

2. The Circuit Court of Manitowoc County, Wisconsin (Court) has jurisdiction over the Parties and the subject matter of this action.

3. This Stipulation and the Order for 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 under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against the Defendants in the total amount of \$30,000.00. This sum is comprised of forfeitures, surcharges, costs, and attorney fees as follows: forfeitures of \$17,600.34 pursuant to Wis. Stat. § 283.91, a 26 percent penalty surcharge of \$4,576.09 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$3,520.07 pursuant to Wis. Stat. § 814.75(12), \$25.00 in court costs pursuant to Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge pursuant to Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge pursuant to Wis. Stat. § 814.75(2), a 1 percent jail surcharge of \$176.00 pursuant to Wis. Stat. § 814.75(14), a \$21.50 justice information system surcharge pursuant to Wis. Stat. § 814.75(15), and attorney fees of \$4,000.00 under Wis. Stat § 283.91(5).

5. The Defendants will pay \$26,000.00 by check payable to the Manitowoc County Circuit Court and delivered to the Manitowoc County Clerk of Court, Manitowoc County Courthouse 1010 S. 8th Street, Room 105, Manitowoc, Wisconsin, 54220, along with a cover letter identifying the case by name and number. A copy of the cover letter shall be simultaneously mailed as proof of payment to Assistant

Attorney General Sarah C. Geers at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payment shall be made within 60 days after the Court signs the Order for Judgment.

6. The Defendants will pay a total of \$4,000.00 in attorney fees by check payable to the Wisconsin Department of Justice and delivered to Assistant Attorney General Sarah C. Geers at the address provided in Paragraph 4 of this Stipulation within 60 days after the Court signs the Order for Judgment.

7. The Defendants shall be jointly and severally liable for payment of the \$30,000.00 judgment described in Paragraph 4 of this Stipulation.

8. The Defendants shall install permanent runoff controls for the new feed storage area by August 1, 2020.

9. The Defendants shall submit the following to DNR by the specified deadline:

- a. Post-construction reports, pursuant to Wis. Admin. Code s. NR 243.15(10), on 1) the feed storage area, including feed storage area runoff controls, 2) the solids stacking area, 3) the waste transfer for runoff from the feed storage and solids stacking areas, and 4) other production area runoff controls by October 1, 2020;
- b. An engineering evaluation, pursuant to Wis. Admin. Code s. NR 243.16, of existing manure storage facilities by March 1, 2021;
- c. Within 60 days after DNR's response to the engineering evaluation referenced in paragraph 9.b., plans and specifications, pursuant to

Wis. Admin. Code s. NR 243.15, that address any deficiencies in the manure storage facilities identified in the engineering evaluation or DNR's response; and

- d. Verification that the old feed storage area has been abandoned in compliance with Wis. Admin. Code s. NR 243.17(7) by October 1, 2020.

10. The Defendants shall complete the work described in paragraphs 8 and 9 in compliance with all applicable laws and permit requirements.

11. Pursuant to discussions between the Parties and as part of the resolution of this matter through negotiations, the Defendants agreed to, and did complete, the following site improvements:

- a. Constructing a new feed storage area;
- b. Abandoning the old feed storage area; and
- c. Installing runoff controls for the outdoor animal walkway.

12. Nothing contained in this Stipulation shall be construed as an admission of liability by the Defendants or as a concession by the State regarding the veracity of the State's allegations.

13. The Defendants waive the requirement for formal service of an authenticated Summons and Complaint.

14. The Parties acknowledge that this Stipulation and the Order for Judgment set forth the entire understanding of the Parties with respect to resolution of the violations alleged in the Complaint.

15. Compliance by the Defendants with their obligations under this Stipulation and Order for Judgment shall constitute full release of their civil liability for the violations alleged in the Complaint, and the April 28, 2015, February 5, 2016, and November 1, 2016 Notices of Violation.

16. The Order for Judgment will be a final and appealable Order. However, the Parties hereby waive their right to appeal the Order.

17. 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).

18. Michael and Shirley Baroun agree that they have reviewed this Stipulation, understand it, and had an opportunity to consult an advisor of their own choosing prior to signing this Stipulation.

Dated this 21st day of January, 2021.

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by Sarah C. Geers

SARAH C. GEERS
Assistant Attorney General
State Bar #1066948

LORRAINE C. STOLTZFUS
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Dated this _____ day of _____, 2020.

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Dated this 14th day of September, 2020.

DEWITT LLP



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Dated this 9 day of September, 2020.



SHIRLEY BAROUN

Individually, and in her capacity as registered
agent for Kostechka Dairy, LLC

Dated this 9 day of September, 2020.



MICHAEL BAROUN

Individually