

IN THE IOWA DISTRICT COURT FOR DELAWARE COUNTY

STATE OF IOWA, ex rel., THOMAS J.)
 MILLER, ATTORNEY GENERAL OF)
 IOWA (99AG23112),)
)
 Plaintiff,)
)
 vs.)
)
 DOUG KLIMA,)
 d/b/a KLIMA DRAINAGE,)
)
 Defendant.)

CASE NO. CVCV008131

**CONSENT ORDER,
JUDGMENT AND DECREE**

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 Doug Klima, d/b/a Klima Drainage, having reviewed the Petition in Equity, admits each and every allegation contained in paragraphs one (1) through twenty-nine (29) of the Petition in Equity.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3. Defendant Doug Klima, d/b/a Klima Drainage, is assessed a civil penalty of Eight Thousand, Five Hundred and no/100 Dollars (\$8,500.00) 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 Doug Klima, d/b/a Klima Drainage, 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.

Approved as to form:

THOMAS J. MILLER
Attorney General of Iowa

/s/ Jacob J. Larson
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ATTORNEYS FOR PLAINTIFF

KLIMA DRAINAGE

/s/ Doug Klima
DOUG KLIMA, Owner and Operator
4994 Fairchild Road
Center Pint, Iowa 52213
DEFENDANT

MOSSMAN & MOSSMAN, L.L.P.

/s/ John Mossman
JOHN MOSSMAN
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ATTORNEYS FOR DEFENDANT



State of Iowa Courts

Type: OTHER ORDER

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Case Title STATE OF IOWA V DOUG KLIMA

So Ordered

A handwritten signature in black ink that reads "Michael Shubatt". The signature is written in a cursive style.

**Michael J. Shubatt, District Court Judge,
First Judicial District of Iowa**