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IN THE COMMON PLEAS COURT, KNOX COUNTY, OHIO

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

PLAINTIFF

vs.

Case No. 84-CI-632

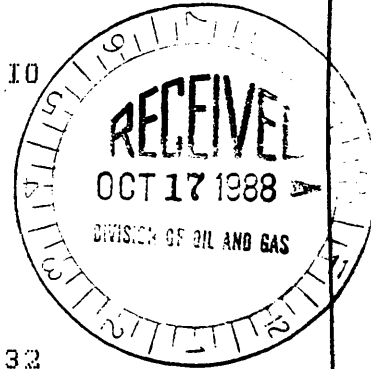
JAMES W. HILLARD, dba
HILMORE GAS AND OIL COMPANY

DEFENDANT

JOURNAL ENTRY

This cause came on to be heard upon the charges in contempt of court filed herein by the Relator which were the subject of long and lengthy hearing before this Court and the subject of briefs filed by the respective counsel and further the subject of research done by the Court relative to that which was heard and determined to be the facts.

The Court finds that concerning Charge One of the charges herein, that the Defendant allowed brine to leak from a storage tank on to the surrounding land surfaces and into a road ditch at the tank battery located on the Thomas Looney lease in Union Township, Knox County, Ohio, and that said actions by the Defendant were in violation of the permanent injunction heretofore issued by this Court, which injunction was not followed by the Defendant to the extent necessary in that he is in contempt of the Court's Order relative to the



KNOX COUNTY COMMON PLEAS COURT, MOUNT VERNON, OHIO 43050

injunction.

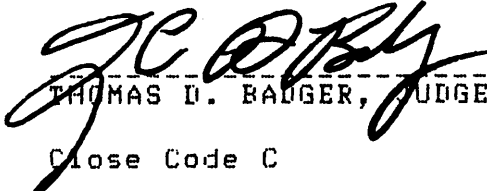
Relative to Charge Two of the charges, the Court finds that while an unfortunate situation certainly occurred, that the State has failed to show that he did not act promptly and prudently once an oil spill was discovered, which oil spill was not attributed to his actions, but probably was caused by vandals.

Concerning Charge Three that the Defendant allowed brine which was stored in a storage tank at the Lee Looney lease in Union Township, Knox County, Ohio, to flow onto downgradient land surfaces through a roadside ditch and into a stream, the Court finds that this was in violation of the permanent injunction heretofore issued in this case and that by his actions herein, the Defendant did violate that permanent injunction and is in contempt of Court.

The Court finds that the penalties for such violations as above found should be a fine of \$500.00 on each of the two findings, for a total fine of \$1,000.00, and the Defendant is ordered to pay the costs of this prosecution without delay.

The Defendant is ordered to pay the Court costs of this matter within 60 days of the date of the filing of this Entry. The Defendant is further ordered to pay the fines herein in accordance with law not later than 120 days from the date of the filing of this Entry.

The permanent injunction heretofore issued in this case remains in full force and effect and the Defendant is ordered that without fail he is to comply with all of the terms of said permanent injunction and also to comply with all of the laws of the State of Ohio relative to the operation of oil and gas wells over which he has control.


THOMAS D. BADGER, JUDGE
Close Code C

cc: Edda Sara Post
Attorney for Realtor

Fred E. Mayhew
Attorney for Defendant

KNOX COUNTY COMMON PLEAS COURT, MOUNT VERNON, OHIO 43050

IN THE COMMON PLEAS COURT

KNOX COUNTY, OHIO

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

FILED KNOX COUNTY COURT OF COMMON PLEAS

CASE NO. 84-CI-632

JUDGE BADGER

Plaintiff, '87 MAY 22 P3:57

v.

JAMES W. HILLARD, dba HILMORE GAS AND OIL COMPANY

TERESA DEWITT
CLERK OF COURT

Defendant.

CLOSING ARGUMENT

I. Introduction

On December 31, 1985, upon finding that the State had proven all eleven counts of its complaint ranging from the defendant's failure to identify wells to contaminating soils and waters of the State, this Court entered its judgment permanently enjoining the defendant, James W. Hillard from:

"The violation of Sections 1509.22 and 1509.03 of the Ohio Revised Code and Rules 1501:9-1-01 and 1501:9-3-04(A) and shall refrain from storing or disposing of saltwater and other oilfield wastes other than in a manner approved by the chief of the Division of Oil and Gas."

Section 1509.22(A) of the Ohio Revised Code provides,

...no person shall place or cause to be placed brine in surface or groundwater or in or on the land in such quantities or such manner as actually causes or could reasonably be anticipated to cause:
(1) damage or injury to public health or safety of the environment.


Section 1509.22(B) provides that no person shall store or dispose of brine in violation of a plan filed with and approved by the chief as required by the oil and gas well permitting law. Rule 1501:9-1-07 of the Administrative Code provides,

shown wanton disregard and disrespect for this Court and its lawful order. Mr. Hillard is in open, willful contempt of the order of this Court and this Court's authority must be vindicated.

WHEREFORE, the State of Ohio respectfully requests an order of the Court imposing upon the defendant the maximum fine, jail sentence or both allowed under the law for each count of contempt, requiring Mr. Hillard to reimburse the State for its enforcement costs and any other relief this Court deems just and proper.

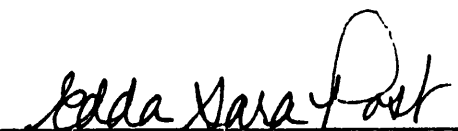
Respectfully submitted,

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO


EDDA SARA POST
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Environmental Enforcement
Section
Division of Oil and Gas
Building A, Fountain Square
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CERTIFICATE OF SERVICE

Plaintiff served the foregoing Closing Argument on Frederick Mayhew, Counsel for Defendant, by mailing a copy to him by ordinary U.S. mail c/o McDevitt, Mayhew & Malek, One Public Square, Mt. Vernon, Ohio 43050, on this 22nd day of May, 1987.


EDDA SARA POST
Asst. Attorney General