

FILED

1993 JUL 29 AM 8:43

ANDY J. TOTIN
LAKE CO. CLERK OF COURT

IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

STATE OF OHIO, ex rel., : Case No. 85-CIV-0312
 ANTHONY J. CELEBREZZE, JR., :
 ATTORNEY GENERAL OF OHIO, : JUDGE PAUL H. MITROVICH
 :
 Plaintiff, :
 :
 v. :
 :
 [REDACTED] DIVISION OF :
 SMITH INTERNATIONAL, INC. :
 d/b/a SII MINING TOOLS :
 :
 and :
 :
 CLETIS P. PINKERTON, : CONSENT JUDGMENT
 :
 Defendants :

This case is before the Court pursuant to the filing of a Complaint, Motion for Preliminary and Permanent Injunction, and a Memorandum in Support of the Motion against Defendants Cletis P. Pinkerton and the Mining Tool Division of Smith International, Inc. (hereinafter "SII") by the State of Ohio on relation of its Attorney General and at the written request of the Director of Environmental Protection. The parties, by consent of their respective attorneys, now consent to the entry of this Judgment. By giving consent to the entry of this Judgment, the Defendants do not admit any facts or violations of law as alleged.

THEREFORE, before the taking of testimony or admission of evidence, upon the pleadings it is hereby ORDERED, ADJUDGED and DECREED:

JURISDICTION

1. This Court has jurisdiction over the parties and the subject matter of the case.

CLAIM

2. The Complaint states a claim upon which relief may be granted against the Defendants.

PERSONS BOUND

3. This Judgment is binding upon the parties to this action, including the parents, subsidiaries, affiliates, divisions, officers, directors, agents, agencies, servants, employees, successors, representatives, and/or assigns of the Plaintiff and SII.

SATISFACTION OF THE LAWSUIT

4. Compliance with the terms of this Consent Judgment shall constitute full satisfaction of any civil or criminal liability of the Defendants for all environmental law and regulation violations known to the Plaintiff at this time for the Defendants operation of business at their facilities located at 7700 St. Clair Avenue, Mentor, Ohio, and 8507 Tyler Boulevard, Mentor, Ohio. This Judgment shall not limit the authority of the State of Ohio to seek relief for other claims not known at this time or involving other places of business of the Defendants.

PERMITS

5. Defendants have submitted all applications for Permits to Install (hereinafter "PTI's") and Permits to Operate (hereinafter "PTO's") all air contaminant sources operated at their

facilities located at St. Clair Avenue and at Tyler Boulevard. The Plaintiff shall process those applications without undue delay.

6. Defendants agree to comply with the PTI's and PTO's and their terms and conditions as they are issued by the Director of Environmental Protection, however, this shall not be construed as a limitation upon any appellate rights which the Defendants may have regarding the issuance or proposed denial of the permit applications. Defendants will submit applications for any PTI's or PTO's required for their facility at 8755 Munson Road, Mentor, Ohio, at a later date.

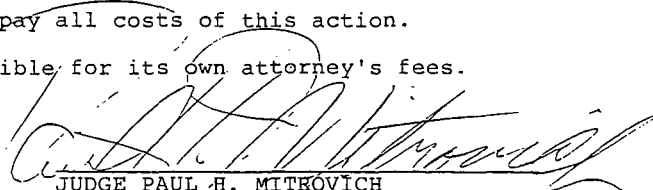
7. Defendants will pay all permit application fees required by law or regulation.

CIVIL PENALTY

7. Defendants shall pay a civil penalty of ten thousand dollars (\$10,000.00) to the Plaintiff. Payment shall be made by tendering a check payable to the "Treasurer of the State of Ohio" for this amount in full to Plaintiff's counsel upon approval of this Consent Judgment.

COSTS AND ATTORNEYS FEES

8. Defendants shall pay all costs of this action. Each party shall be responsible for its own attorney's fees.


JUDGE PAUL H. MITROVICH

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

BY: *Dale T. Vitale*
DALE T. VITALE
Assistant Attorney General
Environmental Enforcement Section

Attorney for Plaintiff

MINING TOOL DIVISION OF
SMITH INTERNATIONAL, INC.
CELTIS P. PINKERTON

BY: *Susan W. Gard*
SUSAN W. GARD
ULMER, BERNE, LARONGE, GLICKMAN & CURTIS

Attorney for Defendants