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

STATE OF OHIO EX REL. RICHARD CORDRAY
Plaintiff

Case No: CV-09-699288

Judge: CASSANDRA COLLIER-WILLIAMS

GRAY CONTAINER LLC. ET AL
Defendant

JOURNAL ENTRY

92 DEFAULT - FINAL

STATE OF OHIO EX REL THIRD MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANTS GRAY CONTAINER, LLC, L. GRAY BARREL & DRUM CO., LOMACK DRUM CO., LOMACK DRUM & CONTAINER CO., INC., LOMACK GRAY, AND KENNETH GRAY, FILED 03/20/2013, IS GRANTED.

DEFENDANT KENNETH GRAY'S ORAL MOTION FOR EXTENSION OF TIME IS DENIED.

CASE CALLED FOR DEFAULT HEARING ON 04/25/2013. PLAINTIFF APPEARED THROUGH COUNSEL; DEFENDANT KENNETH GRAY APPEARED PRO SE. PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT IS GRANTED. THE COURT FINDS THAT PROPER SERVICE OF PROCESS ON DEFENDANTS GRAY CONTAINER, LLC, L. GRAY BARREL & DRUM CO., LOMACK DRUM CO., LOMACK DRUM & CONTAINER CO., INC., LOMACK GRAY, AND KENNETH GRAY HAS BEEN OBTAINED, AND THAT DEFENDANTS HAVE FAILED TO PLEAD OR OTHERWISE RESPOND WITHIN THE TIME PERIOD SPECIFIED UNDER CIV.R. 12.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT PURSUANT TO CIV.R. 55, DEFAULT JUDGMENT BE RENDERED IN FAVOR OF THE PLAINTIFF AND AGAINST THE DEFENDANTS GRAY CONTAINER, LLC, L. GRAY BARREL & DRUM CO., LOMACK DRUM CO., LOMACK DRUM & CONTAINER CO., INC., LOMACK GRAY, AND KENNETH GRAY, JOINTLY AND SEVERALLY, IN THE AMOUNTS DESIGNATED IN THE ATTACHED ORDER, PLUS INTEREST AT THE APPLICABLE STATUTORY RATE FROM THE DATE OF JUDGMENT, PLUS COSTS OF THIS ACTION AND ENJOINED OTHERWISE IN THE MANNERS SPECIFIED IN THE ATTACHED ORDER.

PLAINTIFF HAS FAILED TO SERVE DEFENDANTS LOMACK DRUM REALTY CO INC, LOMACK GRAY ENTERPRISES INC AND ANTHONY GRAY. PURSUANT TO THIS COURT'S PRIOR ORDER, DATED 02/26/2013, AND CIV. R. 4(E), THIS CASE IS HEREBY DISMISSED WITHOUT PREJUDICE FOR WANT OF PROSECUTION AS TO DEFENDANTS LOMACK DRUM REALTY CO INC, LOMACK GRAY ENTERPRISES INC AND ANTHONY GRAY. FINAL.

ORDER ATTACHED.OSJ.....
COURT COST ASSESSED TO THE DEFENDANT(S).

OSJ
Judge Signature

Date

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY

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

Plaintiff,

v.

GRAY CONTAINER LLC, et al.

Defendants.

CASE NO. CV 09 699288

JUDGE COLLIER-WILLIAMS



JUDGMENT ENTRY

Upon Plaintiff the State of Ohio's Motion for Default Judgment, the Court hereby finds that Defendants Gray Container, LLC, L. Gray Barrel & Drum Co, Lomack Drum Co., Lomack Drum and Container Co., Inc., Lomack Gray, and Kenneth Gray were properly served with the State's Complaint and have not filed an Answer, or any other responsive pleading. Therefore, the State's Motion for Default Judgment is GRANTED, and Defendants Gray Container, LLC, L. Gray Barrel & Drum Co, Lomack Drum Co., Lomack Drum and Container Co., Inc., Lomack Gray, and Kenneth Gray are ordered and enjoined to:

1. Implement measures, including but not limited to, the removal of all hazardous waste at the drum reconditioning business at or near property located at 2800, 2818, 2820 East 90th Street, Cleveland, Ohio, consisting of at least the following parcels: 126-21-004, 126-21-009, 126-21-011, 126-21-012, 126-21-014, 126-21-015, and 126-21-017/Parcel "F" ("Facility").

2. Fully evaluate all wastes at the Facility in accordance with the procedures found in Ohio Adm. Code 3745-52-11 and 3745-54-13 and submit documentation to Ohio EPA demonstrating that all unevaluated wastes at the Facility are properly evaluated.

3. Cease accepting hazardous waste as defined in R.C. Chapter 3734 and the rules promulgated thereunder at the Facility.

4. Only accept or process containers at the Facility that are empty as defined in Ohio Adm. Code 3745-51-07.

5. Submit to Ohio EPA an approvable closure plan for all areas at the Facility where hazardous waste was unlawfully stored, treated and/or disposed and to implement the closure plan for the Facility as approved by Ohio EPA in accordance with Ohio Adm. Code 3745-55-10 through 3745-55-20.

6. Establish liability coverage in accordance with Ohio Adm. Code 3745-55-47.

7. Comply with the closure cost estimate and financial assurance requirements in accordance with Ohio Adm. Code 3745-55-42 and 3745-55-43.

8. Comply with the hazardous waste management requirements set forth in Ohio Adm. Code 3745-54-14, Ohio Adm. Code 3745-54-15, Ohio Adm. Code 3745-54-16, Ohio Adm. Code 3745-54-17, Ohio Adm. Code 3745-54-30 to 3745-54-37, Ohio Adm. Code 3745-54-50 to 3745-54-56, Ohio Adm. Code 3745-54-74, and Ohio Adm. Code 3745-55-70 to 3745-55-77.

9. Comply with all applicable provisions of the Ohio hazardous waste laws and rules as set forth in R.C. Chapter 3734, Ohio Adm. Code Chapters 3745-50 through 3745-69, and Ohio Adm. Code Chapters 3745-270 through 3745-352.

10. Comply with the Agreed Order for Preliminary Injunction filed on September 8, 2009 ("the September 2009 Preliminary Injunction Order") and amended on December 15, 2009 (the December 2009 Amendment").

11. Pursuant to R.C. 3734.13(C), pay a civil penalty for the hazardous waste violations of R.C. Chapter 3734, and the rules adopted thereunder, in the amount of \$863,200 set forth in Claims for Relief One through Fifteen of the Complaint.

12. Comply with all provisions of the permitting program within Ohio Adm. Code Chapter 3745-35, including all associated reporting obligations.

13. Comply with the emissions requirement of no visible emissions in the exhaust gases as identified in the permit issued by Ohio EPA to Defendants.

14. Employ reasonably available control measures when operating any fugitive dust source as identified in the permit issued by Ohio EPA to Defendants.

15. Comply with all special terms and conditions identified in any permit issued by Ohio EPA to Defendants, including the use of compliant coatings and the installation of a continuous temperature monitor and recorder as identified in the permit issued by Ohio EPA to Defendants.

16. Comply with all monitoring, recordkeeping, and reporting requirements identified by any permit issued by Ohio EPA to Defendants.

17. Report all malfunctions of any emission source, air pollution control equipment to Ohio EPA within twenty-four (24) hours of the malfunction.

18. Cease open burning of materials.

19. Comply with all asbestos emission control requirements set forth in Ohio Adm. Code Chapter 3745-20.

20. Comply with all laws, rules, and terms and conditions of any permit issued by Ohio EPA to Defendants.

21. Pursuant to R.C. 3704.06, pay a civil penalty for the violations of R.C. Chapter 3704, and the rules adopted there under, in the amount of \$187,100 for the violations set forth in Claims for Relief Sixteen through Twenty-Six of the Complaint.

22. Pay all costs and fees for this action, including attorneys' fees incurred by the Office of the Ohio Attorney General.

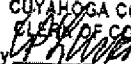
IT IS SO ORDERED.



JUDGE CASSANDRA COLLIER-WILLIAMS

RECEIVED FOR FILING

APR 30 2013

CUYAHOGA COUNTY
CLERK OF COURTS
By  Deputy