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CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re:	:	
	:	
VINCENT J. MENIER	:	
	:	Bankruptcy Case No.: 93-11662
Debtor	:	
	:	Adversary No.: 93-1452
STATE OF OHIO, ex rel	:	
LEE FISHER	:	
Plaintiff	:	
	:	Bankruptcy Judge
v.	:	David F. Snow
	:	
VINCENT J. MENIER	:	Chapter 7 Proceedings
Defendant	:	
	:	

JOINT STIPULATION AND SETTLEMENT AGREEMENT

Plaintiff State of Ohio ("State") and Defendant Menier ("Defendant"), having engaged in settlement discussions and reached an agreement, do hereby jointly stipulate and agree that:

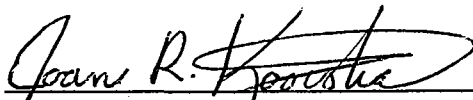
1. Bankruptcy Code § 523(a)(7) provides that a discharge under section 727, does

not discharge an individual debtor from any debt "to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit and is not compensation for actual pecuniary loss, other than a tax penalty." 11 U.S.C. § 523(a)(7).


2. In September 1993, Defendant Menier was indicted in the Cuyahoga County Court of Common Pleas for illegal storage of hazardous waste.
3. If Defendant is found liable to the State for payment of a penalty or fine, either by judgment of a court or by agreement, then such claim is nondischargeable, as a matter of law under 11 U.S.C. § 523(a)(7).
4. If Defendant is found liable to the State for injunctive relief for abatement to end or ameliorate pollution, then such a claim is not dischargeable in bankruptcy.
5. If Defendant is not found liable to the State for injunctive relief or payment of a penalty or fine, then this issue of the dischargeability of such a claim would become moot.
6. This Joint Stipulation shall not effect the determination of whether Defendant is in fact liable to the State.

Respectfully submitted,

LEE FISHER
ATTORNEY GENERAL OF OHIO


JOAN R. KOOISTRA (0055226)
Assistant Attorney General
Environmental Enforcement
30 East Broad Street, 25th Floor
Columbus, Ohio 43266-0410
(614) 466-2766

Attorney for Plaintiff

 *per telephone authorization*
THOMAS C. PAVLIK (0017305) *auth*
Rubenstein, Novak, Einbund, *QML*
Pavlik & Celebrezze
Skylight Office Tower
1660 West Second Street
Cleveland, Ohio 44113
(216) 781-8700

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Joint Stipulation and Settlement Agreement* was served by regular U.S. Mail, postage prepaid, on this 22nd day of February, 1994 upon:

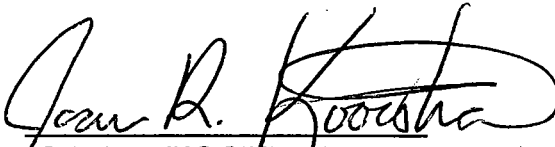
William M. Ondrey Gruber
City of Cleveland
Room 106, City Hall
601 Lakeside Ave.
Cleveland, Ohio 44114

U.S. EPA
Waterside Mall
401 M Street, SW
Washington, D.C. 20460

U.S. EPA , Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3507

U.S. EPA
District Office
25089 Center Ridge
Cleveland, Oh 44145

City of Cleveland
Water Department
1201 Lakeside Avenue
Cleveland, OH 44113


JOAN R. KOOISTRA
Assistant Attorney General

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NORTHERN DISTRICT OF OHIO
CLEVELAND

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	:	Bankruptcy Case No.: 93-11662
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LEE FISHER	:	
Plaintiff	:	Bankruptcy Judge
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v.	:	
	:	
VINCENT J. MENIER	:	Chapter 7 Proceedings
Defendant	:	
	:	

JUDGMENT ENTRY

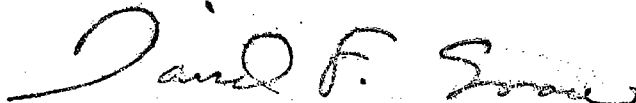
On September 29, 1993, the State, on behalf of Ohio EPA, filed a complaint objecting to the discharge of any debt owed to Ohio EPA. On October 25, 1993, Debtor Menier filed an Answer. The parties, having engaged in settlement discussions and reached agreement, filed a Joint Stipulation and Settlement Agreement whereby the parties agreed that:

1. Bankruptcy Code § 523(a)(7) provides that a discharge under section 727, does not discharge an individual debtor from any debt "to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit and is not compensation for actual pecuniary loss, other than a tax penalty." 11 U.S.C. § 523(a)(7).
2. In September 1993, Defendant Menier was indicted in the Cuyahoga County Court of Common Pleas for illegal storage of hazardous waste.
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5. If Defendant is not found liable to the State for injunctive relief or payment of a penalty or fine, then this issue of the dischargeability of such a claim would become moot.
6. This Joint Stipulation shall not effect the determination of whether Defendant is in fact liable to the State.

Now therefore, it is hereby ORDERED THAT:

1. If Defendant is found liable to the State for payment of a penalty or fine, either by judgment of a court or by agreement, then such claim is nondischargeable, as a matter of law under 11 U.S.C. § 523(a)(7).
2. If Defendant is found liable to the State for injunctive relief for abatement to end or ameliorate pollution, then such a claim is not dischargeable in bankruptcy.

ORDERED this 28 day of Feb, 1994



Judge David F. Snow