

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA**

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

and ESCAMBIA COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

CASE NO.: 2006-CA-1207

Intervenor

vs.

LOUISIANA INVESTMENT GROUP, L.L.C.,

Defendant.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION'S  
THIRD MOTION FOR CONTEMPT**

Plaintiff, State of Florida Department of Environmental Protection ("Department"), by and through its undersigned attorney, moves this Court to enter an order finding LOUISIANA INVESTMENT GROUP, L.L.C. ("LIG") to be in contempt of court for failing to comply with this Court's Order for Contempt and Order granting an extension of time ("Orders"). As grounds for this motion the Department states as follows:

1. This Court entered an Order for Contempt on January 3, 2007, requiring LIG to complete the tasks listed in the Saufley Landfill Critical Path Chart by April 30, 2007, and to control odors, hydrogen sulfide gas, and particulate matter by whatever means and methods are necessary.
2. This Court entered an Order on April 30, 2007 extending LIG's time to comply with the Contempt Order until May 6, 2007.

3. LIG has failed to comply with this Court's Orders, in that Defendant has not applied two feet of cover to the waste located in the footprint of the facility, or completed the construction of the stormwater management system.

4. The facility appears to be in substantial compliance with the slope requirement based on informal measurements, but a topographic survey is needed to confirm that the slopes are three feet horizontal to one foot vertical after LIG has applied the cover.

WHEREFORE, the Department respectfully requests that this Court enter an Order:

- A. Finding Defendant in civil contempt of this Court.
- B. Ordering Defendant to apply two feet of cover to the waste located in the footprint of the facility.
- C. Ordering Defendant to complete the construction of the stormwater management system.
- D. Imposing indirect civil contempt fines against LIG, in the amount of \$10,000 per day, until Defendant purges its contempt by complying with the Orders.
- E. Ordering Defendant to provide the Department with a sealed copy of a topographic survey of the site, signed and sealed by a Florida licensed surveyor and mapper, by May 31, 2007 that demonstrates that the Facility is in compliance with the Orders.
- F. Ordering Defendant to pay the Department's costs and attorney's fees.

Respectfully submitted this 10th day of May, 2007.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*Karen Bishop*

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Karen Bishop  
Assistant General Counsel  
3900 Commonwealth Blvd. MS 35  
Tallahassee, FL 32399-3000  
Telephone: (850) 245-2234  
Florida Bar No.: 0014167

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Steve Bowden, Esq., 4502 Twin Oaks Drive, Pensacola, Florida, 32506, and Charlie V. Pepler, 221 Palafox Place, Suite 430, Pensacola, Florida 32502 by facsimile and U.S. Mail on this 10th day of May 2007.

*Karen Bishop*

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Karen Bishop  
Assistant General Counsel