

IN THE COURT OF COMMON PLEAS

COLUMBIANA COUNTY, OHIO

ANDREW G. SKALKOS, Chief :
Division of Oil and Gas, :
Plaintiff, :

-vs-

CLIFTON M. ATHEY, :
Defendant. :

Case No. 82-CIV-41
CONSENT JUDGMENT

FILED
OCT 14 1982
COLUMBIANA COUNTY
COMMON PLEAS COURT
Carl L. Stacey, Clerk

The Complaint having been filed herein on January 13, 1982; and the Plaintiff and Defendant, by their respective attorneys, having consented to the entry of this Consent Judgment;

NOW, THEREFORE, before the taking of any testimony and upon the pleadings, it is Ordered, Adjudged and Decreed as follows:

I.

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The Complaint states a claim upon which relief can be granted against the Defendant.

II.

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their agents, servants, employees, successors, and assigns. In addition, the provisions of this Consent Judgment shall apply to all persons, corporations, and other entities having notice of this Consent Judgment who are or will be acting in concert and privity with the parties to this action or their agents, servants, employees, successors and assigns.

The Defendant shall not raise as a defense to any enforcement action taken pursuant to this judgment the failure by any of his contractors, subcontractors, agents, servants, employees, or any other person, corporation, partnership, or other entity

acting in combination, concert or privity with the Defendant to take such actions as is required to comply with the provisions of this Judgment. In addition, the Defendant shall not raise as a defense to any enforcement action taken pursuant to this Judgment the refusal by the landowner on which the wells listed in Adjudication Order No. 318 are located to permit the Defendant to come onto the property.

III.

By not later than April 15, 1983, Defendant shall either properly plug and abandon all the wells listed in Adjudication Order No. 318 and restore the land surface pursuant to Revised Code Section 1509.072, or have all of said wells into production.

Defendant's failure to timely comply with this provision shall subject him to the civil penalties prescribed in Revised Code Section 1509.33 in addition to the penalties for contempt of court.

IV.

The Court retains jurisdiction of this action for the purpose of making any order or decree which it may deem at any time to be necessary to carry out this judgment; provided, that this judgment shall terminate upon written certification by Plaintiff that compliance with it has been achieved.


RICHARD D. KENNEDY


JUDGE, COURT OF COMMON PLEAS

10-14-82

APPROVED:

WILLIAM J. BROWN
Attorney General


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(614) 466-2766


BRUCE E. SMITH
Geiger and Teeple
401 1st National Bank Building
Alliance, Ohio 44601

File of this
documentary evidence
within and for the Court
that the foregoing is true
Clerk's office

IN TESTIMONY WHEREOF, I have hereunto subscribed my
name and affixed the seal of said Court, at Lisbon, Ohio
this 15th day of October, 1982

CARL L. STACEY, Clerk
Margaret Ketchum Deputy

CARL L. STACEY, Clerk of the Court of Common Pleas
do hereby certify
now on file in said

IN THE COURT OF COMMON PLEAS

COLUMBIANA COUNTY, OHIO

ANDREW G. SKALKOS, Chief
Division of Oil and Gas

Plaintiff

CASE NO. 82-CIV-41

-vs-

CLIFTON M. ATHEY

Defendant

JUDGE RICHARD D. KENNEDY

and

CLIFTON M. ATHEY

Plaintiff

CASE NO. 83-CIV-408

-vs-

DONALD A. YENNIE, et al.

JUDGE RICHARD D. KENNEDY

Defendants

JUDGMENT ENTRY

This matter came on for hearing on the 1st day of September, A.D. 1983 upon the Motion to Cite for Contempt filed by the Plaintiff, ANDREW G. SKALKOS, Chief, Division of Oil and Gas, in Case No. 82-CIV-41 and the Motion to Dismiss filed by the Defendant, ANDREW G. SKALKOS, Chief, Division of Oil and Gas, in Case No. 83-CIV-408.

And the Court having heard the arguments of counsel for the various parties, FINDS that the aforementioned Motions are well-taken and the same are hereby SUSTAINED.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Defendant CLIFTON M. ATHEY in Case No. 82-CIV-41 is FOUND to be in contempt for violation of the Consent Judgment previously

filed in Case No. 82-CIV-41 on October 14th, 1982 for failure to produce or in the alternative plug certain oil and gas wells located on the lands of DONALD A. YENNIE, SR. and CATHERINE D. YENNIE; being 70.5 acres in the Northeast Quarter of Section 22, Knox Township, Columbiana County, Ohio. Pursuant to the provisions of Section 1509.33 of the Ohio Revised Code, the Defendant CLIFTON M. ATHEY in Case No. 82-CIV-41 is hereby FINED as and for said violation and contempt the sum of THIRTY THOUSAND and no/100s DOLLARS (\$30,000.00), PROVIDED HOWEVER, that said Defendant, CLIFTON M. ATHEY, in Case No. 82-CIV-41 may purge himself of the foregoing finding of contempt if he shall within thirty (30) days of the journalization of this Order either bring into lawful production or legally plug all of the oil and gas wells which are the subject of the Consent Judgment filed in Case No. 82-CIV-41 on October 14th, 1982. In the event that the Defendant CLIFTON M. ATHEY shall purge himself of the finding of contempt, then, in that event, the amount of TWENTY-NINE THOUSAND FIVE HUNDRED and no/100s DOLLARS (\$29,500.00) of the fine hereinabove levied upon said Defendant shall be suspended and the remaining fine balance of FIVE HUNDRED DOLLARS (\$500.00) shall be paid to the Ohio Department of Natural Resources, Division of Oil and Gas in accordance with the provisions of Section 1509.02 of the Ohio Revised Code. In the event that the Defendant CLIFTON M. ATHEY shall decide to legally plug any or all of said oil and gas wells, then, in that event, said Defendant, CLIFTON M. ATHEY is hereby ORDERED to notify the Ohio Department of

Natural Resources, Division of Oil and Gas, reasonably in advance of plugging said wells so that the Division of Oil and Gas may send an inspector to witness said plugging procedures; and it is

FURTHER ORDERED that the Defendant, ANDREW G. SKALKOS, Chief, Division of Oil and Gas, be and he is hereby DISMISSED as a party Defendant in Case No. 83-CIV-408, it being the FINDING of the Court that the Complaint of the Plaintiff in Case No. 83-CIV-408 fails to state a claim upon which relief can be granted as against said Defendant and that the Court lacks subject matter jurisdiction to hear the aspect of said Case No. 83-CIV-408 as against said Defendant.

All other pending Motions and prayers for relief in Case No. 83-CIV-408 are hereby CONTINUED. The costs incurred in Case No. 82-CIV-41 to date are assessed against the Defendant therein, CLIFTON M. ATHEY.

RICHARD D. KENNEDY
Judge


Approved By:

ANTHONY J. CELEBREZZE, JR.
Attorney General of Ohio

By: _____ per telephone authority

DOMINIC J. HANKET
Assistant Attorney General
Attorney for ANDREW G. SKALKOS,
Chief, Division of Oil and Gas

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and CATHERINE D. YENNIE

DONALD A. YENNIE, SR.

CATHERINE D. YENNIE