

Shostak Law Office

14 North Court Street
Suite 301
Athens, Ohio 45701-2429
Phone (614) 593-5828
Fax (614) 594-6446

E-Mail: 102250,3154@compuserve.com

Robert J. Shostak, Esq.*
Michael V. Nixon, Esq.**

February 19, 1997

VIA FAX TRANSMISSION
AND REGULAR U.S. MAIL

Judge Walter Herbert Rice
US District Court for the Southern District of Ohio
Western Division
200 West Second Street
Dayton, Ohio 45402

RE: *Greene Environmental Coalition v. Southdown v. USX Corporation*
Case No. C-3-93-270

Dear Judge Rice:

I apologize for my lateness in submitting the Status Report required by the Court's Order from two years ago. Quite frankly, it was overlooked in scheduling and it was not until Frank Merrill informed me I had missed the date that I began to contact opposing counsel to prepare the report. Thank you for your kind consideration.

Sincerely,



Robert J. Shostak

RJS:dg

xc: Bruce Comett
Frank Merrill, Esq.
Craig Woods, Esq.

*Admitted in CA, OH, PA, and WV

**Admitted in OH

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

**GREENE ENVIRONMENTAL
COALITION, INC,**

Case No. **C-3-93-270**

Plaintiff,

Judge Walter Herbert Rice

vs.

SOUTHDOWN, INC.,

Defendant and
Third-Party Plaintiff,

vs.

USX CORPORATION,

Third-Party Defendant.

NUNC PRO TUNC STATUS REPORT

Pursuant to this Court's Order of January 23, 1995, requiring a status report ten days prior to the expiration of the stay order, the parties submit the following status report.

In March 1996, Southdown, Inc., and USX Corporation provided a copy a Phase I report from Panterra wherein Panterra laid out its investigation of CKD Landfill No. 1, which is the subject matter of the lawsuit brought by Greene Environmental Coalition ("GEC"). In discussions between counsel and according to the January 9, 1997, status report of Southdown, Inc., the Phase II report from Panterra is due in draft form in February

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and in final form probably in March, 1997. This report will address how the pollution or discharges complained of in this action brought by GEC will be remedied.

During the time that Panterra has been investigating the site and administering preliminary remedial action. GEC and Southdown have not engaged in settlement discussions, but have awaited the outcome of the interim remedial measures since that is the principal purpose of the lawsuit brought by GEC.

The parties recommend that the Court hold a status conference in the near future to discuss the completion of discovery, the remedial efforts to be undertaken by Southdown and USX, and setting the matter for trial.

This status report is submitted after telephone discussion between Frank Merrill and undersigned counsel.

Respectfully submitted:



Robert J. Shostak, Esq.
Sup. Ct. Regis. # 0045216
Attorney for Plaintiff
SHOSTAK LAW OFFICE
14 North Court Street
Suite 301
Athens, Ohio 45701-2429
(614) 593-5828

Date

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