

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

Ann H. Womer Benjamin, Superintendent,  
Ohio Department of Insurance, in her capacity  
as Rehabilitator of Builders & Contractors  
Employee Benefit Association Trust  
2100 Stella Court  
Columbus, Ohio 43215,

Plaintiff,

v.

A Day In The Country  
4744 State Route 39  
Berlin, OH 44610

A Sisser Jewelers. Inc.  
2044 E. Fourth Street  
Cleveland, OH 44115  
**(NEW PARTY DEFENDANT)**

A.D. Kasamias, M.D.  
333 Park Ave.  
Youngstown, OH 44504-1564  
**(NEW PARTY DEFENDANT)**

A/C Heating & Cooling, Inc.  
c/o Helen K. Large  
Statutory Agent  
1447 Normandy Circle  
Barberton, OH 44203  
**(NEW PARTY DEFENDANT)**

ABC Plastics  
c/o Robert F. Burkey  
Statutory Agent  
106 East Market Street  
Warren, OH 44481  
**(NEW PARTY DEFENDANT)**

Ace Special T Shirts  
334 N. Mulberry Street  
Tremont City, OH 45372

Case No. 03 CVH 09- 10020

Judge Schneider

**AMENDED COMPLAINT**

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
2009 APR -5 AM 9:59  
CLERK OF COURTS - CV

ADF Land Design Group  
c/o HI Statutory Agent, Inc.  
3300 BP Tower  
200 Public Square  
Cleveland, OH 44114  
**(NEW PARTY DEFENDANT)**

Advanced Electronics  
1342 St. Route 305  
Cortland, OH 44410  
**(NEW PARTY DEFENDANT)**

Ainsley & Son Heating  
c/o Rachel C. Ainsley  
Statutory Agent  
567 Fowler Street  
Cortland, OH 44410  
**(NEW PARTY DEFENDANT)**

Airfasco Industries Inc.  
207 Schneider Street NE  
N. Canton, OH 44720

Airport Chevrolet  
4363 Warren Sharon Road  
Vienna, OH 44473

Alco Music / Alco Land  
40 1/2 South Meridian Road  
Youngstown, OH 44509

All County Sales, Inc.  
c/o John Stang  
Statutory Agent  
10131 Thwing Road  
Chardon, OH 44024  
**(NEW PARTY DEFENDANT)**

Allen Farms  
1112 County Road 251  
Polk, OH 44866

Alliance Metals, Inc.  
Post Office Box 2028  
Alliance, OH 44601  
**(NEW PARTY DEFENDANT)**

Amadco / Carroll Glass  
26985 Lakeland Boulevard  
Euclid, OH 44132-2656

American Tool & Mfg. Co.  
211 Newman Street  
Post Office Box 1242  
Mansfield, OH 44901  
**(NEW PARTY DEFENDANT)**

American Whistle Corp.  
c/o Ray Giesse  
Statutory Agent  
6540 Huntley Road  
Columbus, OH 43229  
**(NEW PARTY DEFENDANT)**

Ameri Truck Ltd., Inc.  
Post Office Box 525  
Wadsworth, OH 44282-0525

Angela Blinn  
181 21st NW  
Barberton, OH 44203  
**(NEW PARTY DEFENDANT)**

APR Tool, Inc.  
c/o Robert Zeitz  
Statutory Agent  
204 St. Lawrence  
Eastlake, OH 44095  
**(NEW PARTY DEFENDANT)**

Armandos Inc.  
4340 Boardman-Canfield Road  
Canfield, OH 44406

Associated Tool & Die Inc.  
c/o Michael Portnoy, Esq.  
200 Dixie Highway  
Rossford, OH 43460

Association Plan Administrators  
2858 West Market Street, Suite N  
Akron, OH 44333

Authorized Factory Service  
940 1<sup>st</sup> Avenue  
Post Office Box 31  
Coraopolis, PA 15108

Autumn Hills Care Center  
c/o Michael Coates  
Statutory Agent  
800 Summit Avenue  
Niles, OH 44446  
**(NEW PARTY DEFENDANT)**

Avon Turf Farms Inc.  
c/o Dorothy G. Anderson  
Statutory Agent  
32835 Boulder Drive  
North Ridgeville, OH 44039  
**(NEW PARTY DEFENDANT)**

B & C Lawncare  
128 Heritage Drive  
Rallmadge, OH 44278  
**(NEW PARTY DEFENDANT)**

B & M Floor Covering  
444 Cresthill Drive  
Suffield, OH 44260

B & W Pharmacy, Inc.  
c/o Herbert L. Kasun  
Statutory Agent  
Lakeview Drive  
Beverly, OH 45715  
**(NEW PARTY DEFENDANT)**

B.R.'S Landscape Constr.  
511 N. River Road  
Munroe Falls, OH 44262  
**(NEW PARTY DEFENDANT)**

B.T. Ramsay & Co.  
Post Office Box 488  
Aurora, OH 44202

Backyard Putting Greens  
c/o Thomas G. Herrick, Sr.  
Statutory Agent  
9578 Mulberry Road  
Chesterland, OH 44026-1642  
**(NEW PARTY DEFENDANT)**

Bako Landscaping  
c/o Robert M. Milane  
Statutory Agent  
4453 Westview Drive  
Copley, OH 44321  
**(NEW PARTY DEFENDANT)**

Barbara King  
12613 Imperial Avenue  
Cleveland, OH 44120

Batteries Unlimited  
2350 Adamsville Road  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Bazetta Township  
3372 State Route 5  
Cortland, OH 44410  
**(NEW PARTY DEFENDANT)**

Beaber Farms  
2892 Beechwood Avenue  
Paris, OH 44669  
**(NEW PARTY DEFENDANT)**

Beard Insurance Agency  
2920 Niles Cortland Road  
Post Office 549  
Cortland, OH 44410

Bedford Glen's Garden Center  
Post Office Box 46562  
Bedford, OH 44146  
**(NEW PARTY DEFENDANT)**

Bennett/Dover Home Remod.  
c/o Daniel Thomas  
Kolick & Kondzer  
24500 Center Ridge Road #175  
Westlake, OH 44145-5697

Berger Peat Moss  
2310 Ragan Woods  
Toledo, OH 43614  
**(NEW PARTY DEFENDANT)**

Berresford Enterprises  
c/o Donald Antrim  
Buckingham Doolittle & Burroughs, LLC  
191 West Nationwide Suite 300  
Columbus, OH 43215-2568

Bestway Bath Systems Inc.  
6543 Harrison Avenue  
Cincinnati, OH 45247

Blue Star Material  
c/o Edgar H. Fleming  
Statutory Agent  
4738 Tuttle View Drive  
Dublin, OH 43016  
**(NEW PARTY DEFENDANT)**

Bob Miller Landscaping  
c/o Robert M. Miller  
Statutory Agent  
7844 West Law Road  
Valley City, OH 44280  
**(NEW PARTY DEFENDANT)**

Bob Witsama Landscape  
10911 State Road  
North Royal, OH 44133  
**(NEW PARTY DEFENDANT)**

Bollin Label Systems  
c/o Joseph R. Torda  
Barkan & Robon, Ltd.  
1701 Woodland Drive  
Maumee, OH 43537-4092

Bordonaro Landscaping  
7282 Thornapple Drive  
Solon, OH 44139  
**(NEW PARTY DEFENDANT)**

Botsons' Cycle & Acces.  
61992 Westland Street  
Cambridge, OH 43725-9115  
**(NEW PARTY DEFENDANT)**

Boville Industrial  
Post Office Box 487  
Smithville, OH 44677-0487  
**(NEW PARTY DEFENDANT)**

Braden Med Services  
44510 State Route 821  
Caldwell, OH 43724  
**(NEW PARTY DEFENDANT)**

Briar Hill Landscaping  
17498 Merry Oaks Trail  
Chagrin Falls, OH 44023  
**(NEW PARTY DEFENDANT)**

Brooker's Pit Stop Inc.  
Route 3  
Marietta, OH 45750  
**(NEW PARTY DEFENDANT)**

Bruce Tims Contracting  
454 Sycamore Road  
Medway, OH 45341

Bruderly Excavating Co.  
17380 Middletown Road  
North Benton, OH 44449

Bryant's Forever Green  
10514 Old State Road  
Chardon, OH 44024  
**(NEW PARTY DEFENDANT)**

Buckeye Trophy, Inc.  
c/o Laura Ferrero  
Statutory Agent  
1709 Lincoln Way East  
Massillon, OH 44646  
**(NEW PARTY DEFENDANT)**

Business Equipment Co.  
c/o Peter Cultice  
Cultice & Brown  
121 North Fourth Street  
Zanesville, OH 43702

Caldwell Lumber & Supply  
c/o Edward P. Crock  
Statutory Agent  
16 Olive Street  
Caldwell, OH 43724  
**(NEW PARTY DEFENDANT)**

Callos Prof. Employment  
Summit Pk. Square Ste. 101  
3340 W Market Street  
Fairlawn, OH 44333  
**(NEW PARTY DEFENDANT)**

Cambridge Mach. & Supply  
128 Steubenville Avenue  
Cambridge, OH 43725

Cambridge Rental & Sales  
428 South 11<sup>th</sup> Street  
Cambridge, OH 43725

Cambridge Senior Comm.  
Post Office Box 1090  
Cambridge, OH 43725

Canfield Dairy Queen  
101 South Broad Street  
Canfield, OH 44406

Cantrell Construction, Co.  
501 Manhattan Parkway  
Painesville Township, OH 44077

Capitol International  
47829 Tomahawk  
Negley, OH 44441

Cardinal Restaurants Inc.  
243 N. Broadway  
Medina, OH 44256  
**(NEW PARTY DEFENDANT)**

Carroll Glass & Maint. Inc.  
26985 Lakeland Boulevard  
Euclid, OH 44132  
**(NEW PARTY DEFENDANT)**

Cascade Lighting  
153 Wooster Avenue  
Akron, OH 44307  
**(NEW PARTY DEFENDANT)**

Center Twp./Noble County  
49223 State Route 147  
Sarahsville, OH 43779  
**(NEW PARTY DEFENDANT)**

Centrak Lasers  
3289 East 55th Street  
Cleveland, OH 44115  
**(NEW PARTY DEFENDANT)**

Centura X-Ray, Inc.  
4381 Renaissance Parkway  
Cleveland, OH 44128  
**(NEW PARTY DEFENDANT)**

Century 21 (RHA Group)  
103 North Main Street  
Bellefontaine, OH 43311  
**(NEW PARTY DEFENDANT)**

Century Small Bus. Sol.  
Post Office Box 3877  
Youngstown, OH 44513  
**(NEW PARTY DEFENDANT)**

Century Well Services Inc.  
Corner of St. Rt.#550 & #555  
Post Office Box 150  
Bartlett, OH 45713  
**(NEW PARTY DEFENDANT)**

Champion Creek Landscape  
Post Office Box 2577  
Stowe, OH 44224  
**(NEW PARTY DEFENDANT)**

Champion Transport  
4 Water Street  
Niles, OH 44446  
**(NEW PARTY DEFENDANT)**

Charlanne Farms  
2785 Warren-Burton Road  
Southington, OH 44470  
**(NEW PARTY DEFENDANT)**

Chesterland Nurseries  
Post Office Box 805  
Chesterland, OH 44026  
**(NEW PARTY DEFENDANT)**

Chris Hauling  
7515 Grand Division  
Garfield Heights, OH 44125  
**(NEW PARTY DEFENDANT)**

Chuck Foster Trucking Inc.  
c/o A. Robert Steiskal, Esq.  
4431 Mahoning Avenue  
Youngstown, OH 44515

Clements Wellness Center  
c/o James B. Wolfe  
Statutory Agent  
37 South Seventh Street  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Cleveland Express  
3091 Rockefeller Avenue  
Cleveland, OH 44115  
**(NEW PARTY DEFENDANT)**

Colonial Auto Sales & Serv.  
8228 East Washington Street  
Chagrin Falls, OH 44023  
**(NEW PARTY DEFENDANT)**

Columbiana Service, LLC  
c/o David K. Holmquist  
Statutory Agent  
34 Federal Plaza West  
Youngstown, OH 44503  
**(NEW PARTY DEFENDANT)**

Combi Pkg. Sys., LLC  
Post Office Box 9326  
5365 E Center Drive N.E.  
Canton, OH 44711  
**(NEW PARTY DEFENDANT)**

Combs & Co. Hair Designers  
4458 Cleve.-Mass. Road  
Norton, OH 44203  
**(NEW PARTY DEFENDANT)**

Command Plastic  
c/o Timothy G. Warner, Esq.  
Spieth, Bell, McCurdy & Newell Co. LPA  
925 Euclid Avenue, Suite 2000  
Cleveland, OH 44115

Commercial Truck/Trailer  
313 North State Street  
Girard, OH 44420  
**(NEW PARTY DEFENDANT)**

Congress Insurance Agency  
2858 West Market Street  
Akron, OH 44333

Consultants Mortgage Group  
1474 Brittain Road  
Akron, OH 44310  
**(NEW PARTY DEFENDANT)**

Corsi Landscaping  
7704 Brookside Road  
Independence, OH 44131  
**(NEW PARTY DEFENDANT)**

Coshocton Industries, Inc.  
c/o Wayne VanDusen  
Statutory Agent  
605 North 15th Street  
Coshocton, OH 43812-1496  
**(NEW PARTY DEFENDANT)**

Country Side Landscaping  
Post Office Box 360035  
Cleveland, OH 44136  
**(NEW PARTY DEFENDANT)**

Countryside Builders  
10125 Black Pike  
New Carlisle, OH 45344

Crane Services, Inc.  
c/o Joseph V. Cadile  
Statutory Agent  
13635 Main Street  
Beloit, OH 44609  
**(NEW PARTY DEFENDANT)**

Crick Construction  
13046 Diagonal Road  
Salem, OH 44460

Custom Poly Bag  
c/o Philip Carlile  
Statutory Agent  
9465 Edison Street NE  
Alliance, OH 44601  
**(NEW PARTY DEFENDANT)**

D.J. Group  
6<sup>th</sup> & Center Street  
Post Office Box 337  
Beverly, OH 45715

D.W. Nesbett & Sons Inc.  
45960 Bursley Road  
Wellington, OH 44090  
**(NEW PARTY DEFENDANT)**

Dan's Auto Repair  
Post Office Box 246  
E. Palestine, OH 44413

Dan's Landscaping  
272 East 238<sup>th</sup> Street  
Euclid, OH 44123  
**(NEW PARTY DEFENDANT)**

Dan's Refrigeration  
8042 Fremont Pike  
Perrysburg, OH 43551  
**(NEW PARTY DEFENDANT)**

Dasher Decorative Arts  
5687 Wilson Mills Road  
Highland Heights, OH 44143  
**(NEW PARTY DEFENDANT)**

David C. Zangmeister, M.D.  
304 Chestnut Street  
Dresden, OH 43821  
**(NEW PARTY DEFENDANT)**

Davidson Industries  
c/o James W. Ehrman  
Statutory Agent  
201 East Commerce Street  
Youngstown, OH 44503

De Marco Floors & Walls  
1340 Home Avenue  
Akron, OH 44310  
**(NEW PARTY DEFENDANT)**

Dealers Supply Co.  
112 S Duke Street  
Post Office Box 2628  
Durham, NC 27715

Dean & Ritter Carpentry  
1258 County Road 100  
Fremont, OH 43420  
**(NEW PARTY DEFENDANT)**

Deborah Ligotti  
11875 Market Street Ext. Rt. 7  
N. Lima, OH 44452

Deer Mountain, Inc.  
c/o Lee S. Walko  
Statutory Agent  
159 South Main Street #600  
Akron, OH 44308  
**(NEW PARTY DEFENDANT)**

Deluxe Motel Inc.  
9236 Mentor Avenue  
Mentor, OH 44060  
**(NEW PARTY DEFENDANT)**

Demyan's Service Center  
115 Poland Avenue  
Struthers, OH 44471  
**(NEW PARTY DEFENDANT)**

Designing With Nature  
772 Franklin Boulevard  
Highland Heights, OH 44143  
**(NEW PARTY DEFENDANT)**

DeWeese Landscaping  
c/o Stan DeWeese  
Statutory Agent  
11698 Auburn Road  
Chardon, OH 44024-9439  
**(NEW PARTY DEFENDANT)**

Diane Dinkens  
843 Marilyn Drive  
Kent, OH 44240

Digital Color Imaging  
388 S. Main St. Suite 401  
Akron, OH 44311  
**(NEW PARTY DEFENDANT)**

Dilco Industries Inc.  
1801 New Garden Rd.  
Post Office Box 859  
Salem, OH 44460  
**(NEW PARTY DEFENDANT)**

Dinesh Patel, MD. Inc.  
975 Bethesda Drive #7  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Distribution Results, Inc  
9199 Olde Eight Rd. Suite C  
Northfield, OH 44067  
**(NEW PARTY DEFENDANT)**

DLM Properties  
931 Gomber Avenue  
Cambridge, OH 43725-1821  
**(NEW PARTY DEFENDANT)**

Dodson Furniture Inc.  
5480 Youngstown Warren Road  
Niles, OH 44446

Doll Showcase  
104 Front Street  
Marietta, OH 45750  
**(NEW PARTY DEFENDANT)**

Dominic's Landscaping  
285 East Twinsburg Road  
Northfield, OH 44067  
**(NEW PARTY DEFENDANT)**

Donald Bunner  
1719 Newberry Street  
Cuyahoga Falls, OH 44221  
**(NEW PARTY DEFENDANT)**

Double J Trucking  
Post Office Box 391195  
Solon, OH 44677-0487  
**(NEW PARTY DEFENDANT)**

Dr. George Tokodi D.O.  
2200 State Route 60  
Marietta, OH 45750  
**(NEW PARTY DEFENDANT)**

Dreamscaping  
35531 Royalton Road  
Grafton, OH 44044  
**(NEW PARTY DEFENDANT)**

Drs. Davenport/Rohrbaugh  
277 S High Street  
Cortland, OH 44410  
**(NEW PARTY DEFENDANT)**

Duncan Plumbing  
108 S. Main Street  
Poland, OH 44514  
**(NEW PARTY DEFENDANT)**

E & E Nameplates Inc.  
c/o Jack Enders  
Statutory Agent  
760 East Walnut  
Post Office Box 756  
Galion, OH 44833  
**(NEW PARTY DEFENDANT)**

E.L. Stone Company, Inc.  
c/o J. Francis Mackey  
Amer Cunningham Co. LPA  
159 South Main Street  
Sixth Floor, Key Building  
Akron, OH 44308-1322

East Park Church Of God  
900 S Smithville Road  
Dayton, OH 45403  
**(NEW PARTY DEFENDANT)**

Eddie Turk  
6101 St. Clair  
Cleveland, OH 44103  
**(NEW PARTY DEFENDANT)**

Edgewater Towers Condo  
c/o Continental Mgmt.  
2012 W. 25th Street Suite 810  
Cleveland, OH 44113-4131  
**(NEW PARTY DEFENDANT)**

Edko Company  
9685 E. Washington Street  
Chagrin Falls, OH 44023  
**(NEW PARTY DEFENDANT)**

Electric Motor Repair  
17616 South Waterloo  
Cleveland, OH 44119  
**(NEW PARTY DEFENDANT)**

Elkrun Industries  
9796 State Route 7  
Post Office Box 271  
Lisbon, OH 44432  
**(NEW PARTY DEFENDANT)**

Ellet Manor  
2755 Ellet Avenue  
Akron, OH 44312  
**(NEW PARTY DEFENDANT)**

Empire Corporation  
c/o Karl L. Hay  
Statutory Agent  
500 First National Tower  
Akron, OH 44308

Ermco, Inc.  
Post Office Box 347  
Willoughby Hill, OH 44096

Esterle Mold & Machine  
c/o John Childs  
Brennan Manna & Diamond LLC  
75 Market Street  
Akron, OH 44308

Ex-Cel Exteriors  
95 Karago Avenue, Suite 202  
Broadman, OH 44512-5977  
**(NEW PARTY DEFENDANT)**

F & S Foods Inc.  
1330 Clark Street  
Cambridge, OH 43725  
**(NEW PARTY DEFENDANT)**

F.A. Makoski Construction  
11139 Caves Road  
Chesterland, OH 44026

F.A.P. Industries  
156 Nulf Drive  
Columbiana, OH 44408

F.M. Machine Company  
1114 Triplett Boulevard  
Akron, OH 44306  
**(NEW PARTY DEFENDANT)**

Fair Sales Consultants  
47829 Tomahawk Drive  
Negley, OH 44441

Fairdale Auto Sales  
c/o Robert J. Fahey, Jr.  
Statutory Agent  
2800 Watson Way  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Falls Landscape  
c/o U-B Corporation  
Statutory Agent  
1300 East Ninth Street #900  
Cleveland, OH 44114-1583  
**(NEW PARTY DEFENDANT)**

Fehrman Tool & Die  
8824 Clay Pike Road  
Byesville, OH 43723

Ferrato Grandel Landscaping  
27400 Chardon Road #831  
Willoughby Hill, OH 44092  
**(NEW PARTY DEFENDANT)**

FGM Landscaping  
2196 Lakeland Avenue  
Post Office Box 770975  
Lakewood, OH 44107

Fireland's Lawn  
248 Cleveland Road  
Norwalk, OH 44857  
**(NEW PARTY DEFENDANT)**

First Quality Collision  
c/o Jeffrey L. Roberts  
Statutory Agent  
121 S Fourth Street  
Marietta, OH 45750  
**(NEW PARTY DEFENDANT)**

Flohr Machine Company  
c/o Robert F. Whitmer  
Statutory Agent  
1700 West Market Street, Suite 304  
Akron, OH 44313

Florafinos Greenhouses  
1343 Ohio Street  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Fostoria Grain Inspection  
626 West Fourth Street  
Fostoria, OH 44830

Fred Godard Ford, Inc.  
400 West Avenue  
Post Office Box 358  
Tallmadge, OH 44278  
**(NEW PARTY DEFENDANT)**

Fred J. Robinson & Assoc.  
7680 Ellie Place  
Mentor, OH 44060  
**(NEW PARTY DEFENDANT)**

Freight Shakers  
35160 Topps Industrial Parkway  
Willoughby Hill, OH 44094  
**(NEW PARTY DEFENDANT)**

Furniture Repair Services  
5163 Oakcrest Drive  
Youngstown, OH 44515  
**(NEW PARTY DEFENDANT)**

Gallucci Landscaping  
9575 Fairmont Road  
Novelty, OH 44072  
**(NEW PARTY DEFENDANT)**

Gary M. Crim, Inc.  
c/o Gary M. Crim  
Statutory Agent  
2901 Market Street  
Youngstown, OH 44507  
**(NEW PARTY DEFENDANT)**

Gary's Wholesale Inc.  
30 W. Main Street  
Ashland, OH 44805  
**(NEW PARTY DEFENDANT)**

Gattuso's Music Center  
3029 Whipple Avenue N.W.  
Canton, OH 44718  
**(NEW PARTY DEFENDANT)**

Gauer Service & Supply Co.  
c/o R&H Agents, Inc.  
Statutory Agent  
222 South Main Street  
Akron, OH 44308  
**(NEW PARTY DEFENDANT)**

Gaymont Nursing Home  
66 Norwood Avenue  
Norwalk, OH 44857  
**(NEW PARTY DEFENDANT)**

Gentzler Tool & Die Corp.  
Post Office Box 158  
Green, OH 44232

Geschwind Consignment Co.  
c/o Marie E. King  
Statutory Agent  
301 Ogg Street  
Post Office Box 72  
Carey, OH 43316  
**(NEW PARTY DEFENDANT)**

Gezzar Landscaping  
3718 Oneida Street  
Stow, OH 44224

Gill's Quality Meat Market  
1522 Selma Road  
Springfield, OH 45505

GLDC-ILA Health & Welfare  
c/o Donald J Lowe & Assoc.  
812 Huron Road Suite 310  
Cleveland, OH 44115  
**(NEW PARTY DEFENDANT)**

Glen's Surplus Inc.  
14 East Smiley Street  
Shelby, OH 44875  
**(NEW PARTY DEFENDANT)**

Glenview Manor  
3379 Main Street  
Mineral Ridge, OH 44440  
**(NEW PARTY DEFENDANT)**

Global Glass Block  
c/o Anthony J. LaCorte  
Statutory Agent  
29633 Lakeland Boulevard  
Wickliffe, OH 44092  
**(NEW PARTY DEFENDANT)**

Global Organic Alliance  
3185 Township Road179  
Post Office Box 530  
Bellefontaine, OH 43311  
**(NEW PARTY DEFENDANT)**

Global Services  
62950 Byesville Road  
Cambridge, OH 43725  
**(NEW PARTY DEFENDANT)**

Goal Tenders Enterprise  
1100 East Street  
Fairport Harbor, OH 44077

Godard Leasing & Sales  
Post Office Box 249  
Sharon Center, OH 44274

Goodbye Charlie  
13720 Shaker Blvd. Ste. 701  
Cleveland, OH 44120  
**(NEW PARTY DEFENDANT)**

Greenleaf Landscapes, Inc.  
c/o Robert Ellis  
Statutory Agent  
286 Front Street  
Marietta, OH 45750  
**(NEW PARTY DEFENDANT)**

Grinding Equipment  
c/o Gary Vanbrocklin  
Statutory Agent  
20 West Boardman Street  
Youngstown, OH 44503  
**(NEW PARTY DEFENDANT)**

Guernsey Motel Corp.  
c/o Mr. Tim Longstreth  
Statutory Agent  
Post Office Box 160  
Zanesville, OH 43702-0160

H & M Landscaping  
Post Office Box 1001  
Chesterland, OH 44026  
**(NEW PARTY DEFENDANT)**

Harmony Landscaping  
3483 East 52<sup>nd</sup> Street  
Cleveland, OH 44127  
**(NEW PARTY DEFENDANT)**

Hartman Drywall  
1497 Eastern Road  
Rittman, OH 44270  
**(NEW PARTY DEFENDANT)**

Hartville Plastics  
c/o Duard D. Gradshaw  
Statutory Agent  
One Cascade Plaza, 15<sup>th</sup> Floor  
Akron, OH 44203  
**(NEW PARTY DEFENDANT)**

Hawley Landscaping  
4942 Warren Sharon Road  
Vienna, OH 44473-9655  
**(NEW PARTY DEFENDANT)**

Hay's Enterprises  
1901 Bailey Road  
Warren, OH 44481  
**(NEW PARTY DEFENDANT)**

Health Benefit Admin.  
Post Office Box 898  
Chesterland, OH 44026  
**(NEW PARTY DEFENDANT)**

Health Management Group  
c/o Thomas R. Brule  
Statutory Agent  
395 Springside Drive  
Akron, OH 44333  
**(NEW PARTY DEFENDANT)**

Hearn Paper Company  
556 N. Meridian Road  
Youngstown, OH 44509

Heather Douglas  
3054 Jewelstone Drive Apt D  
Dayton, OH 45414  
**(NEW PARTY DEFENDANT)**

Heavener Enterprise  
606 Mill Street  
New Lexington, OH 43764  
**(NEW PARTY DEFENDANT)**

Helen Cheslock  
Post Office Box 468  
Mineral City, OH 44656  
**(NEW PARTY DEFENDANT)**

Helton Enterprises Inc.  
c/o Charles D. Walter  
Statutory Agent  
8464 County Road 140  
Findlay, OH 45840  
**(NEW PARTY DEFENDANT)**

Hill T Farm Inc.  
4295 Richmond Palestine  
New Madison, OH 45346  
**(NEW PARTY DEFENDANT)**

Hillis & Small, Co. L.P.A.  
825 Adair Avenue  
Zanesville, OH 43701

Hoehnen Landscape  
17159 North Brook Trail  
Chagrin Falls, OH 44023  
**(NEW PARTY DEFENDANT)**

Holiday Bar, Inc.  
c/o Don P. Stark, Sr.  
Statutory Agent  
2124 Elm Road N.E.  
Warren, OH 44483  
**(NEW PARTY DEFENDANT)**

Holland Pontiac  
7977 Hills & Dales Road  
Massillon, OH 44646

Holmes Trucking  
315 Winnimac Avenue  
Englewood, OH 45322  
**(NEW PARTY DEFENDANT)**

Home & Kitchen Supply Co.  
163 North Diamond Street  
Mansfield, OH 44902  
**(NEW PARTY DEFENDANT)**

Homes For Kids of Ohio  
31 North Main Street  
Niles, OH 44446

Honey Creek Contracting  
11640 S. Stateline Road  
Post Office Box 276  
Petersburg, OH 44454

Houston Plumbing & Heating  
c/o Richard F. Houston  
Statutory Agent  
724 Montgomery Road N.E.  
Newark, OH 43055  
**(NEW PARTY DEFENDANT)**

Hunt Club Lanes  
188 Rail Road Street  
Salem, OH 44460  
**(NEW PARTY DEFENDANT)**

Imperial Trailer Park  
3293 Ellsworth-Bailey Road  
Warren, OH 44481  
**(NEW PARTY DEFENDANT)**

Inservco, Inc.  
Dennis J. Sudnick  
Statutory Agent  
3424 Stoney Ridge Road  
Avon, OH 44011  
**(NEW PARTY DEFENDANT)**

Integrity Petroleum Serv.  
701 Diehl South  
Levittsburg, OH 44430  
**(NEW PARTY DEFENDANT)**

Interlock Paving  
6772 Walnut Drive  
Mayfield Village, OH 44040-9622  
**(NEW PARTY DEFENDANT)**

International Equipment  
Post Office Box 355  
10036 U.S. Route 127 North  
Rockford, OH 45882  
**(NEW PARTY DEFENDANT)**

Internet Computing Services  
638 Miamisburg-Centerville  
Dayton, OH 45459

J & D Painting  
Post Office Box 241010  
Mayfield Heights, OH 44124  
**(NEW PARTY DEFENDANT)**

J.A. Rocco, D.D.S.  
20 Seagate Drive #102  
Naples, FL 34103

J.R.'S Landscaping  
1538 Compton Road  
Cleveland Heights, OH 44118  
**(NEW PARTY DEFENDANT)**

Janet Leach  
523 N Tenth Street  
Cambridge, OH 43725  
**(NEW PARTY DEFENDANT)**

JCM Contracting  
c/o Carl Myers  
Statutory Agent  
5199 Columbiana Road  
New Springfield, OH 44443  
**(NEW PARTY DEFENDANT)**

JEK Leasing  
c/o James Kehl  
Statutory Agent  
2313 Shepler Church Rd. SW  
Canton, OH 44706  
**(NEW PARTY DEFENDANT)**

Jennings Heating Company  
c/o Fred S. Jennings  
Statutory Agent  
1671 East Market Street  
Akron, OH 44305  
**(NEW PARTY DEFENDANT)**

JM Liquidation  
6727 Hickory Hill Drive  
Mayfield Village, OH 44143  
**(NEW PARTY DEFENDANT)**

Joanne A. Dockery  
452 Rosewae  
Cortland, OH 44410  
**(NEW PARTY DEFENDANT)**

John's Welding & Towing  
c/o James R. Gardner  
Statutory Agent  
106 East Market Street  
Tiffin, OH 44883  
**(NEW PARTY DEFENDANT)**

Joy-Wagner Rental  
Route 1 Box 43  
Marietta, OH 45750  
**(NEW PARTY DEFENDANT)**

K.M.A. and Associates Inc.  
820 West Superior  
Cleveland, OH 44113

Karen Smith  
c/o Hunt Club  
188 Railroad Street  
Salem, OH 44460  
**(NEW PARTY DEFENDANT)**

Karol Klusty  
1951 Fulton Drive  
Coshocton, OH 43812  
**(NEW PARTY DEFENDANT)**

Kathryn Y. Parks  
18404 Hazelwood Avenue  
Maple Heights, OH 44137

KBZ Electric, Inc.  
c/o John T. Kasper  
Statutory Agent  
725 West Longview Avenue  
Mansfield, OH 44906  
**(NEW PARTY DEFENDANT)**

Kehler Landscaping  
25840 Chester Road  
Avon Lake, OH 44011

Kellers Fine Line Welding  
1049 Shadowlawn Drive  
Ravenna, OH 44266  
**(NEW PARTY DEFENDANT)**

Kenneth Cowens M.D. Inc.  
333 Park Avenue  
Youngstown, OH 44504

Kevin Schwendeman Const.  
8110 State Route 60  
Lowell, OH 45744  
**(NEW PARTY DEFENDANT)**

Kilar Mfg., Inc.  
2616 North Main Street  
Hubbard, OH 44425

King Expediting  
3777 Catalina Drive #A  
Dayton, OH 45431-1759

King Limestone, Inc.  
c/o Duane King  
Statutory Agent  
53681 Spencer Road  
Cumberland, OH 43732  
**(NEW PARTY DEFENDANT)**

Klingstedt Bros. Inc.  
425 Schroyer Avenue NW  
Canton, OH 44706  
**(NEW PARTY DEFENDANT)**

Klyn Nurseries  
3322 South Ridge Road  
Perry, OH 44081  
**(NEW PARTY DEFENDANT)**

Knucklehead Choo Choo Exp.  
2681 St. Rt. 47 East  
Bellefontaine, OH 43311  
**(NEW PARTY DEFENDANT)**

Kraig George  
7163 Bluebird Drive NW  
E. Canton, OH 44730

Kraljevic Construction Co.  
c/o Joan E. Kraljevic  
Statutory Agent  
7253 Bishop Road  
Youngstown, OH 44514  
**(NEW PARTY DEFENDANT)**

L & L Truck Sales  
c/o Charles Lippert  
Statutory Agent  
570 Barber Road  
Barberton, OH 44203  
**(NEW PARTY DEFENDANT)**

Labrinth Imaging Systems  
26401 Emery Road, #102  
Cleveland, OH 44128

Lakes Heating & Air Cond.  
c/o Brian F. Cuthbert  
Statutory Agent  
72 Hanna Parkway  
Akron, OH 44319  
**(NEW PARTY DEFENDANT)**

Landmark Landscapes, Inc.  
7065 Revenna Road  
Concord, OH 44077  
**(NEW PARTY DEFENDANT)**

Landscape Creations  
Post Office Box 296  
Chesterland, OH 44026  
**(NEW PARTY DEFENDANT)**

Larry's Pet Grooming  
976 McIntire Avenue-  
Zanesville, OH 43701

Lashley Tractor Sales Inc.  
24821 State Route 313  
Quaker City, OH 43773

Lawn & Order  
7183 Weaver Road  
Germantown, OH 45327-9378

Lawyers Prop. Deve. Corp.  
c/o Robert J. Meyers  
Statutory Agent  
240 B Tappan Drive North  
Mansfield, OH 44906  
**(NEW PARTY DEFENDANT)**

Leasco Equipment Services  
c/o Kyle Stroh, Esq.  
Metz & Bailey  
33 East Schrock Road  
Westerville, OH 43081

Lenore D. Byers  
2861 Loreta Drive  
Willoughby Hill, OH 44094  
**(NEW PARTY DEFENDANT)**

Leslie Scott Landscape  
1506 Maple Road  
Cleveland Heights, OH 44121  
**(NEW PARTY DEFENDANT)**

Leslie Shaefer  
30026 Oakdale  
Willowick, OH 44095  
**(NEW PARTY DEFENDANT)**

Linn Engineering Inc.  
c/o Timothy H. Linn  
Statutory Agent  
534 Market Street  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

LNJM Inc.  
c/o James W. Armstrong, III  
Statutory Agent  
3444 Sycamore  
New Waterford, OH 44445  
**(NEW PARTY DEFENDANT)**

Lois Blackburn  
c/o Shannon V. McCue, Esq.  
Renner Kenner Grieve Bobak Taylor & Weber  
First National Tower, Fourth Floor  
Akron, OH 44308-1456

Long Bar Transportation  
c/o G. D. Ferrell  
Statutory Agent  
11715 Mahoning Avenue  
N. Jackson, OH 44451  
**(NEW PARTY DEFENDANT)**

Louis Stile General Oper.  
c/o Louis Stile  
Statutory Agent  
839 East Market Street  
Akron, OH 44305-2488  
**(NEW PARTY DEFENDANT)**

Lubes, Inc.  
c/o Lynn E. Maynard  
Statutory Agent  
1234 E. Wheeling Avenue  
Cambridge, OH 43725  
**(NEW PARTY DEFENDANT)**

Lucas Distributing  
17911 Harland Avenue  
Cleveland, OH 44119

Lucile Binion  
3287 East 103 Road  
Cleveland, OH 44104  
**(NEW PARTY DEFENDANT)**

Luke Engineering & Mfg.  
456 South Boulevard  
Wadsworth, OH 44282  
**(NEW PARTY DEFENDANT)**

Luscher Construction  
2342 McCleary Jacoby  
Cortland, OH 44410

M & B Asphalt, Inc.  
c/o Frank S. Bell  
Statutory Agent  
Post Office Box 495  
Tiffin, OH 44883  
**(NEW PARTY DEFENDANT)**

M & B Interior Construction Ltd.  
Post Office Box 2670  
Springfield, OH 45501-2670

M.J. Brown Company  
c/o Derek W. DeVine, Esq.  
Lange and DeVine Law Offices L.L.C.  
174 South Washington Street  
Post Office Box 685  
Tiffin, OH 44883

Machine Dynamics  
c/o Kenneth C. Barkan  
Statutory Agent  
3105 Avalon Road  
Carrollton, OH 44615  
**(NEW PARTY DEFENDANT)**

Macritchie Materials  
Post Office Box 90  
West Millgrove, OH 43467

Madhu Asset Management  
4010 Boardman Canfield Road, Suite 1  
Canfield, OH 44406

Mahoning Womens Center  
4025 Market Street  
Youngstown, OH 44512

Marathon Manufacturing  
5165 Main Street N.E.  
Post Office Box 701  
New Philadelphia, OH 44663  
**(NEW PARTY DEFENDANT)**

Marietta Imaging Inc.  
c/o William Grosel  
Statutory Agent  
27 Tecumseh Drive  
Marietta, OH 45750  
**(NEW PARTY DEFENDANT)**

Marietta Urology Inc.  
c/o B. Douglas Harris  
Statutory Agent  
Route 2, Box 107  
Belpre, OH 45714  
**(NEW PARTY DEFENDANT)**

Marilyn Bell  
1576 Wilsonway Drive  
Barberton, OH 44203  
**(NEW PARTY DEFENDANT)**

Marion Tile & Carpet  
1705 Gypsy Road  
Niles, OH 44446

Mark Shackelford Ford  
400 West Avenue  
Tallmadge, OH 44278  
**(NEW PARTY DEFENDANT)**

Marlene's Touch Of Class  
501 Clark Street  
Cambridge, OH 43725  
**(NEW PARTY DEFENDANT)**

Mary Vitullo  
3227 Forty Second Street  
Canfield, OH 44406  
**(NEW PARTY DEFENDANT)**

Mason Color Works, Inc.  
c/o Jackman S. Vodrey  
Statutory Agent  
517 Broadway, 3<sup>rd</sup> Floor  
E. Liverpool, OH 43920  
**(NEW PARTY DEFENDANT)**

Master Auto Body  
1090 East 305<sup>th</sup> Street  
Willowick, OH 44092  
**(NEW PARTY DEFENDANT)**

Matkoz Inc.  
225 Tarhe Trail  
Upper Sandusky, OH 43351

McCallister Landscaping  
6011 Collins Road  
Mentor, OH 44060  
**(NEW PARTY DEFENDANT)**

McQuaid's Distributing  
c/o Ralph Zuzolo, Sr.  
700 Youngstown-Warren Road  
Niles, OH 44446

McWhorter's Landscape  
3255 Grey Fox Drive  
Gahanna, OH 43230  
**(NEW PARTY DEFENDANT)**

Medical Account Services  
c/o Dianne F. Marx  
Statutory Agent  
Thompson Hine LLP  
Post Office Box 8801  
Dayton, OH 45401-8801  
**(NEW PARTY DEFENDANT)**

Medina Sod Farms  
c/o Nadine Swank  
Statutory Agent  
5765 Buffhana Road  
Seville, OH 44273  
**(NEW PARTY DEFENDANT)**

Metronome Music Store  
c/o Steven V. Miller  
Statutory Agent  
1311 West Second Street  
Columbus, OH 43212  
**(NEW PARTY DEFENDANT)**

Michael Day Enterprises  
c/o John Susany  
Stark & Knoll Co. LPA  
76 South Main Street, Suite 1512  
Akron, OH 44308

Michaels Mobile Meals  
4191 Wheathered Oaks Lane  
Indian Springs, OH 45011  
**(NEW PARTY DEFENDANT)**

Midlake Products  
c/o Virgil J. Rice  
Statutory Agent  
6073 Pilotview Circle  
Louisville, OH 44641  
**(NEW PARTY DEFENDANT)**

Milton Brooks  
7603 Kennedy Court  
Mentor, OH 44406

Mock Woodworking  
c/o Douglas F. Mock  
Statutory Agent  
4400 West Pike  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Montgomery Cleaning Inc.  
2623 Pippin Court  
Cincinnati, OH 45231  
**(NEW PARTY DEFENDANT)**

Mp3 Player.Com  
6325 Paderborn Drive  
Hudson, OH 44236

MRI - II  
5255 Mayfield Heights Road  
Lyndhurst, OH 44124

MRI - Specialty Group  
5255 Mayfield Heights Road, Suite 200  
Lyndhurst, OH 44124

Muffler House Of Cambridge  
1426 Campbell Avenue  
Cambridge, OH 43725  
**(NEW PARTY DEFENDANT)**

Muskingum Iron & Metal Co.  
c/o Arthur L. Joseph  
Statutory Agent  
2805 East Ray Drive  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Muskingum Livestock  
c/o Eloise Barnett  
Statutory Agent  
56 Sandy Lane  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Muskingum Pediatric  
751 Forest Avenue, Suite 100  
Zanesville, OH 43701

Myers & Sons, Inc.  
502 Summer Street  
Post Office Box 167  
Fostoria, OH 44830  
**(NEW PARTY DEFENDANT)**

N & S Cuisine, Inc.  
171 South Franklin Street  
Chagrin Falls, OH 44022  
**(NEW PARTY DEFENDANT)**

N.A.T. Transportation Inc  
11101 Pemberville Road  
Bradner, OH 43406  
**(NEW PARTY DEFENDANT)**

National Manufacturing  
49 West Federal Street  
Niles, OH 44446  
**(NEW PARTY DEFENDANT)**

Nature's Way Designs  
5610 Pheasants Walk  
North Olmstead, OH 44070  
**(NEW PARTY DEFENDANT)**

Nature's Way Landscaping  
Post Office Box 36  
Chesterland, OH 44026  
**(NEW PARTY DEFENDANT)**

Naturescape  
9936 East Washington Street  
Chagrin Falls, OH 44023  
**(NEW PARTY DEFENDANT)**

Nescor Plastics Corp.  
c/o John Susany  
Stark & Knoll Co. LPA  
76 South Main Street, Ste. 1512  
Akron, OH 44308

Niley's Service, Inc.  
500 Sweitzer Road  
Greenville, OH 45331  
**(NEW PARTY DEFENDANT)**

NM of El Paso  
49 West Federal Street  
Niles, OH 44446

Northcoast Health Care  
3645 Warrensville Center Rd., Suite 124  
Shaker Heights, OH 44122  
**(NEW PARTY DEFENDANT)**

Northeast Tire Mold, Inc.  
156 Opportunity Parkway  
Akron, OH 44307

OH Eye Associates, Inc.  
c/o E. Carroll Thurnton, Jr.  
Newman, Olson & Kerr  
11 Federal Plaza Central, Suite 1200  
Youngstown, OH 44503

Ohio Foundry, Inc.  
240 Southwest Avenue  
Tallmadge, OH 44278

Ohio Governmental Financial  
85 East Gay Street  
Columbus, OH 43215  
**(NEW PARTY DEFENDANT)**

Orthopedic Assoc. of Zanesville, Inc.  
c/o Dwight E. Engdahl  
Statutory Agent  
2854 Bell Street  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Osgar's Rustproofing  
552 Oak Street  
Post Office Box 311  
Mansfield, OH 44901  
**(NEW PARTY DEFENDANT)**

Pace Mason Contractors  
5260 Wooster Road West  
Norton, OH 44203

Painesville Tire & Auto  
c/o Douglas W. Haberecht  
Statutory Agent  
123 North St. Clair  
Painesville, OH 44077  
**(NEW PARTY DEFENDANT)**

Palmer Bros. Concrete  
12205 East Gypsy Lane Road  
Bowling Green, OH 43402

Patierno Contracting Inc.  
2800 East Midlothian Boulevard  
Struthers, OH 44471

Patricia Kinzbach  
1234 Ridgewood Road  
Wadsworth, OH 44281  
**(NEW PARTY DEFENDANT)**

Patrick Service  
4836 Warren Sharon Road  
Vienna, OH 44473  
**(NEW PARTY DEFENDANT)**

Paula Sellars  
4156 Crossgate Drive  
Cincinnati, OH 45236  
**(NEW PARTY DEFENDANT)**

Paullins Milk Cartage  
2285 C.R. 377 Rt. #1  
Loudonville, OH 44842  
**(NEW PARTY DEFENDANT)**

Penco Tool Inc.  
2621 West Avenue  
Post Office Box 429  
Ashtabula, OH 44004  
**(NEW PARTY DEFENDANT)**

Perfect Cut-Off Inc.  
29201 Anderson Road  
Wickliffe, OH 44092

Performance Tire Mold Inc.  
434 W. Wilbeth Road  
Akron, OH 44314  
**(NEW PARTY DEFENDANT)**

Perin Basil  
12060 Parker Drive  
Chesterland, OH 44026  
**(NEW PARTY DEFENDANT)**

Personal Garden Design  
20186 Westover Avenue  
Rocky River, OH 44116  
**(NEW PARTY DEFENDANT)**

Pinnacle Technology  
5559 Eaton Lewisburg Road  
Lewisburg, OH 45338  
**(NEW PARTY DEFENDANT)**

Pipes By Pappy's  
4469 Funk Road  
Post Office Box 314  
Shelby, OH 44875  
**(NEW PARTY DEFENDANT)**

Plasticards, Inc.  
c/o Kenneth H. Thompson  
Statutory Agent  
313 Boyle Street  
Akron, OH 44310  
**(NEW PARTY DEFENDANT)**

Pleasantview Nursing Home

c/o Martin Boetcher  
Harrington Hoppe & Mitchell, Ltd.  
26 Market Street, Suite 1200  
Youngstown, OH 44503

Pohl Trans/Harold J. Pohl  
c/o Harold J. Pohl  
Statutory Agent  
9297 McGreevey Road  
Post Office Box 334  
Versailles, OH 45380  
**(NEW PARTY DEFENDANT)**

Poland Concrete Products  
c/o Robert I. Zadaker  
Statutory Agent  
70 Poland Manor  
Post Office Box 5146  
Poland, OH 44514  
**(NEW PARTY DEFENDANT)**

Portage Packaging  
145 River Street  
Kent, OH 44240

Portage Tool Company  
c/o Thomas A. Brubaker  
Statutory Agent  
3413 South Smith Road  
Akron, OH 44333  
**(NEW PARTY DEFENDANT)**

Pro Touch Lawn Care  
5591 Eastlake Road  
Medina, OH 44256  
**(NEW PARTY DEFENDANT)**

Proach Landscape  
1585 Applegrove Street NE  
N. Canton, OH 44721  
**(NEW PARTY DEFENDANT)**

Production Packaging  
c/o Robert Palma  
100 Federal Plaza East, Ste. 300  
Youngstown, OH 44503

Progressive Landscape  
Post Office Box 277  
Avon Lake, OH 44012

Quality Builders  
60456 Patch Road  
New Concord, OH 43762

R & R Enterprises of OH  
Post Office Box 878  
Springfield, OH 44501

R.B. Thomas Electric, Inc.  
c/o Colin Skinner  
Oldham & Dowling  
195 South Main Street, Ste. 300  
Akron, OH 44308

R.H. Little Co., Inc.  
c/o Donald DAVIS  
Slater Zurz & Gilbert  
One Cascade Plaza, Suite 2210  
Akron, OH 44308

R.L. Smith Printing  
210 W. Wood Street  
Youngstown, OH 44501

Radick's Landscaping  
9925 East Washington Street  
Chagrin Falls, OH 44023  
**(NEW PARTY DEFENDANT)**

Regula Farms  
7106 Renner Road SW  
Fresno, OH 43824

Rent-A-Vision  
1205 South Gate Parkway  
Post Office Box 1417  
Cambridge, OH 43725  
**(NEW PARTY DEFENDANT)**

Republic Mills Inc.  
c/o Alan Berliner  
Thompson Hine LLP  
10 West Broad Street, Suite 700  
Columbus, OH 43215-3435

Retail Marketing Service  
28A Scioto Drive  
Heath, OH 43056

Richard Cheslock  
Post Office Box 468  
Mineral City, OH 44656  
**(NEW PARTY DEFENDANT)**

Ridgely Home Modernizing  
1551 East Main Street  
Springfield, OH 45503

Ridgewood Landscaping  
8700 Lost Trail Avenue, NE  
N. Canton, OH 44721  
**(NEW PARTY DEFENDANT)**

Rixan Associates, Inc.  
c/o Irvin Zipperstein  
118 West First Street  
Talbot Tower, Suite 650  
Dayton, OH 45402

Robert Defiore  
21245 Lorain Road Suite 202  
Fairfield Park, OH 44124  
**(NEW PARTY DEFENDANT)**

Robert W. Egolf Construction  
4479 Clearview Drive  
Canfield, OH 44406

Rock Of Grace Family Min.  
c/o Larry Tricker  
Statutory Agent  
7033 Bushnell Campbell Road  
Kinsman, OH 44428  
**(NEW PARTY DEFENDANT)**

Rodeway Inn  
1715 West North Street  
Springfield, OH 45504

Rogene Lockwood  
Post Office Box 815  
Andover, OH 44003  
**(NEW PARTY DEFENDANT)**

Rogers Industrial Prod.  
c/o John R. Cole  
Statutory Agent  
532 S. Main Street  
Akron, OH 44311  
**(NEW PARTY DEFENDANT)**

Rose Maran  
19617 Gardenview Drive  
Maple Heights, OH 44137

Rose Run Drilling, Inc.  
Post Office Drawer 280  
Hillsdale, MI 49242  
**(NEW PARTY DEFENDANT)**

Russell Automotive Center  
15565 Chillicothe Road  
Chagrin Falls, OH 44022

Ryan Carpet Service  
70 Victoria Road  
Austintown, OH 44515  
**(NEW PARTY DEFENDANT)**

S & D Application, Inc.  
c/o Douglas Miller  
Statutory Agent  
158 N. Church Street  
Wayne, OH 43466  
**(NEW PARTY DEFENDANT)**

S & S Processing, Inc.  
c/o Steve Volovar  
Statutory Agent  
Post Office Box 184  
Hubbard, OH 44425

S. G. Miller Plumbing  
1313 Gordon Landis Road  
Arcanum, OH 45304  
**(NEW PARTY DEFENDANT)**

S. Zanesville Fam. Med. Ctr.  
200 N. Maysville Avenue  
S. Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

S.J.P. Landscape  
4505 Porter Road  
North Olmstead, OH 44070  
**(NEW PARTY DEFENDANT)**

Salem Welding & Supply  
c/o Frederick D. Baker  
Statutory Agent  
475 Prospect Street  
Salem, OH 44460  
**(NEW PARTY DEFENDANT)**

Sandy's Tire Sales  
c/o W. Chad Kelligher  
405 Niles-Cortland S.E., Suite 203  
Warren, OH 44484

Scenic-FX Inc.  
2684 Antiock Road  
North Perry, OH 44081  
**(NEW PARTY DEFENDANT)**

Service Electric Co.  
c/o David R. Friedman  
Statutory Agent  
1786 Lander Road  
Mayfield Heights, OH 44124  
**(NEW PARTY DEFENDANT)**

Seward Plumbing & Heating  
1048 Linden Avenue  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

SGF Management Inc.  
c/o Rex W. Miller  
Lesh Casner & Miller  
606 Belden Whipple Building  
4150 Belden Village Street N.W. 606  
Canton, OH 44718-3651

Shanta Raghavan  
2100 Fay Drive  
Parma, OH 44134  
**(NEW PARTY DEFENDANT)**

Shuleva Landscaping  
8059 Lewis Road, Unit C-12  
Berea, OH 44017  
**(NEW PARTY DEFENDANT)**

Sidoti  
98 First Avenue  
Bedford, OH 44146  
**(NEW PARTY DEFENDANT)**

Sigler Trucking  
1831 Foraker  
Findlay, OH 45840  
**(NEW PARTY DEFENDANT)**

Skinner Firestone, Inc.  
226 Main Street  
Post Office Box 428  
Beverly, OH 45715  
**(NEW PARTY DEFENDANT)**

Skyway Park, Inc.  
2879 Maysville Pike  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Slats & Nails Inc.  
5610 Lindentree Road  
Mineral City, OH 44656

Smith-Lustig Paper Box Co.  
c/o Timothy G. Warner  
Spieth, Bell, McCurdy & Newell Co. LPA  
925 Euclid Avenue, Suite 2000  
Cleveland, OH 44115

Smith's Classic Machine  
Post Office Box 126  
New Riegel, OH 44853  
**(NEW PARTY DEFENDANT)**

Sorrento Family Restaurant  
2488 Parkman Road N.W.  
Warren, OH 44485  
**(NEW PARTY DEFENDANT)**

Sourlis Rentals Inc.  
3351 Little York Road  
Dayton, OH 45414

Southwest Tire Molds, Inc.  
159 Opportunity Parkway  
Akron, OH 44307

Sparks & Associates  
18909 South Miles Road  
Warrensburg, OH 44128  
**(NEW PARTY DEFENDANT)**

Special Scapes  
34088 Center Ridge Road  
N. Ridgeville, OH 44039  
**(NEW PARTY DEFENDANT)**

Standring Auto Services  
646 Moore Road  
Avon Lake, OH 44012  
**(NEW PARTY DEFENDANT)**

Stanford Trucking, LLC  
c/o Charles D. Walter  
Statutory Agent  
161 Stanford Parkway  
Findlay, OH 45840  
**(NEW PARTY DEFENDANT)**

Steven Downer, DPM  
409 Second Street  
Marietta, OH 45750

Sunshine Shoppe  
802 Putnam Avenue  
Zanesville, OH 43701  
**(NEW PARTY DEFENDANT)**

Super Tire  
3485 State Route 5  
Cortland, OH 44410

Superior Maintenance  
1032 Perry Road  
Jefferson, OH 44047-9761

Superior Quality Mfg.  
138 South Miami  
Bradford, OH 45308  
**(NEW PARTY DEFENDANT)**

Supers Landscape Inc.  
c/o Gregory Supers  
Statutory Agent  
48211 Route 511 West  
Oberlin, OH 44074  
**(NEW PARTY DEFENDANT)**

Surface Workers & Design  
Post Office Box 39312  
N. Ridgeville, OH 44039  
**(NEW PARTY DEFENDANT)**

T & C Landscaping  
Post Office Box 64  
East Claridon, OH 44033  
**(NEW PARTY DEFENDANT)**

T.A. Landscaping  
6107 Martin Road  
West Salem, OH 44287  
**(NEW PARTY DEFENDANT)**

T.C. Hunan House, Inc.  
c/o William Costello  
3401 Enterprise Parkway #406  
Beachwood, OH 44122

T.C. Moore & Assoc., Inc.  
128 East North Broadway  
Columbus, OH 43214  
**(NEW PARTY DEFENDANT)**

T.J. Farinacci Landscape  
c/o Michael J. Caticchio  
Statutory Agent  
5001 Mayfield Road, Suite 105  
Lyndhurst, OH 44124  
**(NEW PARTY DEFENDANT)**

Tareshawty Computer Serv.  
Post Office Box 188  
Canfield, OH 44406-0188  
**(NEW PARTY DEFENDANT)**

Tavens Container  
c/o Timothy G. Warner, Esq.  
Spieth, Bell, McCurdy & Newell Co. LPA  
925 Euclid Avenue, Suite 2000  
Cleveland, OH 44115

Taylor Tele-Communication  
2699 Mogadore Road  
Akron, OH 44312  
**(NEW PARTY DEFENDANT)**

Terrascape Outdoors  
14369 Aquilla Road  
Burton, OH 44021  
**(NEW PARTY DEFENDANT)**

Tewel Corporation  
c/o Don Duda  
Ronald James Rice Co. LPA  
48 West Liberty Street  
Hubbard, OH 44425

The A.G. Stafford Co.  
c/o Merle D. Evans, III, Esq.  
Day Ketterer Raley Wright & Rybolt Ltd.  
Millennium Center, Suite 300  
200 North Market Avenue North  
Canton, OH 44701-4213

The Blind Pig  
1228 6<sup>th</sup> Street  
Cleveland, OH 44113  
**(NEW PARTY DEFENDANT)**

The Frame Depot, Inc.  
1043 Youngstown Road  
Niles, OH 44446  
**(NEW PARTY DEFENDANT)**

The Gold Clipper  
456 West Avenue  
Tallmadge, OH 44278  
**(NEW PARTY DEFENDANT)**

The Grand Rock Co. Inc.  
395 Fountain Avenue  
Painesville, OH 44077  
**(NEW PARTY DEFENDANT)**

The Ink Well  
500 West Broad Street  
Columbus, OH 43215  
**(NEW PARTY DEFENDANT)**

The Mocha House Inc.  
c/o Chad Kellegher  
Brutz & Kelligher, Ltd.  
405 Niles-Courtland S.E. Ste. 203  
Warren, OH 44484

The Murray Company  
1298 Winston Road  
South Euclid, OH 44121  
**(NEW PARTY DEFENDANT)**

The Rhiel Supply Co.  
c/o Toby P. Mirto  
Statutory Agent  
3735 Oakwood Avenue  
Youngstown, OH 44515  
**(NEW PARTY DEFENDANT)**

The Roekel Company  
36 South 2<sup>nd</sup> Street  
Zanesville, OH 43701

The Tree Farm  
3072 Route 303  
Richfield, OH 44286  
**(NEW PARTY DEFENDANT)**

Theodore Treece  
23822 Buck Road  
Alliance, OH 44601  
**(NEW PARTY DEFENDANT)**

Therm-O-Link  
c/o Michael Marando  
Harrington Hope & Mitchell Ltd.  
108 West Main Avenue S.W., Suite 500  
Warren, OH 44482-1510

Thomas Bacha  
5028 Friendship Avenue  
Boardman, OH 44512  
**(NEW PARTY DEFENDANT)**

Thomas Hall/Excavating  
Post Office Box 435  
Chardon, OH 44024  
**(NEW PARTY DEFENDANT)**

Thomas Stephan  
9129 North Johnson  
North Benton, OH 44449

Thomas Transport Delivery  
c/o Jeffrey C. Thomas  
Statutory Agent  
616 Ridgeline Drive  
Cuyahoga Falls, OH 44223  
**(NEW PARTY DEFENDANT)**

Tiffin Tire & Retread  
429 Second Avenue  
Tiffin, OH 44883  
**(NEW PARTY DEFENDANT)**

Timberlanes Inc.  
544 East Pershing Avenue  
Salem, OH 44460  
**(NEW PARTY DEFENDANT)**

Timmann Job Serv.  
153 S. Main Street  
Post Office Box 158  
Columbiana, OH 44408  
**(NEW PARTY DEFENDANT)**

Tin Man Heating & Cooling  
429 Clough Street  
Bowling Green, OH 43402  
**(NEW PARTY DEFENDANT)**

Tom Duma's Jewelers  
115 W. Market Street  
Warren, OH 44481  
**(NEW PARTY DEFENDANT)**

Tony Pesce Chrysler-Plymouth  
c/o Randil Rudloff  
151 East Market Street  
Warren, OH 44482

Tony Trolio's T-Shirts  
35 West McKinley Way  
Poland, OH 44514

Tony's Lawn Care  
7910 Stacy Road  
Sandusky, OH 44870

Top Line Transportation  
6385 State Route 18  
Republic, OH 44867  
**(NEW PARTY DEFENDANT)**

Treemen Industries Inc.  
c/o George Ogletree  
Statutory Agent  
691 McClurg Road  
Youngstown, OH 44512  
**(NEW PARTY DEFENDANT)**

Tri State Tubular  
c/o Emery Brummit  
Statutory Agent  
2944 Stone Creek Road SW  
Stone Creek, OH 43840  
**(NEW PARTY DEFENDANT)**

Tri-County Emergency Med.  
855 West Maple Street #120  
Hartville, OH 44632

Tri-K Enterprises, Inc.  
935 McKinley S.W.  
Canton, OH 44707  
**(NEW PARTY DEFENDANT)**

Trimble's Rural Remnants  
2590 North Ridge Road  
Elyria, OH 44035  
**(NEW PARTY DEFENDANT)**

Triple S. Machine, Inc.  
4920 Fireside Drive  
Akron, OH 44319  
**(NEW PARTY DEFENDANT)**

Tri-State Mobility Equip.  
940 Cleveland Avenue S.W.  
Canton, OH 44707-4015  
**(NEW PARTY DEFENDANT)**

Trumbell County Dry Kiln  
Post Office Box 21  
Southington, OH 44470  
**(NEW PARTY DEFENDANT)**

Unity Presbyterian Church  
c/o James Scott  
Tribble Scott & Padden  
139 Courthouse Square  
Cambridge, OH 43725

Universal Tire Molds Inc.  
c/o Michael Cingel  
Statutory Agent  
323 North Arlington Street  
Akron, OH 44305  
**(NEW PARTY DEFENDANT)**

Valley View Gas  
3605 Mahoning Avenue  
Youngstown, OH 44515  
**(NEW PARTY DEFENDANT)**

Venture Products, Inc.  
c/o Fred E. Brubaker  
Statutory Agent  
3345 South Kohler Road  
Orrville, OH 44667  
**(NEW PARTY DEFENDANT)**

Vess Warner Inc.  
12 Warner Second Street  
Warner, OH 45745-8844

Village Of Caldwell  
215 West Street  
Caldwell, OH 43724  
**(NEW PARTY DEFENDANT)**

Village Of New Waterford  
Post Office Box 287  
New Waterford, OH 44445  
**(NEW PARTY DEFENDANT)**

Visioncare Associates  
3235 Manchester Road Suite #1  
Akron, OH 44319  
**(NEW PARTY DEFENDANT)**

Vizmeg & Sons  
5335 Sullivan Road  
Hudson, OH 44236  
**(NEW PARTY DEFENDANT)**

W.R.H. Insulation, Inc.  
7293 Davner Road  
Post Office Box 313  
Lisbon, OH 44432  
**(NEW PARTY DEFENDANT)**

W.T. Pettit & Sons Co. Inc.  
c/o Timothy Jacob  
Manchester Bennett Powers & Ullman  
201 East Commerce Street  
Youngstown, OH 44503-1641

Wallace Poured Walls, Inc.  
c/o Steven Vaughn Wallace  
Statutory Agent  
Route 3, Box 31  
Stockport, OH 43787  
**(NEW PARTY DEFENDANT)**

Ward's Inn  
34105 Chagrin Boulevard  
Moreland Hills, OH 44022  
**(NEW PARTY DEFENDANT)**

Warren G. Jones Const.  
c/o Paul Miller  
3465 South Arlington Road, Suite A  
Akron, OH 44312-5272

Warren Tavern  
14805 Madison Avenue  
Lakewood, OH 44107  
**(NEW PARTY DEFENDANT)**

Warren Trumbull Urban  
290 West Market Street  
Warren, OH 44481-1072  
**(NEW PARTY DEFENDANT)**

Waterford Township  
State Rt. 339 South  
Post Office Box 146  
Waterford, OH 45786  
**(NEW PARTY DEFENDANT)**

Wayne's Truck & Auto Repair  
4324 State Route 5 SW  
Newton Falls, OH 44444

Weber Construction  
927 North Main Street  
Fostoria, OH 44830-2013

Weidle's Meats & Deli, Inc.  
749 Springmill Street  
Mansfield, OH 44903  
**(NEW PARTY DEFENDANT)**

Wellman Seeds Inc.  
c/o James A. Wellman  
Statutory Agent  
Route 1, Box 4  
Delphos, OH 45833  
**(NEW PARTY DEFENDANT)**

Wells, Inc.  
8176 Route 23  
Post Office Box 9  
Risingsun, OH 43457  
**(NEW PARTY DEFENDANT)**

West Branch Nursing Home  
c/o Martin Boetcher  
Harrington Hoppe & Mitchell Ltd.  
26 Market Street, Suite 1200  
Youngstown, OH 44503

Western Reserve Raquet  
c/o John Susany, Esq.  
Stark & Knoll Co. LPA  
76 South Main Street, Suite 1512  
Akron, OH 44308

Westside Lincoln-Mercury  
c/o Matthew J. Koch  
Statutory Agent  
Koch & Regal  
405 Quaker Square  
120 East Mill Street  
Akron, OH 44308-1793  
**(NEW PARTY DEFENDANT)**

Whitehouse Chicken, Inc.  
180 Wooster Road North  
Barberton, OH 44203  
**(NEW PARTY DEFENDANT)**

William R. Dorsey D.O. Inc.  
c/o Charles W. Slicer, Jr.  
Statutory Agent  
318 West Fourth Street  
Dayton, OH 45402

William T. Stark  
1245 Shannon Road  
Girard, OH 44420

Wilson & Sons Landscaping  
36190 Detroit  
Avon, OH 44011  
**(NEW PARTY DEFENDANT)**

Wise Chevrolet, Inc.  
c/o Russell Wise  
Statutory Agent  
1572 State Route 44  
Post Office Box 246  
Randolph, OH 44265

Wolfe Grinding, Inc.  
c/o Larry Wolfe  
Statutory Agent  
4582 Allen Road  
Stow, OH 44224

Working With Nature  
c/o Gary Solomon  
Statutory Agent  
9984 Mayfield Road  
Chesterland, OH 44026  
**(NEW PARTY DEFENDANT)**

Xenia Foundry & Machine  
c/o Robert W. Huston  
Statutory Agent  
252 North West Street  
Xenia, OH 45385  
**(NEW PARTY DEFENDANT)**

X-Press Graphic Design  
Post Office Box 94  
Englewood, OH 45322  
**(NEW PARTY DEFENDANT)**

Youngstown Spec. Metals  
Post Office Box 1772  
Youngstown, OH 44501-1772  
**(NEW PARTY DEFENDANT)**

Youngstown Wholesale  
366 Victoria Road  
Youngstown, OH 44515  
**(NEW PARTY DEFENDANT)**

Zeiger Industries  
c/o Martin Boetcher  
Harrington Hoppe & Mitchell Ltd.  
26 Market Street, Suite 1200  
Youngstown, OH 44503

Zeris Interactive  
388 S. Main Street, Suite 409  
Akron, OH 44311  
**(NEW PARTY DEFENDANT)**

Ziegler Companies  
c/o John Prelac  
Day Ketterer Raley Wright & Rybolt Ltd.  
Millennium Center, Suite 300  
200 North Market Avenue North  
Canton, OH 44701-4213

Zimmerman Realty, Ltd.  
143 Chillicothe Avenue West  
Bellefontaine, OH 43311  
**(NEW PARTY DEFENDANT)**

Defendants.

### **AMENDED COMPLAINT**

Now comes Plaintiff, Ann H. Womer Benjamin, Superintendent of Insurance, Ohio Department of Insurance, in her capacity as Rehabilitator of Builders & Contractors Employee Benefit Association Trust (“Rehabilitator”) and states the following as her Complaint:

#### **PARTIES, JURISDICTION AND FACTS COMMON TO ALL COUNTS**

1. Plaintiff is the Rehabilitator of Builders & Contractors Employee Benefit Association Trust (the “Trust”), pursuant to the Agreed Order Appointing Rehabilitator (the “Rehabilitation Order”) entered on March 4, 2002 by the Court of Common Pleas, Franklin County, Ohio (Judge Pfeiffer), which Rehabilitation Order is attached hereto as “Exhibit A.”
2. This Court has jurisdiction over this matter and venue is proper in Franklin County, Ohio, pursuant to Ohio Revised Code Section (“R.C.”) 3903.04(E) and Civ. R. 3(E).
3. At all times material herein, the Trust was and continues to be an Ohio-domiciled insurer as defined in R.C. 3903.01(L).

4. At all times material herein, the Trust was and continues to be a Multiple Employer Welfare Arrangement (“MEWA”) governed by R.C. Chapter 1739 and was established and maintained as a jointly administered trust for the purposes of offering and providing medical, surgical, pharmaceutical, dental and related benefits to its members’ employees and their eligible dependents.

5. Members of a MEWA are subject to assessments, as well as premiums, levied by the MEWA, pursuant to R.C. 1739.14 and R.C. 1739.15. The Rehabilitator of the Trust, pursuant to R.C. Chapter 3903 and the Rehabilitation Order, is vested with all the rights of actions of the MEWA, including the levying of assessments and the pursuit of the collection of claims.

6. At all times material herein, the Trust was and continues to be administered in accordance with the Trust Agreement, Plan Document, and individual agreements between the Trust and its employer-members (“members”).

7. Such individual agreements are evidenced by either Master Agreements or agreements implied through the conduct of the parties (“Agreements”).

8. The Trust is subject to regulation by the Ohio Department of Insurance as to, among other things, the standards for maintenance of specified levels of surplus and reserves.

9. Defendants herein are Ohio Corporations, business entities or individuals having their usual place of business in Ohio and are currently or have been members in the Trust.

10. The Rehabilitator, pursuant to R.C. 3903.13(A) and paragraph 5 of the Rehabilitation Order, is vested with the title to all property, deposits, securities, contracts, rights of action, books, records and other assets of the Trust, and is authorized to deal with same in her own name as Rehabilitator.

11. Pursuant to R.C. 3903.14(B) and paragraph 7(c) of the Rehabilitation Order, the Rehabilitator is further vested with authority to take such action as she considers necessary or appropriate to reform or revitalize the Trust, including, but not limited to, collecting all claims, accounts receivables, agents' balances, reinsurance proceeds and other amounts owing to the Trust.

12. Pursuant to R.C. 1739.13, the Trust is required to maintain a surplus sufficient to protect the interests of its members and their employees, which at no time shall be less than \$150,000.

13. Defendants, as members of the Trust, assumed liability for all legal obligations of the Trust pursuant to R.C. 1739.01 through 1739.22 in proportion to the ratio of the total number of covered employees of the member, at the time such liability arose, to the total number of covered employees of all members of the Trust, to the extent that the total legal obligations of the Trust exceed the amount of any separate reserve fund.

14. On or about July 1, 2001, the members were issued written notice of an assessment equal to one month's premium ("July, 2001 Assessment") due to the Trust's reported surplus falling below minimum statutory requirements.

15. The July, 2001 Assessment was issued to all employers who were active members of the Trust on June 1, 2001.

16. On or about September 15, 2002, the members were issued a written notice of a second assessment ("September, 2002 Assessment") due to the Trust's reported surplus again falling below minimum statutory requirements. Sample copies of the assessment notices are attached hereto as "Exhibit B."

17. The September, 2002 Assessment was issued to all employers who were active members of the Trust at any time during the 2001 calendar year.

18. On November 17, 2003, the members were issued a written notice of a third assessment (“November, 2003 Assessment”)<sup>1</sup> due to the Trust’s reported surplus falling below minimum statutory requirements in years 2000 and 2002. A sample copy of the assessment notice is attached hereto as “Exhibit C.”

19. The November, 2003 Assessment was issued to all employers who were active members of the Trust at any time during the 2000 and/or 2002 calendar years.

20. Each Defendants’ individual proportionate balances owed for the July, 2001 Assessment and/or the September, 2002 and/or the November, 2003 Assessment are as follows:

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
A DAY IN THE COUNTRY	\$551.00	\$388.23	\$413.28	\$0.00
A. SISSER JEWELERS. INC.	\$0.00	\$0.00	\$1,011.36	\$0.00
A.D. KASAMIAS, M.D.	\$0.00	\$0.00	\$2,758.44	\$1,172.31
A/C HEATING & COOLING, INC.	\$0.00	\$0.00	\$0.00	\$506.90
ABC PLASTICS	\$0.00	\$0.00	\$6,363.22	\$5,400.47
ACE SPECIAL T-SHIRTS	\$0.00	\$0.00	\$0.00	\$1,310.40
ADF LAND DESIGN GROUP	\$0.00	\$0.00	\$273.09	\$679.59
ADVANCED ELECTRONICS	\$0.00	\$0.00	\$561.08	\$392.47
AINSLEY & SON HEATING	\$0.00	\$0.00	\$4,906.66	\$0.00
AIRFASCO INDUSTRIES INC.	\$0.00	\$564.62	\$0.00	\$2,558.13
AIRPORT CHEVROLET *	\$1,804.75	\$1,872.16	\$1,210.01	\$1,389.18
ALCO MUSIC / ALCO LAND *	\$0.00	\$1,286.40	\$1,734.65	\$1,108.56
ALL COUNTY SALES, INC.	\$0.00	\$0.00	\$1,646.16	\$576.56
ALLEN FARMS *	\$0.00	\$25.08	\$546.79	\$0.00
ALLIANCE METALS, INC.	\$0.00	\$0.00	\$1,677.28	\$1,170.84
AMADCO / CARROLL GLASS *	\$466.82	\$340.26	\$703.42	\$0.00
AMERICAN TOOL & MFG. CO.	\$0.00	\$0.00	\$0.00	\$834.11
AMERICAN WHISTLE CORP.	\$0.00	\$0.00	\$687.12	\$978.41
AMERI-TRUCK LTD., INC.	\$0.00	\$0.00	\$2,448.74	\$1,003.08
ANGELA BLINN	\$0.00	\$0.00	\$275.81	\$0.00
APR TOOL, INC.	\$0.00	\$0.00	\$2,553.39	\$0.00
ARMANDOS INC. *	\$0.00	\$1,727.19	\$2,179.17	\$1,267.39
ASSOCIATED TOOL & DIE INC. *	\$0.00	\$3,787.87	\$4,523.33	\$2,508.32
ASSOCIATION PLAN ADMIN. *	\$0.00	\$5,591.75	\$7,944.44	\$2,558.92
AUTHORIZED FACTORY SERV. *	\$1,468.85	\$1,706.58	\$3,268.05	\$481.83

<sup>1</sup> Because the assessments in the original Complaint have been referred to as the 2001 and 2002 assessments, the plaintiff refers to this new assessment as the November, 2003 Assessment even though it is attributed to years 2000 and 2002.

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
AUTUMN HILLS CARE CENTER	\$0.00	\$0.00	\$13,689.51	\$19,803.62
AVON TURF FARMS INC.	\$0.00	\$0.00	\$404.00	\$298.03
B & C LAWN CARE	\$0.00	\$0.00	\$306.37	\$125.42
B & M FLOOR COVERING *	\$0.00	\$230.41	\$0.00	\$0.00
B & W PHARMACY, INC.	\$0.00	\$0.00	\$1,451.18	\$1,939.76
B.R.'S LANDSCAPE CONSTR.	\$0.00	\$0.00	\$0.00	\$293.09
B.T. RAMSAY & CO.	\$236.23	\$2,494.89	\$4,198.46	\$1,531.71
BACKYARD PUTTING GREENS	\$0.00	\$0.00	\$364.12	\$256.04
BAKO LANDSCAPING	\$0.00	\$0.00	\$0.00	\$1,756.21
BARBARA KING	\$0.00	\$53.94	\$229.14	\$0.00
BATTERIES UNLIMITED	\$0.00	\$0.00	\$565.15	\$1,553.11
BAZETTA TOWNSHIP	\$0.00	\$0.00	\$24,079.92	\$16,290.53
BEABER FARMS	\$0.00	\$0.00	\$0.00	\$901.19
BEARD INSURANCE AGENCY	\$0.00	\$301.02	\$0.00	\$143.02
BEDFORD GLEN'S GARDEN CEN	\$0.00	\$0.00	\$972.97	\$265.37
BENNETT/DOVER HOME REMOD.	\$0.00	\$4,884.89	\$10,033.12	\$5,148.27
BERGER PEAT MOSS	\$0.00	\$0.00	\$0.00	\$355.52
BERRESFORD ENTERPRISES	\$4,298.30	\$3,796.82	\$8,000.30	\$0.00
BESTWAY BATH SYSTEMS INC.	\$0.00	\$0.00	\$0.00	\$739.93
BLUE STAR MATERIAL	\$0.00	\$0.00	\$409.46	\$0.00
BOB MILLER LANDSCAPING	\$0.00	\$0.00	\$199.08	\$469.70
BOB WITSAMA LANDSCAPE	\$0.00	\$0.00	\$489.45	\$389.25
BOLLIN LABEL SYSTEMS	\$0.00	\$4,939.97	\$0.00	\$6,554.56
BORDONARO LANDSCAPING	\$0.00	\$0.00	\$350.56	\$172.41
BOTSONS' CYCLE & ACCES.	\$0.00	\$0.00	\$258.84	\$69.60
BOVILLE INDUSTRIAL	\$0.00	\$0.00	\$449.11	\$1,649.70
BRADEN MED SERVICES	\$0.00	\$0.00	\$0.00	\$6,100.48
BRIAR HILL LANDSCAPING	\$0.00	\$0.00	\$549.48	\$367.97
BROOKER'S PIT STOP INC.	\$0.00	\$0.00	\$0.00	\$1,350.85
BRUCE TIMS CONTRACTING *	\$0.00	\$308.92	\$0.00	\$32.90
BRUDERLY EXCAVATING CO.	\$0.00	0.00	\$0.00	\$752.92
BRYANT'S FOREVER GREEN	\$0.00	\$0.00	\$0.00	\$588.79
BUCKEYE TROPHY, INC	\$0.00	\$0.00	\$5,298.92	\$3,383.85
BUSINESS EQUIPMENT CO.	\$0.00	\$3,852.91	\$2,972.19	\$1,952.21
CALDWELL LUMBER & SUPPLY	\$0.00	\$0.00	\$1,643.39	\$5,130.26
CALLOS PROF. EMPLOYMENT	\$0.00	\$0.00	\$48,319.09	\$27,047.84
CAMBRIDGE MACH. & SUPPLY *	\$0.00	\$4,215.63	\$0.00	\$0.00
CAMBRIDGE RENTAL & SALES *	\$854.08	\$895.96	\$700.24	\$333.00
CAMBRIDGE SENIOR COMM.	\$0.00	\$46.82	\$496.07	\$0.00
CANFIELD DAIRY QUEEN *	\$655.49	\$672.41	\$811.85	\$320.49
CANTRELL CONSTRUCTION, CO. *	\$445.50	\$358.13	\$0.00	\$177.36
CAPITOL INTERNATIONAL *	\$124.37	\$2,411.02	\$2,041.71	\$548.85
CARDINAL RESTAURANTS INC	\$0.00	\$0.00	\$6,690.82	\$0.00
CARROLL GLASS & MAINT.INC	\$0.00	\$0.00	\$11,408.87	\$9,098.88
CASCADE LIGHTING	\$0.00	\$0.00	\$608.67	\$1,340.23
CENTER TWNSP/NOBLE COUNTY	\$0.00	\$0.00	\$0.00	\$776.20
CENTRAK LASERS	\$0.00	\$0.00	\$103.86	\$0.00
CENTURA X-RAY, INC.	\$0.00	\$0.00	\$13,736.13	\$13,751.76
CENTURY 21 (RHA GROUP)	\$0.00	\$0.00	\$244.89	\$695.49
CENTURY SMALL BUS. SOL.	\$0.00	\$0.00	\$2,157.40	\$2,746.56
CENTURY WELL SERVICES INC.	\$0.00	\$0.00	\$7,427.75	\$4,699.53
CHAMPION CREEK LANDSCAPE	\$0.00	\$0.00	\$0.00	\$91.66
CHAMPION TRANSPORT	\$0.00	\$0.00	\$1,542.88	\$3,615.75
CHARLANNE FARMS	\$0.00	\$0.00	\$2,141.19	\$2,943.90
CHESTERLAND NURSERIES	\$0.00	\$0.00	\$37.24	\$147.71

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
CHRIS HAULING	\$0.00	\$0.00	\$719.13	\$0.00
CHUCK FOSTER TRUCKING INC. *	\$0.00	\$6,554.17	\$15,967.78	\$4,639.83
CLEMENTS WELLNESS CENTER	\$0.00	\$0.00	\$329.41	\$1,402.63
CLEVELAND EXPRESS	\$0.00	\$0.00	\$20,786.15	\$12,789.39
COLONIAL AUTO SALES & SER	\$0.00	\$0.00	\$0.00	\$1,005.62
COLUMBIANA SERVICE, LLC	\$0.00	\$0.00	\$2,643.27	\$10,078.96
COMBI PKG. SYS., LLC.	\$0.00	\$0.00	\$24,208.91	\$0.00
COMBS & CO. HAIR DESIGNERS	\$0.00	\$0.00	\$53.53	\$0.00
COMMAND PLASTIC	\$5,962.44	\$9,338.81	\$14,644.45	\$5,292.56
COMMERCIAL TRUCK/TRAILER	\$0.00	\$0.00	\$8,976.24	\$5,230.49
CONGRESS INSURANCE AGENCY	\$476.44	\$708.53	\$290.93	\$359.39
CONSULTANTS MORTGAGE GROUP	\$0.00	\$0.00	\$299.62	\$0.00
CORSI LANDSCAPING	\$0.00	\$0.00	\$0.00	\$185.15
COSHOCTON INDUSTRIES, INC.	\$0.00	\$0.00	\$1,886.75	\$0.00
COUNTRY SIDE LANDSCAPING	\$0.00	\$0.00	\$1,113.14	\$870.19
COUNTRYSIDE BUILDERS *	\$0.00	\$899.40	\$0.00	\$0.00
CRANE SERVICES, INC.	\$0.00	\$0.00	\$902.94	\$663.51
CRICK CONSTRUCTION	\$0.00	\$0.00	\$1,636.17	\$1,550.97
CUSTOM POLY BAG	\$0.00	\$0.00	\$11,388.37	\$11,244.45
D.J. GROUP, INC. *	\$0.00	\$856.07	\$1,777.72	\$994.98
D.W. NESBETT & SONS INC.	\$0.00	\$0.00	\$1,935.97	\$1,808.32
DAN'S AUTO REPAIR *	\$0.00	\$720.72	\$813.43	\$306.27
DAN'S LANDSCAPING	\$0.00	\$0.00	\$182.06	\$239.23
DAN'S REFRIGERATION	\$0.00	\$0.00	\$3,447.72	\$1,982.91
DASHER DECORATIVE ARTS	\$0.00	\$0.00	\$0.00	\$1,025.00
DAVID C. ZANGMEISTER, MD	\$0.00	\$0.00	\$788.95	\$936.81
DAVIDSON INDUSTRIES	\$0.00	\$994.43	\$2,746.88	\$0.00
DE MARCO FLOORS & WALLS	\$0.00	\$0.00	\$1,059.88	\$260.60
DEALERS SUPPLY CO. *	\$0.00	\$8,480.79	\$10,181.72	\$1,722.09
DEAN & RITTER CARPENTRY	\$0.00	\$0.00	\$473.40	\$0.00
DEBORAH LIGOTTI	\$0.00	\$0.00	\$296.84	\$104.80
DEER MOUNTAIN, INC	\$0.00	\$0.00	\$424.24	\$808.71
DELUXE MOTEL INC.	\$0.00	\$0.00	\$740.23	\$0.00
DEMYAN'S SERVICE CENTER	\$0.00	\$0.00	\$0.00	\$495.22
DESIGNING WITH NATURE	\$0.00	\$0.00	\$733.37	\$180.47
DEWEESE LANDSCAPING	\$0.00	\$0.00	\$732.59	\$748.94
DIANE DINKENS	\$0.00	\$0.00	\$0.00	\$216.09
DIGITAL COLOR IMAGING	\$0.00	\$0.00	\$0.00	\$7,869.37
DILCO INDUSTRIES INC.	\$0.00	\$0.00	\$0.00	\$666.81
DINESH PATEL, MD. INC.	\$0.00	\$0.00	\$669.02	\$70.36
DISTRIBUTION RESULTS, INC	\$0.00	\$0.00	\$0.00	\$2,091.87
DLM PROPERTIES	\$0.00	\$0.00	\$87.86	\$0.00
DODSON FURNITURE INC.	\$3,855.36	\$4,025.54	\$5,834.29	\$2,347.03
DOLL SHOWCASE	\$0.00	\$0.00	\$505.45	\$484.83
DOMINIC'S LANDSCAPING	\$0.00	\$0.00	\$1,656.48	\$801.61
DONALD BUNNER	\$0.00	\$0.00	\$176.16	\$0.00
DOUBLE J TRUCKING	\$0.00	\$0.00	\$1,845.06	\$3,744.98
DR. GEORGE TOKODI D.O.	\$0.00	\$0.00	\$211.72	\$2,010.85
DREAMSCAPING	\$0.00	\$0.00	\$386.55	\$217.73
DRS. DAVENPORT/ROHRABAUGH	\$0.00	\$0.00	\$1,277.05	\$1,823.10
DUNCAN PLUMBING	\$0.00	\$0.00	\$3,798.95	\$2,088.46
E & E NAMEPLATES INC.	\$0.00	\$0.00	\$0.00	\$3,252.47
E.L. STONE COMPANY, INC.	\$0.00	\$6,860.36	\$0.00	\$4,752.93
EAST PARK CHURCH OF GOD	\$0.00	\$0.00	\$0.00	\$309.89
EDDIE TURK	\$0.00	\$0.00	\$0.00	\$338.23

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
EDGEWATER TOWERS CONDO	\$0.00	\$0.00	\$609.26	\$771.48
EDKO COMPANY	\$0.00	\$0.00	\$3,529.77	\$1,571.13
ELECTRIC MOTOR REPAIR	\$0.00	\$0.00	\$4,922.19	\$2,474.08
ELKRUN INDUSTRIES	\$0.00	\$0.00	\$2,697.56	\$932.17
ELLET MANOR	\$0.00	\$0.00	\$0.00	\$599.51
EMPIRE CORPORATION	\$2,940.00	\$2,375.92	\$6,746.65	\$0.00
ERMCO, INC. *	\$6,578.83	\$6,592.19	\$9,550.57	\$0.00
ESTERLE MOLD & MACHINE	\$2,321.32	\$22,880.07	\$39,167.25	\$1,575.46
EX-CEL EXTERIORS	\$0.00	\$0.00	\$0.00	\$217.80
F & S FOODS INC.	\$0.00	\$0.00	\$4,429.16	\$3,596.89
F.A. MAKOSKI CONSTRUCTION *	\$0.00	\$340.96	\$0.00	\$417.95
F.A.P. INDUSTRIES	\$0.00	\$1,245.57	\$9,573.84	\$0.00
F.M. MACHINE COMPANY	\$0.00	\$0.00	\$21,056.76	\$13,583.31
FAIR SALES CONSULTANTS *	\$395.69	\$384.97	\$341.50	\$0.00
FAIRDALE AUTO SALES	\$0.00	\$0.00	\$790.20	\$766.47
FALLS LANDSCAPE	\$0.00	\$0.00	\$751.68	\$678.71
FEHRMAN TOOL & DIE	\$0.00	\$0.00	\$4,787.98	\$6,254.62
FERRATO GRANDEL LANDSCAPING	\$0.00	\$0.00	\$0.00	\$196.70
FGM LANDSCAPING	\$0.00	\$628.38	\$1,557.99	\$203.93
FIRELAND'S LAWN	\$0.00	\$0.00	\$968.61	\$325.84
FIRST QUALITY COLLISION	\$0.00	\$0.00	\$1,553.50	\$3,165.34
FLOHR MACHINE COMPANY *	\$4,028.49	\$2,402.23	\$6,838.76	\$0.00
FLORAFINOS GREENHOUSES	\$0.00	\$0.00	\$386.96	\$372.10
FOSTORIA GRAIN INSPECTION *	\$0.00	\$489.26	\$2,815.05	\$497.09
FRED GODARD FORD, INC.	\$0.00	\$0.00	\$81.28	\$0.00
FRED J. ROBINSON & ASSOC.	\$0.00	\$0.00	\$0.00	\$162.86
FREIGHT SHAKERS	\$0.00	\$0.00	\$484.87	\$1,998.15
FURNITURE REPAIR SERVICES	\$0.00	\$0.00	\$752.86	\$576.04
GALLUCCI LANDSCAPING	\$0.00	\$0.00	\$109.63	\$433.79
GARY M. CRIM, INC.	\$0.00	\$0.00	\$4,160.73	\$2,619.31
GARY'S WHOLESALE INC.	\$0.00	\$0.00	\$259.01	\$446.69
GATTUSO'S MUSIC CENTER	\$0.00	\$0.00	\$1,100.41	\$1,167.29
GAUER SERVICE & SUPPLY CO.	\$0.00	\$0.00	\$8,199.75	\$1,162.77
GAYMONT NURSING HOME	\$0.00	\$0.00	\$1,072.74	\$5,381.85
GENTZLER TOOL & DIE CORP. *	\$0.00	\$2,250.86	\$8,514.20	\$0.00
GESCHWIND CONSIGNMENT CO.	\$0.00	\$0.00	\$3,835.90	\$2,735.75
GEZZAR LANDSCAPING *	\$0.00	\$26.27	\$318.85	\$0.00
GILL'S QUALITY MEAT MARKET *	\$0.00	\$288.39	\$0.00	\$143.98
GLDC-ILA HEALTH & WELFARE	\$0.00	\$0.00	\$0.00	\$633.01
GLEN'S SURPLUS INC.	\$0.00	\$0.00	\$0.00	\$6,639.77
GLENVIEW MANOR	\$0.00	\$0.00	\$9,728.96	\$7,011.03
GLOBAL GLASS BLOCK	\$0.00	\$0.00	\$1,201.70	\$1,174.99
GLOBAL ORGANIC ALLIANCE	\$0.00	\$0.00	\$364.87	\$214.58
GLOBAL SERVICES	\$0.00	\$0.00	\$2,509.31	\$1,784.33
GOAL TENDERS ENTERPRISE	\$0.00	\$109.50	\$981.89	\$0.00
GODARD LEASING & SALES *	\$2,586.88	\$2,507.49	\$2,300.53	\$0.00
GOODBYE CHARLIE	\$0.00	\$0.00	\$129.87	\$0.00
GREENLEAF LANDSCAPES, INC.	\$0.00	\$0.00	\$0.00	\$5,037.34
GRINDING EQUIPMENT	\$0.00	\$0.00	\$0.00	\$1,447.38
GUERNSEY MOTEL CORP.	\$2,017.26	\$1,188.09	\$0.00	\$0.00
H & M LANDSCAPING	\$0.00	\$0.00	\$1,321.63	\$1,797.95
HARMONY LANDSCAPING	\$0.00	\$0.00	\$119.03	\$335.02
HARTMAN DRYWALL	\$0.00	\$0.00	\$501.34	\$362.98
HARTVILLE PLASTICS	\$0.00	\$0.00	\$8,192.47	\$3,167.74
HAWLEY LANDSCAPING	\$0.00	\$0.00	\$0.00	\$1,654.47

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
HAY'S ENTERPRISES	\$0.00	\$0.00	\$0.00	\$3,148.64
HEALTH BENEFIT ADMIN.	\$0.00	\$0.00	\$0.00	\$84.64
HEALTH MANAGEMENT GROUP	\$0.00	\$0.00	\$776.06	\$8,468.30
HEARN PAPER COMPANY	\$0.00	\$4,586.93	\$6,809.64	\$2,673.37
HEATHER DOUGLAS	\$0.00	\$0.00	\$39.03	\$0.00
HEAVENER ENTERPRISE	\$0.00	\$0.00	\$0.00	\$248.03
HELEN CHESLOCK	\$0.00	\$0.00	\$20.61	\$0.00
HELTON ENTERPRISES INC.	\$0.00	\$0.00	\$0.00	\$5,996.01
HILL T FARM INC.	\$0.00	\$0.00	\$0.00	\$1,191.69
HILLIS & SMALL, CO. L.P.A.	\$0.00	\$0.00	\$390.97	\$0.00
HOEHNEN LANDSCAPE	\$0.00	\$0.00	\$633.58	\$583.64
HOLIDAY BAR, INC.	\$0.00	\$0.00	\$745.27	\$557.31
HOLLAND PONTIAC	\$0.00	\$4,155.67	\$4,955.58	\$3,405.11
HOLMES TRUCKING	\$0.00	\$0.00	\$0.00	\$434.24
HOME & KITCHEN SUPPLY CO.	\$0.00	\$0.00	\$0.00	\$3,341.28
HOMES FOR KIDS OF OHIO	\$0.00	\$6,443.86	\$7,035.89	\$4,448.85
HONEY CREEK CONTRACTING *	\$0.00	\$2,383.21	\$5,633.00	\$2,837.74
HOUSTON PLUMBING & HEATING	\$0.00	\$0.00	\$0.00	\$12,985.60
HUNT CLUB LANES	\$0.00	\$0.00	\$349.08	\$0.00
IMPERIAL TRAILER PARK	\$0.00	\$0.00	\$2,828.75	\$1,627.02
INSERVCO, INC.	\$0.00	\$0.00	\$2,102.18	\$0.00
INTEGRITY PETROLEUM SERV.	\$0.00	\$0.00	\$1,493.91	\$498.39
INTERLOCK PAVING	\$0.00	\$0.00	\$547.50	\$640.71
INTERNATIONAL EQUIPMENT	\$0.00	\$0.00	\$256.36	\$345.91
INTERNET COMPUTING SERVICES *	\$0.00	\$289.14	\$0.00	\$0.00
J & D PAINTING	\$0.00	\$0.00	\$0.00	\$959.66
J.A. ROCCO, D.D.S.	\$0.00	\$471.13	\$1,405.70	\$357.29
J.R.'S LANDSCAPING	\$0.00	\$0.00	\$151.72	\$224.38
JANET LEACH	\$0.00	\$0.00	\$140.01	\$0.00
JCM CONTRACTING	\$0.00	\$0.00	\$2,487.14	\$1,123.23
JEK LEASING	\$0.00	\$0.00	\$504.40	\$2,525.49
JENNINGS HEATING COMPANY	\$0.00	\$0.00	\$14,331.63	\$7,449.31
JM LIQUIDATION	\$0.00	\$0.00	\$0.00	\$429.34
JOANNE A. DOCKERY	\$0.00	\$0.00	\$562.01	\$0.00
JOHN'S WELDING & TOWING	\$0.00	\$0.00	\$0.00	\$3,184.86
JOY-WAGNER RENTAL	\$0.00	\$0.00	\$2,720.17	\$0.00
K.M.A. AND ASSOCIATES INC.	\$0.00	\$0.00	\$326.38	\$117.79
KAREN SMITH	\$0.00	\$0.00	\$313.66	\$0.00
KAROL KLUSTY	\$0.00	\$0.00	\$730.32	\$195.00
KATHRYN Y. PARKS	\$0.00	\$38.88	\$39.19	\$0.00
KBZ ELECTRIC, INC.	\$0.00	\$0.00	\$0.00	\$3,453.93
KEHLER LANDSCAPING	\$0.00	\$38.00	\$281.01	\$0.00
KELLERS FINE LINE WELDING	\$0.00	\$0.00	\$755.64	\$414.45
KENNETH COWENS MD. INC.	\$0.00	\$0.00	\$0.00	\$122.30
KEVIN SCHWENDEMAN CONST.	\$0.00	\$0.00	\$581.06	\$716.64
KILAR MFG, INC. *	\$0.00	\$6,939.51	\$11,234.91	\$1,467.50
KING EXPEDITING	\$0.00	\$913.77	\$662.05	\$514.23
KING LIMESTONE, INC.	\$0.00	\$0.00	\$0.00	\$7,049.08
KLINGSTEDT BROS. INC.	\$0.00	\$0.00	\$2,236.89	\$2,041.68
KLYN NURSERIES	\$0.00	\$0.00	\$6,972.43	\$7,125.36
KNUCKLEHEAD CHOO CHOO EXP.	\$0.00	\$0.00	\$0.00	\$252.30
KRAIG GEORGE *	\$133.65	\$96.76	\$210.51	\$0.00
KRALJEVIC CONSTRUCTION CO.	\$0.00	\$0.00	\$788.76	\$556.94
L & L TRUCK SALES	\$0.00	\$0.00	\$277.85	\$2,489.54
LABRINTH IMAGING SYSTEMS	\$0.00	\$340.91	\$1,895.89	\$0.00
LAKES HEATING & AIR COND.	\$0.00	\$0.00	\$16,955.86	\$12,442.11

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
LANDMARK LANDSCAPES, INC.	\$0.00	\$0.00	\$182.06	\$113.01
LANDSCAPE CREATIONS	\$0.00	\$0.00	\$43.84	\$381.45
LARRY'S PET GROOMING *	\$305.05	\$165.44	\$170.82	\$0.00
LASHLEY TRACTOR SALES INC.	\$0.00	\$0.00	\$3,110.89	\$2,956.41
LAWN & ORDER *	\$0.00	\$305.17	\$0.00	\$345.62
LAWYERS PROP. DEVE. CORP.	\$0.00	\$0.00	\$0.00	\$2,356.11
LEASCO EQUIPMENT SERVICES	\$1,282.18	\$1,277.28	\$1,001.77	\$0.00
LENORE D. BYERS	\$0.00	\$0.00	\$253.37	\$0.00
LESLIE SCOTT LANDSCAPE	\$0.00	\$0.00	\$0.00	\$255.40
LESLIE SHAEFER	\$0.00	\$0.00	\$39.38	\$104.87
LINN ENGINEERING INC.	\$0.00	\$0.00	\$0.00	\$2,306.69
LNJM INC.	\$0.00	\$0.00	\$400.05	\$1,138.76
LOIS BLACKBURN	\$376.00	\$414.66	\$118.08	\$314.45
LONG BAR TRANSPORTATION	\$0.00	\$0.00	\$3,442.42	\$6,710.48
LOUIS STILE GENERAL OPER.	\$0.00	\$0.00	\$5,215.34	\$3,767.69
LUBES, INC.	\$0.00	\$0.00	\$494.69	\$803.66
LUCAS DISTRIBUTING	\$0.00	\$141.64	\$578.49	\$0.00
LUCILE BINION	\$0.00	\$0.00	\$535.16	\$0.00
LUKE ENGINEERING & MFG.	\$0.00	\$0.00	\$14,844.90	\$14,357.63
LUSCHER CONSTRUCTION *	\$0.00	\$79.58	\$367.34	\$0.00
M & B ASPHALT, INC.	\$0.00	\$0.00	\$0.00	\$11,077.28
M&B INTERIOR CONST. LTD. *	\$851.85	\$246.53	\$0.00	\$153.75
M.J. BROWN COMPANY, INC. *	\$0.00	\$1,371.90	\$2,097.64	\$2,168.60
MACHINE DYNAMICS	\$0.00	\$0.00	\$2,770.12	\$84.84
MACRITCHIE MATERIALS *	\$0.00	\$5,945.35	\$10,655.10	\$7,496.38
MADHU ASSET MANAGEMENT *	\$173.25	\$165.94	\$181.81	\$0.00
MAHONING WOMENS CENTER *	\$0.00	\$218.28	\$839.97	\$598.12
MARATHON MANUFACTURING	\$0.00	\$0.00	\$17,629.49	\$13,947.07
MARIETTA IMAGING INC.	\$0.00	\$0.00	\$0.00	\$3,730.47
MARIETTA UROLOGY INC.	\$0.00	\$0.00	\$0.00	\$1,839.07
MARILYN BELL	\$0.00	\$0.00	\$158.97	\$240.55
MARION TILE & CARPET	\$0.00	\$180.79	\$879.61	\$0.00
MARK SHACKLEFORD FORD	\$0.00	\$0.00	\$12,402.96	\$0.00
MARLENE'S TOUCH OF CLASS	\$0.00	\$0.00	\$219.33	\$0.00
MARY VITULLO	\$0.00	\$0.00	\$573.51	\$287.96
MASON COLOR WORKS, INC.	\$0.00	\$0.00	\$10,855.48	\$4,097.47
MASTER AUTO BODY	\$0.00	\$0.00	\$400.80	\$446.67
MATKOZ INC.	\$976.96	\$2,006.86	\$373.94	\$0.00
MCCALLISTER LANDSCAPING	\$0.00	\$0.00	\$452.31	\$374.12
MCQUAID'S DISTRIBUTING	\$836.01	\$6,081.75	\$9,750.30	\$1,201.96
MCWHORTER'S LANDSCAPE	\$0.00	\$0.00	\$0.00	\$342.88
MEDICAL ACCOUNT SERVICES	\$0.00	\$0.00	\$1,437.29	\$3,652.27
MEDINA SOD FARMS	\$0.00	\$0.00	\$0.00	\$1,848.67
METRANOME MUSIC STORE	\$0.00	\$0.00	\$0.00	\$1,319.42
MICHAEL DAY ENTERPRISES	\$0.00	\$17,986.81	\$46,636.08	\$0.00
MICHAELS MOBILE MEALS	\$0.00	\$0.00	\$0.00	\$444.19
MIDLAKE PRODUCTS	\$0.00	\$0.00	\$0.00	\$1,897.69
MILTON BROOKS	\$0.00	\$49.69	\$0.00	\$0.00
MOCK WOODWORKING	\$0.00	\$0.00	\$0.00	\$15,112.54
MONTGOMERY CLEANING INC.	\$0.00	\$0.00	\$0.00	\$123.19
MP3 PLAYER.COM *	\$0.00	\$441.34	\$615.85	\$374.04
MRI - II *	\$17,130.41	\$8,043.82	\$4,886.77	\$0.00
MRI- SPECIALTY GROUP *	\$46,278.40	\$24,213.98	\$89,146.83	\$0.00
MUFFLER HOUSE OF CAMBRIDG	\$0.00	\$0.00	\$0.00	\$797.34

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
MUSKINGUM IRON & METAL CO.	\$0.00	\$0.00	\$0.00	\$4,832.05
MUSKINGUM LIVESTOCK	\$0.00	\$0.00	\$1,672.38	\$2,185.37
MUSKINGUM PEDIATRIC	\$0.00	\$0.00	\$1,084.76	\$835.17
MYERS & SONS, INC.	\$0.00	\$0.00	\$1,847.48	\$1,381.04
N & S CUISINE, INC.	\$0.00	\$0.00	\$512.76	\$515.43
N.A.T. TRANSPORTATION INC	\$0.00	\$0.00	\$0.00	\$2,721.31
NATIONAL MANUFACTURING	\$0.00	\$0.00	\$4,384.23	\$1,971.47
NATURE'S WAY DESIGNS	\$0.00	\$0.00	\$148.29	\$345.76
NATURE'S WAY LANDSCAPING	\$0.00	\$0.00	\$951.20	\$684.31
NATURESCAPE	\$0.00	\$0.00	\$1,454.75	\$1,907.07
NESCOR PLASTICS CORP.	\$0.00	\$7,591.12	\$24,986.82	\$0.00
NILEY'S SERVICE, INC.	\$0.00	\$0.00	\$0.00	\$152.39
NM OF EL PASO *	\$618.82	\$978.73	\$2,388.59	\$0.00
NORTHCOAST HEALTH CARE	\$0.00	\$0.00	\$7,320.92	\$3,318.73
NORTHEAST TIRE MOLD, INC.	\$0.00	\$4,895.32	\$11,814.24	\$0.00
OH EYE ASSOCIATES, INC.	\$0.00	\$2,930.65	\$4,056.44	\$1,499.86
OHIO FOUNDRY, INC. *	\$0.00	\$147.04	\$0.00	\$0.00
OHIO GOVERNMENTAL FINANCIAL	\$0.00	\$0.00	\$519.27	\$350.10
ORTHOPAEDIC ASSOC ZANESV.	\$0.00	\$0.00	\$4,344.77	\$11,882.42
OSGAR'S RUSTPROOFING	\$0.00	\$0.00	\$0.00	\$1,318.77
PACE MASON CONTRACTORS *	\$967.58	\$1,130.42	\$1,147.37	\$248.11
PAINESVILLE TIRE & AUTO	\$0.00	\$0.00	\$3,623.57	\$0.00
PALMER BROS. CONCRETE	\$0.00	\$0.00	\$14,056.28	\$11,138.09
PARKSIDE DWELLINGS	\$0.00	\$0.00	\$182.06	\$0.00
PATIERNO CONTRACTING INC.	\$737.37	\$814.57	\$186.74	\$197.79
PATRICIA KINZBACH	\$0.00	\$0.00	\$0.00	\$367.82
PATRICK SERVICE	\$0.00	\$0.00	\$171.77	\$344.49
PAULA SELLARS	\$0.00	\$0.00	\$0.00	\$29.29
PAULLINS MILK CARTAGE	\$0.00	\$0.00	\$0.00	\$2,313.26
PENCO TOOL INC.	\$0.00	\$0.00	\$6,903.90	\$0.00
PERFECT CUT-OFF INC. *	\$0.00	\$1,254.87	\$24,623.73	\$0.00
PERFORMANCE TIRE MOLD INC.	\$0.00	\$0.00	\$2,513.37	\$0.00
PERIN BASIL	\$0.00	\$0.00	\$32.61	\$0.00
PERSONAL GARDEN DESIGN	\$0.00	\$0.00	\$561.62	\$0.00
PINNACLE TECHNOLOGY	\$0.00	\$0.00	\$0.00	\$420.80
PIPES BY PAPPY'S	\$0.00	\$0.00	\$1,151.26	\$0.00
PLASTICARDS, INC.	\$0.00	\$0.00	\$5,949.41	\$1,640.23
PLEASANTVIEW NURSING HOME	\$5,161.16	\$5,320.86	\$761.76	\$0.00
POHL TRANS/HAROLD J. POHL	\$0.00	\$0.00	\$0.00	\$33,973.81
POLAND CONCRETE PRODUCTS	\$0.00	\$0.00	\$8,384.80	\$5,960.99
PORTAGE PACKAGING	\$4,269.00	\$2,468.91	\$2,983.28	\$0.00
PORTAGE TOOL COMPANY	\$0.00	\$0.00	\$5,764.06	\$4,485.17
PRO TOUCH LAWN CARE	\$0.00	\$0.00	\$445.26	\$285.71
PROACH LANDSCAPE	\$0.00	\$0.00	\$0.00	\$426.02
PRODUCTION PACKAGING	\$0.00	\$1,494.03	\$1,815.72	\$690.60
PROGRESSIVE LANDSCAPE *	\$0.00	\$104.09	\$452.31	\$0.00
QUALITY BUILDERS	\$459.91	\$212.80	\$436.24	\$0.00
R & R ENTERPRISES OF OH	\$0.00	\$259.78	\$288.92	\$0.00
R.B. THOMAS ELECTRIC, INC.	\$4,567.28	\$4,648.00	\$8,429.07	\$3,230.80
R.H. LITTLE CO., INC.	\$0.00	\$4,233.48	\$10,656.42	\$0.00
R.L. SMITH PRINTING	\$0.00	\$1,182.46	\$0.00	\$662.39
RADICK'S LANDSCAPING	\$0.00	\$0.00	\$0.00	\$1,526.68
REGULA FARMS *	\$77.10	\$561.68	\$999.81	\$354.45
RENT-A-VISION	\$0.00	\$0.00	\$552.47	\$396.16
REPUBLIC MILLS INC.	\$0.00	\$6,147.93	\$6,474.55	\$3,639.01

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
RETAIL MARKETING SERVICE *	\$0.00	\$352.22	\$0.00	\$0.00
RICHARD CHESLOCK	\$0.00	\$0.00	\$20.61	\$0.00
RIDGELY HOME MODERNIZING *	\$0.00	\$754.07	\$0.00	\$491.62
RIDGEWOOD LANDSCAPING	\$0.00	\$0.00	\$128.03	\$111.97
RIXAN ASSOCIATES, INC.	\$5,141.20	\$4,705.24	\$2,632.64	\$0.00
ROBERT DEFIGORE	\$0.00	\$0.00	\$603.07	\$635.14
ROBERT W. EGOLF CONSTRUCTION	\$0.00	\$0.00	\$1,016.63	\$0.00
ROCK OF GRACE FAMILY MIN.	\$0.00	\$0.00	\$0.00	\$1,158.53
RODEWAY INN *	\$0.00	\$114.91	\$0.00	\$0.00
ROGENE LOCKWOOD	\$0.00	\$0.00	\$428.93	\$230.52
ROGERS INDUSTRIAL PROD.	\$0.00	\$0.00	\$13,913.10	\$4,751.47
ROSE MARAN	\$125.00	\$149.06	\$144.30	\$61.38
ROSE RUN DRILLING, INC.	\$0.00	\$0.00	\$5,466.75	\$6,673.58
RUSSELL AUTOMOTIVE CENTER	\$0.00	\$0.00	\$968.56	\$503.05
RYAN CARPET SERVICE	\$0.00	\$0.00	\$0.00	\$624.85
S & D APPLICATION, INC.	\$0.00	\$0.00	\$2,515.67	\$2,352.46
S & S PROCESSING, INC. *	\$0.00	\$2,319.78	\$4,787.91	\$1,882.44
S. G. MILLER PLUMBING	\$0.00	\$0.00	\$0.00	\$475.31
S. ZANESVILLE FAM. MED. CTR.	\$0.00	\$0.00	\$768.87	\$4,407.03
S.J.P. LANDSCAPE	\$0.00	\$0.00	\$273.09	\$278.93
SALEM WELDING & SUPPLY	\$0.00	\$0.00	\$3,136.98	\$2,660.40
SANDY'S TIRE SALES	\$377.75	\$590.43	\$1,161.43	\$284.02
SCENIC-FX INC.	\$0.00	\$0.00	\$182.06	\$326.39
SERVICE ELECTRIC CO.	\$0.00	\$0.00	\$884.38	\$785.69
SEWARD PLUMBING & HEATING	\$0.00	\$0.00	\$0.00	\$1,129.36
SGF MANAGEMENT INC.	\$475.07	\$6,718.45	\$0.00	\$4,828.24
SHANTA RAGHAVAN	\$0.00	\$0.00	\$971.59	\$423.06
SHULEVA LANDSCAPING	\$0.00	\$0.00	\$41.48	\$395.71
SIDOTI	\$0.00	\$0.00	\$847.15	\$1,154.23
SIGLER TRUCKING	\$0.00	\$0.00	\$846.58	\$681.43
SKINNER FIRESTONE, INC.	\$0.00	\$0.00	\$876.18	\$1,530.38
SKYWAY PARK, INC.	\$0.00	\$0.00	\$0.00	\$6,189.25
SLATS & NAILS INC.	\$7,224.39	\$5,810.03	\$10,707.31	\$0.00
SMITH-LUSTIG PAPER BOX CO.	\$5,070.44	\$8,176.32	\$12,530.28	\$4,301.66
SMITH'S CLASSIC MACHINE	\$0.00	\$0.00	\$2,617.14	\$1,521.65
SORRENTO FAMILY RESTAURANT	\$0.00	\$0.00	\$1,467.46	\$1,010.56
SOURLIS RENTALS INC. *	\$0.00	\$112.88	\$0.00	\$241.04
SOUTHWEST TIRE MOLDS, INC. *	\$0.00	\$1,046.26	\$2,718.70	\$0.00
SPARKS & ASSOCIATES	\$0.00	\$0.00	\$1,081.18	\$378.97
SPECIAL SCAPES	\$0.00	\$0.00	\$0.00	\$61.30
STANDRING AUTO SERVICES	\$0.00	\$0.00	\$554.31	\$135.28
STANFORD TRUCKING, LLC	\$0.00	\$0.00	\$0.00	\$2,458.39
STEVEN DOWNER, DPM	\$644.00	\$542.47	\$108.38	\$0.00
SUNSHINE SHOPPE	\$0.00	\$0.00	\$282.28	\$412.34
SUPER TIRE *	\$913.05	\$626.43	\$1,484.71	\$0.00
SUPERIOR MAINTENANCE	\$0.00	\$246.26	\$371.05	\$49.18
SUPERIOR QUALITY MFG.	\$0.00	\$0.00	\$0.00	\$2,470.87
SUPERS LANDSCAPE INC.	\$0.00	\$0.00	\$0.00	\$1,679.30
SURFACE WORKERS & DESIGN	\$0.00	\$0.00	\$0.00	\$772.35
T & C LANDSCAPING	\$0.00	\$0.00	\$203.63	\$219.28
T.A. LANDSCAPING	\$0.00	\$0.00	\$0.00	\$1,072.54
T.C. HUNAN HOUSE, INC.	\$0.00	\$453.31	\$725.78	\$304.40
T.C. MOORE & ASSOC., INC.	\$0.00	\$0.00	\$1,793.18	\$1,509.89
T.J. FARINACCI LANDSCAPE	\$0.00	\$0.00	\$847.17	\$0.00
TARESHAWTY COMPUTER SERV.	\$0.00	\$0.00	\$304.09	\$830.36

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
TAVENS CONTAINER	\$3,298.66	\$5,785.72	\$9,257.06	\$3,478.55
TAYLOR TELE-COMMUNICATION	\$0.00	\$0.00	\$9,727.91	\$0.00
TERRASCAPE OUTDOORS	\$0.00	\$0.00	\$0.00	\$509.08
TEWEL CORPORATION	\$0.00	\$4,760.12	\$8,197.29	\$3,220.15
THE A.G. STAFFORD CO.	\$0.00	\$0.00	\$5,864.13	\$3,219.66
THE BLIND PIG	\$0.00	\$0.00	\$0.00	\$646.11
THE FRAME DEPOT, INC.	\$0.00	\$0.00	\$128.23	\$0.00
THE GOLD CLIPPER	\$0.00	\$0.00	\$163.04	\$0.00
THE GRAND ROCK CO.,INC.	\$0.00	\$0.00	\$8,204.96	\$5,997.03
THE INK WELL	\$0.00	\$0.00	\$296.73	\$393.97
THE MOCHA HOUSE INC.	\$0.00	\$2,089.03	\$0.00	\$2,427.81
THE MURRAY COMPANY	\$0.00	\$0.00	\$0.00	\$257.09
THE RHEL SUPPLY CO	\$0.00	\$0.00	\$0.00	\$4,716.38
THE ROEKEL COMPANY	\$0.00	\$6,178.07	\$10,639.46	\$4,486.73
THE TREE FARM	\$0.00	\$0.00	\$1,788.59	\$0.00
THEODORE TREECE	\$0.00	\$0.00	\$0.00	\$109.17
THERM-O-LINK	\$0.00	\$31,869.62	\$0.00	\$29,543.19
THOMAS BACHA	\$0.00	\$0.00	\$34.45	\$0.00
THOMAS HALL/EXCAVATING	\$0.00	\$0.00	\$3,370.72	\$1,414.70
THOMAS STEPHAN *	\$0.00	\$66.25	\$0.00	\$124.77
THOMAS TRANSPORT DELIVERY	\$0.00	\$0.00	\$0.00	\$1,989.75
TIFFIN TIRE & RETREAD	\$0.00	\$0.00	\$218.07	\$0.00
TIMBERLANES INC.	\$0.00	\$0.00	\$0.00	\$1,805.93
TIMMANN JOB SERV.	\$0.00	\$0.00	\$400.56	\$0.00
TIN MAN HEATING & COOLING	\$0.00	\$0.00	\$458.98	\$444.67
TOM DUMA'S JEWELERS	\$0.00	\$0.00	\$0.00	\$1,709.44
TONY PESCE CHRYSLER-PLYMO	\$5,676.00	\$5,757.56	\$0.00	\$3,265.29
TONY TROLIO'S T-SHIRTS *	\$0.00	\$355.28	\$87.96	\$302.43
TONY'S LAWN CARE	\$0.00	\$0.00	\$51.65	\$0.00
TOP LINE TRANSPORTATION	\$0.00	\$0.00	\$3,746.91	\$2,280.39
TREEMEN INDUSTRIES INC.	\$0.00	\$0.00	\$0.00	\$3,434.67
TRI STATE TUBULAR	\$0.00	\$0.00	\$5,738.67	\$4,535.45
TRI-COUNTY EMERGENCY MED. *	\$0.00	\$2,606.27	\$2,774.69	\$1,881.68
TRI-K ENTERPRISES, INC.	\$0.00	\$0.00	\$2,847.14	\$1,792.78
TRIMBLE'S RURAL REMNANTS	\$0.00	\$0.00	\$0.00	\$306.79
TRIPLE S. MACHINE, INC.	\$0.00	\$0.00	\$6,937.26	\$1,028.28
TRI-STATE MOBILITY EQUIP.	\$0.00	\$0.00	\$11,123.00	\$8,598.83
TRUMBELL COUNTY DRY KILN	\$0.00	\$0.00	\$2,002.82	954.39
UNITY PRESBYTERIAN CHURCH	\$176.33	\$5.19	\$222.59	\$51.47
UNIVERSAL TIRE MOLDS INC.	\$0.00	\$0.00	\$28,848.72	\$18,376.88
VALLEY VIEW GAS	\$0.00	\$0.00	\$101.62	\$0.00
VENTURE PRODUCTS, INC.	\$0.00	\$0.00	\$0.00	\$11,502.28
VESS WARNER INC.	\$0.00	\$0.00	\$277.55	\$860.89
VILLAGE OF CALDWELL	\$0.00	\$0.00	\$339.42	\$3,341.94
VILLAGE OF NEW WATERFORD	\$0.00	\$0.00	\$1,997.27	\$1,428.53
VISIONCARE ASSOCIATES	\$0.00	\$0.00	\$0.00	\$3,635.87
VIZMEG & SONS	\$0.00	\$0.00	\$121.37	\$0.00
W.R.H. INSULATION, INC.	\$0.00	\$0.00	\$922.93	\$1,121.35
W.T. PETTIT & SONS CO. INC.	\$0.00	\$763.93	\$5,888.25	\$2,454.13
WALLACE POURED WALLS, INC.	\$0.00	\$0.00	\$983.30	\$2,615.77
WARD'S INN	\$0.00	\$0.00	\$0.00	\$577.96
WARREN G JONES CONST.	\$828.88	\$786.26	\$1,023.76	\$139.51
WARREN TAVERN	\$0.00	\$0.00	\$389.35	\$0.00
WARREN TRUMBULL URBAN	\$0.00	\$0.00	\$3,824.50	\$2,430.86
WATERFORD TOWNSHIP	\$0.00	\$0.00	\$9,283.97	\$2,441.57
WAYNE'S TRUCK & AUTO REPAIR	\$334.80	\$326.81	\$399.74	\$19.62

DEFENDANT	JULY, 2001 ASSESSMENT	SEPTEMBER, 2002 ASSESSMENT	NOVEMBER, 2003 ASSESSMENT	
			2000 DEFICIENCY	2002 DEFICIENCY
WEBER CONSTRUCTION *	\$0.00	\$704.49	\$1,045.99	\$576.06
WEIDLE'S MEATS & DELI, INC.	\$0.00	\$0.00	\$0.00	\$906.03
WELLMAN SEEDS INC.	\$0.00	\$0.00	\$0.00	\$1,680.89
WELLS, INC.	\$0.00	\$0.00	\$5,252.14	\$4,480.87
WEST BRANCH NURSING HOME	\$4,613.26	\$3,946.54	\$6,051.45	\$0.00
WESTERN RESERVE RAQUET *	\$0.00	\$972.63	\$1,102.75	\$1,272.60
WESTSIDE LINCOLN-MERCURY	\$0.00	\$0.00	\$8,342.07	\$4,210.43
WHITEHOUSE CHICKEN, INC.	\$0.00	\$0.00	\$0.00	\$999.85
WILLIAM R. DORSEY D.O. INC.	\$0.00	\$0.00	\$0.00	\$1,470.38
WILLIAM T. STARK	\$0.00	\$56.44	\$0.00	\$0.00
WILSON & SONS LANDSCAPING	\$0.00	\$0.00	\$146.77	\$0.00
WISE CHEVROLET, INC. *	\$2,672.72	\$2,427.64	\$5,841.39	\$979.39
WOLFE GRINDING, INC. *	\$750.67	\$975.16	\$1,641.19	\$345.33
WORKING WITH NATURE	\$0.00	\$0.00	\$802.81	\$513.89
XENIA FOUNDRY & MACHINE	\$0.00	\$0.00	\$525.03	\$1,786.99
X-PRESS GRAPHIC DESIGN	\$0.00	\$0.00	\$190.27	\$0.00
YOUNGSTOWN SPEC. METALS	\$0.00	\$0.00	\$0.00	\$512.42
YOUNGSTOWN WHOLESALE	\$0.00	\$0.00	\$2,330.39	\$1,929.36
ZEIGER INDUSTRIES	\$0.00	\$4,551.63	\$563.28	\$2,720.45
ZERIS INTERACTIVE	\$0.00	\$0.00	\$2,122.21	\$2,278.11
ZIEGLER COMPANIES	\$22,865.08	\$40,139.29	\$72,212.68	\$0.00
ZIMMERMAN REALTY, LTD.	\$0.00	\$0.00	\$0.00	\$278.00

\* Default judgments were taken against these defendants for the amounts listed under the July, 2001 Assessment and September, 2002 Assessment, plus interest accrued from the assessment date(s). These amounts are listed in the Motion and Amended Complaint for informational purposes only, with the exception of the July, 2001 Assessment shown for Defendant Wise Chevrolet, Inc.

## CAUSES OF ACTION

### FIRST CLAIM – BREACH OF STATUTORY DUTY-

21. Plaintiff restates the preceding facts and allegations as if fully rewritten herein.
22. Pursuant to R.C. 1739.14, Defendants, as members of the Trust, share a statutory duty to pay a premium equal to their proportionate share of the projected obligations for employee welfare benefit liabilities, administrative expenses and other costs incurred by the Trust.
23. Pursuant to R.C. 1739.13, Defendants, as members of the Trust, share a statutory duty to ensure that the Trust maintains minimum surplus amounts sufficient to protect the interests of its members and their employees, which at no time shall be less than \$150,000.

24. Defendants have failed to pay the July, 2001 Assessment and/or the September, 2002 Assessment and/or the November, 2003 Assessment.

25. As a result, Defendants have breached their statutory duty to ensure that the Trust maintains a minimum statutory surplus.

26. As a direct and proximate result of Defendants' statutory breach, Plaintiff has been damaged in varying amounts, the total of which is known to exceed \$25,000.00 with the individual amounts specified in paragraph 20.

### **SECOND CLAIM – BREACH OF EXPRESS CONTRACT**

27. Plaintiff restates the preceding facts and allegations as if fully rewritten herein.

28. Defendants entered into Agreements with Plaintiff to become members of the Trust and to obtain all of the benefits of such membership.

29. Pursuant to R.C. 1739.13, Defendants, as members of the Trust, share a statutory duty to ensure that the Trust maintains minimum surplus amounts sufficient to protect the interests of its members and their employees, which at no time shall be less than \$150,000.

30. On or about July 1, 2001, the Trust demanded that certain Defendants pay their proportionate share of the July, 2001 Assessment.

31. On or about September 15, 2002, the Trust also demanded that certain Defendants pay their proportionate share of the September, 2002 Assessment.

32. On November 17, 2003, the Trust further demanded that Defendants pay their proportionate share of the November, 2003 Assessment.

33. Defendants have refused to pay the July, 2001 Assessment and/or the September, 2002 Assessment and/or the November, 2003 Assessment, which amounts are noted in paragraph 20 above.

34. As a result of Defendants' failure to pay the Assessments, Defendants have breached their contractual and statutory obligations as members of the Trust. As a direct and proximate result of Defendants' breach, Plaintiff has been damaged in varying amounts, the total of which is known to exceed \$25,000.00 with the individual amounts specified in paragraph 20.

### **THIRD CLAIM – BREACH OF IMPLIED CONTRACT**

35. Plaintiff restates the preceding facts and allegations as if fully rewritten herein.

36. In acceptance of Defendants' becoming members of the Trust, the Trust provided health benefits for Defendants' employees and their eligible dependents.

37. In consideration of the provision of health benefits, Defendants impliedly agreed to assume and discharge all liability under the Trust, in proportion to the ratio of the total number of covered employees employed by that particular Defendant to the total number of covered employees employed by all members of the Trust.

38. Pursuant to R.C. 1739.13, Defendants, as members of the Trust, share a statutory duty to ensure that the Trust maintains minimum surplus amounts sufficient to protect the interests of its members and their employees, which at no time shall be less than \$150,000.

39. As members, by refusing to pay their proportionate shares of the July, 2001 Assessment and/or the September, 2002 Assessment and/or the November, 2003 Assessment, the amounts of which are referenced above in paragraph 20, Defendants have breached their contractual obligations.

40. As a direct and proximate result of Defendants' breach, Plaintiff has been damaged in varying amounts, the total of which is known to exceed \$25,000.00 with the individual amounts specified in paragraph 20.

#### **FOURTH CLAIM – UNJUST ENRICHMENT**

41. Plaintiff restates the preceding facts and allegations as if fully rewritten herein.

42. By refusing to comply with the Superintendent's demand to pay their proportionate shares of the July, 2001 Assessment and/or the September, 2002 Assessment and/or the November, 2003 Assessment, Defendants have knowingly and financially benefited at the expense of Plaintiff.

43. Further, by refusing to comply with Plaintiff's demand to pay their proportionate shares of the July, 2001 Assessment and/or the September, 2002 Assessment and/or the November, 2003 Assessment, Defendants have retained such benefit under circumstances that are unjust and have, thereby, been unjustly enriched.

44. As a direct and proximate cause of Defendants' unjust enrichment, Plaintiff has been damaged in varying amounts, the total of which is known to exceed \$25,000.00 with the individual amounts specified in paragraph 20.

#### **FIFTH CLAIM – SECOND BREACH OF EXPRESS CONTRACT**

45. Plaintiff restates the preceding facts and allegations as if fully rewritten herein.

46. Defendants entered into Agreements with Plaintiff to become members of the Trust and to obtain all of the benefits of such membership, including the provision of health benefits for Defendants' employees and their eligible dependents.

47. In consideration of the provision of health benefits, Defendants agreed to pay periodic premium amounts.

48. Plaintiff has provided such health benefits for Defendants' employees and their eligible dependents during the relevant periods.

49. To date, however, the following Defendants have failed to pay their agreed upon premiums, in the amounts listed below:

DEFENDANT	UNPAID PREMIUM AMOUNT	UNPAID PREMIUM DUE DATE
ASSOCIATED TOOL & DIE	\$713.05	SEPTEMBER, 2002
BENNETT/DOVER HOME REMOD.	\$454.45	OCTOBER, 2002
DODSON FURNITURE	\$5,222.74	SEPTEMBER, 2002
HEARN PAPER COMPANY	\$1,357.88	SEPTEMBER, 2002
HOME & KITCHEN SUPPLY CO.	\$3,423.74	JULY, 2003
MUSKINGUM PEDIATRIC	\$847.30	OCTOBER, 2002
NEW HOPE BIBLE CHURCH	\$1,227.89	JUNE, 2003
PADDOCK FISHLEY GREENHOUSES	\$1,775.33	JULY, 2003
R.B. THOMAS ELECTRIC	\$1,593.57	SEPTEMBER, 2002
SAND ROCK MINERAL	\$581.25	SEPTEMBER, 2002
THE A.G. STAFFORD CO.	\$828.65	SEPTEMBER, 2002

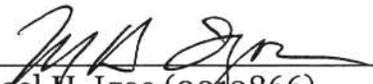
50. By failing to pay their premium amounts when due, Defendants have further breached their contractual obligations under the Trust.

51. As a direct and proximate result of Defendants' breach, Plaintiff has been damaged in the amount of \$18,025.88.

WHEREFORE, for each claim, Plaintiff Ann H. Womer Benjamin, Superintendent of Insurance, Ohio Department of Insurance, in her capacity as Rehabilitator of the Trust, demands judgment against the individual Defendants in the various amount set forth in this Complaint plus interest, costs and attorney's fees.

Respectfully submitted,

JIM PETRO  
Attorney General, State of Ohio

By:  \_\_\_\_\_  
Michael H. Igoe (0012866)  
David M. Karr (0063613)  
Necol Russell-Washington (0073367)  
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Special Counsel for the Attorney General  
State of Ohio, representing Ann H. Womer  
Benjamin, Superintendent of the Ohio  
Department of Insurance, as Rehabilitator for  
Builders and Contractors Employee Benefit  
Association Trust

## CERTIFICATE OF SERVICE

This is to certify that a copy of foregoing Amended Complaint, was served upon the following defendants by First Class Mail, postage prepaid, this ~~5<sup>th</sup>~~ <sup>6<sup>th</sup></sup> day of April, 2004.

A Day In The Country  
4744 State Route 39  
Berlin, OH 44610

Ace Special T-Shirts  
334 N. Mulberry Street  
Post Office Box 202  
Tremont City, OH 45372

Airfasco Industries Inc.  
207 Schneider Street NE  
N. Canton, OH 44720

B.T. Ramsay & Co.  
Post Office Box 488  
Aurora, OH 44202

Barbara King  
12613 Imperial Avenue  
Cleveland, OH 44120

Beard Insurance Agency  
2920 Niles Cortland Road  
Post Office Box 549  
Cortland, OH 44410

Bennett/Dover Home Remod.  
c/o Daniel Thomas  
Kolick & Kondzer  
24500 Center Ridge Rd. #175  
Westlake, OH 44145-5697

Berresford Enterprises  
c/o Donald Antrim  
Buckingham Doolittle &  
Burroughs, LLC  
191 West Nationwide Ste. 300  
Columbus, OH 43215-2568

Bestway Bath Systems Inc.  
6543 Harrison Avenue  
Cincinnati, OH 45247

Bollin Label Systems  
c/o Joseph R. Torda  
Barkan & Robon, Ltd.  
1701 Woodland Drive  
Maumee, OH 43537-4092

Bruderly Excavating Co.  
17380 Middletown Road  
North Benton, OH 44449

Buckstone Foods, Inc.  
404 Vienna Avenue  
Niles, OH 44446

Business Equipment Co.  
c/o Peter Cultice  
Cultice & Brown  
121 North Fourth Street  
Zanesville, OH 43702

Cambridge Senior Comm.  
Post Office Box 1090  
Cambridge, OH 43725

Command Plastic  
c/o Timothy G. Warner, Esq.  
Spieth, Bell, McCurdy & Newell  
Co. LPA  
925 Euclid Avenue, Suite 2000  
Cleveland, OH 44115

Congress Insurance Agency  
2858 West Market Street  
Akron, OH 44333

Crick Construction  
13046 Diagonal Road  
Salem, OH 44460

Davidson Industries  
c/o James W. Ehrman  
Statutory Agent  
201 East Commerce Street  
Youngstown, OH 44503

Deborah Ligotti  
11875 Market St. Ext. Rt. 7  
N. Lima, OH 44452

Diane Dinkens  
843 Marilyn Drive  
Kent, OH 44240

Dodson Furniture Inc.  
5480 Youngstown Warren Road  
Niles, OH 44446

E.L. Stone Company, Inc.  
c/o J. Francis Mackey  
Amer Cunningham Co. LPA  
159 South Main Street  
Sixth Floor, Key Building  
Akron, OH 44308-1322

F.A.P. Industries  
156 Nulf Drive  
Columbiana, OH 44408

Goal Tenders Enterprise  
1100 East Street  
Fairport Harbor, OH 44077

Hillis & Small, Co. L.P.A  
825 Adair Avenue  
Zanesville, OH 43701

J.A. Rocco, D.D.S.  
20 Seagate Drive #102  
Naples, FL 34103

Kehler Landscaping  
25840 Chester Road  
Avon Lake, OH 44011

Labrinth Imaging Systems  
26401 Emery Road, #102  
Cleveland, OH 44128

Lois Blackburn  
c/o Shannon McCue  
Renner Kenner Grieve Bobak  
Taylor & Weber  
First National Tower, Fourth Flr.  
Akron, OH 44308-1456

Matkoz Inc.  
c/o Robert M. Matukewecz  
Statutory Agent  
225 Penbrooke Drive  
Findlay, OH 45840

Empire Corporation  
c/o Karl L. Hay  
Statutory Agent  
500 First National Tower  
Akron, OH 44308

Fehrman Tool & Die  
8824 Clay Pike Road  
Byesville, OH 43723

Guernsey Motel Corp.  
c/o Mr. Tim Longstreth  
Statutory Agent for  
Guernsey Motel Corp.  
Post Office Box 160  
Zanesville, OH 43702-0160

Holland Pontiac  
7977 Hills & Dales Road  
Massillon, OH 44646

K.M.A. And Associates Inc.  
820 West Superior Suite 640  
Cleveland, OH 44113

Kenneth Cowens M.D. Inc.  
333 Park Avenue  
Youngstown, OH 44504

Lashley Tractor Sales Inc.  
24821 State Route 313  
Quaker City, OH 43773

Lucas Distributing  
17911 Harland Avenue  
Cleveland, OH 44119

McQuaid's Distributing  
c/o Ralph Zuzolo, Sr.  
700 Youngstown-Warren Road  
Niles, OH 44446

Esterle Mold & Machine  
c/o John Childs  
Brennan Manna & Diamond LLC  
75 Market Street  
Akron, OH 44308

FGM Landscaping  
2196 Lakeland Avenue  
Post Office Box 770975  
Lakewood, OH 44107

Hearn Paper Company  
556 N. Meridian Road  
Youngstown, OH 44509

Homes For Kids Of Ohio  
31 North Main Street  
Niles, OH 44446

Kathryn Y. Parks  
18404 Hazelwood Avenue  
Maple Heights, OH 44137

King Expediting  
3777 Catalina Drive #A  
Dayton, OH 45431-1759

Leasco Equipment Services  
c/o Kyle Stroh  
Metz & Bailey  
33 East Schrock Road  
Westerville, OH 43081

Marion Tile & Carpet  
1705 Gypsy Road  
Niles, OH 44446

Michael Day Enterprises  
c/o John Susany  
Stark & Knoll Co. LPA  
76 South Main Street, Ste. 1512  
Akron, OH 44308

Milton Brooks  
7603 Kennedy Court  
Mentor, OH 44406

Northeast Tire Mold, Inc.  
156 Opportunity Parkway  
Post Office Box 1429  
Akron, OH 44307

Patierno Contracting Inc.  
2800 East Midlothian Blvd.  
Struthers, OH 44471

Production Packaging  
c/o Robert Palma  
100 Federal Plaza East, Ste. 300  
Youngstown, OH 44503

R.B. Thomas Electric, Inc.  
c/o Colin Skinner  
Oldham & Dowling  
195 South Main Street, Ste. 300  
Akron, OH 44308

Republic Mills Inc.  
c/o Alan Berliner  
Thompson Hine LLP  
10 West Broad Street, Suite 700  
Columbus, OH 43215-3435

Rose Maran  
19617 Gardenview Drive  
Maple Heights, OH 44137

Sgf Management Inc.  
c/o Rex Miller  
Lesh Casner & Miller  
606 Belden Whipple Building  
4150 Belden Village Street N.W.  
Canton, OH 44718-3651

Superior Maintenance  
1032 Perry Road  
Jefferson, OH 44047-9761

Muskingum Pediatric  
751 Forest Ave Suite 100  
Zanesville, OH 43701

OH Eye Associates, Inc.  
c/o E. Carroll Thurnton, Jr.  
Newman, Olson & Kerr  
11 Federal Plaza Cent. Ste. 1200  
Youngstown, OH 44503

Pleasantview Nursing Home  
c/o Martin J. Boether  
Harrington Hoppe & Mitchell Ltd.  
26 Market Street, Suite 1200  
Youngstown, OH 44503

Quality Builders  
60456 Patch Road  
New Concord, OH 43762

R.H. Little Co., Inc.  
c/o Donald DAVIS  
Slater Zurz & Gilbert  
One Cascade Plaza, Suite 2210  
Akron, OH 44308

Rixan Associates, Inc  
c/o Irvin Zipperstein  
118 West First Street  
Talbot Tower, Suite 650  
Dayton, OH 45402

Russell Automotive Center  
15565 Chillicothe Road  
Chagrin Falls, OH 44022

Slats & Nails Inc.  
5610 Lindentree Road  
Mineral City, OH 44656

T.C. Hunan House, Inc.  
c/o William Costello  
3401 Enterprise Parkway #406  
Beachwood, OH 44122

Nescor Plastics Corp.  
c/o John Susany  
Stark & Knoll Co. LPA  
76 South Main Street, Ste. 1512  
Akron, OH 44308

Palmer Bros. Concrete  
12205 East Gypsy Lane Road  
Bowling Green, OH 43402

Portage Packaging  
145 River Street  
Kent, OH 44240

R & R Enterprises Of OH  
Post Office Box 878  
Springfield, OH 44501

R.L. Smith Printing  
210 W. Wood Street  
Post Office Box 419  
Youngstown, OH 44501

Robert W. Egolf Construct  
4479 Clearview Drive  
Canfield, OH 44406

Sandy's Tire Sales  
c/o W. Chad Kelligher  
405 Niles-Cortland S.E. Ste. 203  
Warren, OH 44484

Steven Downer, Dpm  
409 Second Street  
Marietta, OH 45750

Tavens Container  
c/o Timothy G. Warner, Esq.  
Spieth, Bell, McCurdy & Newell  
925 Euclid Avenue, Suite 2000  
Cleveland, OH 44115

Tewel Corporation  
c/o Don Duda  
Ronald James Rice Co. LPA  
48 West Liberty Street  
Hubbard, OH 44425

The Roekel Company  
36 South 2nd Street  
Zanesville, OH 43701

Tony's Lawn Care  
7910 Stacy Road  
Sandusky, OH 44870

W.T. Pettit & Sons Co. Inc.  
c/o Timothy Jacob  
Manchester Bennett Powers &  
Ullman  
201 East Commerce Street  
Youngstown, OH 44503-1641

West Branch Nursing Home  
c/o Martin Boetcher  
Harrington Hoppe & Mitchell  
Ltd  
26 Market Street, Suite 1200  
Youngstown, OH 44503

Zeiger Industries  
c/o Martin Boecher  
Harrington Hoppe & Mitchell  
Ltd.  
26 Market Street, Suite 1200  
Youngstown, OH 44503

The A.G. Stafford Co.  
c/o Merle D. Evans  
Day Ketterer Raley Wright &  
Rybolt Ltd.  
Millennium Center, Suite 300  
200 North Market Avenue North  
Canton, OH 44701-4213

Therm-O-Link  
c/o Michael Marando  
Harrington Hope & Mitchell Ltd.  
108 West Main Avenue S.W.  
Suite 500  
Warren, OH 44482-1510

Unity Presbyterian Church  
c/o James Scott  
Tribble Scott & Padden  
139 Courthouse Square  
Cambridge, OH 43725

Warren G. Jones Const.  
c/o Paul Miller  
3465 South Arlington Rd. Ste. A  
Akron, OH 44312-5272

William R. Dorsey D.O. Inc.  
c/o Charles W. Slicer, Jr.  
Statutory Agent  
318 West Fourth Street  
Dayton, OH 45402

Ziegler Companies  
c/o John Prelac  
Day Ketterer Raley Wright &  
Rybolt Ltd.  
Millennium Center, Suite 300  
200 North Market Avenue North  
Canton, OH 44701-4213

The Mocha House Inc.  
c/o Chad Kellegher  
Brutz & Kelligher, Ltd.  
405 Niles-Courtland SE Ste. 203  
Warren, OH 44484

Tony Pesce Chrysler-Plymouth  
c/o Randil Rudloff  
151 East Market Street  
Warren, OH 44482

Vess Warner Inc.  
12 Warner Second Street  
Warner, OH 45745-8844

Wayne's Truck & Auto Rep.  
4324 Street Rt. 5 SW  
Newton Falls, OH 44444

William T. Stark  
1245 Shannon Road  
Girard, OH 44420

  
Michael H. Igoe



1. Defendant Builders and Contractors Employee Benefit Association Trust (hereinafter referred to as "Builders And Contractors") is in such condition that its further transaction of business would be financially hazardous to its policyholders, creditors or the public, as described under R.C. 3903.12(A).

2. Defendant Builders and Contractors, its members, officers, directors, agents, employees, partners, representatives and those acting in concert with it should be enjoined and restrained from conducting, operating or engaging in the business of insurance or any other business of Defendant under any charter, permit, license, registration, certificate of authority, power or privilege of Defendant, and that any banks, savings and loan association, corporation, depositors, employers' welfare trusts, unions, agents, or other legal entities should be enjoined and restrained from removing or disposing of any of the assets, books, records, or property of Defendant, or of any debt or claim owed to, by or for said Defendant, without the express written authorization of the Rehabilitator.

3. Without the appointment of a Rehabilitator, Defendant is not in a condition to continue the insurance business and may cause harm to the interests of its policyholders, creditors or the public in general, and that unless restrained, Defendant will be forced to operate in a condition contrary to the best interests of Defendant's policyholders, creditors and the general public.

4. Without the appointment of a Rehabilitator, the assets of Defendant may become dissipated, causing irreparable and immediate injury of the policyholders, Defendant creditors and the general public.

5. Defendant, on February 13, 2002, consented to the appointment of a Rehabilitator in accordance with R.C. 3903.12(L) and waived both service of process and the holding of a formal hearing to show cause in connection with said appointment.

It is hereby ORDERED, ADJUDGED and DECLARED as follows:

1. Sufficient cause exists for the rehabilitation of Defendant.

2. J. Lee Covington, II, Superintendent of Insurance for the State of Ohio, and his successors in office, is appointed Rehabilitator of Defendant Builders and Contractors for the purpose of rehabilitation of defendant pursuant to the provisions of R.C. Chapter 3903.

3. The Rehabilitator may appoint a Chief Deputy Rehabilitator and other such Deputy Rehabilitators as he deems necessary for purposes of rehabilitation of Defendant pursuant to the provisions of R.C. Chapter 3903.

4. The Rehabilitator shall forthwith take and secure possession of all assets and property of Defendant, including, but not limited to, all property, contracts, deposits, securities, rights of action, accounts, safe deposit boxes and books and records of Defendant, wherever located, and administer them under the general supervision of the Court.

5. The Rehabilitator is vested by operation of law with the title to all property, deposits, securities, contracts, rights of action, books, records and other assets of Defendant as of the date of the entry of this Order directing Rehabilitation, and is authorized to deal with same in his own name as Rehabilitator.

6. As soon as practical after the Entry of this Order, the Rehabilitator shall prepare an inventory of all property of Defendant and shall submit an accounting to this Court at such intervals as ordered by this Court.

7. The Rehabilitator is authorized to take such action as he considers necessary or appropriate to reform and revitalize Defendant, including, but not limited to, the following:

(a) The Rehabilitator shall have all the powers of the directors, officers, and managers of Defendant, whose authorities are hereby suspended, except those powers as are specifically redelegated by the Rehabilitator.

(b) The Rehabilitator shall have full power to direct and manage to hire and discharge employees subject to any contract rights they may have, and to deal with the property and business of Defendant.

(c) The Rehabilitator shall collect all claims, accounts receivable, agents' balances, reinsurance proceeds and other amounts owing to Defendant, and shall bring such actions as are necessary, in his discretion, to collect the same and shall settle and compromise any of such claims, or other amounts owing to Defendant whenever he shall deem it advisable to do so, upon such terms and conditions as appear to him to be justifiable. The Rehabilitator shall also have the power to compromise any obligation of Defendant where it appears appropriate or necessary.

(d) The Rehabilitator may make transfers and sales of any assets or property of Defendant, enter into contracts, incur and discharge obligations and make expenditures from the income and receipts of the business of Defendant for labor,

insurance, equipment, inventory and supplies required, and to do any and every other act necessary to enable him to perform the duties imposed upon him by this Order.

(e) The Rehabilitator shall take all steps necessary to place all bank accounts, stock certificates, securities, certificates of deposit and other financial instruments of Defendant into his own name, and shall use any accounts of Defendant as an operating fund for the business of the rehabilitation of Defendant, and shall keep a true and correct account of any and all receipts or expenditures which he shall make as Rehabilitator in the course of the operation of said business.

(f) The Rehabilitator may, in his discretion, withhold or discontinue the payment of any pending claims against or involving Defendant until such time as the Rehabilitator has sufficient time to evaluate the claims and the overall financial condition of the Defendant.

8. If it appears to the Rehabilitator that there has been criminal or tortious conduct, wrongful sequestration or diversion of Defendant Builders and Contractors's assets, or breach of any contractual or fiduciary obligation detrimental to Defendant by any officer, manager, agent, director, trustee, broker, employee of Defendant or other person, he may pursue all appropriate legal remedies on behalf of Defendant.

9. If the Rehabilitator determines that reorganization, consolidation, conversion, reinsurance, merger or other transformation of Defendant is appropriate, he shall prepare a plan to effect such changes. Upon application of the Rehabilitator for approval of the plan, and after such notice and hearings as this Court may prescribe, the Court may either approve or disapprove the plan proposed, or may

modify it and approve it as modified. Any plan approved under this section shall be, in the judgment of this Court, fair and equitable to all parties concerned. If the plan is approved, the Rehabilitator shall carry out the plan.

10. The Rehabilitator shall have the power and authority under Sections 3903.26 and 3903.27 of the Revised Code to avoid fraudulent or preferential transfers. The Rehabilitator shall review all transactions, agreements, contracts, transfers of property or other actions agreed upon, entered into, made or incurred by Defendant within one year immediately prior to the filing of the complaint for rehabilitation. The Rehabilitator is hereby authorized to withhold or suspend any payments on any such transaction, agreement, contract, transfer of property or any other obligation of Defendant that may be due or owing for a period of ninety days or until such time as is necessary for the Rehabilitator to properly review such debt or claim. No legal action shall be taken or filed by a creditor or other person for any such amounts due against Defendant on any such transaction, agreement, contract, transfer of property or other action incurred or made within one year of the filing of the complaint for rehabilitation, and no delivery of or furnishing of services required thereby shall be suspended, discounted or terminated by such creditors or other persons during the ninety-day period of time that the Rehabilitator is reviewing such debt or claim, without further order of this Court.

11. The Rehabilitator is hereby granted and given all powers and authority under any and all statutes and under the common laws of this state authorizing the appointment of Rehabilitators, and, particularly, is granted and given all powers and

authority contained in R.C. Chapter 3903, including, without limitation, those enumerated herein.

12. All officers, directors, trustees, employees or agents of Defendant, or any other person, firm, association, partnership, corporation or other entity in charge of any aspect of Defendant's affairs, including, but not limited to, banks, savings and loan associations, financial or lending institutions, brokers, stock or mutual associations, or any parent, holding company, subsidiary or affiliated corporation or any other representative acting in concert with Defendant, shall cooperate with the Rehabilitator in the performance of his duties. The definition of "to cooperate" shall include, but not be limited to, a duty to do both of the following:

(a) Rely promptly in writing to any inquiry from the Rehabilitator requesting such a reply; and

(b) Immediately deliver to, and immediately make available to, the Rehabilitator any books, accounts, documents, records, information, computers, tapes, discs, writings, any other recording of information, pertaining to, or the property of, Defendant in his possession, custody or control.

(c) Disclose verbally or in writing, in the transmission requested by the Rehabilitator, the exact whereabouts of such items and information referenced in paragraph (b) above, if not in possession, custody or control of the officers, directors, trustees, employees or agents of Defendant, or any other person, firm, association, partnership, corporation or other entity in charge of any aspect of Defendant's affairs.

13. No member, officer, director, employee, partner, agent, representative of Defendant, or any other person acting in concert with Defendant, shall obstruct or interfere with the Rehabilitation in the conduct of his duties as Rehabilitator, and these persons are hereby restrained, except under the express authorization of the Rehabilitator or by the further order of this Court, from doing, operating and conducting the business of insurance of Defendant under any charger, permit, license, power or privilege, belonging to or heretofore issued by or to said Defendant, and from in any manner conducting, doing or engaging in the business of insurance; from disposing of, using, transferring, selling, assigning, canceling, hypothecating or concealing in any manner or in any way, any books, records, equipment, money, accounts receivable, stocks (including the stock of Defendant), bonds, assets, notes, funds or any property or other assets of Defendant, whether real, personal or mixed or of any kind or nature, wherever situated including any claims or cause of action that Defendant might have against any person, firm association or corporation, belonging to, owned by, in the possession of, or claimed by Defendant; and disposing of any account, debt, deposit, share account, trust account, or any other asset owned, owned to, or held for the benefit of Defendant or under any other name.

14. All officers, directors, employees, agents, servants, representatives of Defendant and those acting in concert with Defendant, shall, by sworn written statement, inform the Rehabilitator of the nature, description and location of all assets or other property of Defendant not located on the premises of Defendant, including, but not limited to, all bank accounts, safe deposit boxes, safes, stock certificates,

bonds, certificates of deposit, cash, security or any other property, real personal or mixed, and these persons are specifically ordered and enjoined from disposing of, records or reports of Defendant, except under the express authorization of the Rehabilitator or by the further order of this Court.

15. All officers, directors, trustees, managers, employees or agents of Defendant, or any other person, firm, association, partnership, corporation or other entity in charge of any aspect of Defendant's affairs, including, but not limited to, banks, savings and loan associations, trust companies, financial or lending institutions, brokers, stock or mutual associations, any parent, holding company, subsidiary or affiliated corporation, or any other persons, firms, corporations, associations, depositories, employers, unions, welfare trusts, or other legal entities or any other representative acting in concert with Defendant, are hereby restrained as follows, except with the written consent of the Rehabilitator:

(a) From disposing of, using, releasing, transferring, withdrawing, allowing to be withdrawn or concealing in any manner or in any way the property or assets of Defendant, of any kind or nature whatsoever, wherever situated, or from disposing of any account, or any other assets owned, owed to or held for the benefit of defendant, or any account, debt, share account, trust account, or other assets owned or held individually, jointly, or severally, for Defendant, whether such account, debt, deposit, share account, trust account, or any other assets owned or held for such Defendant, or under any other name, except under the express written authorization of the Rehabilitator or by the further order of this Court.

(b) From doing anything, directly or indirectly, to prevent the Rehabilitator from gaining access to, acquiring, examining or investigating any books, documents or records pertaining to or concerning Defendant or its affairs, under whatever name such books, documents or records may be filed or found or wheresoever such books, documents or records may be found or situated.

(c) From interfering in any way with the lawful acts of the Rehabilitator who has been appointed herein or from disposing of, converting, dissipating, or concealing in any manner or in any way any of the assets, books, property, records, or reports of Defendant.

16. Any action or proceeding pending in any Court in which Defendant is a party or is obligated to defend a party, is hereby stayed for a period of ninety days and such additional time as is necessary for the Rehabilitator to obtain proper representation and prepare for further proceedings. The Rehabilitator shall take such action respecting such pending litigation as he considers necessary in the interests of justice and for the protection of policyholders, creditors and the public. The Rehabilitator shall immediately consider all litigation pending outside this state and shall petition the Courts having jurisdiction over such litigation for stays wherever necessary to protect the estate of Defendant.

17. Any action by or against Defendant that might have been commenced when the complaint for rehabilitation was filed may be continued for at least ninety days after this order of rehabilitation is entered.

18. All third persons dealing with interests in real property or other property of Defendants are charged with notice of this order as provided in R.C. 3903.13(A).

19. The Rehabilitator may appoint one or more special duties, who shall have the powers and responsibilities of the Rehabilitator granted under this order, and may employ such clerks and assistants or security personnel as he considers necessary, such persons serving at the pleasure of the Rehabilitator.

20. The compensation of the Chief Deputy Rehabilitator, the Deputy Rehabilitators and any other special deputies, clerks, and assistants and all expenses of taking and securing possession of the property and affairs of Defendant and of conducting the rehabilitation of Defendant shall be fixed by the Rehabilitator, with the approval of this Court and shall be paid out of the funds or assets of Defendant. In the event that the property of Defendant does not contain sufficient cash or liquid assets to defray the costs incurred, the Superintendent of Insurance may advance the costs so incurred out of any appropriation for the maintenance of the Department of Insurance. Any amounts so advanced for expenses of administration shall be repaid

to the Superintendent for the use of the Department out of the first available money of Defendant.

*Beverly H. Pfeiffer*  
JUDGE

APPROVED:

BETTY D. MONTGOMERY (0007102)  
Attorney General

*Lawrence D. Pratt*

LAWRENCE D. PRATT (0021870)  
SCOTT MYERS (0040686)  
Assistant Attorneys General  
Health and Human Services Section  
30 East Broad Street, 26th Fl.  
Columbus, Ohio 43215-3428  
(614) 466-8600

BUILDERS AND CONTRACTORS EMPLOYEE  
BENEFIT ASSOCIATION TRUST

BY: *Gene M. Napier*  
Trustee & Secretary

Builders and Contractors.ord

THE STATE OF OHIO Franklin County, ss	I, JOHN O'GRADY, Clerk OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FORE- GOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL <i>agreed order</i>	
NOW ON FILE IN MY OFFICE.	
WITNESS MY HAND AND SEAL OF SAID COUNTY	
THIS <i>4</i> DAY OF <i>May</i> A.D. 20 <i>02</i>	JOHN C. GRADY, Clerk
By <i>[Signature]</i>	Deputy

September 15, 2002

Client Name  
Address  
City, State ZIP

Re: Financial Condition of *Your* Trust

Dear Member:

Builders & Contractors Employee Benefit Association Trust ("BCEBAT") is a Multiple Employer Welfare Arrangement (MEWA) governed by both Federal and Ohio laws, and is specifically organized under Chapter 1739 of the Ohio Revised Code. The law permits a MEWA to operate group self-insured health benefit plans. BCEBAT operates group self-insured health plans and has provided for the reinsurance of medical claims that exceed Three Hundred Thousand Dollars (\$300,000). Your organization is a *Member* and *Sponsor* of BCEBAT.

BCEBAT is a not-for-profit organization, and is the largest licensed MEWA in the state of Ohio. BCEBAT Members include over four hundred (400) employer groups like yours that obtain health benefits for almost 4,500 employees and their families. With a MEWA, financial surplus and shortfalls are shared among its Members. Over the years, Members have been the benefactors of reasonable costs for health benefits by pricing the program with fair and very reasonable rates. In most cases, each Member has been able to offer their employees a quality health plan that does not reflect the high costs associated with for-profit organizations that we all know in the health insurance market place.

Currently, BCEBAT is in rehabilitation under the supervision of the Ohio Department of Insurance pursuant to the Agreed Order Appointing Rehabilitator. The rehabilitation was necessary because of the hazardous financial condition of BCEBAT as determined by the Ohio Department of Insurance. Over the months, we have determined that the following business activities significantly affected the assets of BCEBAT, and placed the Trust in "hazardous financial condition":

- Lack of proper "corporate" governance and Member involvement;
- The reinsurance threshold was raised from \$100,000 to \$400,000;
- BCEBAT agreed to improperly subrogate claims for enrollees who required medical benefits for automobile or worker's compensation claims;
- Medical claims were not adequately recorded and reported;
- Members and their employees were allowed to remain enrolled in BCEBAT even though payments were not received for months; and
- The Assessment levied for fiscal year 2000 was insufficient and not properly administered. Payments were not solicited from all Members uniformly. An outstanding balance of approximately \$320,000 remains that is being pursued on behalf of the Trust.

Since March, your Agent/Broker and a small group of Members have worked with the Office of the Deputy Rehabilitator to stabilize the operation of BCEBAT. Key activities completed to improve the financial condition of BCEBAT include:



- Hire BCEBAT staff to administer benefits and eliminate the cost for a Third Party Administrator;
- Select a new computer system to administer claims and premium management;
- Streamline benefit plan designs and expand medical benefits for all Members;
- Create a Benefit Handbook that is user friendly;
- Implement cost triggers and controls to ensure high quality care at a reasonable cost;
- Re-engineer the Prescription Benefit to a three-tier program that includes effective cost controls;
- Contract with Quality Care Partners, a high quality medical management organization for all Members;
- Consolidate provider networks to control costs and provide Members with reasonable out-of-state coverage;
- Implement a "Nurse Hotline" program that is available to members 24 hours a day/seven days a week;
- Adopt strong financial controls to manage assets and control business expenses;
- Re-contract the Agent/Broker community with a commissions schedule that is well within industry standards;
- Establish a web site, [www.bcebat.com](http://www.bcebat.com), that provides direct connectivity for Customer Service;
- Methodically pay all outstanding claims that included a large 2001 backlog; and
- Complete the conversion to a state-of-the-art claims administration system by year-end.

With your help BCEBAT will be back on the road to financial recovery. However, an infusion of capital by its Membership totaling \$1.4 million is required to cover the financial losses for 2001 and move the Trust towards the Ohio Department of Insurance surplus requirements for financial solvency, which include a more proportional "premiums to surplus" ratio. As previously discussed, the Members of a MEWA are ultimately liable for its debts that are not covered by reinsurance. Therefore, each Member enrolled in BCEBAT for 2001 is liable for a share of any deficit incurred for that fiscal year. Each Member enrolled in 2001 will have their assessment pro-rated based upon the amount of premium paid to the Trust in 2001 as a percent of total BCEBAT premiums (\$16,905,527) for the year. Assessment of Members is based upon membership in 2001. Please be assured that all Members enrolled in BCEBAT for any period of time in 2001 will be properly assessed their share, and BCEBAT will pursue all reasonable avenues to collect each Member's assessment. Members will be asked to pay their assessment over a three (3) month period, beginning with the October 2002 due date, and to be paid in full by December 2002. Your assessment is as follows:

<b>Member Premium</b>	<b>Months Covered</b>	<b>% of Total Trust Premium</b>	<b>2001 Assessment</b>	<b>Payment 1 Oct. 1<sup>st</sup></b>	<b>Payment 2 Nov. 1<sup>st</sup></b>	<b>Payment 3 Dec. 1<sup>st</sup></b>
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On Thursday, October 9, 2002, there will be a meeting of the Trust's Business Advisory Council. The purpose of this meeting will be to discuss the reorganization of the Trust that includes governance and controls, the appointment of an interim Board of Trustees, and plans to move the BCEBAT out of Rehabilitation. We encourage you to participate in the control of your Trust. Please contact our office if you are interested in attending. On Thursday, September 12, 2002, fourteen (14) Members participated in the first meeting of this group.

Page 3  
Member Letter  
September 15, 2002

Thank you for your continued cooperation. We hope that this letter helps you understand the advantages as well as your responsibilities as a *Member* and *Sponsor* of BCEBAT.

Very truly yours,

Mary Jo Lopez  
Deputy Rehabilitator

Cc: Agent/Broker of Record  
Business Advisory Counsel  
Jeffrey Ferris, Deputy Rehabilitator  
Richard V. Patchen, Special Counsel

September 15, 2002

Name of Employer Group  
Address  
Address

**By Certified Mail**

Re: Request for Payment of Assessment on Behalf of the Builders & Contractors Employee Benefit Association Trust ("BCEBAT")

Dear Former Member:

Builders & Contractors Employee Benefit Association Trust ("BCEBAT") is a Multiple Employer Welfare Arrangement (MEWA) governed by both Federal and Ohio laws, and is specifically organized under Chapter 1739 of the Ohio Revised Code. The law permits a MEWA to operate group self-insured health benefit plans. BCEBAT operates group self-insured health plans and has provided for the reinsurance of medical claims that exceed Three Hundred Thousand Dollars (\$300,000). ***In 2001 your organization was a Member and Sponsor of BCEBAT.***

BCEBAT is a not-for-profit organization and is the largest licensed MEWA in the state of Ohio. In 2001, BCEBAT's Membership included over five hundred (500) employer groups like yours that obtained health benefits for almost 5,500 employees and their families. With a MEWA, financial surplus and shortfalls are shared among its Members. Over the years, Members have been the benefactors of reasonable costs for health benefits by pricing the program with fair and very reasonable rates. In most cases, each Member has been able to offer their employees a quality health plan that does not reflect the high costs associated with for-profit organizations we all know in the health insurance market place.

Currently, BCEBAT is in rehabilitation under the supervision of the Ohio Department of Insurance pursuant to the Agreed Order Appointing Rehabilitator. The rehabilitation was necessary because of the hazardous financial condition of BCEBAT as determined by the Ohio Department of Insurance. Over the months, we have determined that the following business activities significantly affected the assets of BCEBAT, and placed the Trust in "hazardous financial condition":

- Lack of proper "corporate" governance and Member involvement;
- The reinsurance threshold was raised from \$100,000 to \$400,000;
- BCEBAT agreed to improperly subrogate claims for enrollees who required medical benefits for automobile or worker's compensation claims;
- Medical claims were not adequately recorded and reported;
- Members and their employees were allowed to remain enrolled in BCEBAT even though payments were not received for months; and
- The Assessment levied for fiscal year 2000 was insufficient and not properly administered. Payments were not solicited from all Members uniformly. An outstanding balance of \$320,000 remains that is being pursued on behalf of the Trust. ***If you have not paid in full your 2000 Assessment, the outstanding balance has been included in this notice.*** For the 2000 Assessment, Members enrolled in the Trust through June 30, 2001 were subject to the levy.

Since March, the Agent/Broker community and a small group of Members have worked with the Office of the Deputy Rehabilitator to stabilize the operation of BCEBAT. Key activities completed to improve the financial condition of BCEBAT include:

- Hire BCEBAT staff to administer benefits and eliminate the cost for a Third Party Administrator;
- Select a new computer system to administer claims and premium management;
- Streamline benefit plan designs and expand medical benefits for all Members;
- Create a Benefit Handbook that is user friendly;
- Implement cost triggers and controls to ensure high quality care at a reasonable cost;
- Re-engineer the Prescription Benefit to a three-tier program that includes effective cost controls;
- Contract with Quality Care Partners, a high quality medical management organization for all Members;
- Consolidate provider networks to control costs and provide Members with reasonable out-of-state coverage;
- Implement a "Nurse Hotline" program that is available to members 24 hours a day/seven days a week;
- Adopt strong financial controls to manage assets and control business expenses;
- Re-contract the Agent/Broker community with a commissions schedule that is well within industry standards;
- Establish a web site, [www.bcebat.com](http://www.bcebat.com), that provides direct connectivity for Customer Service;
- Methodically pay all outstanding claims that included a large 2001 backlog;
- Complete the conversion to a state-of-the-art claims administration system by year-end.

The Office of the Deputy Rehabilitator has determined that there needs to be an infusion of capital by those Members that participated in the Trust in the 2001 calendar year. As a former Member of BCEBAT, you have the *liability and responsibility* to the Trust to contribute to the capital requirements as prescribed by Ohio law § 1739.14 and § 1739.15. An Assessment of \$ 1.4 million is required to cover the financial losses for 2001 and move the Trust towards the Ohio Department of Insurance surplus requirements for financial solvency, which include a more proportional "premium to surplus" ratio. As previously discussed, the Members of a MEWA are ultimately liable for its debts that are not covered by reinsurance. Therefore, each Member enrolled in BCEBAT for 2001 is liable for a share of any deficit incurred for that fiscal year. Each Member enrolled in 2001 will have their assessment pro-rated based upon the amount of premium paid to the Trust in 2001 as a percent of total BCEBAT premiums (\$16,905,527) for the year. The assessment of Members is based upon membership in 2001. Please be assured that all Members enrolled in BCEBAT for any period of time in 2001 will be properly assessed their share, and ***BCEBAT will pursue all avenues to collect each Member's assessment***. As a former Member you will be asked to pay your assessment over a three (3) month period beginning with the October 2002 due date and to be paid in full by December 2002. Your assessment is as follows:

*Assessment 2000*  
*Assessment 2001*

Page 3  
Letter to Former Member  
September 15, 2002

Thank you for your continued cooperation. We hope that this letter helps you understand your responsibilities as a *former Member* and *Sponsor* of BCEBAT. If you choose to ignore this letter, we will be forced to pursue legal recourse against your organization.

Very truly yours,

Mary Jo Lopez  
Deputy Rehabilitator

Cc: Agent/Broker of Record  
BCEBAT Business Advisory Council  
Jeffrey Ferris, Deputy Rehabilitator  
Richard V. Patchen, Special Counsel

*Office of the Ohio Insurance Liquidator*

1366 Dublin Road  
Columbus, Ohio 43215-1093

Ann H. Womer Benjamin  
*Liquidator*

Telephone: 614/487-9200  
Fax: 614/487-9418

November 17, 2003

Re: Builders & Contractors Employee Benefit Association Trust, In Rehabilitation  
("Builders & Contractors")

As many of you may know, Builders & Contractors has been in rehabilitation since March 2002. For more than a year, the Rehabilitator attempted to reorganize the operations of Builders & Contractors to keep it going as a viable concern. Most recently, however, it was determined that the financial condition of Builders & Contractors was such that it could not reasonably continue. At this time, we are working to move the health coverage for all of the current members to a new insurance carrier, which we anticipate will be completed by December 1 of this year. Due to Builders & Contractors' financial condition, for the past few years, it has largely been able to pay ongoing claims out of current premium received, even though that premium should have been reserved for future claims associated with the specific months in which the premium was received. Now that Builders & Contractors, however, is moving its coverage to another carrier, the ongoing premium flow has substantially decreased and will be entirely stopped in the very near future. There remain, however, substantial claims and liabilities of Builders & Contractors.

Since Builders & Contractors is a Multiple Employer Welfare Arrangement under Ohio Revised Code Chapter 1739, the Rehabilitator is obligated to assess members' sufficient amounts to cover all claims and liabilities of the Trust. Based on claims and bills received by Builders & Contractors to date, plus projections for additional claims and expenses needed to complete the runoff of Builders & Contractors, we believe that we need current assessments totaling \$2.9 million to complete the runoff and pay all of Builders & Contractors' obligations.

In considering how to obtain this money through assessments, we felt that it would not be appropriate to assess this entire amount from those few members who remained with Builders & Contractors through the current time. Therefore, we looked at the last four years and compared the medical premium and assessments paid for each of those calendar years to the medical claims liability that were incurred during those years. Our review of this indicated that we needed an annual loss ratio (actual loss payments divided by premium and assessments) of 72.58% for the operations of Builders & Contractors to break even during any particular year. Calculating the premium and assessments received for each of the last four years in comparison to the losses associated with those premiums, led us to determine that for calendar years 2001 and 2003, the combined premium and assessments made were appropriate to cover the losses and the operating expenses for those years. However, the premium and assessments collected for 2000 and 2002 were not sufficient to cover the related losses and operating expenses. Thus, in determining those members from whom assessments should be paid to cover the unpaid liability of the Trust, it appears that those members during years 2000 and 2002 have underpaid their share of the liability.



For that reason, we have calculated assessments for the members for those years, in proportion to the medical premium that they paid during those years. Since you were a member of Builders & Contractors for 2000 and/or 2002, we have calculated the following amount of assessment necessary to pay your share of the anticipated outstanding liabilities incurred as a result of the operations of Builders & Contractors.

Year	Total Medical Premium Collected By Builders	Medical Premium Paid By You	Your Percent Of Total Medical Premium	Total Assessment	Your Assessment Due
2000	\$10,310,644	\$59,593.58	0.5780%	\$1,700,324	\$9,827.55
2002	\$12,802,790	\$70,481.30	0.5505%	\$1,277,874	\$7,034.89
<b>Total Assessment Now Due</b>					<b>\$16,862.44</b>

**Your share of the current assessment is \$16,862.44 and you are hereby notified of an assessment in that amount. Please pay this amount to Builders & Contractors Employees Benefit Association Trust within 30 days. Mail your check to BCEBAT, 1366 Dublin Road, Columbus, Ohio 43215.**

Please note that although this assessment is being made at this time, the Rehabilitator is investigating pursuit of other assets, which if collection of those assets is successful, may result in a refund to you of all or part of this assessment. The calculation made for the purpose of this assessment has not taken into account the recovery of any such potential additional assets, primarily because we anticipate that litigation will be necessary to recover these assets and it is simply too difficult to predict with any certainty the outcome of litigation. Additionally, be advised that the calculation from this assessment was based on a determination of amounts necessary to fully pay all anticipated claims and other obligations of Builders & Contractors. We will use our best efforts to minimize the ongoing expenses in wrapping up Builders & Contractors and to be sure that we do not pay any claims that are not appropriate. If we are successful in this, the lower than projected costs would additionally result in a return of part of this assessment. You should also be aware that if the claims and expenses come in higher than anticipated and if we are not able to realize on the assets that we hope to recover for Builders & Contractors, there could be the need for additional assessments.

In this regard, we also note that some members have not timely paid past assessments and we are pursuing litigation to collect those assessments. Such delay and costs in collecting those assessments only add to the ultimate costs that must be paid from the assets of Builders & Contractors. While we are happy to answer questions that you may have about this, we urge you to timely pay this assessment to avoid incurring substantial additional costs for the Trust.

If you have any questions regarding this, please feel free to contact us through the contact information on our website, [www.ohinsliq.com](http://www.ohinsliq.com), or by telephone at (614) 487-9200.

Very truly yours,



Douglas L. Hertlein  
Chief Deputy Rehabilitator