

PROCESSED BY C.S.O.
MAR 0 5 1994

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel
LEE FISHER
ATTORNEY GENERAL OF OHIO

Plaintiff,

vs .

RELIABLE METAL FINISHING, INC.
(FORMERLY F & M PLATING CORP.)
et al.,

Defendants.

CASE NO. 249435
JUDGE BURT W. GRIFFIN

CONSENT ORDER
AS TO DEFENDANT
PASQUALE MONACO
aka PAT MONACO

Plaintiff, State of Ohio, by its Attorney General, Lee Fisher (hereinafter "Plaintiff"), having filed the Complaint against Defendants Reliable Metal Finishing, Inc. ("RMF") formerly F & M Plating Corp., and Richard Monaco and Pasquale Monaco aka Pat Monaco alleging violations of Chapter 3734 of the Ohio Revised Code, and the parties having consented to the entry of this Order,

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

I. JURISDICTION

The Court has jurisdiction over the parties and subject matter of this action,

pursuant to Chapter 3734 of the Ohio Revised Code and the rules adopted thereunder. This Court has jurisdiction over the parties. Venue is proper in this Court. The Complaint states a claim upon which relief can be granted.

II. PARTIES

A. The provisions of this Consent Order shall apply and be binding upon the parties to this action, their agents, officers, employees, assigns, successors in interest and any person acting in concert, privity or participation with them.

B. The terms and provisions of this Consent Order do not apply to Defendant Richard Monaco.

III. SATISFACTION OF LAWSUIT

A. Plaintiff has alleged in its Complaint that Defendant Pasquale Monaco aka Pat Monaco has engaged in plating operations at a facility located at 4145 East 79th Street, Cleveland, Ohio ("the Facility") in violation of various provisions of the hazardous waste laws of Ohio, as set forth in Chapter 3734 of the Ohio Revised Code and the rules adopted thereunder.

B. Nothing in this Consent Order shall be construed to release Defendant Richard Monaco or forgive said Defendant for the violations alleged in the Complaint.

C. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability by Defendant Pasquale Monaco aka Pat Monaco for those claims which have been alleged in the Complaint.

D. Nothing in this Consent Order, including the imposition of stipulated

civil penalties, shall limit the authority of Plaintiff to seek relief for claims, conditions, or violations not alleged in the Complaint, or to seek any relief for claims, conditions or violations alleged in the Complaint which occur after the entry of this Consent Order.'

E. The Plaintiff hereby specifically reserves the right to take action against any person, including the Defendant Pasquale Monaco aka Pat Monaco pursuant to the Comprehensive Environmental Response Compensation and Liability Act, as amended, 42 U.S.C. § 9601, et seq. and/or Ohio Revised Code Sections 3734.20 through 3734.27 for any removal, remedial or corrective actions which are not conducted pursuant to the terms of this Consent Order. The Plaintiff may also, if appropriate, enforce this Consent Order through a contempt action or otherwise for future violations of law which also comprise violations of this Consent Order.

IV. CIVIL PENALTY

Defendant Pasquale Monaco aka Pat Monaco shall pay to the State of Ohio the amount of Ten Thousand Dollars (\$10,000.00), payable according to the following schedule:

1. Five Thousand Dollars (\$5,000.00) on April 28, 1994;
2. Twenty-five Hundred Dollars (\$2,500.00) on April 28, 1995; and
3. Twenty-five Hundred Dollars (\$2,500.00) on April 28, 1996.

These payments shall be paid by delivering certified checks for the appropriate amounts, payable to the order of "Treasurer, State of Ohio" to Matthew A. Sanders, Acting Administrative Assistant, or a person subsequently designated by the State, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30

East Broad Street, 25th Floor, Columbus, Ohio 43215-3428.

V. GENERAL INJUNCTION

Defendant Pasquale Monaco aka Pat Monaco agrees and is hereby permanently enjoined to conduct any future operations at the Facility located at 4145 East 79th Street, Cleveland, Ohio in compliance with Chapter 3734 of the Ohio Revised Code and the rules promulgated thereunder. Specifically, Defendant Pasquale Monaco aka Pat Monaco agrees and is enjoined to achieve and maintain compliance with all generator requirements set forth at O.A.C. Chapter 3745-52.

Defendant Pasquale Monaco aka Pat Monaco agrees to refrain and are hereby permanently enjoined from treating, storing, and/or disposing of hazardous wastes at the Facility unless and until such time as Defendant Pasquale Monaco aka Pat Monaco apply and qualify for and receive a hazardous waste facility installation and operation permit to conduct such activities in accordance with Ohio Revised Code Section 3734.05.

VI. COMPLIANCE WITH APPLICABLE LAWS

Nothing herein shall affect Defendant Pasquale Monaco's aka Pat Monaco's obligation to comply with all applicable federal, state or local laws, regulations, rules or ordinances.

VII. INSPECTIONS

Defendant Pasquale Monaco's aka Pat Monaco is ordered to allow representatives of the Ohio EPA, upon proper identification, to enter upon the facility at reasonable times, to inspect, investigate, take samples and pictures and

examine or copy records in order to determine compliance with the terms of this Consent Order and O.R.C. Chapter 3734 and rules promulgated thereunder. Nothing in this Order shall limit any right of entry possessed by the Plaintiff.

VIII. RETENTION OF JURISDICTION

This Court will retain jurisdiction of this action for the purpose of making any order or decree appropriate to carry out this Consent Order.

IX. COURT COSTS

Defendant Pasquale Monaco aka Pat Monaco is ordered and enjoined to pay one half (1/2) the court costs of this action.

DATE

JUDGE BURT W. GRIFFIN
CUYAHOGA COUNTY COMMON PLEAS COURT

APPROVED:

LEE FISHER
ATTORNEY GENERAL OF OHIO

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RELIABLE METAL FINISHING
(FORMERLY F&M PLATING CORP.)
By:

Pasquale Monaco
Pat Monaco
PASQUALE MONACO
aka PAT MONACO
6709 Theota Avenue
Parma, Ohio 44129
(216) 842-4364

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

IN RE:) In Proceedings Under
) Chapter 13
PASQUALE F. MONACO)
) Case Number
Debtor)
) Judge David F. Snow
)
) CHAPTER 13 PLAN
)

Now comes *Pasquale F. Monaco*, the Debtor herein, by and through his undersigned counsel, Kenneth J. Freeman, and proposes the following Plan:

1. The Debtor shall pay to the Trustee out of future income the sum of \$ 166.15 weekly out of the Debtor's wages, or all of the Debtor's future disposable income, pursuant to 11 U.S.C. Sections 1322(a)(1) and 1325(b)(2). Said payment shall commence within thirty (30) days from the filing of the Plan, pursuant to 11 U.S.C. Section 1326(a)(1).

2. All claims entitled to priority under 11 U.S.C. Section 507 shall be paid in full in deferred cash payments unless the holder of a particular claim agrees to a different treatment. In addition to the costs of administration, which are to be paid in accordance with the standing procedure of this Court, the following priority claims shall be paid in full prior to the payment of any other claims unless a different treatment is specified herein.

3. The following secured creditors shall be paid current monthly payments directly ("outside") by the Debtor with arrearages, if any, to be paid by the Trustee:

<u>Creditor</u>	<u>Arrearage</u>	<u>Int. Rate</u>	<u>Fixed Pay on Arrearage</u>
Ford Consumer Finance Co	N/A		
TransOhio Savings Bank	N/A		

4. The following creditors shall be paid by the Trustee. Each holds a secured claim to the extent of the value of the collateral therefor, as indicated below, and an unsecured claim for the balance, if any.

<u>Creditor</u>	<u>Sec. Value</u>	<u>Int. Rate</u>	<u>Fixed Pay</u>
Internal Revenue Svc	\$21,423.06	7.00%	\$ 478.81

A holder of a secured claim shall retain a lien securing such claim until the amount for which the claim is allowed as secured is paid in full, pursuant to 11 U.S.C. Section 1325(a)(5)(B)(i) and Section 1327(c).

5. Executory contracts will be treated as follows: Not applicable.

The treatment of creditors set forth in this Plan will become absolute upon confirmation. Specifically, creditors named as to valuation of security and as to assumption or rejection of executory contracts must file formal objections to the Plan by the date fixed by the Bankruptcy Court.

6. The Debtor's obligation to the Cuyahoga County Court of Common Pleas, Probation Department, is for restitution, which is non-dischargeable pursuant to 11 U.S.C. Section 1328(a)(3). The Debtor shall pay this obligation, which is in the amount of \$ 6,484.00, in full, through the Plan. This creditor shall receive a fixed monthly payment of \$ 124.69.

7. Creditors holding unsecured claims shall be paid 10% of the amount owing on a pro rata basis. No interest accruing after the filing of the petition shall be allowed.

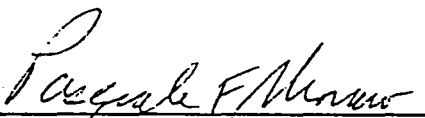
8. This Plan shall allow for the payment of all or any part of any claim allowed under 11 U.S.C. Section 1305.

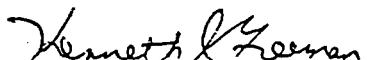
9. The length of this Plan is estimated to be fifty-two (52) months. This Plan may extend beyond its stated term, but not to exceed a total of sixty (60) months, in order to carry out the provisions hereof without further application or notice pursuant to 11 U.S.C. Section 1322(c).

10. The following provisions shall further apply:

(A) Title to the Debtor's property shall revert in said Debtor upon confirmation of the Plan or upon dismissal of the case after confirmation, pursuant to Section 350 of the Bankruptcy Code.

Dated April 26, 1994


DEBTOR Pasquale F. Monaco


Kenneth J. Freeman
Attorney for Debtor