


IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

PLUM-AYER CO.,
Plaintiff,
v.

OHIO ENVIRONMENTAL PROTECTION
AGENCY, et al.,
Defendants.

: Case No. A8802689
:
: Judge Bettman
:
: JUDGMENT ENTRY
:
:
:
:
:



This matter came on for hearing on the motions to dismiss for lack of subject matter jurisdiction filed by Defendants Ohio Environmental Protection Agency, Richard L. Shank, Ohio Department of Health and Ronald L. Fletcher. For the reason that R.C. Section 3745.04 vests exclusive original jurisdiction in the Environmental Board of Review over actions of the Director of Environmental Protection, this Court finds said motions to be well taken, and they are hereby granted.

It is accordingly ORDERED, ADJUDGED, and DECREED that Plaintiff's complaint is hereby DISMISSED. *at plaintiff's cost*


SO ORDERED

GILBERT BETTMAN, JUDGE

ENTERED
JUN 20 1988
IMAGE 674


APPROVED AS TO FORM:

ANTHONY J. CELEBREZZE, JR.
ATTORNEY GENERAL OF OHIO



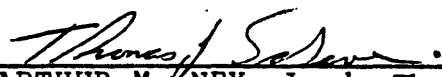
JAMES D. PAYNE, JR., TRIAL ATTORNEY
RENEE J. HOUSER, OF COUNSEL
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 17th Floor
Columbus, Ohio 43266-0410
(614) 466-2766

Counsel for Defendants Ohio
Environmental Protection Agency and
Richard L. Shank



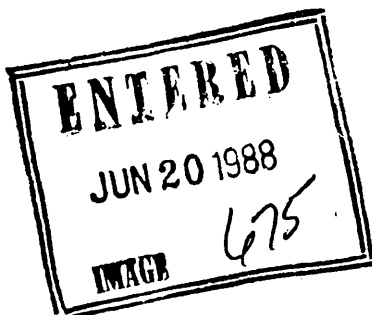
MICHAEL J. SKINDELL
Assistant Attorney General
1680 State Office Tower
30 East Broad Street
Columbus, Ohio 43266-0410

Counsel for Defendants Ohio Department
of Health and Dr. Ronald L. Fletcher



ARTHUR M. NEY, Jr. by Thomas J. Scheve, Ass't PA
Hamilton County Prosecutor
Room 420 Courthouse
100 Main Street
Cincinnati, Ohio 45202

Counsel for Hamilton County Board of
Health and Thomas R. Maley



Harry D. Bulluck

ENTERED
JUN 20 1988
IMAGE *676*