

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

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

vs.

Case No.: 06-CA-1207

LOUISIANA INVESTMENT GROUP, L.L.C.,

Defendant.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION'S**  
**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. to be in contempt of court for failing to comply with this Court's order. As grounds for this motion the Department states as follows:

1. This Court entered a Stipulated Order of Temporary Injunction on August 8, 2006, requiring Defendant to:
  - a. Immediately cease accepting any solid waste at the Facility;
  - b. Within 60 days of entry of the Order by the Court, reduce the Facility height to 120 feet NGVD; and
  - c. Within 75 days of entry of the Order by the Court, provide the Department with a sealed copy of a topographic survey of the site, signed and sealed by a Florida licensed surveyor and mapper, and a copy of the calculations, based on the survey, that demonstrate that the Facility height is no higher than 120 NGVD.
2. Defendant has failed to comply with this Court's order, in that Defendant has not:

- a. Reduced the Facility height to 120 feet NGVD; or
- b. Provided the Department with a sealed copy of a topographic survey of the site, signed and sealed by a Florida licensed surveyor and mapper, and a copy of the calculations, based on the survey, that demonstrate that the Facility height is no higher than 120 NGVD.

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

- A. Finding Defendant in civil contempt of this Court.
- B. Ordering Defendant to reduce the Facility height to 120 feet NGVD.
- C. 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, and a copy of the calculations, based on the survey, that demonstrate that the Facility height is no higher than 120 NGVD.
- D. Entering appropriate relief, including incarceration in the county jail, until Defendant purges its contempt by complying with the Order.
- E. Ordering Defendant to pay the Department's attorney's fees.

Submitted this 23rd day of October, 2006.

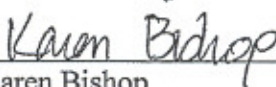
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

*Karen Bishop*

Karen Bishop  
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**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, by U.S. Mail on this 23rd day of October 2006.

  
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Karen Bishop  
Assistant General Counsel