



IN THE COURT OF COMMON PLEAS, HOCKING COUNTY, OHIO

STATE OF OHIO, ex rel., :
 Plaintiff : CASE NO. 90-CIV-225
 VS. :
 CURTIS G. HAMRICK, d.b.a. '91 OCT 28 : P9:34
 AMBER CRUDE OIL CO., :
 Defendant :

This matter came on regularly for hearing on October 22, 1991 on the plaintiff's motion to find the defendant in contempt for failure to comply with the prior orders of the court. The defendant was ordered on August 10, 1991 to ". . . immediately obtain for Mr. Daniel Parkinson, the owner of real property described as 36114 Scout Rd., Logan, Ohio, a replacement domestic water supply until defendant has complied with Chief's Order No. 89-642, or until the court renders a final judgment on the merits of the instant action." The order arose from a preliminary injunction motion alleging the destruction of the entire domestic water supply of Mr. Parkinson by wells operated by the defendant. The injunction was by consent.

The court finds that the injunction is still in force, and that the following facts have been established:

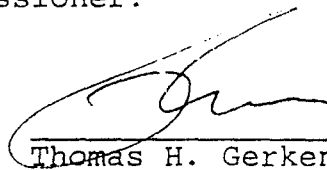
- 1) The defendant complied with the order from August 10, 1991 until May 21, 1991. Thereafter, no water has been supplied to the Parkinson residence by the defendant.

2) Mr. Parkinson has expended \$153.00 since May 22, 1991 providing his home with 900 gallons of fresh water. The labor expense for water hauling has a value of \$9.00 per week (\$4.50 per hour) and the cost of truck gasoline is \$5.00 per week. From May 22, 1991 through October 22, 1991 the total expense to comply with the order would have been a minimum of \$510.20 to Mr. Hamrick.

3) Mr. Hamrick earned approximately \$1250.00 working construction since May 22, 1991 and has had sufficient time and money to comply with the order.

IT IS THEREFORE THE FINDING OF THE COURT that the defendant is in contempt, and a civil penalty and/or fine in the amount of \$510.20 is hereby imposed, it being the intent of this order to provide a judgment which may be submitted to the bankruptcy court.

SO ORDERED. The matter of the case in chief will be set for trial by the assignment commissioner.



Thomas H. Gerken, Judge