

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 21-CX-__

Complex Forfeiture: 30109

TRI-STAR DAIRY, INC.,

and

MARK A. VOBORA

Defendants.

STIPULATION FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against Defendants Tri-Star Dairy, Inc., (Tri-Star) and Mark A. Vobora (Vobora) (collectively, Defendants) for alleged violations of the State's water pollution control laws. The State of Wisconsin and Defendants now wish to settle this matter by agreement and avoid further litigation, and therefore, enter into this Stipulation for Judgment (Stipulation).

IT IS STIPULATED AND AGREED by the State of Wisconsin and Defendants 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 State of Wisconsin, Tri-Star, and Mark Vobora.

2. The Circuit Court of Wood 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 Defendants' responsibilities under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against Defendants in the total amount of \$55,000.00. This sum is comprised of \$5,000.00 in attorney fees and \$50,000.00 in forfeitures, surcharges, and costs as follows: forfeitures of \$33,926.87 pursuant to Wis. Stat. §§ 281.98(2) and 283.91(5), a 26 percent penalty surcharge of \$8,820.99 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$6,785.37 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 \$339.27 pursuant to Wis. Stat. § 814.75(14), and a \$21.50 justice information system surcharge pursuant to Wis. Stat. § 814.75(15).

5. Tri-Star and Vobora will pay \$5,000.00 in attorney fees by check payable to the Wisconsin Department of Justice. The check shall be delivered to Assistant Attorney General Tressie K. Kamp at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857, along with a cover letter identifying the case by name and number. Payment shall be made within 30 days after the Order for Judgment is signed.

6. Tri-Star and Vobora will pay \$50,000.00 by checks payable to the Wood County Circuit Court and delivered to the Wood County Clerk of Court, Wood County Courthouse, Post Office Box 8095, Wisconsin Rapids, Wisconsin, 54495-8095, along with cover letters identifying the case by name and number. A copy of the cover letters shall be simultaneously mailed as proof of payment to Assistant Attorney General Tressie K. Kamp, at the address provided in paragraph 5 of this Stipulation. Payment shall be made in accordance with the following schedule:

- a. \$25,000.00 within six (6) months after the Order for Judgment is signed; and
- b. \$25,000.00 within one year after the Order for Judgment is signed.

7. In addition to paying the judgment described above, Defendants shall provide photographic proof to the Department of Natural Resources (DNR) and DOJ, no later than November 30, 2021, and again on November 30,

2022, that the two-stage waste storage facility has been emptied to at least the 180-day storage marker. The photos of the two-stage waste storage facility shall be mailed to DNR, Attention Deborah Dix, Wisconsin Rapids Service Center, 473 Griffith Avenue, Wisconsin Rapids, Wisconsin, 54494-7859, along with a copy to Assistant Attorney General Kamp at the address provided in paragraph of this Stipulation.

8. Tri-Star and Vobora shall be jointly and severally liable for payment of the judgment described in paragraphs 5 and 6 of this Stipulation and completion of the injunctive relief described in paragraph 7 of this Stipulation.

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

10. 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.

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

12. 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 5th day of February, 2021.

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by Tressie K. Kamp

TRESSIE K. KAMP
Assistant Attorney General
State Bar #1082298

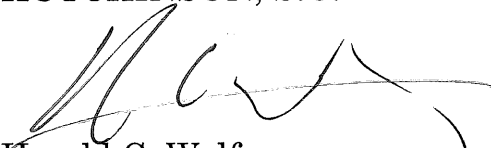
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Dated this 2nd day of February 2021.

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