

IN THE IOWA DISTRICT COURT FOR PLYMOUTH COUNTY

STATE OF IOWA, ex rel., THOMAS J.)
MILLER, ATTORNEY GENERAL OF)
IOWA (99AG23112),)

Plaintiff,)

vs.)

PATRICK DEROCHER and CYNTHIA)
DEROCHER, d/b/a DEROCHER)
CONSTRUCTION,)

Defendants.)

LAW NO. _____

**CONSENT ORDER,
JUDGMENT AND DECREE**

NOW on this ____ day of _____, 2012, the Court is presented with the plaintiff's Petition at Law seeking civil penalties and injunctive relief pursuant to Iowa Code sections 480.6 and 480.7. The Court having read the Petition at Law and being otherwise advised by the parties
FINDS:

1. The Court has jurisdiction of the parties and the subject matter of this action and the parties consent to entry of this Consent Order, Judgment and Decree.

2. Defendants Patrick DeRocher and Cynthia DeRocher, d/b/a DeRocher Construction, having reviewed the Petition at Law, admit each and every allegation contained in paragraphs one (1) through twenty-eight (28) of the Petition at Law.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendants Patrick DeRocher and Cynthia DeRocher, d/b/a DeRocher Construction, are assessed a civil penalty of Twenty Thousand and no/100 Dollars (\$20,000.00) for the violations admitted herein. The defendants shall pay the civil penalty within ten (10) days of the entry of this Consent Order, Judgment and Decree. The defendants shall also pay interest

pursuant to Iowa Code section 535.3(1) on any unpaid balance. Payments of the civil penalty and interest shall be made payable to the State of Iowa and submitted to plaintiff's attorney, David R. Sheridan, at the address noted below.

2. Defendants Patrick DeRocher and Cynthia DeRocher, d/b/a DeRocher Construction, are permanently enjoined from commencing any excavation in the State of Iowa, except during an emergency pursuant to Iowa Code section 480.4(6), without first contacting the statewide notification center (1-800-292-8989 or 811) at least 48 hours prior to the planned excavation, excluding weekends and legal holidays, as required by Iowa Code sections 480.1A and 480.4(1)(a), and providing the information required by Iowa Code sections 480.4(1)(b)(1)-(8) and 480.4(1)(c)(1)-(8); and the defendants are further enjoined from commencing any excavation except under the schedule and pursuant to the terms of each such notification.

3. The Court retains jurisdiction of this matter to insure compliance with the terms of this Order.

4. The costs of this action are taxed to the defendants in the amount of \$_____ (Clerk to enter).

JUDGE, Third Judicial District of Iowa

Approved as to form:

THOMAS J. MILLER
Attorney General of Iowa



DAVID R. SHERIDAN, AT0007176



PATRICK DEROCHE, d/b/a

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DEFENDANTS

APPROVED AS TO FORM
MURPHY, COLLINS & BIXENMAN, PLC



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