

CLERK OF COURT  
COMMON PLEAS COURT

2017 MAY -9 PM 2:24

JAN A. MOTTINGER  
CLERK OF COURT

IN THE COURT OF COMMON PLEAS  
MIAMI COUNTY, OHIO

STATE OF OHIO, ex rel.  
MICHAEL DEWINE,  
OHIO ATTORNEY GENERAL, et al.

CASE NO. 16 CV 00138

PLAINTIFFS,

JUDGE JEANNINE N. PRATT

v.

PREMIUM PETROLEUM, INC., et al.,

DEFENDANTS.

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ORDER AND ENTRY

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This matter came before this Court on April 27, 2017 at 9:00 am on the application of Plaintiff State of Ohio for a hearing on civil penalty against Premium Petroleum, Inc. and Roman Petroleum, Inc.

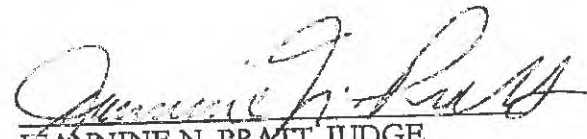
The Court recognizes that it may use its informed discretion to impose a civil penalty that is appropriate to: 1) redress the harm or risk of harm posed to public health or the environment by the violations at issue; 2) remove the economic benefit gained by the violations; 3) penalize the level of recalcitrance, defiance or indifference demonstrated by the violator of the law; and 4) recover the extraordinary costs incurred by the State of Ohio. *State ex rel. Brown v. Dayton Malleable, Inc.*, 2d Dist. No. 6722 (Apr. 21, 1981), at \*8, partially reversed on other grounds, 1 Ohio St.3d 151, 158, 438 N.E.2d 120 (1982).

Having considered the four factors articulated in *Dayton Malleable* and the evidence submitted by Plaintiff, State of Ohio, this Court finds the civil penalty for Defendants' Premium Petroleum, Inc. and Roman Petroleum, Inc.'s violations of Ohio's Safe Drinking Water Laws and Water Pollution Control Laws is warranted.

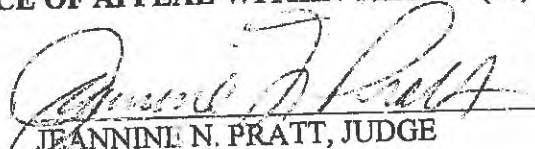
Therefore, it is ORDERED, ADJUDGED AND DECREED that Defendants Premium Petroleum, Inc. and Roman Petroleum, Inc. shall pay, jointly and severally, to the State of Ohio, a civil penalty of Fifty Seven Thousand Nine Hundred Thirty dollars (\$57,930) pursuant to Ohio Revised Code Chapter 6109 and 6111.

This Court will retain jurisdiction of this suit for the purpose of making any order or decree which it may deem necessary at any time to carry out its judgment.

IT IS SO ORDERED.


  
JEANNINE N. PRATT, JUDGE

**THIS IS A FINAL APPEALABLE ORDER, AND THEREFORE IS NOT JUST CAUSE FOR DELAY FOR PURPOSES OF CIV.R.54. PURSUANT TO APPELLATE RULE 4 THE PARTIES SHALL FILE A NOTICE OF APPEAL WITHIN THIRTY (30) DAYS.**

  
JEANNINE N. PRATT, JUDGE

TO THE CLERK OF COURTS:

Please serve the attorney for each party, and each party not represented by counsel, notice of judgment and its date of entry upon the journal.

  
JEANNINE N. PRATT, JUDGE

cc: Janean R. Weber & Amy C. Factor, Attorneys for Plaintiff, State of Ohio  
Jennifer S.M. Croskey, Attorney for Plaintiff, Petroleum Underground Storage Tank  
Release Compensation Board

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c/o Brian Wherry, Statutory Agent  
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Euclid, OH 44123

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