

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
ENVIRONMENTAL DIVISION  
CAUSE NO. 49F12-0901-CC-000661

COMMISSIONER OF THE INDIANA DEPARTMENT OF )  
ENVIRONMENTAL MANAGEMENT, )  
Petitioner, )

v. )

LEESON INVESTMENTS, LLC, )  
Respondent. )

**FILED**  
181 AUG 24 2009  
*Elizabeth A. White*  
CLERK OF THE MARION CIRCUIT COURT

**SETTLEMENT, STIPULATION AND COURT ORDER OF DISMISSAL**

The Commissioner of the Indiana Department of Environmental Management (“IDEM”) and Leeson Investments, LLC (“Leeson”) enter into this Settlement, Stipulation and Court Order of Dismissal and agree to the following:

1. This litigation involves Leeson’s claim against the Excess Liability Trust Fund (“ELTF”) regarding a gasoline station at 6959 Highway 41, Shelburn, Indiana 47879, IDEM Facility ID number 19475 (“Site”). Leeson contends that it substantially complied with all ELTF requirements and is entitled to reimbursement. IDEM disputes Leeson’s eligibility for ELTF reimbursement.

2. The parties have reached a settlement with respect to the above dispute. Both parties agree that this settlement will promote judicial economy, will conserve the parties’ resources, and is otherwise in their best interests.

3. Within 14 days of the entry of this Settlement, Stipulation and Court Order Dismissal, IDEM will assign a new 2003 incident number to the release, which was discovered through soil samples taken on October 30, 2003 (“Release”).

4. As a settlement, IDEM agrees to pay seventy-five percent (75%) of all otherwise approved claims related to the Release, after payment of the deductible in the amount of

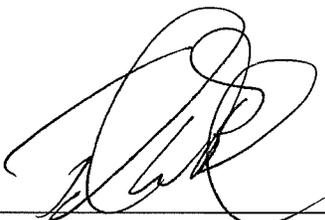
\$30,000.00, and Leeson agrees to accept this seventy-five percent (75%) percent reimbursement in lieu of the full eligibility to which Leeson would otherwise be entitled for the Release in the absence of IDEM's dispute that Leeson did not substantially comply with ELTF requirements.

5. For the purpose of settlement of this matter, IDEM agrees to process and approve Leeson's claims against the ELTF, subject to cost guidelines in 328 IAC 1-3-5 (or its predecessor, as applicable), and without any objection on the basis of timeliness of reporting, timely payment of tank fees, or other objections relating to eligibility of the Release for ELTF reimbursement.

6. This Settlement, Stipulation and Court Order of Dismissal serves as authority for the ELTF administrator to approve Leeson's claims for reimbursement related to the Release subject to the terms of this Settlement, Stipulation and Court Order of Dismissal.

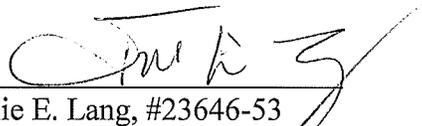
7. This Settlement, Stipulation and Court Order of Dismissal survives the dismissal of this action.

8. In recognition of the settlement reached, IDEM and Leeson stipulate to the dismissal of the above action.

By: 

Thomas W. Baker, #20777-49  
David L. Hatchett, #19383-49  
HATCHETT & HAUCK LLP  
111 Monument Circle, Suite 301  
Indianapolis, Indiana 46204-5124

Respectfully submitted,

By: 

Julie E. Lang, #23646-53  
Office of the Attorney General  
Indiana Government Center South  
302 W. Washington Street, 5th Floor  
Indianapolis, Indiana 46204-2770

**EXAMINED, APPROVED AND DISMISSAL ORDERED ACCORDINGLY:**

Date: 8-27-09

Michael D. Keele  
Judge, Marion Superior Court

DISTRIBUTION TO:

Julie E. Lang  
Office of the Attorney General  
Indiana Government Center South  
302 W. Washington Street, 5th Floor  
Indianapolis, Indiana 46204-2770

Thomas W. Baker  
David L. Hatchett  
HATCHETT & HAUCK LLP  
111 Monument Circle, Suite 301  
Indianapolis, Indiana 46204-5124

Honorable Mary L. Davidsen  
Chief Environmental Law Judge  
Office of Environmental Adjudication  
IGCN, Room N501  
100 N. Senate Avenue  
Indianapolis, Indiana 46204