic*

JUDGE, COURT OF COMMON PLEAS

APPROVED:

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

BY: Jack Van Kley  
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JOHN M. DOWNEY, SR.

BY: John M. Downey  
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JOHN M. DOWNEY CARPET  
CLEANING COMPANY

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