

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

ESTATE OF WILLIAM R. STROUD,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. CVH20090605
	:	
	:	
ESTATE OF DAN WOODGEARD,	:	JUDGE RUDDUCK
	:	
Defendant/ Third-Party Plaintiff,	:	
	:	
and	:	ENTRY AND ORDER
	:	
	:	
STATE OF OHIO, ex rel.	:	
MICHAEL DEWINE	:	
OHIO ATTORNEY GENERAL,	:	
	:	
Third-Party Defendant.	:	

2009-06-05
 10:30 AM
 CLINTON COUNTY
 COURT CLERK

This matter came before the Court upon Joint Motion of the parties. The Court finds that it has jurisdiction over the parties and the subject matter herein. The Court further finds that the December 4, 2011 Consent Order shall be amended as follows:

Paragraphs 10 and 11 shall be amended to read:

10. Within one hundred eighty (180) days of the Court's approval of this Joint Motion to Modify the December 1, 2011 Consent Order, the Estate is ordered and enjoined to remove all solid waste from the Site and legally dispose at a licensed and permitted solid waste facility. The Estate shall submit receipts from any and all facilities that accepted the solid waste as proof of their legal disposal or reclamation within thirty (30) days of disposal or reclamation. All receipts must be submitted to Ohio EPA Southwest District Office, c/o Maria Lammers, 401 E. 5th Street, Dayton, OH 45402-2911.

JR-69, p. 431-435

11. Within one hundred eighty (180) days of the Court's approval of this Joint Motion to Modify December 1, 2011 Consent Order For Preliminary Injunction, the Estate is ordered and enjoined to remove all scrap tires from the Site and legally dispose them at a licensed and permitted scrap tire facility. The Estate must submit receipts from any and all facilities that accepted the scrap tires as proof of their legal disposal or reclamation within thirty (30) days of disposal or reclamation. The Estate shall utilize the services of a scrap tire hauler registered with the State of Ohio. All receipts must be submitted to Ohio EPA Southwest District Office, c/o Maria Lammers, 401 E. 5th Street, Dayton, OH 45402-2911.

Paragraphs 13.a, and 15.a, b., and c. shall be added as follows:

13.a. Within one hundred eighty (180) days of the Court's approval of this Joint Motion to Modify December 1, 2011 Consent Order For Preliminary Injunction, the Estate is ordered and enjoined to remove all Construction and Demolition Debris from the Site and legally dispose of it at a licensed Construction and Demolition Debris facility or at a licensed and permitted solid waste facility. The Estate shall submit receipts from any and all facilities that accepted the solid waste as proof of their legal disposal or reclamation within thirty (30) days of disposal or reclamation. All receipts must be submitted to Ohio EPA Southwest District Office, c/o Maria Lammers, 401 E. 5th Street, Dayton, OH 45402-2911.

15.a. The Estate agrees to provide Ohio EPA, its contractors, employees, agents, representatives or assigns full access to the Property, for all purposes that Ohio EPA may at its discretion deem reasonable, necessary, or appropriate to conduct a removal action or remediation upon the Property to move, remove or dispose of any waste as determined to be waste by Ohio EPA, including any solid waste, any construction and demolition debris, any scrap tires, or any other waste materials on the Property, and to perform any remedial

measures that Ohio EPA may deem reasonable, necessary, or appropriate to address conditions on the Property as a result of the open dumping.

15.b. The Estate agrees to relinquish any claim of ownership interest in any solid waste, any construction and demolition debris, any scrap tires, or any other materials that are removed by Ohio EPA, its contractors, employees, agents, representatives or assigns from the Property in furtherance of this Order.

15.c. The Estate agrees that Ohio EPA, its contractors, employees, agents, representatives or assigns assume no liability for any injuries or damages to persons or property resulting from actions taken, or not taken, by Ohio EPA, its contractors, employees, agents, representatives, or assigns in performing a removal action of waste or other materials on the Property or remediating conditions on the Property or undertaking any actions pursuant to this Order.

All other paragraphs and provisions of the December 4, 2011 Consent Order continue in full force and effect until further Order of this Court.

IT IS SO ORDERED.

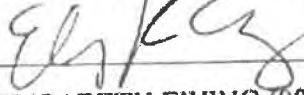


JOHN W. RUDDUCK, JUDGE

08-02-2016

SUBMITTED BY:

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OHIO ATTORNEY GENERAL**




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Estate of William Stroud***



JANEL LEE

Executrix, Estate of William Stroud