

IN THE COURT OF COMMON PLEAS  
SUMMIT COUNTY, OHIO

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

SUMMIT COUNTY  
CLERK OF COURTS

CASE NO. 2010 12 8448

Plaintiff,

JUDGE GALLAGHER

v.

GAS EXPRESS, INC., et al.

Defendants.

ENTRY AND ORDER

Upon the application of the Plaintiff, State of Ohio, on relation of its Attorney General Michael DeWine, and pursuant to Civil Rule 55 of the Ohio Rules of Civil Procedure, and for good cause shown, it is the Order of this Court that judgment by default be entered against Defendants Gas Express, Inc., Ali Kahook, Nasser Kahook, and Wafa Kahook ("Defendants"). Accordingly, Plaintiff's motion is GRANTED.

The Court hereby preliminarily and permanently orders and enjoins each Defendant to:

1. Comply with R.C. 3704 and the rules promulgated thereunder;
2. Properly disable and lock the gasoline dispensers until the gasoline dispensers are removed from the site or until compliance with R.C. Chapter 3704 and Ohio Adm.Code 3745-21 is demonstrated;
3. Demonstrate compliance with R.C. Chapter 3704 and Ohio Adm.Code 3745-21 prior to restarting operation of the GDF or transferring gasoline from stationary tanks to motor vehicles, including:
  - a. Notify Ohio EPA prior to restarting operation of the GDF;

- b. Demonstrate that the Stage II vapor control system is operating properly by conducting and passing a dynamic pressure performance test, static leak test, and A/L ratio test, as required by Ohio Adm.Code 3745-21-09(DDD)(2);
  - c. Keep records required by Ohio Adm.Code 3745-21-09(DDD)(3);
  - d. Submit an approvable permit-to-install-and-operate application pursuant to Ohio Adm.Code 3745-31-02(A)(1)(c) or a permit-by-rule notification as provided by Ohio Adm.Code 3745-31-03(A);
  - e. For the two ozone seasons following reopening of the GDF, conduct weekly inspections of the Stage II vapor control system, including checking for leaks, malfunctions or other damage to the system, and keep records of these inspections and any repairs made. The inspection shall begin two weeks prior to the start of the ozone season and be recorded in an inspection log or checklist. Copies of the inspection logs or checklists shall be submitted to Ohio EPA during the middle and at the end of each ozone season; and,
  - f. For the two ozone-producing seasons following reopening of the GDF, perform static leak and A/L ratio tests prior to the beginning (during March) of each ozone season and during August of each ozone season. Defendants shall notify Ohio EPA of such testing at least fourteen (14) days after completion of the tests;
- 4. Pay civil penalties for the violations to the State of Ohio in the amount of up to \$25,000 per day for each day of each violation, pursuant to R.C. 3704.06,
  - 5. Pay all costs and fees for this action, including extraordinary enforcement costs incurred by the State and attorneys' fees assessed by the Office of the Ohio Attorney General; and,

To determine the appropriate civil penalty and costs to be assessed against Defendants, a hearing will be held on \_\_\_\_\_, 2011.

IT IS SO ORDERED

4/19/11  
DATE

  
JUDGE PAUL J. GALLAGHER