

FILED
04-21-2021
Vernon County
Clerk of Circuit Court
2021CX000002

DATE SIGNED: April 20, 2021

Electronically signed by Judge Darcy J. Rood
Circuit Court Judge

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

STATE OF WISCONSIN CIRCUIT COURT VERNON COUNTY
BRANCH ____

STATE OF WISCONSIN,
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857

Plaintiff,

v.

Case No. 21-CX-____
Complex Forfeiture: 30109

WILD ROSE DAIRY, LLC,
E11310 Buckeye Ridge Road
La Farge, Wisconsin 54639-8008,

and

K & D MANURE HANDLING, INC.,
3190 Canary Avenue
Sparta, Wisconsin 54656,

Defendants.

JUDGMENT REGARDING K & D MANURE HANDLING, INC.

Based on the Stipulation for Judgment between the plaintiff State of Wisconsin and defendant K & D Manure Handling, Inc. (K & D Manure Handling), and on the

Court's Order for Judgment Regarding K & D Manure Handling, judgment is granted in favor of the State of Wisconsin and against K & D Manure Handling in the amount of \$77,772.00. 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), 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 DNR costs of \$48,272.00 pursuant to Wis. Stat. § 283.87(1).

K & D Manure Handling will pay \$24,500.00 total by two checks, in the amount of \$12,250.00 each, payable to the Vernon County Circuit Court, and delivered to the Vernon County Clerk of Court, First Floor, Courthouse, 400 Courthouse Square, Suite 115, Viroqua, Wisconsin 54665, 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 within 90 days after the Court signs the Order for Judgment.

K & D Manure Handling will pay \$5,000.00 total in attorney fees by two checks, in the amount of \$2,500.00 each, payable to the Wisconsin Department of Justice. The checks shall be delivered to Assistant Attorney General Emily M. Ertel at the address above, along with cover letters identifying the case by name and number. Payment shall be made within 90 days after the Court signs the Order for Judgment.

K & D Manure Handling will pay \$48,272.00 total in costs for the fish killed as a result of the violations alleged in the Complaint by two checks payable to the DNR. One check will be in the amount of \$18,377.00, and the second check will be in the amount of \$29,895.00. The checks shall be delivered to Margaret Hooper, FN/2, Department of Natural Resources, 101 S. Webster Street – GEF 2, Madison, Wisconsin 53703, 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 address above. Payment shall be made within 90 days after the Court signs the Order for Judgment.

The terms of the Stipulation for Judgment and Order for Judgment are incorporated into this Judgment in their entirety. This Judgment is final for purposes of appeal. The Judgment shall be docketed pursuant to Wis. Stat. § 806.10(1).