

IN THE COURT OF COMMON PLEAS
RICHLAND COUNTY, OHIO

RICHLAND COUNTY
CLERK OF COURTS
FILED

2007 MAY 23 PM 3:55

LINDA HERRARY
CLERK OF COURTS

STATE OF OHIO, EX REL.,
MARC DANN,
ATTORNEY GENERAL OF OHIO

Plaintiff,

v.

DOUGLAS EARL, ET AL.,

Defendants.

CASE No. 02-CV-235D

JUDGE DEWEESE

ORDER

Upon a finding that Defendant Douglas Earl ("Mr. Earl") and Defendant Hoffman Revocable Living Trust ("Trust") (Collectively "Defendants") are in Contempt of Court this Court **ORDERS, ADJUDGES, AND DECREES** as follows:

- That Mr. Earl shall serve a term of 5 days in jail commencing the morning of May 28, 2007.
- That any and all business activities, including but not limited to tire sales, or tire mounting, taking place at 925 Springmill Street, Mansfield, Richland County, Ohio ("Springmill Street Property") will cease effective immediately.
- That beginning on May 29, 2007, if the scrap tires are not removed from the property by Defendants, then the Ohio Environmental Protection Agency ("OEPA"), its contractors, and/or its authorized representatives are permitted access and entry on the property located at the Springmill Street Property for the purposes of taking the necessary and appropriate preventative and/or corrective action, including but not limited to removing, processing, treating, and disposing of scrap tires, and other such actions as are necessary to remove the scrap tires from the Springmill Street Property. The authorization shall remain in full force and effect until all necessary and appropriate preventative and/or corrective action has been completed at the Springmill Street Property by OEPA, its contractors and/or its authorized representatives.

- That if access is limited by locks or any other means, OEPA, its contractors, and/or authorized representatives are permitted to use all reasonable means (including but not limited to bolt cutters, crow bars, etc...) to gain access to the limited areas.
- OEPA shall have access to the property for the clean-up and remediation of the environmental issues identified in Plaintiff's Contempt Charges filed in this case.
- That Trust will pay all reasonable costs incurred by OEPA in conjunction with clean-up and remediation at the Springmill Street Property of the environmental issues identified in Plaintiff's Contempt Charges.
- That Defendants will cease disposal of scrap tires at the Springmill Street Property.
- That this case will remain open so that a civil penalty may be assessed or agreed upon after the removal of the tires either by the Defendants or OEPA along with any other issues that may arise from the events identified in Plaintiff's Contempt Charges. The Court shall therefore retain jurisdiction over this matter and make further orders as may be necessary to enforce the terms of this Order and the Consent Order dated November 4, 2002.

IT IS SO ORDERED:

JUDGE


RICHLAND COUNTY COMMON PLEAS COURT

CERTIFICATE OF SERVICE

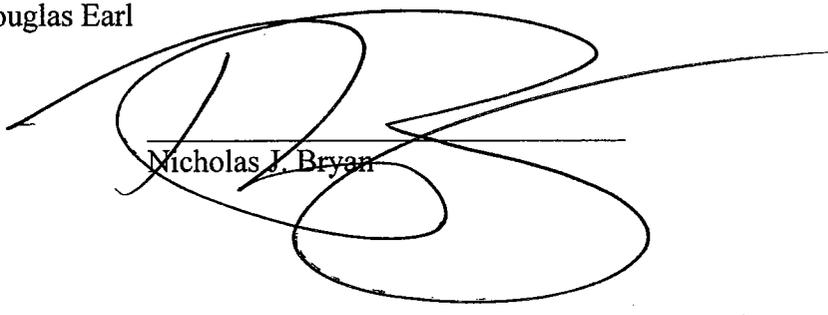
I hereby certify that a true copy of the foregoing **ORDER** has been sent by regular U.S. Mail, postage prepaid, on this 22nd day of May 2006, to:

Dale M. Musilli, Esq.
105 Sturges Ave.
Mansfield, OH 44903

Attorney for Defendant Hoffman Family Revocable Living Trust

James L. Blunt, Esq.
105 Sturges Ave.
Mansfield, OH 44903

Attorney for Defendant Douglas Earl



Nicholas J. Bryan