

FILED

2008 JUL -8 P 3: 22

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

STATE OF OHIO, *ex rel.* :
MARC DANN :
ATTORNEY GENERAL OF OHIO :
30 East Broad Street :
Columbus, Ohio 43215, :

CASE NO. 2007 CV 900

CAROL A. MEAD
CLERK OF COURTS
COMMON PLEAS COURT
ASHTABULA CO. OH

JUDGE: ALFRED W. MACKEY

Plaintiff,

AMERICAN SCRAP TIRE :
RECYCLERS INC. :
3574 North Myers Road :
Geneva, Ohio 44041 :

CONSENTED
JUDGMENT ENTRY

This matter came on for a telephone status conference on May 5, 2008. Appearing on behalf of the State of Ohio was Assistant Attorney General Robert Eubanks and on behalf of the Defendant was Attorney Scott P. Schafer. On August 17, 2007, the Court granted a preliminary injunction against the Defendant allowing the State access to cleanup the Defendant's property. During the telephone status conference, the Plaintiff reported that OEPA completed the cleanup of the site and requested a hearing date for the cost recovery and civil penalties. Counsel discussed the possibility of an agreed upon entry being submitted. A hearing was set for July 10, 2008, at 9:00 a.m.

Following the telephone status conference, the parties agreed upon a resolution of this matter reflected below in this Order.

ORDER

WHEREFORE, the Court orders the following: 1) Judgment in the favor of the State of Ohio against Defendants for civil penalties in the amount of \$10,000 (ten-

thousand dollars) with penalties and interest calculated pursuant to Ohio Revised Code § 1343.03 from the date of entry of this Order and 2) Judgment in the favor of the State of Ohio against Defendants for cost recovery related to cleanup of Defendant's property in the amount of \$75,132.09 (seventy-five-thousand-one-hundred-thirty-two dollars and nine cents) with penalties and interest calculated pursuant to Ohio Revised Code § 1343.03 from the date of entry of this Order.

IT IS SO ORDERED.

Submitted by: Robert Eubanks
Robert Eubanks (0073386)
Public Protection Division
Envir. Enforcement Section
30 East Broad Street
Columbus, Ohio 43215-3400

and

Scott P. Schaffer (per agreement by telephone)
Scott P. Schaffer (0065731)
1954 Hubbard Road
Madison, OH 44057

Counsel for the Plaintiff

Counsel for the Defendants

Pursuant to Civil Rule 58(B), the Clerk of this Court is directed to serve notice of this judgment and its date of entry upon the journal upon the following: Robert Eubanks, Assistant Attorney General; Scott Schaffer, Esq.; and the Assignment Commissioner.

2-08-2008
DATE

Alfred W. Mackey
ALFRED W. MACKEY, JUDGE