

FILED
04-16-2021
Clerk of Circuit Court
La Crosse County WI
2021CX000001

STATE OF WISCONSIN CIRCUIT COURT LA CROSSE COUNTY
BRANCH _____

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 21-CX-_____

Complex Forfeiture: 30109

K & D MANURE HANDLING, INC.,

and

KEVIN D. HINTZ,

Defendants.

STIPULATION FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against Defendants K & D Manure Handling, Inc. (K & D Manure Handling) and Kevin D. Hintz (collectively referred to as "the Defendants") for alleged violations of the State's laws and regulations governing wastewater discharges and discharges of hazardous substances. The State of Wisconsin and the 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 the 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, K & D Manure Handling, and Kevin D. Hintz.

2. The Circuit Court of La Crosse 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 K & D Manure Handling under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against the Defendants in the total amount of \$107,228.00. This sum is comprised of forfeitures, surcharges, costs, attorney fees, and Department of Natural Resources (DNR) costs as follows: forfeitures of \$16,579.93 pursuant to Wis. Stat. §§ 283.91(2) and 292.99(1), a 26 percent penalty surcharge of \$4,310.78 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$3,315.99 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 \$165.80 pursuant to Wis. Stat. § 814.75(14), a \$21.50 justice information system surcharge pursuant to Wis. Stat. § 814.75(15), attorney fees of \$5,000.00 pursuant to Wis. Stat. §§ 283.91(5) and 292.99(2), and DNR costs of \$77,728.00 pursuant to Wis. Stat. § 283.87(1).

5. The Defendants will pay \$24,500.00 by check payable to the La Crosse County Circuit Court and delivered to the La Crosse County Clerk of Courts, LEC – Rm. 1200, 333 Vine Street, La Crosse, Wisconsin 54601, 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 Emily M. Ertel at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payment shall be made in within 90 days after the Court signs the Order for Judgment.

6. The Defendants 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 Emily M. Ertel at the address provided in paragraph 5 of this Stipulation, along with a cover letter identifying the case by name and number. Payment shall be made within 90 days after the Court signs the Order for Judgment.

7. The Defendants will pay \$77,728.00 in costs for the fish killed as a result of the violations alleged in the Complaint by check payable to the Department of Natural Resources. The check shall be delivered to Margaret Hooper, FN/2, Department of Natural Resources, 101 S. Webster Street – GEF 2, Madison, Wisconsin 53703, 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 Emily M. Ertel at the address provided in paragraph 5 of this Stipulation. Payment shall be made within 90 days after the Court signs the Order for Judgment.

8. K & D Manure Handling and Kevin D. Hintz shall be jointly and severally liable for payment of the judgment described in paragraphs 4 through 7 of this Stipulation.

9. The 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. Compliance by the Defendants with their obligations under this Stipulation and the Order for Judgment shall constitute full release of their civil liability for the violations alleged in the Complaint.

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

13. 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 ^{April} 7th day of March, 2021.

JOSHUA L. KAUL
Attorney General of Wisconsin



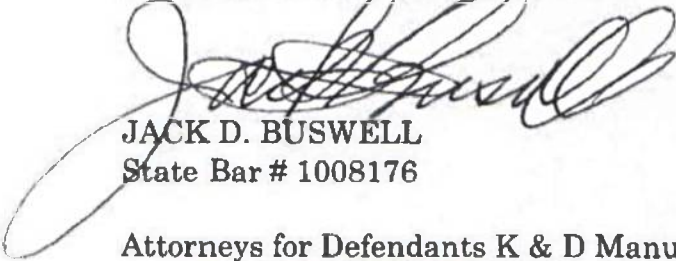
EMILY M. ERTEL
Assistant Attorney General
State Bar #1094232

Attorneys for Plaintiff State of Wisconsin

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0432
(608) 294-2907 (Fax)
ertelem@doj.state.wi.us

Dated this 11th day of March, 2021.

ARNDT, BUSWELL & THORN SC



JACK D. BUSWELL
State Bar # 1008176

Attorneys for Defendants K & D Manure
Handling, Inc. and Kevin D. Hintz

101 W. Oak Street
Sparta, Wisconsin 54656-1712
(608) 269-1200
(608) 269-1591 (Fax)
jackb@arndtbuswellthorn.com