

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

TONAWANDA COKE CORPORATION,

Defendant.

ORDER
10-CR-219S (1)

On March 19, 2014, this Court sentenced Tonawanda Coke Corporation to a 5-year term of probation, a criminal fine, and a special assessment. As a special condition of probation, this Court ordered Tonawanda Coke to fund two scientific studies in an amount not to exceed \$12,200,000. The United States Probation Office for the Western District of New York supervised Tonawanda Coke's term of probation, which expired on March 18, 2019.

During the latter course of the Probation Office's supervision, a dispute arose between Citizen Science Community Resources ("CSCR") and the UB Research Foundation ("UB") regarding the Soil Sample study included as a special condition in the criminal judgment against Tonawanda Coke. That dispute concerned the scope of the Soil Sample study and the contractual relationship between CSCR and UB, particularly as it related to certain payments under the contract between the two entities.

Although this private contractual dispute falls outside of this Court's oversight, this Court nonetheless directed the Probation Office in December 2018 to investigate whether the scope of the Soil Sample study and the financial expenditures associated therewith were consistent with the approved study proposal, as part of the Probation Office's

ongoing due diligence and in anticipation of the expiration of Tonawanda Coke's term of probation.

Notwithstanding the yet unresolved dispute between CSCR and UB, the Probation Office reports that it has been in contact with representatives of both entities and has received all documents and information necessary to confirm to its satisfaction that the scope and financial expenditures associated with the Soil Study are consistent with the study as approved. This Court therefore finds the Probation Office's due diligence obligation concerning the mandates of the criminal judgment to be satisfied.

SO ORDERED.

Dated: March 19, 2019
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge