

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
KENNETH J. MURPHY  
CLERK

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STATE OF OHIO, ex rel.	:	Case No. C2-9111041
LEE FISHER	:	
ATTORNEY GENERAL OF OHIO,	:	Judge Graham
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
JESS HOWARD ELECTRIC COMPANY,	:	
	:	
Defendant.	:	

DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

SETTLEMENT AGREEMENT, RELEASE, AND DISMISSAL

WHEREAS, the Plaintiff, State of Ohio, on behalf of the Ohio Department of Rehabilitation and Correction, initiated a civil action against Defendant Jess Howard Electric Company ("JHEC") pursuant to §107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), alleging that JHEC was liable to the State for response costs incurred by the State as a result of the transport of electrical transformers to the Martha C. Rose facility in Holden, Missouri, and

WHEREAS, JHEC has denied the allegations set forth in the Complaint, and

WHEREAS, the State and JHEC now wish to resolve and settle their differences,

NOW, THEREFORE, in exchange for and in consideration of the following mutual covenants and promises, the parties agree as follows:

1. JHEC agrees to pay to the State of Ohio a sum of Ten Thousand Dollars (\$10,000.00). Payment shall be made by check, and the check shall be made payable to the Ohio Department of Rehabilitation and Corrections.

Additionally, the check shall contain the words "H.B. 530 Contingency Fund" on its face. The check shall be forwarded to Mr. Gregory C. Trout, Legal Counsel, Ohio Department of Rehabilitation and Corrections, 1050 Freeway Drive North, Columbus, Ohio 43229.

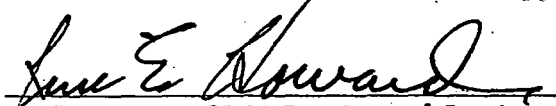
2. The Atlantic Mutual Companies agree to pay to the State of Ohio, on behalf of JHEC, a sum of Seventeen Thousand Six Hundred Thirty-one Dollars and Thirty-eight Cents (\$17,631.38). Payment shall be made by check, and the check shall be made payable to the Ohio Department of Rehabilitation and Corrections. Additionally, the check shall contain the words "H.B. 530 Contingency Fund" on its face. The check shall be forwarded to Mr. Gregory C. Trout, Legal Counsel, Ohio Department of Rehabilitation and Corrections, 1050 Freeway Drive North, Columbus, Ohio 43229.
3. Upon the State's receipt of the payments described in paragraphs 1 and 2 above, the parties shall file a Stipulation of Dismissal of the instant proceeding. An unsigned copy of that Stipulation is attached hereto as Attachment A.
4. Upon receipt of the payments described in paragraphs 1 and 2 above, Plaintiff State of Ohio agrees that JHEC and the Atlantic Mutual Companies are hereby released and forever discharged from any present or future liability they may have to the State of Ohio under CERCLA §107 as a result of the removal, replacement, and subsequent disposal of electrical transformers from the Southern Ohio Correctional Facility and the removal, replacement, and subsequent disposal of electrical transformers from the London Correctional Institute, as set forth and more fully described in the Complaint filed in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. C2-91-1041, styled State of Ohio, ex rel. vs. Jess Howard Electric Company.
5. It is understood and agreed by each of the Parties that the settlement set forth herein is a compromise of claims and that neither the agreements contained herein or any payments made pursuant hereto are to be construed as an admission of liability for such claims, or to be construed as an acquiescence to the validity of the merits of any of the claims, but is intended merely to avoid further litigation and to end the dispute between the Parties.

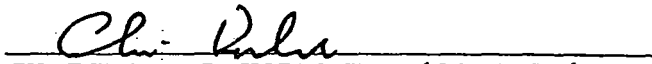
6. It is expressly understood and agreed that this Settlement Agreement and Release contains the entire agreement between the Parties, that the terms herein are contractual and not a mere recital and that the Settlement Agreement and Release is supported by adequate consideration.
7. The parties further state that each of them has carefully read the foregoing settlement agreement and release and knows the contents thereof and each of them signs the same as his own free act and deed.


Respectfully submitted,

JESS HOWARD ELECTRIC COMPANY

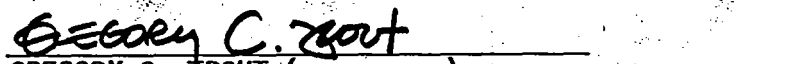
LEE FISHER  
ATTORNEY GENERAL OF OHIO

  
JESSE E. HOWARD, President

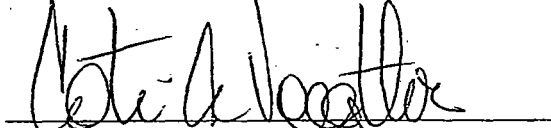
  
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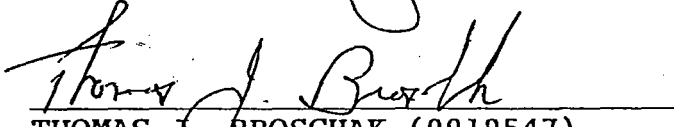
  
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ATLANTIC MUTUAL COMPANIES

  
Authorized Representative

  
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SOUTHERN DISTRICT OF OHIO  
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FILE COPY

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 :  
v. :  
 :  
JESS HOWARD ELECTRIC COMPANY, :  
 :  
Defendant. :

STIPULATION OF DISMISSAL

Having reached a settlement of this matter, the parties hereby file a stipulation of dismissal, with prejudice, pursuant to F.R.C.P. 41(a).

JESS HOWARD ELECTRIC CO.

LEE FISHER  
ATTORNEY GENERAL OF OHIO

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Attorney for Plaintiff

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