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## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex rel.* Drycleaner Environmental )  
Reponse Trust Fund Council of )  
Illinois, )

Plaintiff, )

v. )

DAVID KIM, individually and as )  
President of Lemon Scents Corp., )  
And LEMON SCENTS CORP., )  
an Illinois corporation, )

Defendants. )



Doc#: 0619939036 Fee: \$42.50  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 07/18/2006 11:44 AM Pg: 1 of 10

Case No. 05 CH 10594

### DEFAULT JUDGMENT ORDER

Property of Cook County Clerk's Office

**UNOFFICIAL COPY****IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS, )  
 ex rel. Drycleaner Environmental )  
 Response Trust Fund Council of )  
 Illinois, )

Plaintiff, )

v. )

No. 05 CH 10594

DAVID KIM, individually and as )  
 President of Lemon Scents )  
 Corp., and LEMON SCENTS CORP., )  
 an Illinois corporation, )

Defendants. )

**DEFAULT JUDGMENT ORDER**

THIS CAUSE coming to be heard for prove-up at the request of the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, by and through its attorney, LISA MADIGAN, Attorney General of the State of Illinois, and for the entry of an order of judgment by default against the Defendants, DAVID KIM and LEMON SCENTS CORP., due notice being given and the Court being duly advised in the premises therein does find:

1. By order dated December 12, 2005, this Court held Defendant, LEMON SCENTS CORP., to be in default in this cause.
2. By order dated January 31, 2006, this Court held Defendant, DAVID KIM, to be in default in this cause.
3. The Complaint filed herein, together with the affidavits proffered by Plaintiff in support of the allegations

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contained in the Complaint, meet with all prerequisites for the determination of liability as may be required by statute, and the Plaintiff is therefore entitled to judgment as a matter of law.

IT IS THEREFORE ORDERED that upon the findings made herein, judgment is entered accordingly against Defendants, DAVID KIM and LEMON SCENTS CORP., and in favor of the Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, as follows:

## COUNT I

1. Defendant, DAVID KIM, from at least January 1, 2002 to October 30, 2002, violated section 60(a) of the Drycleaner Environmental Response Trust Fund Act ("Act"), 415 ILCS 135/60(a)(2004); and

2. Defendant, LEMON SCENTS CORP., from at least January 1, 2002 to October 30, 2002, violated Section 60(a) of the Act, 415 ILCS 135/60(a)(2004).

## TECHNICAL REMEDY

1. Defendants no longer own or operate Lemon Scents Cleaners. From the date of this Order, the Defendants, DAVID KIM and LEMON SCENTS CORP., will cease and desist from future violations of all applicable federal, state and local environmental statutes, regulations and permits.

2. If Defendant, DAVID KIM, owns or operates any drycleaning facility subsequent to the date of this Order, he

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shall obtain all necessary licenses and permits prior to initiating operation of such facility.

## Civil Penalty

1. A civil penalty of Three Thousand Six Hundred Forty-Five Dollars (\$3,645.00) is hereby assessed and judgment entered in said amount is hereby entered against Defendants, DAVID KIM and LEMON SCIENCE CORP., jointly and severally. This civil penalty amount is for the violations alleged in Count I of the Complaint for the time period of January 1, 2002 through October 30, 2002.

2. This penalty shall be paid no later than August 16, 2006. Payment shall be made by certified check or money order payable to the Drycleaner Environmental Response Trust Fund Council of Illinois and shall be sent by first class mail and delivered to:

H. Patrick Eriksen  
c/o Illinois Drycleaner Trust Fund  
P. O. Box 7380  
Bensenville, IL 60106

3. The name and case number shall appear on the face of the certified check or money order. A copy of the certified check or money order shall be faxed or mailed to:

Jennifer A. Tomas  
Assistant Attorney General  
Environmental Bureau  
188 West Randolph St., Suite 2001

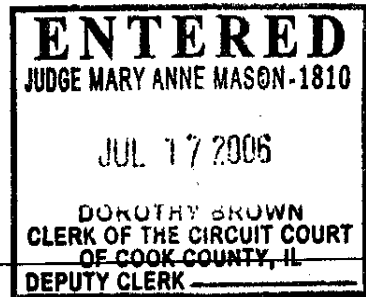
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Chicago, Illinois 60601  
Tel: (312) 814-0609  
Fax: (312) 814-2347

4. This Court shall retain jurisdiction of this matter for the purposes of enforcing the terms and conditions of this Order.

Date: \_\_\_\_\_

ENTER:



\_\_\_\_\_  
JUDGE

JENNIFER A. TOMAS  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph Street, Suite 2001  
Chicago, Illinois 60601  
(312) 814-0609  
Atty No. 99000

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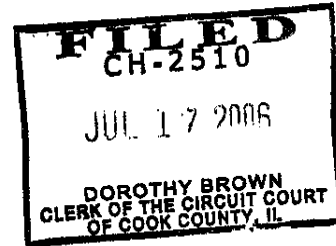
Plaintiff, )

v. )

DAVID KIM, individually and as )  
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Corp., and LEMON SCENTS CORP., )  
an Illinois corporation, )

Defendants. )

No. 05 CH 10594



AFFIDAVIT

I, H. PATRICK ERIKSEN, being first duly sworn on oath,  
state:

1. I am an Administrator for the Illinois Environmental Response Trust Fund Council of Illinois ("Council").
2. The Council is the entity responsible for the regulating and licensing of drycleaning facilities in Illinois, pursuant to Section 15 of the Drycleaner Environmental Response Trust Fund Act, 415 ILCS 135/15 (2004).
3. I have reviewed the licensing records for Lemon Scents Cleaners and its former operator, David Kim, for the facility located at 1727 West Augusta Boulevard, Chicago, Cook County, Illinois ("facility").
4. Mr. Kim operated Lemon Scents Cleaners from January 1, 2002 until October 30, 2002. Mr. Kim was required by the

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Drycleaner Environmental Response Trust Fund Act to obtain a license for operation during that period of time.

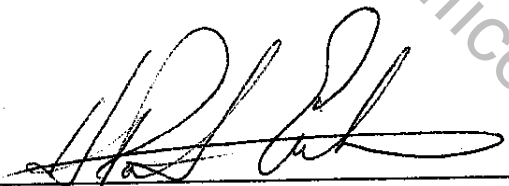
5. Mr. Kim did not timely pay for the 2002 license. A penalty fee of Five Dollars (\$5.00) per day accrues on all late license fees pursuant to the Drycleaner Response Trust Fund Act. Mr. Kim paid for the 2002 license on December 31, 2003; however, he failed to pay the outstanding penalty fees.

6. As of June 26, 2006, Mr. Kim owes three thousand six hundred forty-five dollars (\$ 3,645.00 ) in penalties as a result of late licensing.

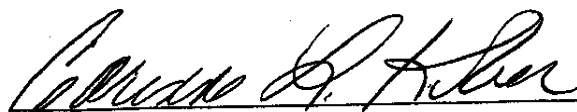
7. As of June 26, 2006, Mr. Kim has not paid any of the penalty fees owed.

8. I have direct and personal knowledge of the facts stated herein and could competently testify to the same if required to do so.

9. The factual matters set forth in this affidavit are true and correct in substance and in fact to the best of my knowledge and belief.

  
H. PATRICK ERIKSEN, Administrator

Subscribed and sworn to before me this 20<sup>th</sup> day of June, 2006.

  
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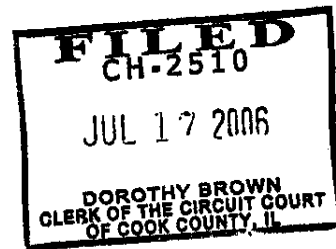
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2. The Council is the entity responsible for the  
regulating and licensing of drycleaning facilities in Illinois,  
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3. I have reviewed the licensing records for Lemon Scents  
Cleaners and its former operator, Lemon Scents Corp., for the  
facility located at 1727 West Augusta Boulevard, Chicago, Cook  
County, Illinois ("facility").

4. Lemon Scents Corp. operated Lemon Scents Cleaners from  
January 1, 2002 until October 30, 2002. Lemon Scents Corp. was



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required by the Drycleaner Environmental Response Trust Fund Act to obtain a license for operation during that period of time.

5. On September 17, 2002, Lemon Scents Corp. filed for Chapter 11 bankruptcy. On October 28, 2002, that bankruptcy was converted to a Chapter 7 bankruptcy.

6. On November 1, 2002, the bankruptcy court granted authorization to the bankruptcy trustee, Jay Steinberg of Foley & Lardner, to operate Lemon Scents Cleaners.

7. From November 1, 2002 to April 20, 2004, Mr. Steinberg ran Lemon Scents cleaners on behalf of the bankruptcy estate of Lemon Scents Corp.

8. Lemon Scents Corp. did not timely pay for the 2002 license. A penalty fee of Five Dollars (\$5.00) per day accrues on all late license fees pursuant to the Drycleaner Response Trust Fund Act. Lemon Scents Corp. paid for the 2002 license on December 31, 2003; however, it failed to pay the outstanding penalty fees.

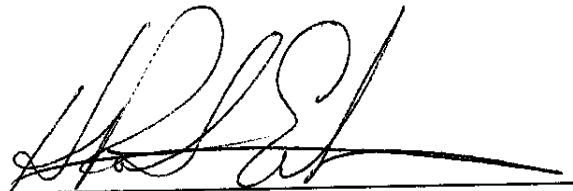
9. As of June 26, 2006, Lemon Scents Corp. owes Three Thousand Six Hundred Forty-Five Dollars (\$3,645.00) in penalties as a result of late licensing.

10. As of June 26, 2006, Lemon Scents Corp. has not paid any of the penalty fees owed.

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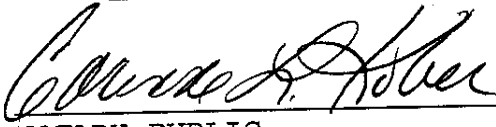
11. I have direct and personal knowledge of the facts stated herein and could competently testify to the same if required to do so.

12. The factual matters set forth in this affidavit are true and correct in substance and in fact to the best of my knowledge and belief.



H. PATRICK ERIKSEN, Administrator

Subscribed and sworn to before me this 14<sup>th</sup> day of July, 2006.



NOTARY PUBLIC

