

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

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

Plaintiff,

v.

JOHN PFROMMER, INC.

Defendant.

CASE NO. 88-CV-05-3743

JUDGE

FILED
1988 JUN 13 11 11 AM
CLERK OF COURT
FRANKLIN COUNTY, OHIO

CONSENT DECREE

The Complaint in the above-captioned case having been filed herein, and the Plaintiff State of Ohio by its Attorney General, Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and the Defendant John Pfrommer, Inc. (hereinafter "Defendant"), having consented to the entry of this Consent Decree,

NOW, THEREFORE, without trial of any issues of law or fact, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED and DECREED as follows:

I.

JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter herein, pursuant to R.C. Chapter 3734. and any regulations adopted thereunder. The Complaint states a claim upon which relief can be granted against the Defendant under these

statutory and regulatory provisions. This Court has jurisdiction over the parties hereto. Venue is proper in this Court.

II. PERSONS BOUND BY THE ORDER

2. The provisions of this consent decree shall apply to and be binding upon the signatories to this Consent Decree, their agents, officers, employees, assigns, and successors in interest, and those in active concert or participation with them who receive actual notice of this Consent Decree whether by personal service or otherwise.

III. SATISFACTION OF LAWSUIT

3. Plaintiff alleges in its Complaint that Defendant violated various sections of Ohio Revised Code Chapter 3734 and any regulations adopted thereunder. Defendant denies those allegations.

4. The parties wish to resolve this action without litigation and have, therefore, agreed to the entry of this Consent Decree without the admission or adjudication of any issue of fact or law.

5. The Compliance with the terms of this Consent Decree shall be full satisfaction for Defendants' liability for the claims arising out of all matters raised in Plaintiff's Complaint.

6. Nothing in this Decree shall be construed to limit the authority of the State of Ohio to seek relief for claims except as provided in Paragraph 5.

IV. PAYMENTS TO STATE OF OHIO

7. Defendant John Pfrommer, Inc. shall pay the State of Ohio Thirty Thousand Dollars (\$30,000.00) in six annual installments of five thousand dollars (\$5,000.00) each in accordance with the following payment schedule:

- i) Five Thousand Dollars (\$5,000.00) on or before July 1, 1988.
- ii) Five Thousand Dollars (\$5,000.00) on or before July 1, 1989.
- iii) Five Thousand Dollars (\$5,000.00) on or before July 1, 1990.
- iv) Five Thousand Dollars (\$5,000.00) on or before July 1, 1991.
- v) Five Thousand Dollars (\$5,000.00) on or before July 1, 1992.
- vi) Five Thousand Dollars (\$5,000.00) on or before July 1, 1993.

The first installment of this payment shall be paid within thirty (30) days after entry of this Consent Decree and the remaining five payments will be paid annually from the date the first installment is paid.

8. Payments shall be made by tendering a bank cashier's check to Plaintiff's attorney or his successor at 30 East Broad Street, 17th Floor, Environmental Enforcement Section, Columbus, Ohio 43266-0410. Said check shall be payable to the

Treasurer of the State of Ohio. The payments shall be placed in the Ohio Hazardous Waste Clean-Up Fund created by R.C. 3734.28.

9. If the Defendant fails to tender payment of any installment, on or before the installment due date, all remaining installments will become immediately due as of that date.

10. The Defendant shall comply with the requirements of Ohio Revised Code Chapter 3734 and all regulations adopted thereunder.

11. This Court shall retain jurisdiction of this matter for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this Consent Decree.

JUDGE, COURT OF COMMON PLEAS

APPROVED:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO

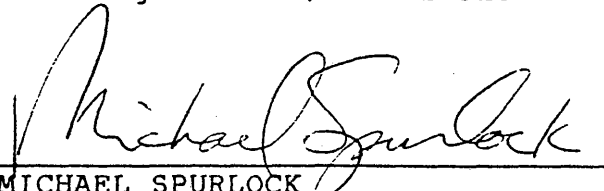
JOHN PFROMMER, INC.

By: 

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By: 

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