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IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex. rel.,  
RICHARD CORDRAY  
OHIO ATTORNEY GENERAL

Plaintiff,

v.

PURE TECH SYSTEMS, INC., *et al.*

Defendants.

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: CASE NO. CV 06 597766  
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: JUDGE DEENA R. CALABRESE  
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**CONSENT ORDER AND FINAL JUDGMENT ENTRY**

**WHEREAS**, Plaintiff, State of Ohio, ex rel. Richard Cordray, Attorney General of Ohio (“Plaintiff”), having filed the Complaint in this action against Alan Gressel and other Defendants to enforce Ohio’s hazardous waste laws found in Chapter 3734 of the Revised Code and the rules adopted thereunder; and Plaintiff and Defendant Alan Gressel having consented to the entry of this Order; and

**WHEREAS**, the State of Ohio and Defendant Alan Gressel (hereinafter, “Defendant Gressel”) desire to resolve the issues stated in the Complaint without further delay; and

**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. DEFINITIONS

### 1. As used in this Consent Order:

- A. **“Consent Order”** means this Consent Order and Final Judgment Entry and all appendices attached hereto. In the event of conflict between this Consent Order and any appendix, the Consent Order shall control.
- B. **“Defendant Gressel”** means Alan Gressel unless otherwise specifically noted in this Consent Order.
- C. **“Director”** means Ohio’s Director of Environmental Protection.
- D. **“Effective Date”** means the date the Cuyahoga County Court of Common Pleas enters this Consent Order.
- E. **“Facility”** refers to the Transport Road Property, the Office Property, and the Hill Property, collectively.
- F. **“Hill Property”** refers to the real estate, and the appurtenances thereon, located at 2777/2779 Rockefeller (formerly Broadway) Avenue, Cleveland, Ohio, Parcel Number 122-27-012.
- G. **“Ohio EPA”** means the Ohio Environmental Protection Agency.
- H. **“Office Property”** refers to the real estate, and the appurtenances thereon, located at 2777 Rockefeller (formerly Broadway) Avenue, Cleveland, Ohio, Parcel Number 122-27-020.
- I. **“Plaintiff”** means the State of Ohio by and through the Attorney General of Ohio.
- J. **“Transport Road Property”** refers to the real estate, and the appurtenances thereon, located at 2655 Transport Road, Cleveland, Ohio.

## **II. JURISDICTION AND VENUE**

2. Plaintiff and Defendant Gressel agree this Court has jurisdiction over the subject matter of this action, pursuant to Revised Code Chapter 3734 and the rules adopted thereunder. Plaintiff and Defendant Gressel further agree this Court has jurisdiction over the parties and that venue is proper in this Court. The Complaint states a claim upon which relief can be granted.

3. This Court shall have continuing jurisdiction over Defendant Gressel to enforce any term of this Consent Order or in resolving any conflicts concerning the interpretation of this Consent Order.

4. This Consent Order shall not be modified unless in writing between Plaintiff and Defendant Gressel and approved by this Court.

## **III. PERSONS BOUND**

5. The provisions of this Consent Order shall apply to and be binding upon Plaintiff and Defendant Gressel.

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

6. 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 Defendant Gressel to Plaintiff for all claims alleged in the Complaint and any and all claims that Plaintiff may have against Defendant Gressel related to the Facility.

7. Nothing in this Consent Order shall limit the authority of the State of Ohio to:

- A. Enforce this Consent Order through a contempt action or otherwise for violations of this Consent Order;
- B. 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 its right to sue against any entity that is not a signatory to this Consent Order.

#### **V. INJUNCTIVE RELIEF**

8. Defendant Gressel is hereby ordered and enjoined to comply with Revised Code Chapter 3734 and the rules promulgated thereunder. In the event Defendant Gressel owns and/or operates a hazardous waste treatment, storage or disposal facility in the future, he shall comply with all State and federal hazardous waste laws and regulations.

#### **VI. CIVIL PENALTY**

9. Defendant Gressel is ordered and enjoined to pay to the State of Ohio a total civil penalty in the amount of four thousand, five hundred dollars (\$4,500.00). The civil penalty required to be paid under this Consent Order shall be paid by delivering to Plaintiff, c/o Karen Pierson, or her successor, at the Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215, a cashier's or certified check in that amount payable to the order of "Treasurer, State of Ohio" and shall include a reference to "AG EAGO No. 243350". This civil penalty shall be deposited into the

Hazardous Waste Clean-up Fund created by Ohio Revised Code 3734.28. The civil penalty shall be paid upon Defendant's execution of this Consent Order.

**VII. COSTS**

10. Defendant Gressel shall pay his share of the court costs of this action, which totals One Hundred Forty-Nine Dollars and 72/100 cents (\$149.72). The final judgment of this case shall state that Defendant Gressel has paid in full his court costs.

**VIII. 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 note the service in the appearance docket.

**IT IS SO ORDERED:**

\_\_\_\_\_  
**DATE**

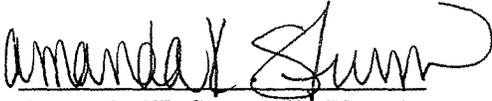
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**JUDGE DEENA R. CALABRESE  
CUYAHOGA COUNTY  
COURT OF COMMON PLEAS**

**[SIGNATURE PAGE FOLLOWS]**

**APPROVED:**

**RICHARD CORDRAY  
OHIO ATTORNEY GENERAL**

By:



**Amanda K. Sturm (0079931)**

**Daniel J. Martin (0065249)**

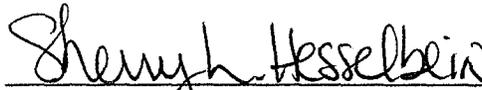
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*Attorneys for Plaintiff*

By:



**Alan Gressel**



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*Attorney for Defendant Alan Gressel*