

IN THE IOWA DISTRICT COURT FOR MARION COUNTY

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

CASE NO. EQCV096198

vs.)

**CONSENT ORDER,
JUDGMENT AND DECREE**

KMA DEVELOPMENT, LLC d/b/a)
KMA TRUCKING & EXCAVATING,)
LLC,)
)
Defendant.)

The Court is presented with the Plaintiff's Petition in Equity seeking civil penalties and injunctive relief pursuant to Iowa Code sections 480.6 and 480.7. The Court having read the Petition in Equity 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 KMA Development, LLC d/b/a KMA Trucking & Excavating, LLC ("KMA Trucking"), having reviewed the Petition in Equity, admits each and every allegation contained in paragraphs one (1) through twenty-eight (28) of the Petition in Equity.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3. Defendant KMA Trucking, is assessed a civil penalty of Five Thousand and no/100 Dollars (\$5,000.00) 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 amounts not

paid when due. Payment of the civil penalty and any interest shall be made payable to the State of Iowa and forwarded to Assistant Attorney General Jacob Larson at the address below.

4. Defendant KMA Trucking, and its employees are permanently enjoined from commencing any non-emergency excavation in the State of Iowa, without first contacting the statewide notification center at its toll-free number (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.

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

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



State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
EQCV096198 STATE OF IOWA V. KMA DEVELOPMENT, LLC

So Ordered



Terry Rickers, District Court Judge,
Fifth Judicial District of Iowa