

IN THE IOWA DISTRICT COURT FOR PALO ALTO COUNTY

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STATE OF IOWA, ex rel., THOMAS J. MILLER, ATTORNEY GENERAL OF IOWA (99AG23112),	)	LAW NO. _____
Plaintiff,	)	
vs.	)	<b>CONSENT ORDER,</b>
LEROY & SONS, INC.,	)	<b>JUDGMENT AND DECREE</b>
Defendant.	)	

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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. Defendant Leroy & Sons, Inc., having reviewed the Petition at Law, admits each and every allegation contained in paragraphs one (1) through twenty-six (26) of the Petition at Law.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

1. Defendant Leroy & Sons, Inc. 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 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.

2. Defendant Leroy & Sons, Inc. 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. 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 defendant in the amount of \$ \_\_\_\_\_  
(Clerk to enter).

\_\_\_\_\_  
JUDGE, Third Judicial District of Iowa



State of Iowa Courts

**Type:** ORDER FOR JUDGMENT

**Case Number** CVCV024755      **Case Title** STATE V. LEROY & SONS, INC.

So Ordered

A handwritten signature in cursive script that reads "Don E. Courtney".

Don E. Courtney, District Court Judge,  
Third Judicial District of Iowa