



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Kevin M. St. John
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Steven E. Tinker
Assistant Attorney General
tinkerse@doj.state.wi.us
608/266-0764
FAX 608/266-2250

July 23, 2014

VIA FAX (920) 448-4301 and REGULAR MAIL

The Honorable Kendall M. Kelley
Brown County Circuit Court
100 S. Jefferson St.
PO Box 23600
Green Bay, Wisconsin 54305-3600

Re: *State of Wisconsin v. Harvey E. Siegel and Metals America, LLC*
Case No. 13-CX-1

Dear Judge Kelley:

This matter is scheduled for a pretrial and motion hearing tomorrow, July 24, 2014 at 2:30 p.m. The parties have reached an agreement in this matter and I would ask that tomorrow's pretrial and motion hearing be taken off the calendar. Enclosed for filing please find the parties' signed original Stipulation and Order for Judgment. I am also enclosing one copy of the Stipulation and Order for Judgment. Should the Court approve this stipulation, I would ask that you sign the Order for Judgment and have the enclosed Judgment executed and return the copy of the Stipulation and Order and Judgment to me in the enclosed self addressed, stamped envelope. I will provide a copy to all parties. Upon the Court's acceptance of the agreement, the trial scheduled for August 4-5 could be removed from the calendar.

Thank you for your consideration.

Sincerely,

Steven E. Tinker
Assistant Attorney General

SET:lil

c: Eric Wimberger (via email)
Harvey E. Siegel (via email)
Stefan Fabian (via email)

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 4

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 13-CX-1
Complex Forfeiture: 30109

HARVEY E. SIEGEL
and METALS AMERICA, LLC,

Defendants.

STIPULATION AND ORDER FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against defendants Harvey E. Siegel and Metals America, LLC for the improper handling of ozone-depleting refrigerants and various Wisconsin laws regulating these refrigerants. The parties now wish to settle this matter by agreement and avoid further litigation and, therefore, enter into this stipulation.

IT IS STIPULATED AND AGREED by the State of Wisconsin, Harvey E. Siegel and Metals America, LLC that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The parties to this Stipulation are the plaintiff State of Wisconsin and the defendants Harvey E. Siegel and Metals America, LLC. The Circuit Court for Brown County, Wisconsin (the "Court") has jurisdiction over the parties and the subject matter of this action.

2. This Stipulation and Judgment as approved by the Court shall apply to and be binding on the parties and on the successors and assignees of the parties. No change in ownership or corporate or partnership status shall in any way alter the responsibilities of the defendants Harvey E. Siegel and Metals America, LLC under this Stipulation and Judgment.

3. Judgment shall be entered in favor of the plaintiff State of Wisconsin and against defendants Harvey E. Siegel and Metals America, LLC in the amount of \$20,000.00. This sum is comprised of forfeitures, statutory surcharges and costs as follows: forfeitures of \$13,518.71 under Wis. Stat. § 285.59(8) and Wis. Admin. Code § NR 488.12, a 26% penalty surcharge of \$3,514.86 under Wis. Stat. § 814.75(18), a 20% environmental surcharge of \$2,703.74 under Wis. Stat. § 814.75(12), \$25.00 in court costs under Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), a 1% jail surcharge of \$135.19 under Wis. Stat. § 814.75(14) and a \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15).

4. Defendants Harvey E. Siegel and Metals America, LLC will pay \$10,000.00 by check payable to the Brown County Circuit Court and delivered to the

Clerk of Court, Brown County Courthouse 100 S. Jefferson Street, P.O. Box 23600, Green Bay, Wisconsin 54305-3600, along with a cover letter to the Court identifying the case by name and number within thirty (30) days of the Court's approval of this Stipulation. A copy of the check and cover letter shall be simultaneously mailed as proof of payment to Assistant Attorney General Steven Tinker at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

5. Should the \$10,000 provided for in paragraph 4 not be paid within thirty (30) days of the Court's approval of this Stipulation, the parties agree that the judgment in this case shall be amended to \$30,000. This sum is comprised of forfeitures, statutory surcharges and costs as follows: forfeitures of \$20,321.43 under Wis. Stat. § 285.59(8) and Wis. Admin. Code § NR 488.12, a 26% penalty surcharge of \$5,283.57 under Wis. Stat. § 814.75(18), a 20% environmental surcharge of \$4,064.29 under Wis. Stat. § 814.75(12), \$25.00 in court costs under Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), a 1% jail surcharge of \$203.21 under Wis. Stat. § 814.75(14) and a \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15).

6. Should the \$10,000 provided for in paragraph 4 be paid within thirty (30) days of the Court's approval of this Stipulation, the remaining balance of \$10,000 of the original judgment shall be paid by defendants Harvey E. Siegel and Metals America, LLC in forty (40) monthly installments of \$250.00 due by the 18th of each month, commencing on November 18, 2014, and continuing until the full \$10,000 is paid.

These payments shall be made by checks payable to the Brown County Clerk of Circuit Court and delivered to the Clerk of Court, Brown County Courthouse, 100 S. Jefferson Street, P.O. Box 23600, Green Bay, Wisconsin 54305-3600, along with a cover letter to the Court identifying the case by name and number. A copy of the cover letter and check for each of the payments shall be simultaneously mailed as proof of payment to Assistant Attorney General Steven Tinker at Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

7. Defendants Harvey E. Siegel and Metals America, LLC shall be jointly and severally liable for satisfying the stipulated judgment described in paragraphs 4, 5, and 6.

8. If defendants Harvey E. Siegel and Metals America, LLC fail to comply with any provision or deadline in this Stipulation, the defendants shall be in default of the Judgment, and all financial obligations remaining or outstanding under this Stipulation shall be accelerated and shall be immediately due and payable. In addition, if the defendants are held to be in default, the defendants shall reimburse the State of Wisconsin for all its costs and fees, including all its attorney fees, incurred in connection with enforcing this Stipulation.

9. In the event of default under the terms of this Stipulation, interest shall be added to the balance due, pursuant to Wis. Stat. § 815.05(8), from the date of entry of the Judgment.

10. The defendants agree to comply with Wisconsin laws regulating the handling of ozone-depleting refrigerants, including but not limited to those provisions set

forth in the complaint in this case. The defendants acknowledge that future violations of these laws may subject them to civil and/or criminal contempt under this agreement.

11. Except as between the parties hereto, nothing contained in this Stipulation and Order for Judgment shall be construed as an admission of liability in any other administrative or judicial proceeding now pending or hereafter commenced.

12. Compliance by defendants Harvey E. Siegel and Metals America, LLC with their obligations under this Stipulation and Order for Judgment shall constitute full compromise, settlement, and satisfaction of their liability for the violations described in the Complaint.

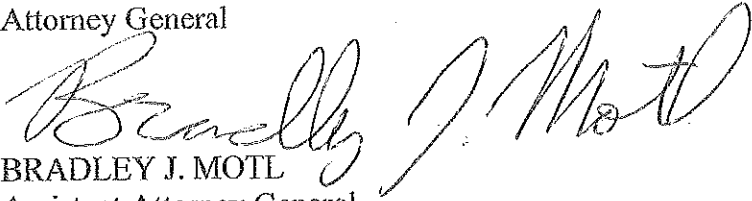
13. The parties acknowledge that this Stipulation and Order for Judgment sets forth the entire understanding of the parties with respect to the subject matter hereto.

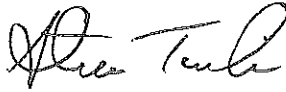
14. The Order for Judgment accompanying this Stipulation will be a final and appealable Order. However, the parties hereby waive their right to appeal the Order.

15. The Order for Judgment and Judgment may be entered incorporating the terms of this Stipulation without further notice, and the Judgment may be docketed, pursuant to Wis. Stat. § 806.10(1).

Dated this 23rd day of July 2014.

J.B. VAN HOLLEN
Attorney General


BRADLEY J. MOTL
Assistant Attorney General
State Bar #1074743



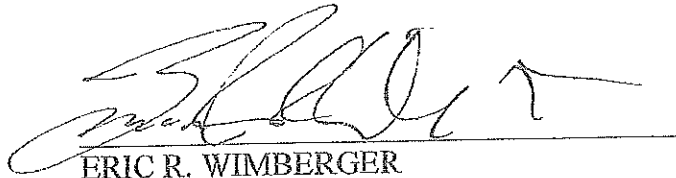
STEVEN E. TINKER
Assistant Attorney General
State Bar #1013319

Attorneys for Plaintiff State of Wisconsin

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 267-0505 (Motl)
(608) 267-0764 (Tinker)
(608) 266-2250 (fax)
motlbj@doj.state.wi.us
tinkerse@doj.state.wi.us

Dated this 22 day of July 2014.

Law Office of Eric R. Wimberger LLC



ERIC R. WIMBERGER
State Bar #1055179

Attorney for Defendant Metals America, LLC

519 East Walnut Street
P.O. Box 1894
Green Bay, WI 54305
920-430-7529
eric@wimbergerlaw.com

Dated this 22 day of July 2014.

METALS AMERICA, LLC.

By: Debra Ferraro

Printed Name: Debra Ferraro

Title: Authorized Agent

Dated this 22 day of July 2014.

Harvey E. Siegel

Harvey E. Siegel
1300 Dousman Street
Green Bay, WI 54303

ORDER FOR JUDGMENT

The Court approves the terms of the foregoing settlement Stipulation in *State of Wisconsin v. Harvey E. Siegel and Metals America, LLC*, Brown County Case No. 13-CX-01, pursuant to which the defendants will pay \$20,000.00 in forfeitures, surcharges and costs. Further, the defendants are ordered to comply with Wisconsin laws regulating the handling of ozone-depleting refrigerants. The Court therefore directs the clerk to enter and docket the Judgment accordingly.

This is a final order that disposes of the entire matter in litigation between the State of Wisconsin, Harvey E. Siegel and Metals America, LLC, and is intended by the Court to be an appealable order within the meaning of Wis. Stat. § 808.03(1).

Dated this _____ day of July, 2014.

BY THE COURT:

THE HONORABLE KENDALL M. KELLEY
BROWN COUNTY CIRCUIT COURT

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 4

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 13-CX-1

Complex Forfeiture: 30109

HARVEY E. SIEGEL
and METALS AMERICA, LLC,

Defendants.

JUDGMENT

Based on the Stipulation between the plaintiff State of Wisconsin and the defendants Harvey E. Siegel and Metals America, LLC and on the Court's Order, the terms of which are incorporated into this Judgment in their entirety, judgment is granted in favor of the plaintiff State of Wisconsin, and against the defendants Harvey E. Siegel and Metals America, LLC in the amount of \$20,000.00. This sum is comprised of forfeitures, statutory surcharges and costs as follows: forfeitures of \$13,518.71 under Wis. Stat. § 285.59(8) and Wis. Admin. Code § NR 488.12, a 26% penalty surcharge of \$3,514.86 under Wis. Stat. § 814.75(18), a 20% environmental surcharge of \$2,703.74 under Wis. Stat. § 814.75(12), \$25.00 in court costs under Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge under Wis. Stat. § 814.75(2),

a 1% jail surcharge of \$135.19 under Wis. Stat. § 814.75(14) and a \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15).

Defendants Harvey E. Siegel and Metals America, LLC will pay \$10,000.00 by check payable to the Brown County Circuit Court and delivered to the Clerk of Court, Brown County Courthouse 100 S. Jefferson Street, P.O. Box 23600, Green Bay, Wisconsin 54305-3600, along with a cover letter to the Court identifying the case by name and number within thirty (30) days of the Court's approval of the stipulation. A copy of the check and cover letter shall be simultaneously mailed as proof of payment to Assistant Attorney General Steven Tinker at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

The remaining balance of \$10,000 shall be paid by defendants Harvey E. Siegel and Metals America, LLC in forty (40) monthly installments of \$250.00 due by the 18th of each month, commencing on November 18, 2014, and continuing until the full \$10,000 is paid.

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This Judgment is final for purposes of appeal.

Dated this _____ day of July, 2014.

BY THE COURT:

Brown County Circuit Court Clerk