

IN THE IOWA DISTRICT COURT FOR MILLS COUNTY

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

Plaintiff,)

vs.)

DAVID DREYER, d/b/a DREYER AG,)

Defendant.)

LAW NO. _____

**CONSENT ORDER,
JUDGMENT AND DECREE**

NOW on this ____ day of _____, 2010, the Court is presented with the plaintiff's petition seeking civil penalties and injunctive relief pursuant to Iowa Code sections 480.6 and 480.7. The Court having read the petition 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. Defendant David Dreyer, d/b/a Dreyer AG, having reviewed the Petition at Law, admits, for purposes of settlement and for this action only, the violations alleged in paragraph twenty-nine (29) of the Petition at Law.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant David Dreyer, d/b/a Dreyer AG, is assessed a civil penalty of Seven Thousand and no/100 Dollars (\$7,000.00) for the violations admitted herein. The defendant shall pay the civil penalty within ten (10) days of the entry of this Consent Order, Judgment and Decree. The defendant 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. Defendant David Dreyer, d/b/a Dreyer AG, is 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 defendant is further enjoined from commencing any excavation except under the schedule and pursuant to the terms of each such notification.

3. Defendant David Dreyer, d/b/a Dreyer AG, is further enjoined from violations of Iowa Code section 480.5 and, in the event an underground facility is damaged during an excavation, the defendant shall notify as soon as practical the operator of the underground facility of the damage, the type of damaged facility, and the extent of the damage; and the defendant is further enjoined from backfilling in the immediate area of the underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise.

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

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

JUDGE, Fourth Judicial District of Iowa

Approved as to form:

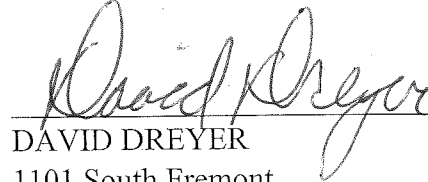
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