

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

STATE OF IOWA, ex rel., THOMAS J. )  
 MILLER, ATTORNEY GENERAL OF )  
 IOWA (99AG23112), )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 YOHN CO., d/b/a YOHN CO INC., )  
 CONCRETE & CONSTRUCTION and )  
 YOHN READY MIX, INC., )  
 )  
 Defendant. )

CASE NO.EQCV072159

**CONSENT ORDER,  
JUDGMENT AND DECREE**

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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 Yohn Co., d/b/a Yohn Co Inc., Concrete & Construction and Yohn Ready Mix, Inc. ("Yohn"), having reviewed the Petition in Equity, hereby admits, for purposes of settlement and this action only, each and every allegation contained in paragraphs one (1) through forty-four (44) of the Petition in Equity.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3. Defendant Yohn is assessed a civil penalty of Seven Thousand-Five Hundred and no/100 Dollars (\$7,500.00) for the violations admitted herein. Defendant shall pay the penalty immediately upon entry of this Consent 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 sent to Plaintiff’s attorney, Jacob Larson, Attorney General’s Office, Environmental Law Division, Hoover Building 2nd Floor, 1305 E. Walnut St., Des Moines, Iowa 50319.

4. Defendant Yohn 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. Defendant Yohn and its employees are permanently enjoined and required to exercise due care when conducting excavations in a marked area to avoid damage to marked underground facilities, as required by Iowa Code section 480.4(3)(a)(1).

6. Defendant Yohn and its employees are permanently enjoined and required to promptly notify owners and operators of underground facilities which have been damaged during excavations conducted by Yohn and its employees, as required by Iowa Code section 480.5.

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

8. The costs of this action are taxed to Defendant in the amount of \$185.00.



State of Iowa Courts

**Type:** DECREE OR FINAL SUPPORT ORDER

**Case Number**      **Case Title**  
EQCV072159      STATE OF IOWA V. YOHN CO.

So Ordered

A handwritten signature in cursive script that reads "Rustin Davenport".

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Rustin Davenport, District Court Judge,  
Second Judicial District of Iowa