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IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

FILED LUCAS COUNTY

SEP 12 11 42 AM '87

STATE OF OHIO, ex rel.
LEE FISHER
ATTORNEY GENERAL OF OHIO,

Plaintiff,

vs.

THE JENNISON-WRIGHT CORP.

Defendant.

CASE NO. 87-0373

JUDGE McDONALD

UNOPPOSED, EXPEDITED MOTION TO AMEND CONSENT DECREE AND
CONSENT DECREE AMENDMENT

The State of Ohio hereby moves this Court to sign and enter the Consent Decree Amendment set forth below. The Amendment amends the Consent Decree entered by this Court in this matter on February 4, 1987. This Court has continuing jurisdiction to enter orders as "necessary to carry out the Consent Decree." Section IV, Consent Decree.

The Amendment is necessary to carry out the Consent Decree. The Decree required Defendant Jennison-Wright to clean up hazardous waste at property it owned in Toledo. Jennison-Wright, however, subsequently filed a voluntary petition under Chapter 11 of the Bankruptcy Code and has since been liquidated. See In re: The Jennison-Wright Corp., Case No. B89-4564, U.S. Bankruptcy Court, Northern District of Ohio.

The Amendment is necessary to clarify that the State and other potentially responsible parties have a clear legal right to enter the Site and remediate the contamination. The Site is located at 2332 and 2463 Broadway Street, Toledo, Ohio. The Amendment clarifies Section VIII of the Consent Decree which addresses rights of entry of the Site.

The Liquidation Trustee for Jennison-Wright has no objection to the Amendment, as indicated by his signature below.

The State requests that the Court issue the Amendment on an expedited basis for two reasons. First, Jennison-Wright will not be responding to this motion as it has no officers or employees. Second, Ohio EPA has issued an administrative order that requires two private parties to commence work at the Site by mid-September.

The private parties are reluctant to commence work at the Site without the assurance of the Amendment.

CONCLUSION AND SERVICE

The State requests that this Court sign and enter the Consent Decree Amendment below on an expedited basis to carry out the purpose of the Consent Decree.

Counsel for the State certifies that on this 8th day of September, 1994, he sent a copy of this Motion to Amend Consent Decree and this Consent Decree Amendment to The Jennison-Wright Corp. at the address it used before its liquidation: 2332 and 2463 Broadway Street, Toledo, Ohio 43609.

Respectfully submitted,


LEE FISHER
ATTORNEY GENERAL OF OHIO



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Counsel for Plaintiff

NO OBJECTION:



CHARLES S. TRICARICHI
Trustee
First Modified Chapter 11 Plan
Confirmed on December 10, 1990 of the
Jennison-Wright Corporation and the
Trust Constituted Pursuant to the
Liquidation Trust Agreement
Authorized by the Terms of the Plan
In re The Jennison-Wright Corp.
Case No. B89-4564
U.S. Bankruptcy Court, Northern District
of Ohio

FILED
LUCAS COUNTY


SEP 16 11 10 AM '94

COMMON PLEAS COURT
HARRY J. DELOS
CLERK OF COURTS

CONSENT DECREE AMENDMENT

The Consent Decree issued on February 4, 1987 is hereby amended by adding the following paragraph to the end of Section VIII:

The Ohio Environmental Protection Agency ("Ohio EPA"), its agents, employees and others the Ohio EPA may designate, may enter the Site, including the properties at 2332 and 2463 Broadway Street, for purposes relating to the investigation and remediation of solid, hazardous, industrial or other waste. This authority to enter shall include, but not be limited to, the authority to install and sample ground water monitoring wells; collect soil and other samples; remove solid, hazardous, industrial and other wastes; and install and operate waste treatment equipment.



JUDGE
9/14/94