

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Plaintiff,

v.

DANIEL P. FONS, an individual, and
J. FONS COMPANY, INC.,
a Michigan corporation,

Defendants/Third-Party Plaintiffs

Case No. 06-077432-CE

Hon. Edward Avadenka

Dept. of Attorney General
RECEIVED

JUN 23 2010

**NATURAL RESOURCES
DIVISION**

**STIPULATED JUDGMENT
OF LIABILITY**

v.

BROWN ROAD GROUP, LLC, et al.,

Third-Party Defendants.

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Harold J. Martin (P39234)
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Attorneys for Defendants/Third-Party Plaintiffs
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At a session of said Court, held in the City of Pontiac,
County of Oakland, State of Michigan, on
June 21, 2010

PRESENT: Hon. Edward Avadenka
CIRCUIT COURT JUDGE

Based on the stipulation of Defendants/Third-Party Plaintiffs J. Fons Company, Inc. and the Estate of Daniel Fons (collectively, "Defendants") and Plaintiff Michigan Department of Environmental Quality n/k/a Michigan Department of Natural Resources and Environment ("MDNRE"), it is hereby

ORDERED and ADJUDGED that Defendants are jointly and severally liable under Part 201 of the Michigan Natural Resources and Environmental Protection Act, MCL 324.20126, for all remedies set forth at MCL 324,20126a, including response activity costs lawfully and reasonably incurred by MDNRE in responding to the releases or threats of release of hazardous substances at or from the Facility (as defined in the Complaint); and it is further

ORDERED that this matter is dismissed without prejudice, including without prejudice to MDNRE's right to seek remedies, including lawfully incurred response costs, past and future, from Defendants based on this Judgment of Liability – Defendants agree to waive any defense based on the statute of limitations if MDNRE pursues any Part 201 remedies arising out of this judgment against Defendants in a new action; and without prejudice to Defendants' right to seek indemnification from Third-Party Defendants or to seek to recover Defendants' attorney fees and costs from Third-Party Defendants pursuant to the Opinion and Order Granting Motion for Summary Disposition dated November 16, 2007 or otherwise.

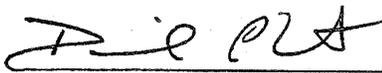
This is a final Order that resolves the last pending claim and closes the case.

EDWARD AVADENKA
VISITING JUDGE

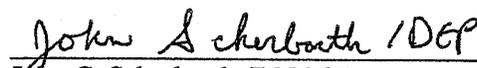
CIRCUIT COURT JUDGE

STIPULATED:

EDWARD AVADENKA
VISITING JUDGE



David E. Plunkett (P66696)
Attorney for Defendants/Third Party Plaintiffs



John C. Scherbarth (P28865)
Harold J. Martin (P39234)
Attorneys for Plaintiff

A TRUE COPY
RUTH JOHNSON
Oakland County Clerk - Register of Deeds
By: 
Deputy