

FILED
06-07-2022
Circuit Court
St. Croix County, WI
2022CX000006

STATE OF WISCONSIN CIRCUIT COURT ST. CROIX COUNTY
BRANCH ____

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 22-CX-____

Complex Forfeiture: 30109

EMERALD SKY DAIRY, LLC,

Defendant.

STIPULATION FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against Defendant Emerald Sky Dairy, LLC (Emerald Sky Dairy) for alleged violations of the State's wastewater discharge laws and regulations. The State of Wisconsin and Emerald Sky Dairy 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 Emerald Sky Dairy 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 and Emerald Sky Dairy.

2. The Circuit Court of St. Croix County, Wisconsin (the 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 Emerald Sky Dairy under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against Emerald Sky Dairy in the total amount of \$65,000.00. This sum is comprised of forfeitures, surcharges, costs, and attorney fees as follows: forfeitures of \$41,409.87 pursuant to Wis. Stat. § 283.91(2), a 26 percent penalty surcharge of \$10,766.56 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$8,281.97 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 \$414.10 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. Emerald Sky Dairy will pay \$61,000.00 by checks payable to the St. Croix County Circuit Court and delivered to the St. Croix County Clerk of

Court, 1101 Carmichael Road, Suite 2402, Hudson, Wisconsin 54016, 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 Emily M. Ertel at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payment shall be made in accordance with the following schedule:

- a. \$17,000.00 no later than 3 months from the date the Order for Judgment is signed by the Court;
- b. \$22,000.00 no later than 15 months from the date the Order for Judgment is signed by the Court; and
- c. \$22,000.00 by no later than 27 months from the date the Order for Judgment is signed by the Court.

6. Emerald Sky Dairy 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 Emily M. Ertel, at the address in paragraph 5 of this Stipulation, along with a cover letter identifying the case by name and number. Payment shall be made no later than 3 months from the date the Court signs the Order for Judgment.

7. Emerald Sky Dairy waives the requirement for formal service of an authenticated Summons and Complaint.

8. 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.

9. Compliance by Emerald Sky Dairy with its obligations under this Stipulation and Order for Judgment shall constitute full release of its civil liability for the violations alleged in the Complaint.

10. Nothing contained in this Stipulation shall be construed as an admission of liability by Emerald Sky Dairy, or as a concession by the State regarding the veracity of the State's allegations.

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 6th day of June, 2022.

JOSHUA L. KAUL
Attorney General of Wisconsin



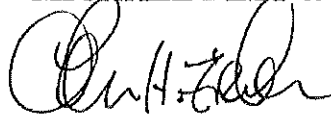
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Dated this 7th day of June, 2022.

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