

**IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO**

**STATE OF OHIO, *ex rel.*
DAVE YOST
OHIO ATTORNEY GENERAL,**

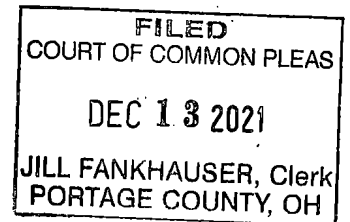
Plaintiff,

v.

CREST RUBBER COMPANY, et al.,

Defendants.

: **CASE NO. 2020 CV 00711**
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: **JUDGE LAURIE J. PITTMAN**
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JUDGMENT ENTRY ORDERING CIVIL PENALTY AMOUNT

This matter is before the Court on Plaintiff, State of Ohio's ("State") Civil Penalty Brief, and after a civil penalty hearing, held on December 10, 2021, following this Court's Judgment Entry Granting the Motion for Default Judgment imposing liability and injunctive relief against Defendants Crest Rubber Company and C.F. Capital Investment, Ltd. dba C.F. Capital Investment Corporation (collectively referred to as "Defendants"), entered on October 26, 2021.

The Court recognizes that it may use its informed discretion to impose a civil penalty that is appropriate to: 1) redress the harm or risk of harm posed to public health or the environment by the violations at issue; 2) remove the economic benefit gained by the violations; 3) penalize the level of recalcitrance, defiance, or indifference demonstrated by the violator of the law; and 4) recover the extraordinary costs incurred by the State of Ohio. *State ex rel. Brown v. Dayton Malleable, Inc.*, 1 Ohio St.3d 151, 438 N.E.2d 120 (1982).

Having considered the four factors articulated in *Dayton Malleable*, the evidence submitted by the State, including but not limited to affidavits, and arguments provided in the State's Civil

Penalty Brief, adopted as if incorporated in this Judgment Entry, the Court finds the civil penalty requested by the State for Defendants' violations of Ohio's hazardous waste laws and rules is warranted.

Therefore, it is hereby ordered that Defendants, jointly and severally, pay to the State a civil penalty of \$200,000, pursuant to R.C. 3734.13(C) within 30 days of the entry of this Judgment Entry by cashier's or certified check, made payable to "Treasurer, State of Ohio," and delivered to Sandra Finan, or her successor, at 30 East Broad Street, 25th Floor, Columbus, Ohio 43215.

This Court will retain jurisdiction of this suit for the purpose of making any order or decree which it may deem necessary at any time to carry out its judgment.

All other entries and orders of the Court, including the Judgment Entry Granting Motion for Default Judgment, remain effective and enforceable.

It is so ordered.

Date: 12-13-21



JUDGE LAURIE J. PITTMAN

Copies to be sent to:

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"The Clerk is directed to
serve the foregoing upon all
counsel or unrepresented
parties in accordance with
CIV. R. 5(B) in the manner
provided in Civ. R. 53."

CREST RUBBER COMPANY
David H. Clark, Statutory Agent
3267 Old Forge Road
Kent, Ohio 44240

C.F. CAPITAL INVESTMENT, LTD dba
C.F. CAPITAL INVESTMENT
CORPORATION
David H. Clark and C.F. Capital Investment,
Etc., Statutory Agents
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Ravenna, Ohio 44240