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THE L. HAUDENSCHILD  
CLERK

**IN THE HARDIN COUNTY COMMON PLEAS COURT  
KENTON, OHIO**

**STATE OF OHIO, et rel. :** **CASE NO. CVH 2012 1182**  
**MICHAEL DEWINE**  
**OHIO ATTORNEY GENERAL :**  
  
**PLAINTIFF, :**  
  
**-VS- :** **JUDGMENT ENTRY OF**  
**SUMMARY JUDGMENT**  
**LOGAN F. MEDLEY, :**  
  
**DEFENDANT. :**

.....  
This cause came on upon the Plaintiff's motion for partial summary judgment and partial dismissal. The Defendant failed to file a memorandum in opposition.

The party asking for summary judgment bears the initial burden of identifying the basis for its motion in order to allow the opposing party a "meaningful opportunity to respond." *Mitseff v. Wheeler* (1988), 38 Ohio St. 3d 112, 116, 526 N.E. 2d 798. The moving party must also demonstrate the absence of a genuine issue of material fact as to an essential element of the case. *Dresher*

*v. Burt* (1996), 75 Ohio St. 3d 280, 292, 662 N.E. 2d 264. Then the moving party must demonstrate that they are entitled to summary judgment as a matter of law, at which time, the burden then shifts to the non-moving party to produce evidence on any issue which that party bears the burden of production at trial. *Deutsche Bank Trust Co. v. McCafferty*, 3d Dist. No. 1-07-26, 2008-Ohio-520, ¶19, citing Civ. R. 56(E).

The undisputed facts are that, from October 16, 2007 until September 28, 2012, the Defendant was the owner of land located at 19583 St. Rt. 31, Mt. Victory, Hardin County, Ohio. In 2007, the Defendant received a Scrap Tire Beneficial Use Authorization (“Authorization”) from the Ohio Environment Protection Agency (“EPA”) in order to scrap tires.

From 2008 through 2012, the property was inspected by Jeremy Scoles, an Environmental Specialist and Environment Supervisor with the EPA. During said inspections Mr. Scoles identified numerous deviations from the Authorization.

Although the EPA offered the Defendant opportunities to rectify the problems he failed to respond to their efforts, resulting in the revocation of the Authorization. As the Defendant never remedied the environmental violations, the Attorney General filed the complaint alleging violations of R.C. 3734.

On September 28, 2012, the Defendant sold the property to Painter Creek Acres, LLC (“Painter”). They cleaned the property by removing and properly

disposing of the solid waste and scrap tires. However, Painter's actions do not relieve the Defendant from liability for the environmental violations committed from 2008 through 2012 when he owned the property.

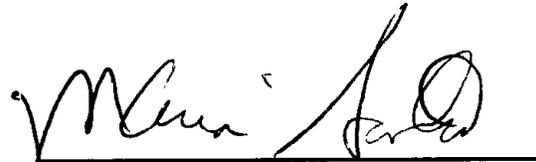
As the Defendant has failed to file a memorandum contra to the motion for summary judgment, there are no genuine issues of material fact in dispute. Even when construing the evidence in a light most favorable to the non-moving party, the Court finds that the Plaintiff has met its burden of proof and is therefore entitled to judgment as a matter of law.

The Court finds that the Defendant is liable for the environmental violations as plead in counts one through five of the complaint and that Plaintiff is entitled to judgment as a matter of law.

It is **ORDERED, ADJUDGED AND DECREED** that Plaintiff's motion for partial summary judgment is granted and the Defendant is liable for the environmental violations as plead in counts one through five of the complaint.

It is further **ORDERED** that Plaintiff's voluntary dismissal of its request for injunctive relief contained in paragraphs A, B, C, D, E, F, G and H of the prayer for relief are dismissed without prejudice.

It is further **ORDERED** this matter shall be set for a damages hearing on  
the 22nd day of July, 2013 at 2:30 p.m..

  
Magistrate Maria Santo

**PURSUANT TO CIVIL RULE 53(D)(4)(e)(i), THE COURT ADOPTS THIS  
DECISION OF THE MAGISTRATE AND ENTERS IT AS THE  
JUDGMENT HEREIN.**

  
JUDGE SCOTT N. BARRETT

**PURSUANT TO CIVIL RULE 53(D)(3)(b)(i), OBJECTIONS TO THIS  
DECISION SHALL BE FILED WITH THE COURT, IN WRITING,  
WITHIN 14 DAYS OF THE FILE-STAMPED DATE.**

**A PARTY SHALL NOT ASSIGN AS ERROR ON APPEAL THE  
COURT'S ADOPTION OF ANY FACTUAL FINDING OR LEGAL  
CONCLUSION OF LAW UNDER CIVIL RULE 40(D)(3)(a)(ii), UNLESS  
THE PARTY TIMELY AND SPECIFICALLY OBJECTS TO THAT  
FACTUAL FINDING OR LEGAL CONCLUSION AS REQUIRED BY  
CIVIL RULE 53(D)(3).**