

IN THE COURT OF COMMON PLEAS

ATHENS COUNTY, OHIO

F I L E D
ATHENS COUNTY, OHIO
DEC 23 1991 *
Margaret Mitchell
CLERK OF COMMON PLEAS COURT *

STATE OF OHIO

Plaintiff,

vs.

Case No. CR 91-12-135

JUDGE L. ALAN GOLDSBERRY

MANVILLE BUILDING MATERIALS CO. *

JUDGMENT ENTRY

Defendant. *

On this date, December 23, 1991, the Defendant appeared in open court accompanied by its attorney, Mr. John Kobayashi, and Mr. Robert ^{of IGBM, ASN: ?} Batson as representative of the Defendant for the purpose of entering a plea of No Contest to a Bill of Information charging it with One Count of ~~reckless failure to~~ ^{evaluate} a hazardous waste ~~in violation of the~~ Ohio Administrative Code, Section 3745-52-11 and the Ohio Revised Code, Sections 3734.11 and 3734.99, an unclassified felony. Present on behalf of the State of Ohio was Mr. J. Michael Marous, Assistant Ohio Attorney General and Mr. Michael Ward, Athens County Prosecutor.

After waiving presentation to Grand Jury and consenting to be prosecuted by a Bill of Information and waiving twenty-four hour service of the Bill of Information, the Defendant entered a plea of No Contest to the Bill of Information charging it with ~~reckless failure to~~ ^{evaluate} a hazardous waste ~~in violation of the~~ Ohio Administrative Code, Section 3745-52-11 and the Ohio Revised Code, Sections 3734.11 and 3734.99, an unclassified felony, and further executed a written waiver of an Indictment and its service.

The Court did not accept such plea without first addressing the Defendant personally in open court and determining that it was making the plea voluntarily with the understanding of the nature of the charge and of the maximum penalty involved. The Court further informed the Defendant

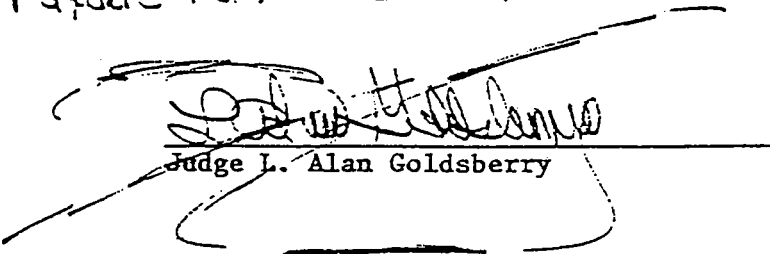
of and determined that it understood the effect of its plea of No Contest and that the Court upon acceptance of the plea could proceed with judgment and sentence. The Court also informed the Defendant and determined that it understood that by its plea Defendant was waiving its right to jury trial, to confront witnesses against it, to have compulsory process for obtaining witnesses in Defendant's favor, and to require the State of Ohio to prove Defendant's guilt beyond a reasonable doubt at a trial in which it could not be compelled to testify against itself.

Upon being satisfied that Defendant was in agreement with the facts as stated by counsel ~~_____~~ and upon being further satisfied that Defendant was aware of the nature and consequences of its decision to enter its plea, and that all due process had been observed, the Court thereupon accepted Defendant's plea.

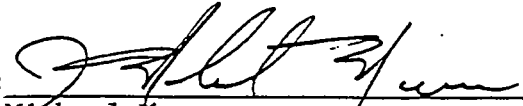
In accepting Defendant's plea of No Contest to the charge outlined herein, the Court hereby accepts the Defendant's plea of No Contest and finds the Defendant Guilty of the crime of ~~_____~~ reckless failure to ^{evaluate} ~~_____~~ a hazardous waste ~~_____~~, in violation of the Ohio Administrative Code, Section 3745-52-11 and the Ohio Revised Code, Sections 3734.11 and 3734.99, an unclassified felony. The Court sentences the Defendant to pay a maximum fine imposed by the Court in the amount of \$25,000 pursuant to Section 3734.99 of the Ohio Revised Code and, further, as a condition of corporate probation, to create the Ohio Environmental Education and Charitable Trust to which the Defendant will contribute \$1 million. Upon ~~_____~~ ^{tendered} of Defendant's ~~_____~~ of the \$1 million dollar contribution into an account for the benefit of the trust, the period of Defendant's corporate probation shall end.

Costs to the Defendant.

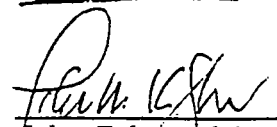
Payable to the General Fund


Judge L. Alan Goldsberry

Lee Fisher
Ohio Attorney General

by: 
J. Michael Marous
Assistant Ohio Attorney General


Michael Ward
Athens County Prosecuting Attorney


John Kobayashi, ~~_____~~, D.C.
Attorney for Defendant