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U.S. DISTRICT COURT OF OHIO
CLEVELAND

FILED

20 APR 28 PM 3:04

U.S. DISTRICT COURT OF OHIO
CLEVELAND

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**ADVANCED MEDICAL SYSTEMS,
INC.,**

Plaintiff,

v.

**STATE EMERGENCY RESPONSE
COMMISSION, et al.,**

Defendants.

Case No.: 1:95CV2339

Judge Kathleen McDonald O'Malley

CONSENT DISMISSAL

WHEREAS, Advanced Medical Systems ("AMS") owns and operates a manufacturing facility at 1120 London Road, Cleveland, Ohio ("AMS Facility");

WHEREAS, on October 11, 1995, the State Emergency Response Commission ("SERC") issued Order No. 95-97 at the request of the Cuyahoga County Local Emergency Planning Committee ("County");

WHEREAS, SERC Order No. 95-97 concerns the provision of information by AMS to the County to assist the County in developing its plan for responding to an emergency involving a release of radioactive hazardous material from the AMS Facility;

WHEREAS, on November 1, 1995, AMS initiated the instant action by filing a Complaint for Declaratory and Injunctive Relief ("Complaint") against SERC concerning Order No. 95-97;

WHEREAS, on January 16, 1996, SERC filed a motion to dismiss the Complaint;

WHEREAS, AMS and SERC have filed various pleadings concerning the motion to dismiss;

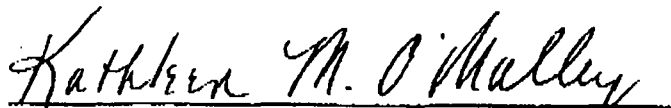
WHEREAS, on July 2, 1996, the Court issued a Consent Entry designed to provide a framework for a cooperative dialogue in this matter;

WHEREAS, AMS and the County have met and exchanged information concerning the AMS Facility;

WHEREAS, the meeting and exchange of information between the County and AMS led to a letter dated September 17, 1997, in which the County notified AMS that the County had obtained sufficient information about the AMS Facility for use in the County's 1997 annual update of its plan for responding to emergencies involving releases of hazardous materials.

NOW THEREFORE, without adjudication or admission of any issue of fact or law, and with the agreement of the parties and the reservation by each of all rights, claims and defenses, this matter is hereby DISMISSED.

ENTERED BY THE COURT:



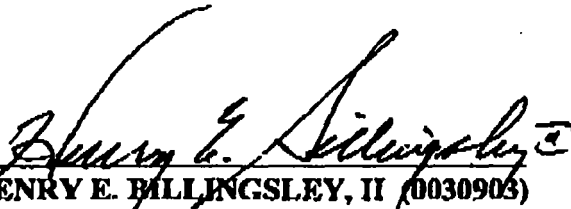
JUDGE KATHLEEN MCDONALD O'MALLEY

Dated: April 27, 1998

Advanced Medical Systems, Inc. v. State Emergency Response Commission
Consent Dismissal

By Agreement of the Parties:

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