

IN THE COURT OF COMMON PLEAS  
BUTLER COUNTY, OHIO



2006 JUN 30  
STATE OF OHIO, et al. PH 12: 37  
JIM PETRO  
ATTORNEY GENERAL OF OHIO  
BUTLER COUNTY  
CLERK OF COURTS  
Plaintiff,

CASE NO. CV 2002 05 1302  
JUDGE H. J. BRESSLER  
MAGISTRATE KREBS

v.

MIAMI PACKAGING, INC.

and,

THE FRIEND GROUP, INC.

Defendants.

**CONSENT ORDER AND FINAL JUDGMENT ENTRY**

Plaintiff, the State of Ohio, by its attorney Jim Petro, at the written request of the Director of Environmental Protection, has filed an Amended Complaint seeking injunctive relief and civil penalties from Defendant Miami Packaging, Inc. ("Miami") for violations of Ohio Revised Code ("O.R.C.") Chapter 3704 and the rules promulgated thereunder; further, the Plaintiff State of Ohio has sought to "pierce the corporate veil" of Defendant The Friend Group, Inc. ("Friend") and hold said company responsible for the actions of its subsidiary but the Court has made no finding of any liability upon the part of Friend for Miami's actions.

All parties have consented to the entry of this Order.

WHEREAS, the parties wish to resolve the claims herein contained in Plaintiff's Amended Complaint without resort to trial, appeals, potential further litigation, and the expenses attendant to same.

WHEREAS, the State of Ohio's Amended Complaint alleges that certain violations of the State's air pollution control laws and regulations occurred, and are hereby admitted by Miami to

have occurred, as noted in the Amended Complaint at Miami's former paper manufacturing facility located at 1701 Reinartz Boulevard, Middletown, Butler County, Ohio ("former facility");

WHEREAS, Miami's former facility permanently ceased operations in 2002, thereby terminating any continuing violations alleged in the State of Ohio's Amended Complaint;

WHEREAS, Miami's former facility has not been nor will be replaced with a new paper manufacturing facility;

WHEREAS, Miami is not in any way functioning aside from its being a "paper" entity, nor will it start any new paper manufacturing operations;

WHEREAS, Miami has surrendered any and all of its permits back to Plaintiff;

WHEREAS, all air pollution control violations known to State are included in the State's Amended Complaint or in the Notices of Violation attached hereto;

THEREFORE, upon the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

**I. JURISDICTION AND VENUE**

1. The Court has jurisdiction over the parties and the subject matter of this case. The Amended Complaint states a claim for which relief can be granted pursuant to O.R.C. §3704 et seq. Venue is proper in this Court.

**II. PERSONS BOUND**

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and, to the extent provided by Rule 65(D) of the Ohio Rules of Civil Procedure, their officers, agents, servants, employees, attorneys, successors, and assigns, and those persons in active concert or participation with them who receive actual notice of this

Consent Order whether by personal service and otherwise. Defendant Miami alone shall be liable for all obligations imposed by this Consent Order.

**III. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS**

3. Compliance with the terms of this Consent Order and the clearance of the check in paragraph 5 below shall constitute full satisfaction of any civil liability of Defendants Miami and Friend to the State of Ohio for the claims alleged in the State of Ohio's Amended Complaint and alleged in the attached Notices of Violation.

4. Except for the claims alleged in the attached Notices of Violation, the Consent Order shall not be construed to limit the authority of the State of Ohio to seek relief for violations not alleged in the Amended Complaint, nor shall this Consent Order bar the State from bringing any action against the Defendants for any violations which occur after the entry of this Order. Nothing in this Consent Order shall be construed to relieve Defendants of their obligations to comply with applicable federal, state or local statutes, regulations, or ordinances.

*JH* (7)  
*PL*

**IV. CIVIL PENALTY**

5. Pursuant to O.R.C. §3704.06(C) Defendant Miami shall pay fifty thousand dollars (\$50,000.00) in hand to the State of Ohio. The civil penalty shall be paid by a certified check for fifty thousand dollars (\$50,000.00) payable to the order of "Treasurer, State of Ohio."

6. At the time of the signing of this Consent Order and Final Judgment Entry the payment required under paragraph 5 shall have been delivered to Lyndia Jennings, or her successor, Administrative Assistant, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street – 25<sup>th</sup> Floor, Columbus, Ohio 43215-3400.

**V. RETENTION OF JURISDICTION**

7. The Court shall retain jurisdiction of this action for purposes of enforcing this Consent Order.

**VI. COURT COSTS**

8. Miami shall pay all court costs.

**VII. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK**

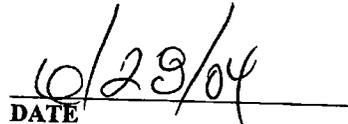
9. Upon signing of this Consent Order by the Court, the clerk is directed to enter it upon the journal. Within three days of entering the judgment upon the journal, the clerk is directed to serve upon all parties notice of the judgment and its date of entry upon the journal in the manner prescribed by Rule 5(B) of the Ohio Rules of Civil Procedure and note the service in the appearance docket.

**VIII. AUTHORITY TO ENTER INTO THE CONSENT ORDER**

10. Each signatory represents and warrants that he/she has been duly authorized to sign this document and so bind the party that he/she represents to all terms and conditions thereof.

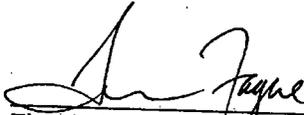
**IT IS SO ORDERED.**

  
\_\_\_\_\_  
JUDGE H. J. BRESSLER  
COURT OF COMMON PLEAS  
BUTLER COUNTY, OHIO

  
\_\_\_\_\_  
DATE

**APPROVED:**

**COOLIDGE, WALL, WOMSLEY  
& LOMBARD**



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*The Friend Group, Inc.*