

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
and the MICHIGAN DEPARTMENT)
OF ENVIRONMENT, GREAT LAKES,)
AND ENERGY)
Plaintiffs,)
v.) Civil Action No. 23-cv- _____
R.J. TORCHING, INC., aka RJ Industrial)
LLC or RJ Industrial,)
Defendant.)

APPENDIX C TO CONSENT DECREE: SAMPLE MOTIONS SEEKING TO DEPOSIT FUNDS WITH REGISTRY OF THE COURT

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FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
and the MICHIGAN DEPARTMENT)
OF ENVIRONMENT, GREAT LAKES,)
AND ENERGY)
Plaintiffs,)
v.) Civil Action No. 23-cv- _____
R.J. TORCHING, INC., aka RJ Industrial)
LLC or RJ Industrial,)
Defendant.)

**JOINT MOTION TO AUTHORIZE DEPOSIT OF FUNDS
INTO COURT REGISTRY ACCOUNT**

Pursuant to Fed. R. Civ. P. 67 and Paragraphs 9-11 of the Consent Decree lodged in this matter (ECF No. ____), the United States and R.J. Torchinc, Inc. (“Defendant”), (collectively the “Parties”) hereby move the Court to enter an Order authorizing Defendant make a deposit of \$75,000 into the Court Registry Account.

1. Paragraph 9.a of the proposed Consent Decree lodged with the Court requires that the Defendant make its \$75,000 payment of civil penalties to the United States through the Registry of the Court within 20 days of the Court's authorization to make such a deposit into the Registry as authorized by Fed.R.Civ.P. 67. The deposited funds are to be held in an interest-bearing Court

Registry account pending receipt of public comments and the Court's review of the proposed Consent Decree.

2. Under Paragraph 10 of the proposed Decree, if, following public comment, the United States moves for entry of the Decree and the Court grants entry, the United States, the State, and Defendant shall file a joint motion requesting that the Court issue a Withdrawal Order directing the disbursement of the funds, including interest, from the Court Registry Account to the United States.

3. Under Paragraph 11 of the proposed Decree, if, on the other hand, the United States determines, based on comments or new information received during the public comment period, that the proposed Consent Decree is not fair, reasonable, or in the public interest, or if the Court declines to enter the Consent Decree, the Parties (unless they agree otherwise) shall file a joint motion requesting that the Court issue a Withdrawal Order directing the disbursement of funds returning the settlement payments, including interest, to Defendant.

4. Pursuant to 28 U.S.C. § 1914(b) and the Judicial Conference Schedule of Fees, the United States further requests that no fees be charged for services rendered on behalf of the United States in conjunction with this deposit of funds in the Court Registry Account.

5. A proposed Order authorizing Defendant's deposit of funds in the

Court Registry Account accompanies this Motion, and the Parties respectfully request that the Court enter that Order without delay.

Respectfully Submitted,
FOR THE UNITED STATES OF AMERICA

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA, and
the MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES,
AND ENERGY

No. 23-cv-_____

Plaintiffs,

HON. _____

v

MAG. _____

R.J. TORCHING, INC., aka RJ
Industrial, LLC or RJ Industrial,

Defendant.

/

**JOINT MOTION TO AUTHORIZE DEPOSIT OF FUNDS
INTO COURT REGISTRY ACCOUNT**

Pursuant to Fed. R. Civ. P. 67 and Paragraphs 9–11 of the
Consent Decree lodged in this matter (ECF No. ___), the Michigan
Department of Environment, Great Lakes, and Energy (EGLER) and R.J.
Torching, Inc. (Defendant), (collectively, the “Parties”) hereby move the
Court to enter an Order authorizing Defendant to make a deposit of
\$75,000 into the Court Registry Account.

1. Paragraph 9.b of the proposed Consent Decree lodged with the Court requires that the Defendant make its \$75,000 payment of civil penalties to the State of Michigan through the Registry of the Court within 20 days of the Court's authorization to make such a deposit into the Registry as authorized by Fed. R. Civ. P. 67. The deposited funds are to be held in an interest-bearing Court Registry account pending receipt of public comment and the Court's review of the proposed Consent Decree.

2. Under Paragraph 10 of the proposed Consent Decree, if, following public comment, the United States moves for entry of the Decree and the Court grants entry, the United States, EGLE, and Defendant shall file a joint motion requesting that the Court issue a Withdrawal Order directing the disbursement of the funds, including interest, from the Court Registry Account to the State of Michigan.

3. Under Paragraph 11 of the proposed Consent Decree, if, on the other hand, the United States determines, based on comments or new information received during the public comment period, that the proposed Consent Decree is not fair, reasonable, or in the public interest, or if the Court declines to enter the Consent Decree, the

Parties (unless they agree otherwise) shall file a joint motion requesting that the Court issue a Withdrawal Order directing the disbursement of funds returning the settlement payments, including interest, to Defendant.

4. A proposed Order authorizing Defendant's deposit of funds in the Court Registry Account accompanies this Motion, and the Parties respectfully request that the Court enter that Order without delay.

Respectfully submitted,

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