

II. PERSONS BOUND

2. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and, in accordance with 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 or constructive notice of this Consent Order whether by personal service or otherwise.

III. SATISFACTION OF LAWSUIT AND RESERVATION OF RIGHTS

3. Compliance with the terms of this Consent Order shall constitute full satisfaction of any civil liability of Defendants to Plaintiff for the claims alleged in Plaintiff's Complaint, which concerns alleged violations of asbestos emission control regulations and Ohio law at a commercial building located at 2019 Center Street in Cleveland, Ohio.

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

IV. INJUNCTIVE RELIEF

5. Defendants are hereby enjoined and ordered to immediately and permanently comply with R.C. Chapter 3704, the regulations adopted thereunder and Ohio Adm.Code 3745.

6. Defendants are specifically enjoined and ordered to comply with Ohio Adm.Code 3745-20-03(A)(1), requiring notification to the Director of Ohio EPA with written notice of intention to demolish.

V. CIVIL PENALTY

7. Pursuant to and in accordance with R.C. 3704.06, Defendants are enjoined and ordered to pay a total civil penalty of twelve thousand dollars (\$12,000). Such penalty shall be paid as follows:

a. Defendants shall, within thirty (30) days of the effective date of this Consent Order, fund a supplemental environmental project ("SEP") by making a contribution in the amount of twenty (20) percent – Two Thousand, Four Hundred Dollars (\$2,400) – of the total civil penalty to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD). Defendants shall tender a certified check to the Order of the "Treasurer, State of Ohio" for Two Thousand, Four Hundred Dollars (\$2,400). The certified check shall specify that such monies are to be deposited in the Fund 5CD established by Ohio EPA for the Clean Diesel Bus Program. The certified check together with a letter identifying the Defendants, shall be delivered to J. Mark Lemmon, Paralegal, or his successor, Paralegal, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400. The memo portion of the check, or some other prominent location on the transmittal letter or documentation, shall include a reference to "A.G. EAGO No. 228297."

b. Defendants shall pay the remaining eighty (80) percent – Nine Thousand and Six Hundred Dollars – of the total penalty by cashier's or certified check payable to the order of "Treasurer, State of Ohio" and delivered within thirty (30) days of entry of this Consent Order to J. Mark Lemmon, Paralegal, or his successor, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400. The memo portion of the check, or some other prominent location on the transmittal letter or documentation, shall include a reference to "A.G. EAGO No. 228297."

VI. STIPULATED PENALTIES

8. In the event that Defendants fails to comply with any requirement or deadline contained in this Consent Order or any requirement or deadline contained in any document approved in accordance with this Consent Order, the stipulated penalties contained herein shall apply for the purpose of coercing compliance. Defendants are liable for and shall pay stipulated penalties in accordance with the following schedule for each failure to comply:

- a. For each day of each failure to comply with a requirement or deadline of this Consent Order, up to and including thirty (30) days – One Hundred and Dollars (\$ 100.00) per day for each requirement or deadline not met.
- b. For each day of each failure to comply with a requirement or deadline of this Consent Order, from thirty-one (31) to sixty (60) days – Two Hundred Dollars (\$200.00) per day for each requirement or deadline not met.
- c. For each day of each failure to comply with a requirement or deadline of this Consent Order, over sixty (60) days – Four Hundred (\$400.00) per day for each requirement or deadline not met.

9. Any payment required to be made under the provisions of this Section of the Consent Order shall be made by delivering to Plaintiff, c/o J. Mark Lemmon, Paralegal, or his successor, Office of the Attorney General of Ohio, Environmental Enforcement Section, 30 East Broad Street, 25th Floor, Columbus, Ohio 43215-3400, a cashier's or certified check or checks made payable to the order of "Treasurer, State of Ohio," for the appropriate amount within thirty (30) days from the date of the failure to meet the requirement or deadline of this Consent Order. The payment of the stipulated penalty shall be accompanied by a letter briefly describing the type of violation, deadline or requirement not met and the date upon which the violation of this

Consent Order occurred. The memo portion of the check, or some other prominent location on the transmittal letter or documentation, shall include a reference to "A.G. EAGO No. 228297."

10. The payment of stipulated penalties by Defendants and the acceptance of such stipulated penalties by Plaintiff pursuant to this Section shall not be construed to limit Plaintiff's authority to seek additional relief pursuant to R.C. Chapter 3704, including civil penalties under R.C. 3734.06, or to otherwise seek judicial enforcement of this Consent Order, for the same violation for which a stipulated penalty was paid or for other violations.

VII. RETENTION OF JURISDICTION

11. The Court will retain jurisdiction of this action for purposes of enforcing this Consent Order.

VIII. COURT COSTS

12. Defendants are hereby ordered to pay all court costs of this action.

IX. ENTRY OF CONSENT ORDER AND JUDGMENT BY CLERK

13. 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.

X. AUTHORITY TO ENTER INTO THE CONSENT ORDER

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

IT IS SO ORDERED

6-14-06
DATE

Judith Kellum Kott
JUDGE

COURT OF COMMON PLEAS,
CUYAHOGA COUNTY

APPROVED:

STONEBRIDGE MANAGEMENT AND
DEVELOPMENT, INC.

JIM PETRO
ATTORNEY GENERAL OF OHIO

BY:

BY:

[Signature]

[Signature]

Authorized Representative for Stonebridge
Management and Development, Inc.

Karla Gebel Perrin (0078918)
Nicole Candelora (0079790)
Assistant Attorneys General
30 East Broad Street
Columbus, Ohio 43215-3400
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Attorneys for Plaintiff State of Ohio

THE K&D GROUP, INC.

BY:

[Signature]

Authorized Representative for
The K&D Group, Inc.

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JUN 14 2006

STONEBRIDGE CENTER, LLC

BY:

[Signature]

Authorized Representative for Stonebridge
Center, LLC

GERALD E. FUERST, CLERK
By *[Signature]* Deputy

DOUGLAS E. PRICE, III

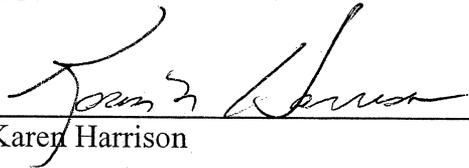
BY:



Douglas E. Price, III

KAREN HARRISON

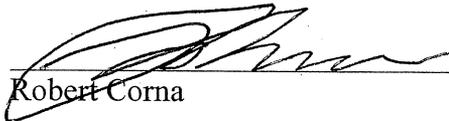
BY:



Karen Harrison

ROBERT CORNA

BY:



Robert Corna

**CANNON, STERN, AVENI &
LOIACONO CO., L.P.A.**



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41 East Erie Street
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Attorney for Defendants

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GERALD E. FUERSY, CLERK
By:  Deputy