

See also, Eleventh District Court of Appeals opinion, City of Mentor v. Nozik (September 23, 1994), 1994 WL 613779, which is also a case concerning environmental enforcement issues with ancillary claims for civil penalties.

Like the aforementioned cases, the Court finds that this case is primarily equitable, and that the Plaintiff herein requests this Court to award ancillary civil penalties for the violations alleged in the complaint in this matter. Therefore, Plaintiff's Motion to Strike Jury Demand of Defendants is hereby GRANTED.

For the reasons stated in Defendants' brief in opposition, the Plaintiff's Motion to Strike Defendants' Affirmative Defenses is hereby DENIED.

IT IS SO ORDERED.

10/26/07
DATE

W. Wyatt McKay
JUDGE W. WYATT MCKAY

TO THE CLERK OF COURTS, YOU ARE ORDERED TO SERVE COPIES OF THIS JUDGMENT ON ALL COUNSEL OF RECORD OR UPON THE PARTIES WHO ARE UNREPRESENTED FORTHWITH BY ORDINARY MAIL

JUDGE

W. Wyatt McKay

10-31-07

copies to:

K. Komarowski

R. James

N. Candelora

W. Sieckman

International Steel Services Inc.

M. Sieckmann

Re-Gen Inc

Walter Sieckmann Indvi. & ~~in~~ his official capacity

TRUMBULL COUNTY
CLERK OF COURTS

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