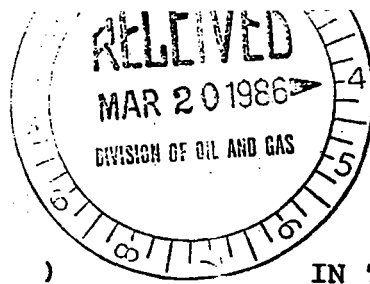


MAR 17 1986

TRUMBULL COUNTY, OHIO  
MICHAEL CAMPANA WHITMAN, C-



STATE OF OHIO )  
 )SS.  
COUNTY OF TRUMBULL )

IN THE COURT OF APPEALS  
ELEVENTH DISTRICT

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

Plaintiff-Appellee

CASE NO. 3598

- vs -

JUDGMENT ENTRY

INTEGRATED PETROLEUM CO.,  
INC., et al  
Defendant-Appellants

On January 31, 1983, the Chief of the Division of Oil and Gas issued an order to appellant requiring it to plug and abandon or produce eleven oil and gas wells located on the property of Robert and Marge Horvath in Trumbull County, Ohio. Integrated Petroleum Co., Inc. appealed this order to the Oil and Gas Board of Review. The parties were able to settle the issues of the appeal and filed a settlement agreement with the board on June 9, 1983. The State provided Integrated Petroleum Co., Inc. additional time to comply with the order. The chief issued the amended order on June 9, 1983.

Appellant failed to comply with the amended order and the State filed the complaint in the instant case against Integrated Petroleum Co., Inc. and its President, L. Peter Olcese, on September 28, 1983. The State sought injunctive relief pursuant to R.C. 1509.04 and the assessment of civil penalties pursuant to R.C. 1509.33. The State sought the

court to order appellant to comply with the amended order and to restore three well sites.

On February 6, 1984, the State filed an amended complaint which added three new counts involving the improper disposal of brine. The State included an additional request for injunctive relief and sought increased civil penalties.

The State moved for summary judgment on February 13, 1985. The State requested that the court order Integrated Petroleum Co., Inc. to comply with the amended order. However, no request was made that the court decide the remaining issues regarding restoration, brine disposal, and civil penalties against appellant.

On June 17, 1985, the trial court granted the State's motion and entered a permanent injunction against Integrated Petroleum Co., Inc. to comply with the provisions of the amended order.

The permanent injunction entered against Integrated Petroleum Co., Inc. is not a final appealable order subject to review by this court.

This is an appeal from an interlocutory order entered by the trial court granting the State's motion for summary judgment. However, the complaint involves multiple issues and parties. The granting of the summary judgment resolved only one of the issues as against one of the parties. In its order granting summary judgment, the trial court made no express

determination as provided in Civ. R. 54(B) that there was "no just reason for delay" to review the decision.

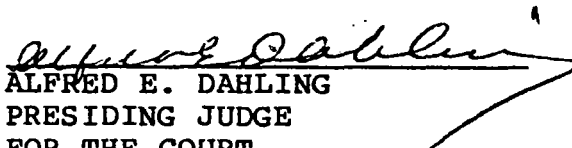
Although the judgment granted the State's requested injunctive relief concerning compliance with Amended Order No. 83-9, it did not resolve the remaining issues involving restoration, proper brine disposal, and civil penalties.

Under Section 3(B)(2), Article IV, of the Ohio Constitution, and App. R. 12(A), a court of appeals has jurisdiction to review only those orders of the common pleas court which are final. The injunction in the case at bar is not a final appealable order.

The claims concerning restoration violations and improper brine disposal are founded upon a separate set of facts. The trial court's granting of the injunction did not render moot the claims for lack of restoration, improper brine disposal and civil penalties and all the claims against Integrated Petroleum Co., Inc.'s chief operating officer, Olcese.

In conclusion, the within appeal is hereby dismissed and the matter remanded to the trial court for further proceedings.

Appeal dismissed.

  
ALFRED E. DAHLING  
PRESIDING JUDGE  
FOR THE COURT

COOK, J., concurs in judgment only