

**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.: 2006-CA-1207

LOUISIANA INVESTMENT GROUP, L.L.C.,

Defendant.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION'S
SECOND 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. As grounds for this motion the Department states as follows:

- I. This Court entered an Order for Contempt on January 3, 2007, requiring LIG to:
 - A. Complete the tasks listed in the Saufley Landfill Critical Path Chart, as follows:
 1. Beginning January 1, 2007, LIG shall reduce the height of each cell to 120 feet NGVD and shall apply two feet of cover to each cell at a rate of one cell per week. The cells are marked on the Topographic Survey attached to the Order for Contempt as Exhibit 2.
 2. LIG shall complete a minimum of four cells in four weeks, and shall submit a progress report to the Department’s Northwest District Office on January 29, 2007, February 26, 2007, March 26, 2007, and April 23, 2007. The height of the Facility shall be reduced to 120 feet NGVD by April 2, 2007.

3. LIG shall remove the waste from the Otis English property, located on East Fence Road, approximately 450 feet north of Saufley Field Road, Escambia County, Florida, at Latitude: 30°8'50"N, Longitude 87°20'01"W, Section 38, Township 1S, Range 31W, and shall slope the sides to achieve a 3 feet horizontal to 1-foot vertical rise by February 19, 2007.

4. LIG shall remove the waste on the North side of the Facility and shall slope the sides to achieve a 3 feet horizontal to 1-foot vertical rise by February 19, 2007.

5. LIG shall slope the sides on the East side of the Facility to achieve a 3 feet horizontal to 1-foot vertical rise by March 26, 2007.

6. LIG shall excavate Area A, indicated on the Topographic Survey attached to the Order for Contempt as Exhibit 2, by January 29, 2007.

7. LIG shall fill and cover the waste deposited in Area A by April 30, 2007.

8. LIG shall slope the South side of the Facility to achieve a 3 feet horizontal to 1-foot vertical rise by April 30, 2007.

9. LIG shall complete the construction of the stormwater management system by April 9, 2007.

10. LIG shall excavate Area B, indicated on the Topographic Survey attached to the Order for Contempt as Exhibit 2, by February 5, 2007.

11. LIG shall fill and cover the waste deposited in Area B by April 30, 2007.

12. All of the activities listed on the Saufley Landfill Critical Path Chart shall be completed by April 30, 2007.

B. This Court entered an Order for Contempt on January 3, 2007, requiring LIG to control odors, hydrogen sulfide gas, and particulate matter by whatever means and methods are necessary. LIG was to apply one initial application to all exposed waste at the Facility, and thereafter cover all exposed waste daily.

II. LIG has failed to comply with this Court's order, in that Defendant has not:

A. Completed the following tasks listed in the Saufley Landfill Critical Path Chart:

1. Reduced the height of each cell to 120 feet NGVD and applied two feet of cover to each cell at a rate of one cell per week;
2. Completed a minimum of four cells in four weeks;
3. Removed the waste from the Otis English property and sloped the sides to achieve a 3 feet horizontal to 1-foot vertical rise by February 19, 2007;
4. Removed the waste on the North side of the Facility and sloped the sides to achieve a 3 feet horizontal to 1-foot vertical rise by February 19, 2007;
5. Excavated Area A by January 29, 2007;
6. Excavated Area B by February 5, 2007; or

B. Applied cover to all exposed waste at the Facility, and thereafter covered all exposed waste daily.

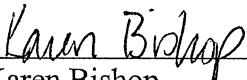
WHEREFORE, the Department respectfully requests that this Court enter an Order:

- A. Finding Defendant in civil contempt of this Court.
- B. Ordering Defendant to immediately cover all exposed waste at the site;
- C. Ordering Defendant to cover all exposed waste daily;

- D. Ordering Defendant to resume work at the site in accordance with the Critical Path Chart.
- E. Imposing indirect civil contempt sanctions against LIG, including incarceration in the county jail, until Defendant purges its contempt by complying with the Order.
- F. Ordering Defendant to pay the Department's costs and attorney's fees.

Submitted this 23rd day of February, 2007.

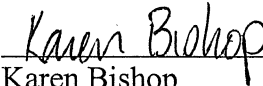
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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 23rd day of February 2007.



Karen Bishop
Assistant General Counsel