

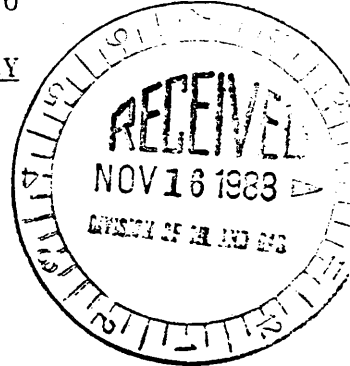
IN THE COURT OF COMMON PLEAS
ASHTABULA COUNTY, OHIO

COMMON PLEAS COURT
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COMMON PLEAS COURT
ASHTABULA COUNTY, OH.
FILED

STATE OF OHIO, ex rel.)
ANTHONY J. CELEBREZZE, JR.)
ATTORNEY GENERAL OF OHIO,)
)
Plaintiff,)
)
-vs-)
)
GIANT ENERGY CORPORATION,)
and)
N. FRED WILLIAMS, President)
Giant Energy Corporation,)
)
Defendants.)

CASE NO. 86590

JUDGMENT ENTRY



This cause came on for hearing on November 8th, 1988, on the Motion for Summary Judgment filed by the plaintiff, State of Ohio. The plaintiff appeared through counsel, Mr. Scott E. Farkas. The defendants appeared pro se. Defendant N. Fred Williams appeared personally and as president of defendant Giant Energy Corporation. The defendants have not filed anything in opposition to the Motion for Summary Judgment.

Upon due consideration of the Motion and the attached exhibits, and upon consideration of the fact that the defendants have not opposed the Motion by filing any exhibits or other evidence in contradiction to the facts stated therein, the Court finds that the Motion for Summary Judgment is well taken. The Court, therefore, finds and concludes that there is no genuine issue as to any material fact, and that the plaintiff is entitled to judgment as prayed for.

The Court, thereupon, was advised that defendant Williams had traveled from the State of Oklahoma for purposes of this hearing, and it was requested that an evidence hearing be conducted on the issue of damages. The Court, thereupon, proceeded to take evidence in the form of statements and stipulations from each of the parties as to the issue of damages.

Upon due consideration of the evidence presented, the Court finds that the defendant Giant Energy Corporation and its president, N. Fred Williams, did, in fact, violate Ohio Revised Code Section 1509.12 by their failure to plug the Janson Number 2 well as ordered by the Chief of the Oil and Gas Division of the State of Ohio on March 12th, 1987. The Court further finds that in mitigation of the violation above stated that the defendants have, in fact, physically plugged Janson Number 2 well before the date of the hearing on November 8th, 1988. The Court finds that the expense in plugging said well was approximately \$4,000.00, and the plugging is completed at this time. The Court further finds that there is, therefore, no current economic benefit accruing to the defendants by their failure to comply with Revised Code Section 1509.12. In mitigation, the Court also finds that the defendants had permits to drill approximately 15 wells in the State of Ohio, and that to date the only difficulty the Chief of the Oil and Gas Division has had with said defendants pertains to the one well that is subject of this lawsuit. The Court, therefore, finds that the defendants have

not been indifferent to the applicable laws nor are they classified in this Court's opinion as recalcitrants. It is, therefore, ordered, that defendant Giant Energy Corporation and defendant N. Fred Williams each pay a civil penalty in the sum of Two Hundred Fifty Dollars (\$250.00) pursuant to Ohio Revised Code Section 1509.33(A) for violation of Ohio Revised Code Section 1509.12.

The Court further finds pursuant to the second claim made by the plaintiff that the defendants Giant Energy Corporation and N. Fred Williams have failed to restore the well drilling site of the Janson Number 2 well as required by Ohio Revised Code Section 1509.072. The Court does find, however, in mitigation that defendant Giant Energy Corporation pursuant to Case Number 84527 of the Court of Common Pleas of Ashtabula County, Ohio, did pay approximately the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to the owner of the property as and for restoration of the well site and other property damages. Although this payment does not relieve the defendants of their obligation to restore the well site, the Court does find this fact mitigates the culpability of the defendants.

It is, therefore, ordered for defendant Giant Energy Corporation and N. Fred Williams' violation of Ohio Revised Code Section 1509.072(A), failure to restore the Janson Number 2 well site, that pursuant to Ohio Revised Code Section 1509.33(F), each of said defendants pay a civil penalty in the amount of Three

Thousand Dollars (\$3,000.00). It is further ordered that the sum of Two Thousand Seven Hundred Dollars (\$2,700.00) of each civil penalty levied against said defendants shall be suspended on condition that the defendants:

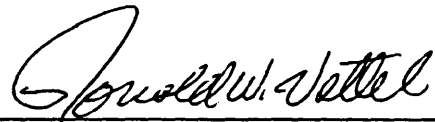
- A.) within sixty (60) days of the date of this Judgment Entry perform the following acts:
- 1.) Restore the Janson Number 2 well site to final grade.
 - 2.) Cut back the grade of the road to the original contour of the land.
 - 3.) Grade all built-up areas to the original contour of the land.
 - 4.) If the owner of the real estate desires to maintain the access road and crops, obtain a waiver from the landowner.
 - 5.) Perform all other restoration requirements set forth in Ohio Revised Code Section 1509.072(A).
- B.) within thirty (30) days of the filing of this Judgment Entry complete the following acts:
- 1.) Resubmit an amended well location plat showing the true location of the plugged Janson Number 2 well.
 - 2.) Secure and file with the Ohio Division of Gas and Oil all permits to transfer the defendants' interests in various well sites in the State of Ohio; or in the alternative, to provide the insurance and bond requirements in accordance with Ohio Revised Code Chapter 1509.

The Court further finds that the defendants, Giant Energy Corporation and N. Fred Williams, have violated Ohio Revised Code Section 1509.10 by failing to file their Janson Number 2 well completion log in accordance with law. It is, Case

November 15, 1988

therefore, ordered that for said violation and pursuant to Ohio Revised Code Section 1509.33(A) that each defendant pay a civil penalty in the amount of Two Hundred Dollars (\$200.00).

It is further ordered that the court costs in this action be assessed evenly against the defendants Giant Energy Corporation and N. Fred Williams.



RONALD W. VETTEL, JUDGE

November 15, 1988

AB-6

cc: Scott E. Farkas, Esq.,
Assistant Attorney General
Environmental Enforcement Section
Division of Oil and Gas
Building A, Fountain Square
Columbus, Ohio 43224

cc: Mr. N. Fred Williams
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