

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LA
2009 JAN 13 A 10:16
DEPUTY CLERK

AMERICAN RADIATION
SERVICES, INC.
vs.

CIVIL ACTION
NO. 08-CV-00141-JVP-SCR

KEITH P. LEMOINE

**CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

Considering the joint motion for consent judgment and permanent injunction filed by the parties to this litigation, judgment is now entered as follows:

WHEREAS the plaintiff American Radiation Services, Inc. ("ARS") asserted claims for copyright infringement, violations of the federal Computer Fraud and Access Act, violations of the Louisiana Unfair Trade Practices Act, breach of contract, violations of the Louisiana Trade Secrets Act and conversion arising from the improper removal and use of ARS Property, and

WHEREAS the defendants, Keith P. Lemoine ("Lemoine") and PSC Industrial Outsourcing, LP ("PSC") deny the allegations of ARS's complaint; and

WHEREAS the parties have reached a settlement of all claims between them in connection with the above-captioned litigation and seek jointly the entry of this Consent Judgment and Permanent Injunction:

IT IS ORDERED, ADJUDGED AND DECREED as follows:

A. This Court has jurisdiction over the subject matter and parties to this action.

B. Lemoine shall:

{B0542674.1}

- (1) delete from Lemoine's computers (including desk top computers, laptop computers, computer networks and other electronic devices) any computer or data files that are included within the definition of ARS Property; and
- (2) to the extent that he has any, return to ARS any non-electronically stored files, documents, or things which are included within the definition of ARS Property.

C. PSC shall:

- (1) delete from PSC's computers (including desk top computers, laptop computers, computer networks and other electronic devices) any computer or data files that are included within the definition of ARS Property;
- (2) to the extent that it has any, return to ARS any non-electronically stored files, documents, or things which are included within the definition of ARS Property.

D. Lemoine and PSC are permanently enjoined from in any way using the ARS Property;

E. The term "ARS Property" means: (a) the six Microsoft Power Point files referred to as the "Training Power Points" in ARS's Original Complaint and the Amended Complaint filed in this action, and which were created by ARS and stored on ARS computer system; (b) the Microsoft "Excel" spreadsheet referred to as the "Shipping Spreadsheet" in ARS's Original Complaint and Amended Complaint that contains formulas, calculations and shipping instructions written by ARS

employees based on federal regulations and which ARS used to provide services to its customers in shipping of radioactive materials; (c) an electronic file containing a copy of ARS's "By-Product Material and Special Nuclear Material Decontamination and Decommissioning Radioactive Material License Support Procedures" that is referred to the Original Complaint and the Amended Complaint as the "Radioactive Material License Document"; (d) an electronic file containing a copy of ARS's "Work Plan for the Decommission and Decontamination of Filter Cloths located at the Louisiana Pigment Company Westlake, La. Facility"; (e) an electronic copy of ARS's "Shield Coat Decommissioning Plan11a"; and, (f) each of the ARS files, documents and other things listed on the March 26, 2008 Inventory prepared by the U. S. Marshal's Service, a copy of which is attached to this Judgment as Exhibit "1."

F. Any proven violations of this Consent Judgment and Permanent Injunction shall be subject to liquidated damages of \$35,000 per violation by this Court, an award of the prevailing party's attorney's fees and costs, and any other relief and damages which are deemed appropriate by this Court.

G. The Court shall retain jurisdiction over this matter to enforce the terms of this Consent Judgment and Permanent Injunction.

H. Except as provided in this Consent Judgment and Permanent Injunction, and in recognition of the settlement reached by the parties, this action is hereby dismissed, with prejudice.

Baton Rouge, Louisiana, this 13th day of January, 2009 ~~December, 2008~~.


United States District Court Judge



U.S. Department of Justice

United States Marshals Service

Middle District of Louisiana

Baton Rouge, LA 7080

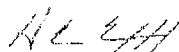
March 26, 2008

Pursuant to court order the following item listed below were seized from the office of **Keith P. LEMOINE** on **March 26, 2008**; located on Buzbee Drive in the City of Baton Rouge, Louisiana, Parish of East Baton Rouge within the Judicial Confines of the Middle District of Louisiana. **Court Case Number 08-CV-141-JVP-SCR.**

1. LaCie Mobile Drive
2. USB Cable
3. (2) Memorex CD-RW discs w/ case.
4. 1st Edition 2006 OSHA Standards for General Industry.
5. 3rd Edition Fundamentals of Industrial Hygiene.
6. COSS Certified Occupational Safety Specialist.
7. OSHA Standards for the construction industry.
8. Managing Hazardous Material
9. Handbook of Hazardous Materials.
10. Decommissioning Health Physics
11. Radiation Detection and Measurement
12. A Nonparametric Statistical Methodology for the design and analysis of final status decommission surveys.
13. Multi-Agency Radiation Survey and Site Investigation Manual.
14. NUREG-1507-Minimum Detectable Concentrations with typical radiation survey instruments for various contaminants and field conditions.
15. 1R-192 Decontamination Safety and NU-REG-5849 Surveys.
16. Radiation Safety Officers Course for naturally occurring radioactive material.
17. Norm Regulations for LA, MI, NM, TX.
18. ARS – By-product material and special nuclear material decontaminating and decommissioning.
19. Radiological Health Handbook.
20. ARS Shipping and Radioactive Material.
21. Handbook for the Management of Hazardous Waste in Texas.
22. Hazardous Waste Management.
23. Section 9 Binder
24. Implementing the MARSSIM approach for design and conduct of radiological surveys.
25. The surveying and control of norm.
26. ARS Manual for Conducting Radiological Surveys in Support of License Termination.
27. Continuing Education – Asbestos Inspection and Assessment.
28. Continuing Education – Asbestos State and Federal Regulations.
29. Continuing Education – Certified Hazardous Materials Manager Review.

30. Contractors guide to Business, Law, Project Management.
31. CDC – Pocket Guide to Chemical Hazards.
32. Environmental Resources Center – Handbook for the Management of Hazardous Waste in Texas. (papers)
33. Lawsuit (Englobo)
34. Screen Image Print from Computer (1)
35. Screen Image Print from Computer (2)
36. Screen Image Print from Computer (3)

**AND NO OTHER ITEMS - AND NO OTHER ITEMS - AND NO OTHER ITEMS - AND
NO OTHER ITEMS AND NO OTHER ITEMS - AND NO OTHER ITEMS -----**



H. E. GEBERTH III
Criminal Investigator
Deputy U. S. Marshal



R. J. BRADSTREET
Criminal Investigator
Deputy U. S. Marshal



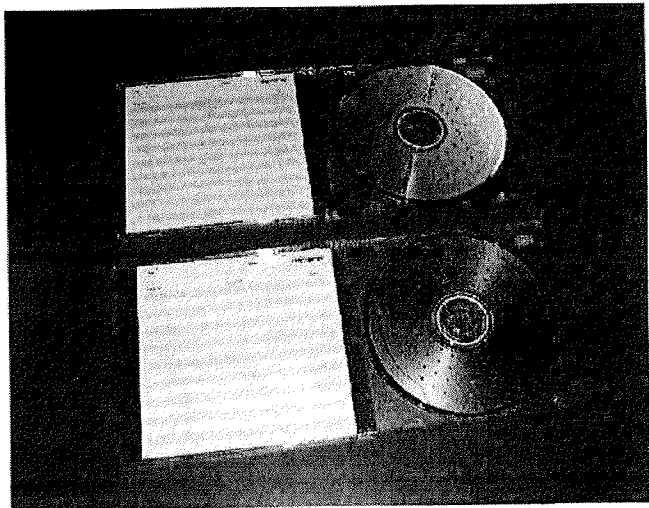
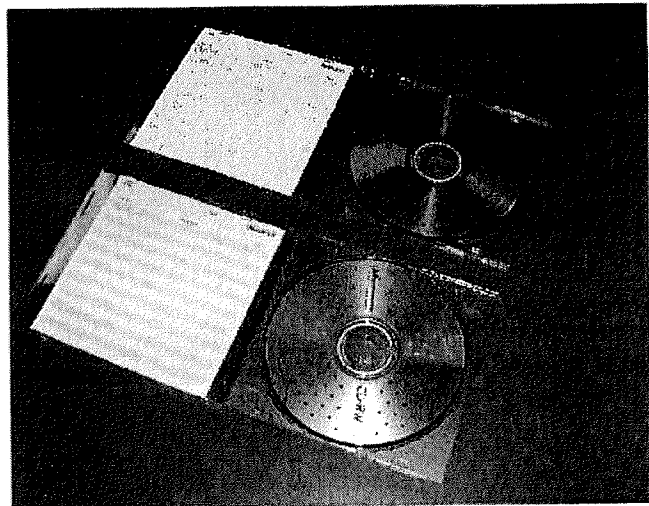
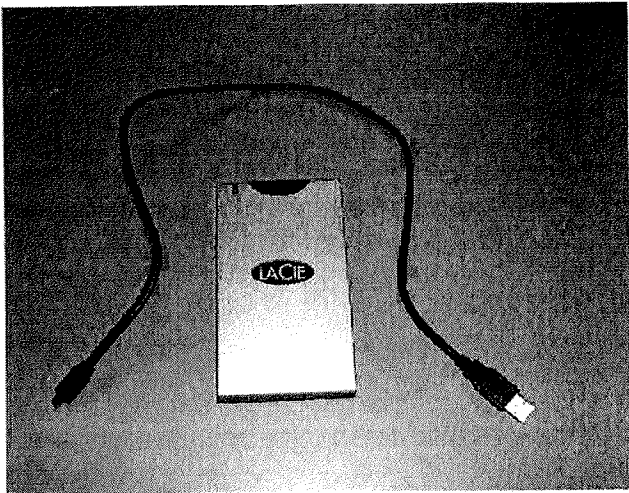
M. UNDERWOOD
Supervisory Deputy U.S. Marshal

Copy of said inventory was delivered to Keith P. LEMOINE on 26 March 2008.



Keith P. LEMOINE

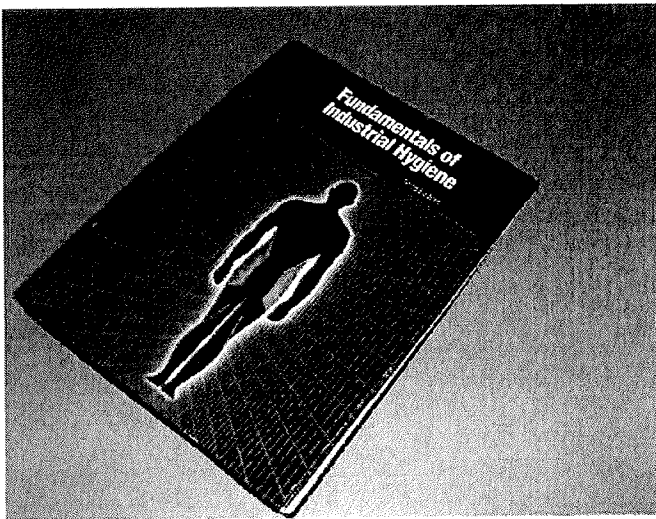
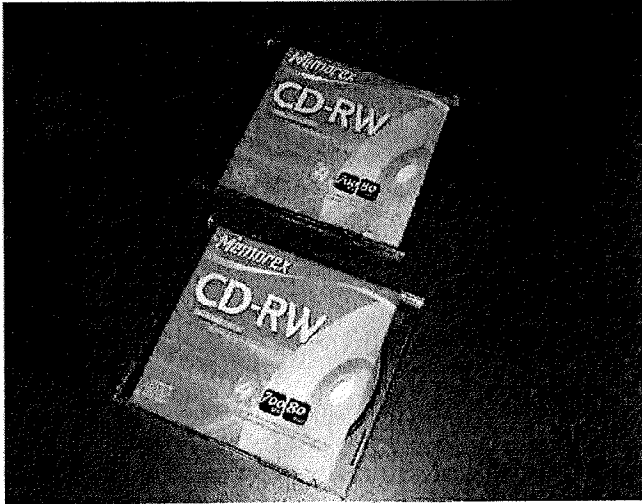
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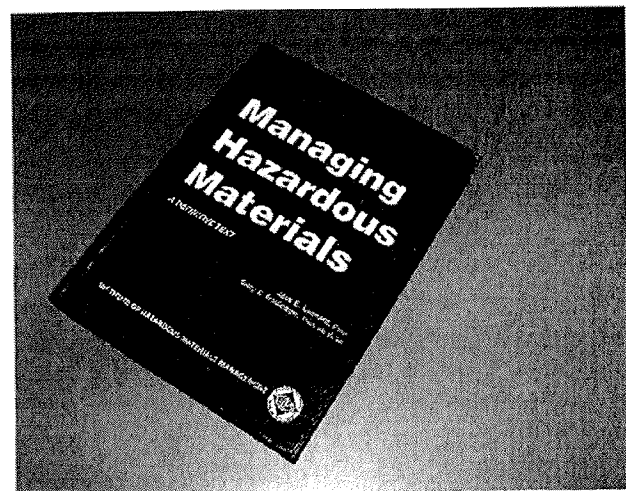
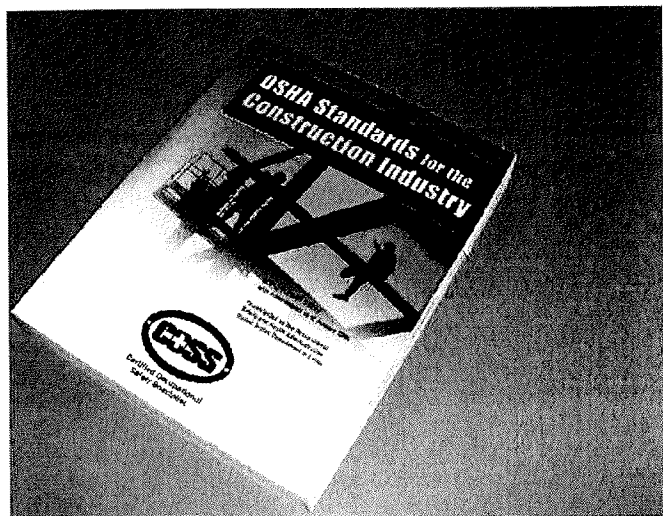
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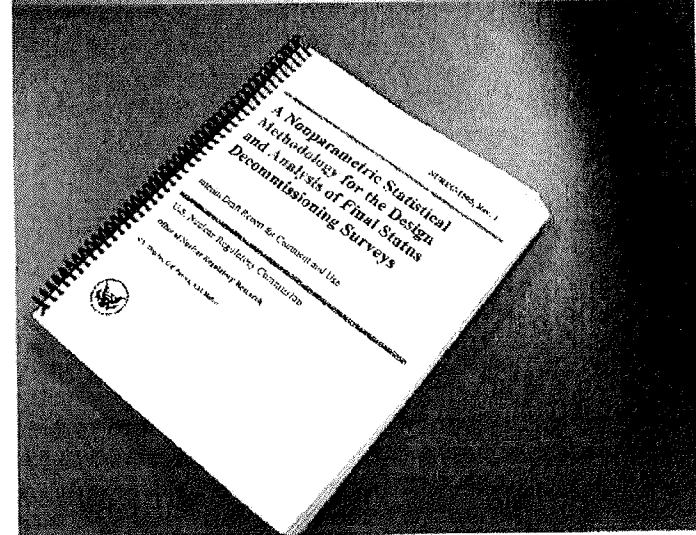
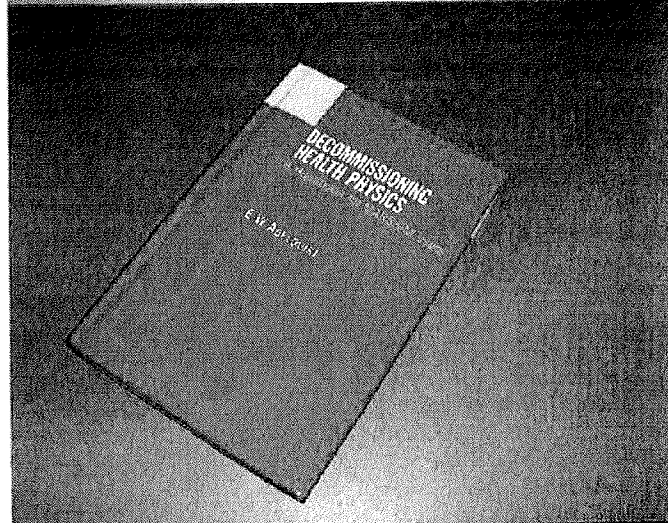
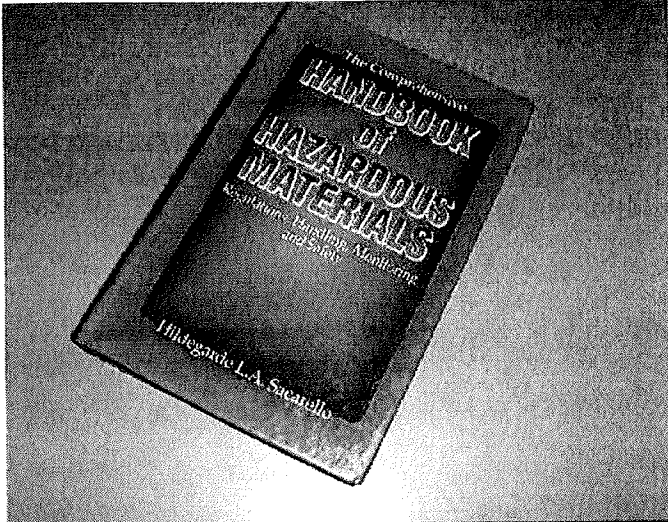
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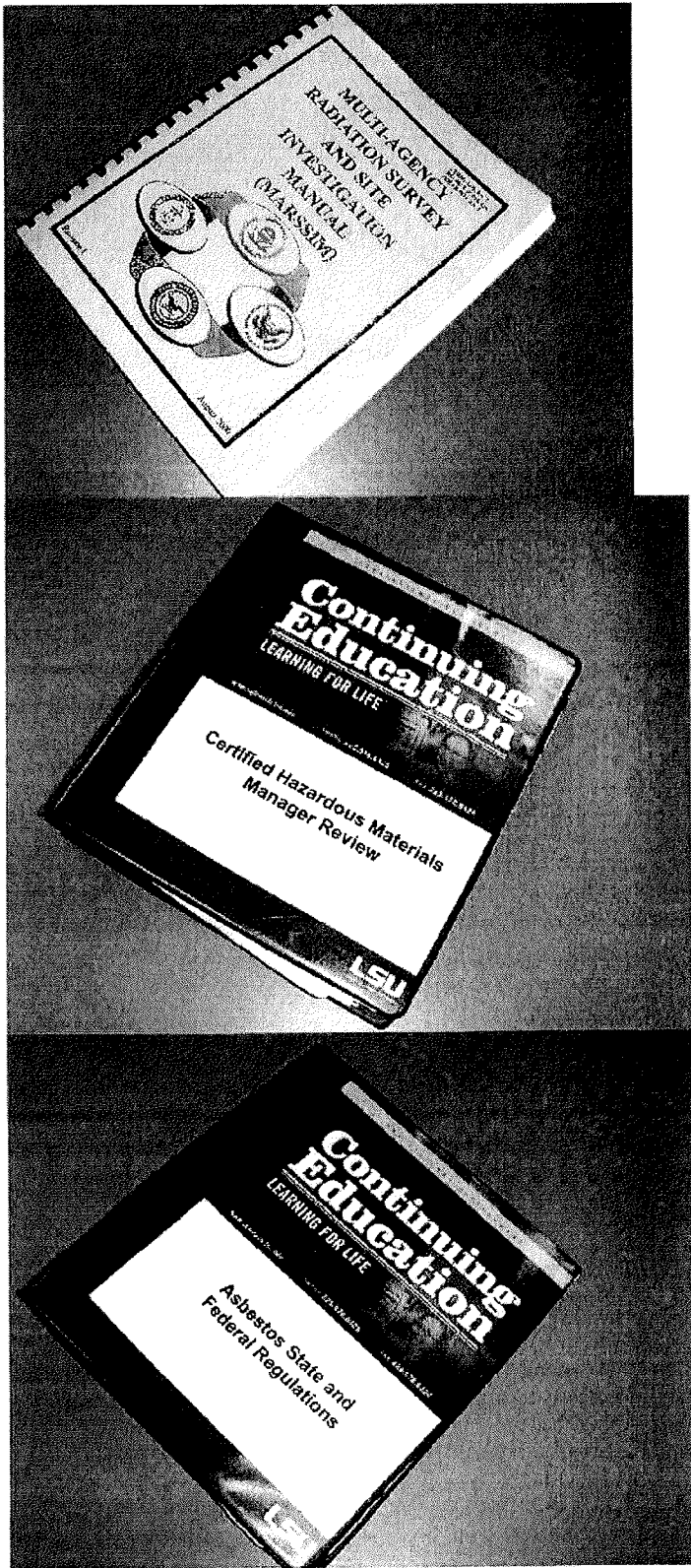
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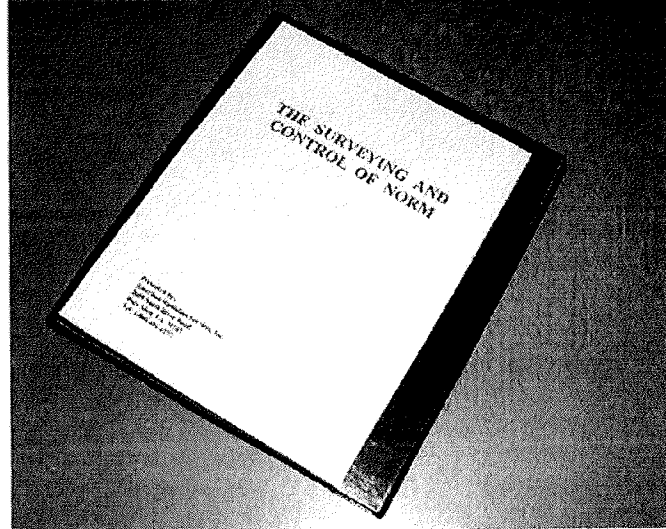
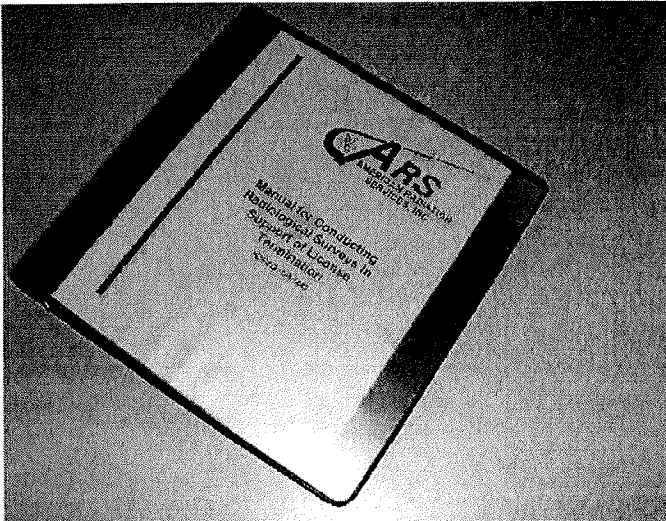
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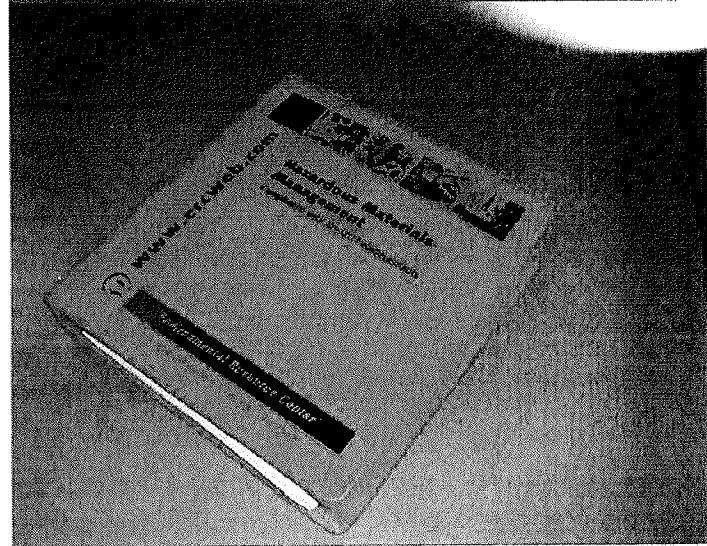
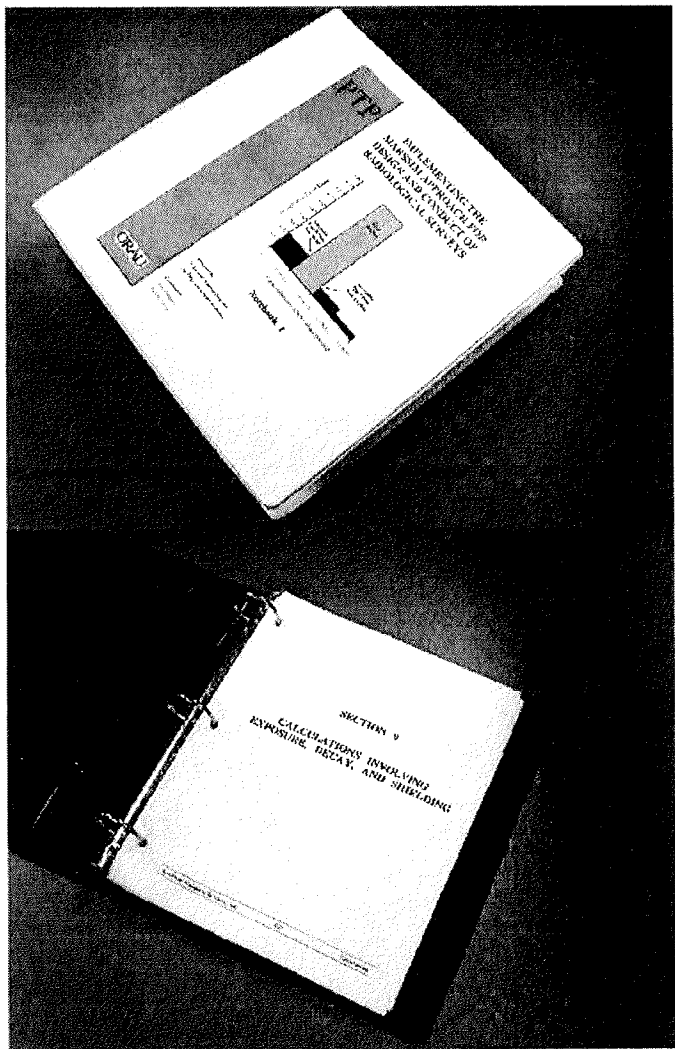
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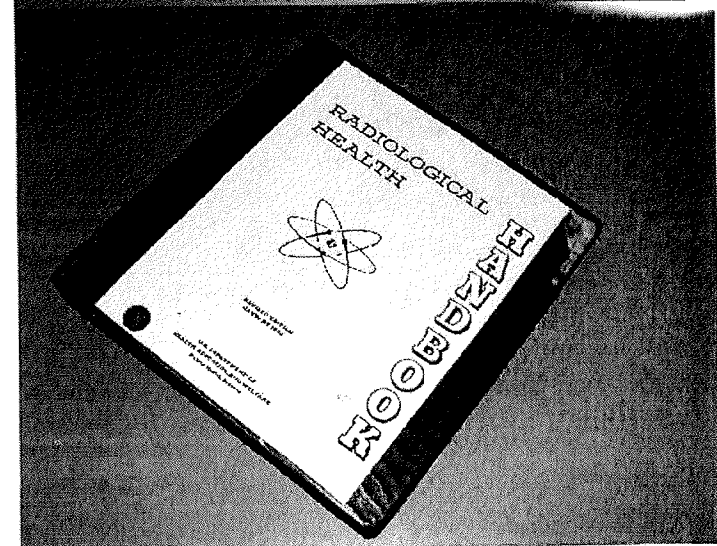
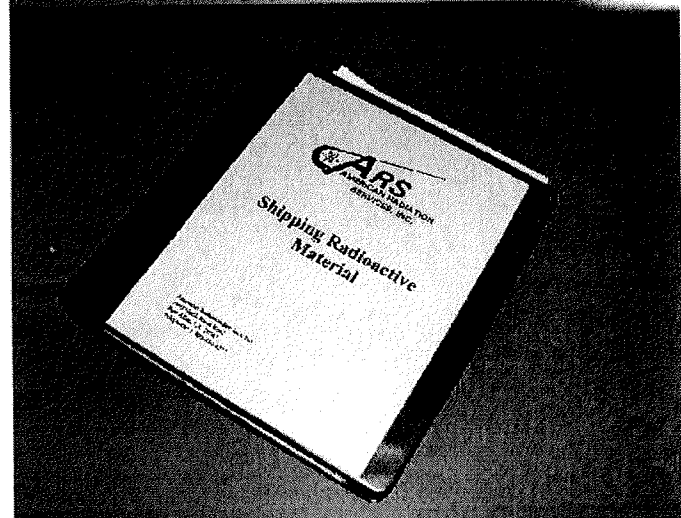
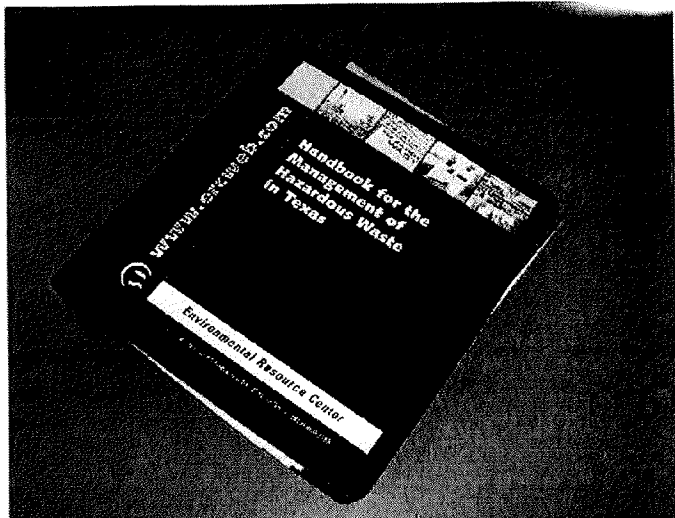
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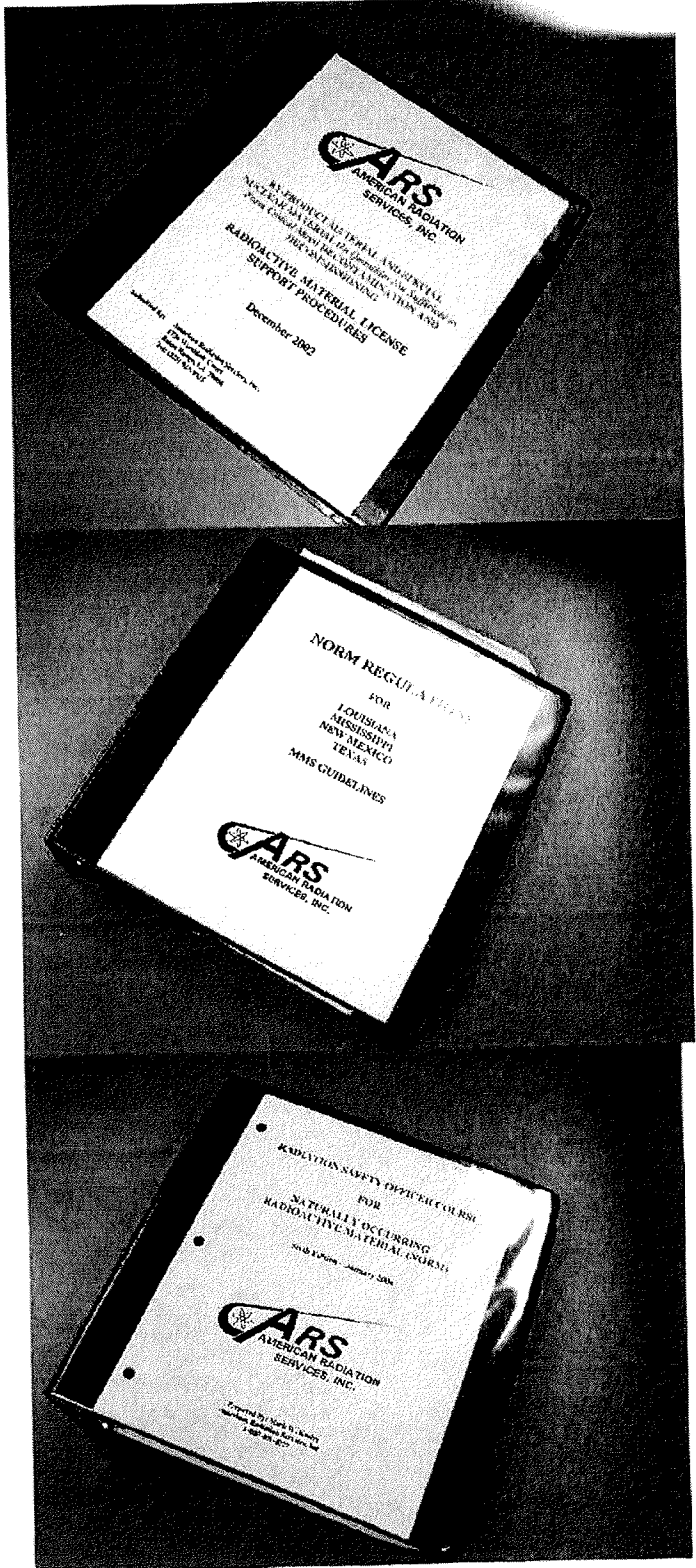
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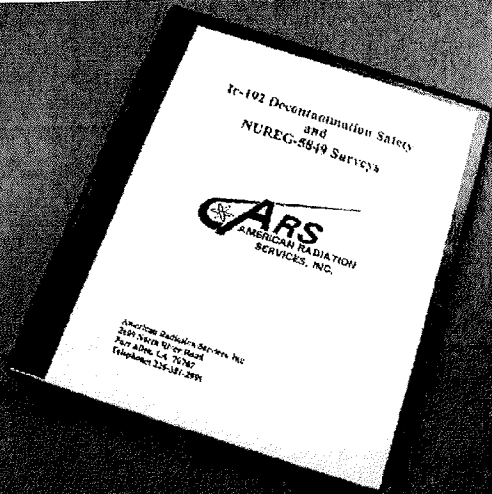
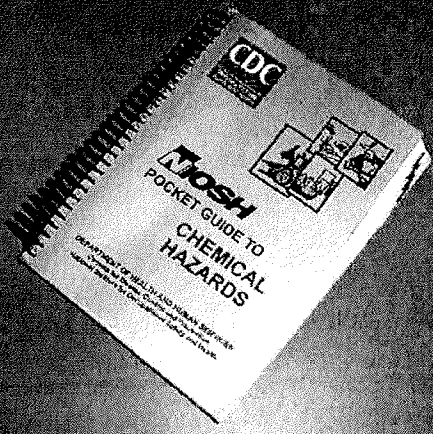


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