

IN THE COURT OF COMMON PLEAS
HOLMES COUNTY, OHIO

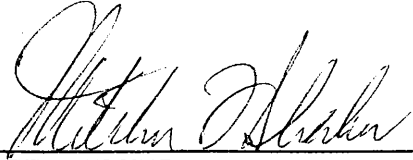
STATE OF OHIO, ex rel.	:	FILED
ANTHONY J. CELEBREZZE, JR.,	:	Case No. 83-C-129
ATTORNEY GENERAL OF OHIO,	:	40-12988
	:	'88 APR 26 AM 9 56
Plaintiff,	:	DORCAS MILLER, CLERK
	:	COMMON PLEAS COURT
v.	:	HOLMES COUNTY, OHIO
	:	JUDGE SHAKER
	:	(Sitting by Assignment)
UNION CHEESE COMPANY, et al.,	:	
	:	JOURNAL ENTRY
Defendants.	:	

This matter came on for hearing of Plaintiff State of Ohio's Charges in Contempt. Upon agreement of counsel, this Court finds as follows: 1) On April 10, 1985, this Court entered a Consent Judgment in which the Defendants, Gangale and Sons, Inc., dba Union Cheese Company, and Dominic Gangale were ordered to pay a civil penalty of One Hundred and Twenty Thousand Dollars (\$120,000.00) or, in the alternative, to purchase and install a whey evaporator and pay a civil penalty of Forty-Five Thousand Dollars (\$45,000.00); 2) Plaintiff State of Ohio has filed Charges in Contempt of Court alleging that Defendants violated the April 10, 1985 Consent Judgment by failing to make the full civil penalty payment assessed against them and failing to install a whey evaporator as provided in said Judgment.

Therefore, based upon the proceeding findings and the agreement of the parties, it is hereby ORDERED, ADJUDGED, and

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DECREED that the Defendants shall comply with the revised payment schedule as implemented in the attached Modification of Consent Judgment.

A handwritten signature in cursive script, appearing to read "John Shaker", written over a horizontal line.

JUDGE SHAKER
(sitting by assignment)

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STATE OF OHIO, ex rel.	:	
ANTHONY J. CELEBREZZE, JR.	:	Case No. 83-C-129
ATTORNEY GENERAL OF OHIO,	:	40-12988
	:	
Plaintiff,	:	JUDGE SHAKER
	:	(Sitting by Assignment)
v.	:	
	:	<u>MODIFICATION OF</u>
UNION CHEESE COMPANY, et al.,	:	<u>CONSENT JUDGMENT</u>
	:	
Defendants.	:	

The Charges in Contempt having been filed in this matter on January 19, 1988, by Plaintiff State of Ohio, and the parties having consented by and through their attorneys to the entry of this Modification of Consent Judgment on the Journal of this Court.

It is hereby ORDERED, ADJUDGED AND DECREED as follows:

I.

This Modification of Consent Judgment is binding upon Gangale and Sons, Inc., the owner and operator of Defendant Union Cheese Company, Dominic Gangale, any employees of them, and any person having actual notice of the terms of this Consent Judgment who acts in concert or privity with any of them.

II.

Defendants shall comply with the April 10, 1985 Consent Judgment, except as expressly modified within this Modification of Consent Judgment.

III.

Defendants shall pay to the State of Ohio a civil penalty of One Hundred Twenty Thousand Dollars (\$120,000.00) plus interest accrued in accordance with the payment schedule in paragraph V B.

IV.

Defendants shall purchase and install a whey evaporator, subject to the availability of financing. If Defendants obtain a commitment for financing for said evaporator within twelve (12) months of the agreement of the parties to this Modification of Consent Judgment, and install such whey evaporator at Union Cheese's plant as expeditiously as possible thereafter, then the amount due pursuant to Paragraph III shall be reduced to Seventy Thousand Dollars (\$70,000.00) plus interest accrued in accordance with the payment schedule in Paragraph V A. Defendants shall obtain all permits or approvals required under Federal and Ohio law in connection with installation and operation of such whey evaporator.

V.

Defendants shall pay the civil penalties provided in this judgment as follows:

- A. If the Defendants install the evaporator as set forth in Paragraph IV of this Modification of Consent Judgment, the Seventy Thousand Dollars (\$70,000.00) shall be due and payable in the following installments:
1. Five Thousand Dollars (\$5,000.00) has been previously paid by Defendants to Plaintiffs counsel.
 2. Five Thousand Dollars (\$5,000.00) on or before May 15, 1988.
 3. Five Thousand Dollars (\$5,000.00) on or before May 15, 1989.
 4. Five Thousand Dollars (\$5,000.00) on or before May 15, 1990.
 5. Twenty-five Thousand Dollars (\$25,000.00) on or before May 15, 1991.
 6. Twenty-five Thousand Dollars (\$25,000.00) on or before May 15, 1992.

Defendants shall pay interest of 8% per annum. Said interest shall accrue on the outstanding balance beginning on May 16, 1990.

- B. In the event that Defendants do not install the evaporator as set forth in Paragraph IV above, the payment of the One Hundred Twenty Thousand Dollars (\$120,000.00) pursuant to

Paragraph III of this Modification of Consent Judgment shall be due and payable in the following installments:

1. Five Thousand Dollars (\$5,000.00) has previously been paid by Defendant to Plaintiff's counsel.
2. Five Thousand Dollars (\$5,000.00) on or before May 15, 1988.
3. Five Thousand Dollars (\$5,000.00) on or before May 15, 1989.
4. Five Thousand Dollars (\$5,000.00) on or before May 15, 1990.
5. Twenty-five Thousand Dollars (\$25,000.00) on or before May 15, 1991.
6. Twenty-five Thousand Dollars (\$25,000.00) on or before May 15, 1992.
7. Twenty-five Thousand Dollars (\$25,000.00) on or before May 15, 1993.
6. Twenty-five Thousand Dollars (\$25,000.00) on or before May 15, 1994.

Defendants shall pay interest of 8% per annum. Said interest shall accrue on the outstanding balance beginning on May 16, 1990.

C. Payments shall be made by tendering a certified 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.

VI.

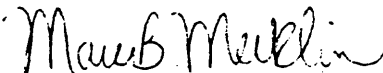
This Judgment is a final adjudication of all claims contained in Plaintiff's Charges of Contempt. Costs taxed to Defendant Gangale & Sons, Inc.

SO ORDERED.



JUDGE SHAKER
(Sitting by Assignment)

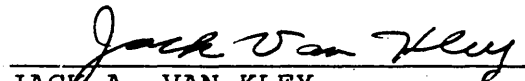
APPROVED:



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4-20-88
DATE

APPROVED:



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4-8-88
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