

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

MICHIGAN DEPARTMENT OF
NATURAL RESOURCES AND
ENVIRONMENT,

Plaintiff,

Case No. 11-156-CE

Hon. Rosemarie E. Aquilina

STREFLING OIL COMPANY, a
Michigan corporation, STREFLING
REAL ESTATE INVESTMENTS #1,
LLC, a Michigan limited liability
company, and RONALD G.
STREFLING,

Defendants.

MIKE GREGG
CLERK OF THE 30TH
JUDICIAL CIRCUIT COURT
INGHAM COUNTY, MICHIGAN

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FILED

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ORDER GRANTING PARTIAL SUMMARY DISPOSITION

At a session of court held in the courthouse in
City of Lansing, County of Ingham,
State of Michigan on January 25, 2012.

Present: Honorable Rosemarie E. Aquilina Circuit Court Judge

The Court has reviewed Plaintiff Michigan Department of Natural Resources and Environment's (MDNRE) Motion for Partial Summary Disposition Pursuant to MCR 2.116(C)(10), Defendants' Response to Plaintiff's Motion and Request for Summary Disposition pursuant to MCR 2.116(I)(2), Plaintiff's Reply to Defendant's Response, the exhibits and opinions attached in support and in opposition, and has heard oral argument. It appears to the Court that there is no genuine issue of any material fact and that as a matter of law Plaintiff is entitled to partial summary disposition on all legal issues. An evidentiary hearing will be held to determine the costs and penalties that Defendants are liable to pay to Plaintiff based upon the rulings in this Order.

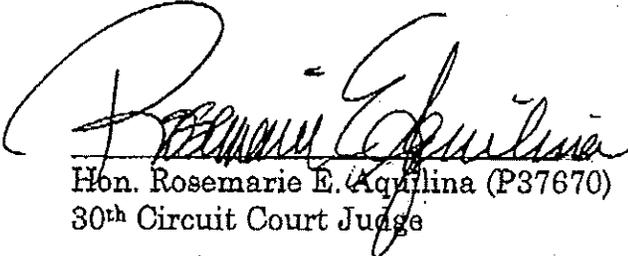
IT IS ORDERED:

1. Defendants Strefling Oil Company (Strefling Oil) and Strefling Real Estate Investments #1 LLC (SREI) are liable for past "response activity costs" incurred by MDNRE relating to the John's Pro Filling Station and the Strefling Bulk Plant;
2. Defendants Strefling Oil and Ron Strefling are liable for past "response activity costs" incurred by MDNRE relating to the Galien Filling Station;
3. The Defendants are jointly and severally liable for past "response activity costs" incurred by MDNRE that are multi-site costs;
4. Defendants Strefling Oil and SREI are liable for future "response activity costs" incurred by MDNRE relating to the John's Pro Filling Station and the Strefling Bulk Plant;

5. Defendants Strefling Oil and Ron Strefling are liable for future "response activity costs" incurred by MDNRE relating to the Galien Filling Station.
6. Defendants Strefling Oil and SREI are not in compliance with Part 213 and are required to complete corrective actions in connection with the releases of hazardous substances at John's Pro Filling Station and the Strefling Bulk Plant;
7. Defendants Ron Strefling and Strefling Oil are not in compliance with Part 213 and are required to complete corrective actions in connection with the release of hazardous substances at the Galien Filling Station;
8. Defendant Strefling Oil is liable to MDNRE for administrative penalties due to its failure to submit statutorily required reports under Part 213; and
9. Defendants are in violation of Part 213 and are subject to civil penalties pursuant to MCL 324.21323(1)(d).
10. An evidentiary hearing will be held on the currently scheduled trial date of April 9, 2012 to determine the amount of past response activity costs, administrative penalties, and civil penalties that Defendants are liable to pay to Plaintiffs based upon the rulings in this Order.

IT IS SO ORDERED.

Dated: 16 Feb 12


Hon. Rosemarie E. Aquilina (P37670)
30th Circuit Court Judge