

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

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| STATE OF OHIO, ex rel. Dave Yost | : | |
| ATTORNEY GENERAL OF OHIO, | : | CASE NO: 20CV-002713 |
| | : | |
| Plaintiff, | : | JUDGE JEFFREY M. BROWN |
| | : | |
| v. | : | |
| | : | |
| MARIO F. SALWAN, et al. | : | |
| | : | |
| Defendants. | : | |

AGREED FINAL JUDGMENT

This matter came before the Court upon the Ohio Attorney General’s filing, on behalf of the State of Ohio, of a Complaint, Motion for a Temporary Restraining Order and Preliminary Injunction on April 13, 2020. Plaintiff State of Ohio and defendant Mario F. Salwan (“Defendant”) agreed to a stipulated Preliminary Injunction that was approved and entered by the Court on April 15, 2020.

Whereas the parties hereto wish to resolve this matter amicably without any further unnecessary litigation.

NOW THEREFORE, upon consent of the parties, it is ORDERED, ADJUDGED, AND DECREED:

Defendant has represented to the Ohio Attorney General (“OAG”), and by consenting to this Agreed Final Judgment represents to this Court, that he currently has in his possession six hundred fifty (650) N95 respirators. Defendant shall retain possession of eighty (80) N95 respirators for his business use. Within twenty-four (24) hours of executing this Agreed Final Judgment, Defendant shall: (1) transfer to the State of Ohio the remaining five hundred and seventy (570) N95 respirators in his possession for distribution by the State to hospitals, healthcare providers, law enforcement, first responders and/or other entities furthering the public

good and/or combating the spread of the COVID-19 virus; and (2) execute and deliver to the OAG an affidavit attesting that he has a reasonable expectation that his company will have sufficient work over the next thirty (30) days that will require the use of at least eighty (80) N95 respirators in order for its workers to perform their work safely during that period. The N95 respirators retained by Defendant hereunder may be used by Defendant only for his business, personal or household needs and shall not be otherwise sold, transferred or exchanged for benefit or profit.

Within sixty (60) days of the effective date of this Order, Defendant shall refund to each individual and/or entity to which he sold N95 respirators the sales price paid by such individual and/or entity. Within seventy-four (74) days of the effective date of this Order, Counsel for Defendant shall provide written notice to the State that such refund has been made.

Defendant shall reimburse the OAG for costs of investigation in the amount of one thousand five hundred dollars (\$1,500.00) within sixty (60) days of the effective date of this Order.

If information comes to light that Defendant has materially misrepresented the number of N95 respirators currently in his possession, custody or control, the OAG shall have the option to apply to this Court to rescind the terms of this Final Judgment and pursue any and all remedies that are/were available to the OAG as of the date of the entry of this Final Judgment. Should the OAG apply to this Court for rescission of this Final Judgment for the aforementioned reason, and the Court finds the OAG's application for rescission well taken and so rescinds said Order, Defendant specifically acknowledges and consents to the OAG commencing and pursuing any rights, remedies, claims and causes of actions the OAG has (or had) as of the date of the entry of this order and rights, remedies, claims and causes of actions the OAG may have, or that may result from, any material misrepresentation(s) made by Defendant in this Agreed Final Judgment.

This is an amicable settlement between the parties hereto, and nothing in this lawsuit or this Judgment Entry may be deemed as a finding or admission of liability by either party hereto.

The OAG has not presented or threatened to present criminal charges in this matter to obtain any advantage in this matter or to in any way influence the outcome of this lawsuit. The OAG agrees not to bring or assert any criminal charges or other claims of any nature against Defendant related to Defendant's sale of N95 respirators occurring from March 28, 2020 to the date of entry of this Agreed Final Judgment.

The stipulated Preliminary Injunction that was approved and entered by the Court on April 15, 2020 is hereby terminated and this action is hereby dismissed; provided, however, that this Court retains jurisdiction for the parties to this Final Judgment to enforce its terms and to entertain joint motions by the parties hereto to modify its provisions.

Defendant shall bear all court costs.

SO ORDERED:

Date: _____

HONORABLE JUDGE JEFFREY BROWN
Franklin County Court of Common Pleas

STIPULATED AND AGREED:

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Attorneys for Plaintiff State of Ohio

Attorneys for Defendant Mario F. Salwan

Franklin County Court of Common Pleas

Date: 04-22-2020
Case Title: STATE OF OHIO EX REL OH ATTORNEY GENERAL -VS-
MARIO F SALWAN ET AL
Case Number: 20CV002713
Type: CONSENT JUDGMENT

It Is So Ordered.

A handwritten signature in black ink is written over a circular official seal. The seal features a central emblem and the text "COMMON PLEAS COURT" at the top and "ALL THINGS ARE" at the bottom. The signature is fluid and cursive.

/s/ Judge Jeffrey M. Brown

Court Disposition

Case Number: 20CV002713

Case Style: STATE OF OHIO EX REL OH ATTORNEY GENERAL -
VS- MARIO F SALWAN ET AL

Case Terminated: 18 - Other Terminations

Final Appealable Order: No

Motion Tie Off Information:

1. Motion CMS Document Id: 20CV0027132020-04-1399910000
Document Title: 04-13-2020-MOTION FOR TEMPORARY
RESTRAINING ORDER - PLAINTIFF: STATE OF OHIO EX REL OH
ATTORNEY GENERAL
Disposition: MOTION RELEASED TO CLEAR DOCKET