

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. BOX 30755
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

November 15, 2019

**Certified Mail,
Return Receipt Requested**

Mr. Lamar Grace
Simply Construction & Excavating, LLC
20905 Mapleridge Avenue
Southfield, MI 48075

Re: Collection on Order to Enter Default Judgment
MDEQ v Simply Construction and Excavation, LLC
Ingham County Circuit Court, Case No. 19-0270-CE

Dear Mr. Grace:

On May 2, 2019, you were served with a complaint alleging that Simply Construction violated Part 55, Air Resources Protection, of the Natural Resources and Environmental Protection Act (NREPA), MCL 324.8501 *et seq.*, related to the demolition of the West Manor Apartments located at 245 South Paddock in Pontiac, Michigan. You did not respond. The clerk subsequently issued a default. After a duly noticed hearing, the Court issued a default judgment ordering you to pay \$40,000.00 in civil penalties to the Michigan Department of Environmental Quality, now called the Michigan Department of Environment, Great Lakes, and Energy. The Court also ordered you to refrain from violating Part 55 of the NREPA in future demolition or renovation activities.

I am enclosing a copy of the Order to Enter Default Judgment. This letter is a formal request that you pay the civil penalty before December 16, 2019. Otherwise, formal collections enforcement may ensue. That may include recording a judgment lien on real property, garnishing income and financial accounts, administering a creditor's examination under oath, obtaining an order prohibiting transfer of assets, and executing against personal and real property for sale at auction.

Mr. Lamar Grace
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It may be possible to resolve this matter by written agreement to make payments or a single lump sum settlement less than the full amount due. Please contact me immediately to arrange for payment to avoid formal collection actions.

Sincerely,



Elizabeth Morrisseau
Assistant Attorney General
Environment, Natural Resources, and
Agricultural Division
(517) 335-7664
MorrisseauE@michigan.gov

EAM/jp
Enclosure
cc/w/encl: Helana Nelson, EGLE

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Plaintiff,

No. 19- 0270 -CE

v

HON. CLINTON CANADY

SIMPLY CONSTRUCTION AND
EXCAVATION, LLC,

Defendant.

Elizabeth Morrisseau (P81899)
Assistant Attorney General
Environment, Natural Resources, and
Agriculture Division
P.O. Box 30755
Lansing, MI 48909
(517) 335-7664
MorrisseauE@michigan.gov
Attorney for Plaintiff

ORDER TO ENTER DEFAULT JUDGMENT

At a session of said court held in the courtroom, City of Lansing, Michigan,
on the 4th day of September 2019 at 3:30 p.m.

Present: Honorable Clinton Canady III, Circuit Court Judge

This matter having come before the Court on the Motion of Elizabeth
Morrisseau, Assistant Attorney General of Michigan, on behalf of Plaintiff Michigan
Department of Environment, Great Lakes, and Energy for entry of a default

judgment against Defendant Simply Construction and Excavation, LLC, and this Court finds that:

Plaintiff duly served Defendant with the complaint on May 2, 2019, and with the motion for default judgment on June 20, 2019;

Count I of the complaint alleged Defendant violated four categories of asbestos laws and regulations, specifically pre-demolition inspection requirements (§ 40, a.), pre-demolition asbestos removal requirements (§ 40, b.), asbestos waste emission control requirements (§ 40, c., d., and e.), and asbestos waste disposal requirements (§ 40, f. and g.). The complaint also alleged how penalties for these violations "can by computation be made certain" in accordance with MCR 2.603. (Compl. at ¶ 41); and

Defendant failed to answer or otherwise defend as required by the Michigan Court Rules.

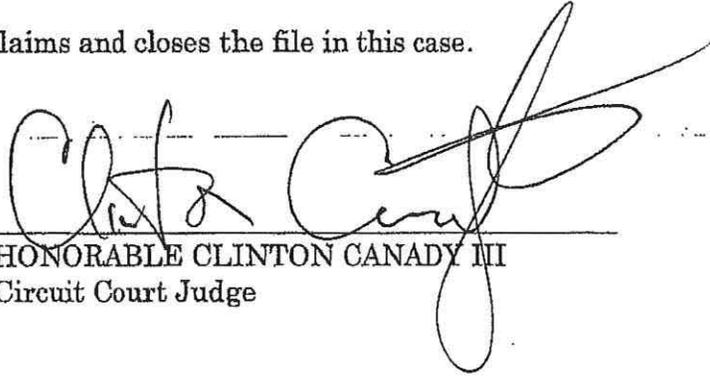
The court, having considered all matters presented and having been duly advised of this matter, and for the reasons stated on the record at the hearing for this motion states:

IT IS HEREBY ORDERED that:

1. Plaintiff's motion for default judgment is GRANTED;
2. Defendant is liable to Plaintiff in the amount of \$40,000.00 in civil penalties; and
3. Defendant may not violate Part 55 of the NREPA in future demolition or renovation activities.

IT IS SO ORDERED, ADJUDGED, AND DECREED this 4 day of
September 2019.

This resolves all pending claims and closes the file in this case.



HONORABLE CLINTON CANADY III
Circuit Court Judge

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Plaintiff,

No. 19- 0270 -CE

v

HON. CLINTON CANADY

SIMPLY CONSTRUCTION AND
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Defendant.

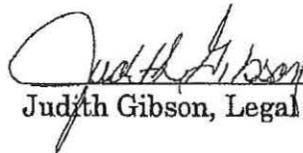
Elizabeth Morrisseau (P81899)
Assistant Attorney General
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Agriculture Division
P.O. Box 30755
Lansing, MI 48909
(517) 335-7664
MorrisseauE@michigan.gov
Attorney for Plaintiff

PROOF OF SERVICE

On August 9, 2019, I sent by U.S. first class mail a copy of Plaintiff's Motion to Enter Default Judgment, proposed Order, and Notice of Hearing to:

1. Simply Construction & Excavating, LLC, c/o Lamar Grace, Resident Agent, 20905 Mapleridge Avenue, Southfield, MI 48075.

I declare that the statements above are true to the best of my information, knowledge, and belief.



Judith Gibson, Legal Secretary