

ORIGINAL

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, EX. REL.  
NANCY ROGERS  
ATTORNEY GENERAL

CASE NO. CV 07 618710

Plaintiff,

JUDGE VILLANUEVA

v.

CLARK ENVELOPE, INC., ET AL.

Defendants.

CONSENT ORDER

Plaintiff, State of Ohio, office of the Attorney General of Ohio, having filed the Complaint in this action against Defendants to enforce Ohio's hazardous waste laws found in Chapter 3734 of the Revised Code and the rules adopted thereunder; and Plaintiff and Defendants having consented to the entry of this Order;

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

**I. PERSONS BOUND**

1. The provisions of this Consent Order shall apply to and be binding upon Plaintiff and Defendants, their agents, officers, employees, assigns, successors in interest and any person acting in concert or participation with them who receives actual notice of this Consent Order whether by personal service or otherwise.

**II. JURISDICTION AND VENUE**

2. This Court has jurisdiction over the subject matter of this action, pursuant to R.C. Chapter 3734 and the rules adopted thereunder as well as the Ohio Rules of Civil

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CV07618710

Procedure. This Court has jurisdiction over the parties. Venue is proper in this Court.

The Complaint states a claim upon which relief can be granted.

### **III. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS**

3. Except as otherwise provided in this Consent Order, compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendants to Plaintiff for all claims alleged in the Complaint.

Nothing in this Consent Order, including the imposition of stipulated civil penalties, shall limit the authority of the State of Ohio to:

- A. Seek relief for claims or conditions not alleged in the Complaint;
- B. Seek relief for claims or conditions alleged in the Complaint that occur after the entry of this Consent Order;
- C. Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order;
- D. Bring any action against Defendants or against any other person, under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. §9601, et seq. and/or R.C. 3734.20 through 3734.27 to: (1) recover natural resource damages, and/or (2) order the performance of, and/or recover costs for any removal, remedial or corrective activities not conducted pursuant to the terms of this Consent Order.

- E. Take any action authorized by law against any person, including Defendants, to eliminate or mitigate conditions at any new Facility owned by Defendants that may present an imminent threat to the public health or welfare, or the environment.
- F. Nothing in this Consent Order shall constitute or be construed as satisfaction of civil liability, a covenant not to sue, and/or a release regarding the claims alleged in the Complaint, against any person, firm, trust, joint venture, partnership, corporation, association, or other entity not a signatory to this Consent Order. The State also specifically reserves against any entity that is not a signatory to this Consent Order.

#### **IV. FACILITY ACCESS**

4. Nothing in this Consent Order shall be construed to limit the statutory authority of the Director or his authorized representatives to enter at reasonable times upon any private or public property, real or personal, to inspect or investigate, obtain samples and examine or copy any records to determine compliance with R.C. Chapter 3734.

#### **VII. CIVIL PENALTY**

5. The parties hereto have agreed to resolve the above-captioned case according to the terms of the within Consent Order. It is noted that any amounts paid by Defendant(s) are hereby designated as "civil penalties" per force of Ohio Law.

An amount of Five Thousand Dollars (\$5,000.00) payable over a period of ten months will be paid by Defendant Robert B. Clark said amount will be payable to Treasurer, State of Ohio c/o Martha Sexton or her successor at the office of the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400.

6. The payment of the settlement amount by the Defendants and the acceptance of said payment by Plaintiff pursuant to this article shall not be construed to limit Plaintiff's authority to seek additional relief pursuant to R.C. Chapter 3734, including civil penalties under R.C. 3734.13, or to otherwise seek judicial enforcement of this Consent Order.

#### **VI. INJUNCTIVE RELIEF**

7. Defendant Robert B. Clark has indicated that he no longer owns Clark Envelope, Inc. and its related Facility, as said entity went out of business. However, said Defendant shall not regain operation or ownership of said entity at any future time. Defendant Robert B. Clark is ordered and permanently enjoined to comply with all applicable provisions of the Ohio Hazardous Waste Laws and Rules as set forth in R.C., Chapter 3734 and Ohio Adm. Code Chapters 3745-50 through 3745-69.

#### **VII. COMPLIANCE WITH APPLICABLE LAWS**

8. All activities undertaken by Defendants pursuant to this Consent Order shall be undertaken in accordance with the requirements of all applicable federal, state and local laws, rules, and regulations.

**VIII. RETENTION OF JURISDICTION**

9. This Court shall retain jurisdiction of this action for the purpose of enforcing this Consent Order or in resolving any conflicts concerning the interpretation of this Consent Order.

**IX. COSTS**

10. Defendants shall pay the court costs of this action.

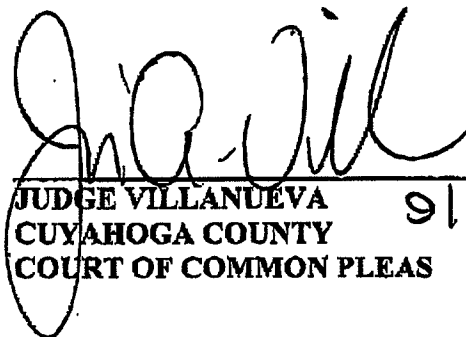
**X. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK**

11. 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 notes the service in the appearance docket.

**XI. AUTHORITY TO ENTER INTO THE CONSENT ORDER**

12. Each signatory for a corporation represents and warrants that he/she has been duly authorized to sign this document and so bind the corporation to all terms and conditions thereof.

**IT IS SO ORDERED:**



JUDGE VILLANUEVA 9/12/08  
 CUYAHOGA COUNTY  
 COURT OF COMMON PLEAS

Respectfully submitted,

NANCY H. ROGERS  
ATTORNEY GENERAL OF OHIO

By:



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Attorney for Plaintiff  
State of Ohio

By:



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Attorney for Defendants  
Clark Envelope, Inc., and  
Robert B. Clark

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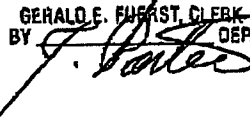
CLARK ENVELOPE, INC

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ROBERT CLARK

RECEIVED FOR FILING

SEP 12 2008

GERALD E. HURST, CLERK  
BY  DEP.



FROM:

**GERALD E. FUERST**

CLERK OF THE  
COURT OF COMMON PLEAS  
JUSTICE CENTER - COURTS TOWER  
1200 ONTARIO STREET  
CLEVELAND, OHIO 44113

Gerald E. Fuerst  
Clerk of Courts  
Keith M. Hurley  
Chief Deputy

# FACSIMILE COVER SHEET

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NAME:

*Wanda Sexton*

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*614-466-2766*

FAX NO:

*614-644-1926*

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SPECIAL INSTRUCTIONS:

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