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

FILED

STATE OF OHIO EX REL. DEWINE
Plaintiff

Case No: CV-15-851242

2015 DEC -9 P 12: 21

SHIELDS GAS, INC. ET AL.
Defendant

Judge: STUART A FRIEDMAN

CLERK OF COURTS
CUYAHOGA COUNTY

JOURNAL ENTRY

96 DISP.OTHER - FINAL

THE PARTIES HAVE ENTERED INTO A CONSENT ORDER AND FINAL JUDGMENT. CASE MANAGEMENT CONFERENCE SET FOR 12/16/2015 IS CANCELLED.

COURT COST ASSESSED TO THE DEFENDANT(S).

PURSUANT TO CIV.R. 58(B), THE CLERK OF COURTS IS DIRECTED TO SERVE THIS JUDGMENT IN A MANNER PRESCRIBED BY CIV.R. 5(B). THE CLERK MUST INDICATE ON THE DOCKET THE NAMES AND ADDRESSES OF ALL PARTIES, THE METHOD OF SERVICE, AND THE COSTS ASSOCIATED WITH THIS SERVICE.

Judge Signature

Date

-OSJ-

IN THE COURT OF COMMON PLEAS
 CUYAHOGA COUNTY, OHIO

STATE OF OHIO, *ex rel.*
 MICHAEL DEWINE,
 OHIO ATTORNEY GENERAL,

Plaintiff,

SHIELDS GAS, INC., *et al.*,

Defendants.

2019 DEC -9 CASE NO. CV-15-851242

)
)
) CLERK OF COURTS
) CUYAHOGA COUNTY
) JUDGE STUART FRIEDMAN

) **CONSENT ORDER AND**
) **FINAL JUDGMENT ENTRY**

Plaintiff, the State of Ohio, on relation of its Attorney General Michael DeWine (“Plaintiff”/“the State”) and at the written request of the Director of Environmental Protection (“Director”), has filed a Complaint seeking injunctive relief and civil penalties from Shields Gas, Inc. and Mazen Ali (collectively “Defendants”) for violations of Revised Code Chapter 3704 and Ohio Administrative Code rules promulgated thereunder. The State and Defendants, without admission of fact or liability, have consented to the entry of this Consent Order and Final Judgment Entry.

NOW THEREFORE, without trial of any issue of fact or law, without any admission of any issues of law, liability or fact, and upon consent of the Parties hereto, it is **ADJUDGED, ORDERED, and DECREED** as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the Parties and the subject matter of this action pursuant to Revised Code Chapter 3704. Venue is proper in this Court. Solely for purposes of this Consent Order and the underlying Complaint, the Defendants do not contest that the

Complaint states a claim upon which relief can be granted against Defendants. Defendants shall not challenge the Court's jurisdiction to enter or enforce this Consent Order.

II. PARTIES

2. Defendant Shields Gas, Inc. is an Ohio limited liability company, who receives mail at 1579 Queens Court, Westlake, Ohio 44145.

3. Defendant Mazen Ali is an Ohio resident whose address is 1579 Queens Court, Westlake, Ohio 44145.

4. The Defendants are each a "person" as that term is defined in R.C. 1.59(C) and 3704.01(O).

5. The provisions of this Consent Order shall apply to and are binding upon Defendants, and, in accordance with Rule 65(D) of the Ohio Rules of Civil Procedure, their officers, agents, servants, employees, successors in interest, and those persons in active concert or participation with them who receive actual notice of this Consent Order whether by personal service or otherwise.

6. If insolvency, bankruptcy, or other failure to pay amounts owed occurs, Defendants must pay the remaining unpaid balance of the total civil penalty in full.

III. SATISFACTION OF LAWSUIT

7. The State alleges in its Complaint that Defendants have violated Revised Code Chapter 3704 and Ohio Adm.Code Chapter 3745-21. Defendants deny such allegations. The parties have agreed to resolve the disputed issues in this matter without adjudication of any issues of fact or law. Entry into this Consent Order shall constitute full satisfaction of any civil liability of Defendants and their successors in interest and assigns, including but not limited to their respective member(s), heirs, legatees, devisees, beneficiaries, executors, administrators and

personal representatives for matters addressed in Plaintiff's Complaint and matters that occurred during the period from the filing of the Complaint up to the date this Consent Order is filed.

8. Nothing in this Consent Order shall be construed to limit the authority of the State to: (A) seek relief from Defendants for claims or violations not referenced in the Complaint, except for claims or violations that occurred during the period from the filing of the Complaint up to the date this Consent Order is filed; (B) seek relief from Defendants for any violations arising out of acts or omissions first occurring after the effective date of this Consent Order; or (C) enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order. Defendants retain all rights, defenses, and/or claims they may legally raise to the extent that the State seeks further relief from Defendants in the future, or in any action brought to enforce the terms of this Consent Order, except that Defendants shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, *res judicata*, collateral estoppel, issue preclusion, claim splitting, laches, or other defenses solely upon any contention that the claims raised by the State in subsequent proceedings were or should have been brought in the instant case.

9. Entering into this Consent Order, the Consent Order itself, or the taking of any action in accordance with the Consent Order does not constitute an admission of any liability, violation, wrongdoing, or misconduct on part of Defendants, their officers, employees, managers or agents.

10. Nothing herein shall be construed to relieve Defendants of their obligation to comply with all applicable federal, state, or local statutes, regulations, or ordinances.

11. Except with regard to the signatories to this Consent Order, nothing in this Consent Order shall constitute or be construed as a satisfaction of lawsuit, release, or a covenant not to sue

regarding any claim alleged in the Complaint, or any other claim or cause of action, against any person, firm, trust, joint venture, partnership, corporation, association, or other entity not a signatory to this Consent Order for any liability such non-signatory(ies) may have arising out of, or relating to, the Facility including, but not limited to, those identified in the Complaint.

12. The Defendants agree that each is jointly and severally liable for the obligations and requirements in this Consent Order, including, but not limited to, everything in Sections IV, V, and VI.

IV. PERMANENT INJUNCTION

13. The Defendants agree and are ordered and enjoined to comply with all of Ohio's environmental laws and rules including, but not limited to, Revised Code Chapter 3704 and the rules promulgated thereunder, including, but not limited to, the applicable provisions of Ohio Adm.Code Chapter 3745-21.

V. CIVIL PENALTY

14. Within one year of the entry of this Consent Order, Defendants shall pay, in accordance with Paragraph 15 below, nine thousand dollars (\$9,000.00) to the State of Ohio. Payments shall be made according to the following schedule: Within thirty (30) days of the entry of this Consent Order, Defendants shall pay three thousand dollars and continue paying one thousand dollars every thirty days until the full \$9,000.00 is paid in full.

15. Payments shall be delivered via certified check or money order payable to the order of "Treasurer, State of Ohio," together with a letter identifying Defendants, to Scott Hainer or his successor, Paralegal, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400. The memorandum

portion of the check, or some other prominent location on the transmittal letter or documentation, shall include a reference to "Cuyahoga County Common Pleas Case No. CV-15-8851242."

16. In the event that either of the Defendants fails to timely remit any payment required by Paragraph 14 above, the entire nine thousand dollar (\$9,000.00) civil penalty, or the entire remaining portion thereof, shall immediately become due and owing and plus applicable interest in calculated in accordance with R.C. 131.02(D) and R.C. 5703.47 from the date of the entry of this Consent Order.

17. The State reserves the right to file a certificate of judgment lien against Defendants for the remaining unpaid balance of the total civil penalty, plus applicable interest per R.C. 131.02(D) under R.C. 5703.47, without further notice if any periodic payment is not paid according to the schedule in Paragraph 14 above. Defendants shall not be permitted to claim a force majeure as an excuse for any untimely payment or partial payment of an amount less than that specified in Paragraph 14.

18. Because the obligations in this Consent Order are joint and several, if either Defendant files a petition for bankruptcy, the State reserves the right to file a certificate of judgment lien against the other, non-filing Defendant, for the remaining unpaid balance of the total civil penalty, plus applicable interest per Paragraph 16 above without further notice.

VI. RETENTION OF JURISDICTION

19. The Court will retain jurisdiction of this action for purposes of enforcing this Consent Order during the effective term thereof.

VII. EFFECTIVE DATE

20. This Consent Order shall be effective upon the date of its entry by the Court.

VIII. COURT COSTS

21. The Defendants are hereby ordered to pay all associated court costs of this action.

IX. SIGNATORIES

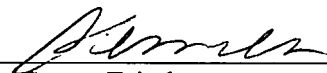
22. Each of the undersigned representatives of the Parties represents that he/she is fully authorized to enter into the terms and conditions of this Consent Order and legally bind the respective party to this document.

23. Mazen Ali shall inform the Ohio EPA of any change of his personal address and Defendant Shields Gas, Inc. shall inform Ohio EPA of any change in its Registered Agents' address and business addresses or telephone numbers, or the cessation of the business that is the subject of this action.

X. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

24. Pursuant to Rule 58 of the Ohio Rules of Civil Procedure, upon signing of this Consent Order by the Court, the Clerk is directed to enter it upon the journal. Within three (3) days of entering the judgment upon the journal, the Clerk is directed to serve upon all Parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the current docket.

IT IS SO ORDERED.



Judge Stuart Friedman
Cuyahoga County Court of Common Pleas

Date

APPROVED:
MICHAEL DEWINE
Ohio Attorney General

/s/ Elizabeth R. Ewing
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/s/ Mazen Ali
Mazen Ali
(In his individual capacity)

/s/ Mazen Ali
Shields Gas, Inc.
Mazen Ali, Owner