

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

Plaintiff,

vs.

TONY A. MORRIS, d/b/a T MORRIS TRENCHING,

Defendant.

LAW NO. CVCV047485

**CONSENT ORDER,  
JUDGMENT AND DECREE**

NOW on this 30<sup>th</sup> day of March, 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. Defendant Tony A. Morris, d/b/a T Morris Trenching, having reviewed the Petition at Law, admits, for purposes of settlement and for this action only, the violations alleged in paragraph twenty-six (26) of the Petition at Law.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant Tony A. Morris, d/b/a T Morris Trenching, 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, at the address noted below.

2. Defendant Tony A. Morris, d/b/a T Morris Trenching, 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).

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JUDGE, Second Judicial District of Iowa

Approved as to form:

THOMAS J. MILLER  
Attorney General of Iowa

/s/

DAVID R. SHERIDAN, AT0007176  
Assistant Attorney General  
Environmental Law Division  
Lucas Building, Ground Floor  
321 E. 12<sup>th</sup> St., Room 018  
Des Moines, IA 50319  
Phone: (515) 281-5351  
Fax: (515) 242-6072  
Email: David.Sheridan@iowa.gov  
ATTORNEY FOR PLAINTIFF

/s/

TONY A. MORRIS, d/b/a T MORRIS  
TRENCHING  
15245 N.E. 104<sup>th</sup> Street  
Maxwell, IA 50161  
DEFENDANT

SULLIVAN & WARD, P.C.

/s/

DENNIS L. PUCKETT  
6601 Westown Parkway, Suite 200  
West Des Moines, IA 50266-7733  
Phone: (515) 244-3500  
Fax: (515) 244-3599  
Email: dpuckett@sullivan-ward.com  
ATTORNEY FOR DEFENDANT



State of Iowa Courts

**Case Title:** ST IA,EXREL;THOMAS MILLER VS TONY MORRIS/T  
MORRIS TRENCHING  
**Case Number:** CVCV047485  
**Type:** ORDER FOR CONSENT DECREE

So Ordered

A handwritten signature in cursive script, appearing to read "Kurt J. Stoebe", written over a horizontal line.

Kurt J. Stoebe, District Court Judge,  
Second Judicial District of Iowa