

IN THE COURT OF COMMON PLEAS  
PERRY COUNTY, OHIO

RECEIVED  
PERRY COUNTY

STATE OF OHIO, *ex rel.* JIM PETRO  
ATTORNEY GENERAL OF OHIO

Plaintiff,

-v-

RALPH L. ALLEN, *et. al.*

Defendants

CASE NO. 03CV00091 PM 1:12

JUDGE LINTON D. LEWIS, JR.  
CLERK OF COURTS

JUDGMENT ENTRY

This matter came before the Court on June 25, 2003, for a civil penalty hearing, due to the Court's prior issuance of a default judgment against Defendant Frank A. Barton ("Defendant Barton"). From the evidence presented, the Court finds that as a result of violations of R.C. 3734.03 for open dumping and open burning of scrap tires, and violations of R.C. 3734.11 and Ohio Adm. Code 3745-27-60 for improper storage of scrap tires, the Court imposes a civil penalty upon Defendant Barton in the amount of seven hundred sixty-two thousand dollars (\$762,000).

The Court hereby ORDERS, ADJUDGES AND DECREES the following:

Within ninety (90) days, Defendant Barton shall deliver a certified check or money order in the amount of seven hundred thirty-six thousand dollars (\$736,000), payable to the order of "Treasurer, State of Ohio, to Plaintiff, c/o Jena Suhadolnik or her successor, Office of the Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215-3428. The payment shall be deposited into the Scrap Tire Management Fund created in R.C. 3734.82.

Within ninety (90) days, Defendant Barton shall also deliver a certified check or money order in the amount of twenty-six thousand dollars (\$26,000), payable to the order of "Treasurer, State of Ohio, to Plaintiff, c/o Jena Suhadolnik or her successor, Office of the Attorney General,

Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215-3428. The payment shall be deposited into the Hazardous Waste Management Fund created in R.C. 3734.28.

DATE

7/3/03

  
JUDGE LINTON D. LEWIS, JR.  
PERRY COUNTY COURT OF COMMON PLEAS

Copy to:

Frank A. Barton  
8530 S.R. 669 NW  
McConnelsville, Ohio 43756

John F. Cayton  
Office of the Attorney General  
Environmental Enforcement Section  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215

Robert B. Marlow  
13207 State Route 669 NE  
Crooksville, Ohio 43731

William L. Marlow  
8625 Lincoln Street – Rose Farm  
Crooksville, Ohio 43731

Robert A. Miller  
223 A North Main Street  
P.O. Box 716  
New Lexington, Ohio 43764

IN THE COURT OF COMMON PLEAS  
PERRY COUNTY, OHIO

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STATE OF OHIO, *ex rel.* JIM PETRO  
ATTORNEY GENERAL OF OHIO

CASE NO. 03-CV-00091

JUDGE LINTON D. LEWIS, JR.

TIMOTHY J. WOLLENBERG  
CLERK OF COURTS

Plaintiff,

-v-

RALPH L. ALLEN, *et. al.*

Defendants

**JUDGMENT ORDER AND ENTRY**  
**AS TO DEFENDANTS RALPH L. ALLEN**  
**AND WILLIAM L. MARLOW**

This matter came before this Court on Plaintiff's Motion for Summary Judgment against Defendants Ralph L. Allen ("Defendant Allen") and Defendant William L. Marlow ("Defendant Marlow"). On October 8, 2003, this Court granted the Motion for Summary Judgment in favor of the Plaintiff.

The Court hereby ORDERS, ADJUDGES AND DECREES the following:

1. Defendants Allen and Marlow shall comply with Ohio's solid waste laws as codified in R.C. Chapter 3734. and the rules promulgated thereunder;
2. Defendants Allen and Marlow shall cease open dumping scrap tires and/or other solid waste at the former Crooksville Coal Company site off County Road 22 (a.k.a. Tatmans Road), Bearfield Township, Perry County (hereinafter "Crooksville Tire Dump");
3. Defendants Allen and Marlow shall remove all scrap tires and other solid waste from the Crooksville Tire Dump within one hundred eighty (180) days after the effective date of this Entry;
4. Within thirty days (30) after the effective date of this Entry, Defendants Allen and Marlow shall establish proper fire lanes and store scrap tires at the Crooksville Tire Dump in

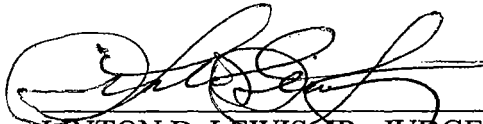
accordance with Ohio Adm. Code 3745-27-60, until such time as all scrap tires are lawfully removed;

5. Pursuant to R.C. 3734.13, within ninety (90) days, Defendant Allen shall deliver a certified check or money order in the amount of three hundred eighty-nine thousand dollars (\$389,000), payable to the order of "Treasurer, State of Ohio, to Plaintiff, c/o Jena Suhadolnik or her successor, Office of the Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215-3428. The payment shall be deposited into the Scrap Tire Management Fund created in R.C. 3734.82.

6. Pursuant to R.C. 3734.13, within ninety (90) days, Defendant Marlow shall deliver a certified check or money order in the amount of fifteen thousand dollars (\$15,000), payable to the order of "Treasurer, State of Ohio, to Plaintiff, c/o Jena Suhadolnik or her successor, Office of the Attorney General, Environmental Enforcement Section, 30 East Broad Street, 25<sup>th</sup> Floor, Columbus, Ohio 43215-3428. The payment shall be deposited into the Scrap Tire Management Fund created in R.C. 3734.82.

7. Defendants shall pay the cost of this action.

10/20/03  
DATE

  
LINTON D. LEWIS, JR., JUDGE  
PERRY COUNTY COURT OF COMMON PLEAS

Copy to:

John F. Cayton  
Office of the Attorney General  
Environmental Enforcement Section  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215

William L. Marlow  
8625 Lincoln Street – Rose Farm  
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