

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

THE MICHIGAN DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Plaintiff,

v

Case No. 10-1135 CE(D)

HON. JOYCE A. DRAGANCHUK

BLARNEY CASTLE OIL COMPANY,  
INC., and BLARNEY CASTLE INC.,  
Michigan for profit corporations,

Defendants.

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John P. Mack (P28407)  
Margaret A. Bettenhausen (P75046)  
Assistant Attorneys General  
Williams Building – 6<sup>th</sup> Floor  
525 West Ottawa Street  
P.O. Box 30755  
Lansing, MI 48909  
Telephone (517) 373-7540  
-Attorneys for Plaintiff

BARNES & THORNBURG, LLP  
Kenneth W. Vermeulen (P43241)  
171 Monroe Avenue, NW – Suite 1000  
Grand Rapids, MI 49503  
Telephone (616) 742-3930  
-Attorneys for Defendant

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**STIPULATED ORDER DISMISSING CASE WITH PREJUDICE, WITHOUT  
COSTS AND WITHOUT ATTORNEYS FEES, WITH CONDITIONS**

The parties bound by this Stipulated Order are the Michigan Department of Environmental Quality (hereafter "Plaintiff") and Blarney Castle Oil Co. Inc. and Blarney Castle Inc. both Michigan for profit corporations, (hereafter, collectively, "Defendants"). The parties, through their undersigned attorneys, agree to this Stipulated Order as follows;

1. The Complaint containing Counts I, II and III, filed on September 20, 2010 is the subject of this Stipulated Order, and is hereafter referred to as the "Complaint".

2. The entry of this Stipulated Order confirms that MDEQ has received and approved a Closure Report from Defendants pertaining to the Ralph's Marathon Property located at 202 East 7<sup>th</sup> Street, Ewart, Michigan. Written approval of the Closure Report will be sent by MDEQ no later than thirty (30) days after the effective date of this Order. The entry of this Stipulated Order resolves only the issues set forth in the Complaint.

3. The effective date of this Stipulated Order is that provided for under MCR 2.602(A)(2).

4. By its approval of this Stipulated Order, Defendants do not admit liability alleged in the Complaint.

5. By approval of this Stipulated Order, Plaintiff does not waive any claims or causes of action which may accrue after the effective date of this Stipulated Order, founded upon the then existing common law.

6. By approval of this Stipulated Order, Plaintiff does not waive any claims or causes of action which may accrue after the effective date of this Stipulated Order, founded upon the then existing statutory law.

7. Defendants agree to pay the Plaintiff the sum of one hundred and seventy-five dollars (\$175,000) to resolve all past costs and civil fines demanded in the Complaint as of the date of settlement. Defendants shall pay the \$175,000 in

four (4) quarterly installments. The first quarterly installment shall be due no later than fifteen (15) days after the effective date of this Stipulated Order. The three (3) subsequent quarterly payments are due on or before September 1, 2012; December 1, 2012; and March 1, 2013.

8. Payment of each quarterly installment due under the preceding Paragraph 7 shall be sent by registered mail to the MDEQ Revenue Control Unit at the address listed in this paragraph. Defendants agree to make payment by certified check made payable to the State of Michigan, Environmental Response Fund. Checks should be delivered to:

Revenue Control Unit  
Financial and Business Services Division  
525 West Allegan Street, 5<sup>th</sup> Floor, South Tower  
P.O. Box 30657  
Lansing, Michigan 48909-8157

All payments must include the Court Case Number 10-1135 CE(D), Project Number 445030, and Settlement Identification Number RRD2268 on the face of the certified check.

9. Plaintiff and Defendants agree that the Complaint shall be dismissed with prejudice, but subject to the terms of the preceding Paragraphs, No. 1 through 8.

10. Dismissal shall be without costs of suit, and shall be without attorney's fees incurred by the parties up to the date this Order becomes effective under MCR 2.602(A)(2).

11. Dismissal is effective on the date the Court approves this order under MCR 2.602(A)(2).

Pursuant to MCR 2.119(D)(1)(b), Plaintiff waives notice and hearing on the entry of the above order.

Bill Schuette - Attorney General  
Attorney for Plaintiff

By: 

Date: June 11, 2012

John P. Mack (P28407)  
Margaret A. Bettenhausen (P75046)  
Assistant Attorneys General  
Williams Building - 6th Floor  
525 West Ottawa Street  
P.O. Box 30755  
Lansing, MI 48909  
Telephone (517) 373-7540

Pursuant to MCR 2.119(D)(1)(b), Defendants waives notice and hearing on the entry of the above order.

By: 

Date: June 11, 2012

Kenneth W. Vermeulen (P43241)  
BARNES & THORNBURG, LLP  
171 Monroe Avenue, NW - Suite 1000  
Grand Rapids, MI 49503  
Telephone (616) 742-3930  
Attorney for Defendants

IT IS SO ORDERED.

JOYCE DRAGANCHUK

HON. JOYCE A. DRAGANCHUK - Circuit Judge

Signed on June 13, 2012 P-39417