

FILED
04-16-2021
Vernon County
Clerk of Circuit Court
2021CX000002

STATE OF WISCONSIN CIRCUIT COURT VERNON COUNTY
BRANCH _____

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 21-CX-__

Complex Forfeiture: 30109

WILD ROSE DAIRY, LLC,

and

K & D MANURE HANDLING, INC.,

Defendants.

**STIPULATION FOR JUDGMENT REGARDING
K & D MANURE HANDLING, INC.**

Plaintiff State of Wisconsin brought this civil action against Defendants Wild Rose Dairy, LLC and K & D Manure Handling, Inc. (K & D Manure Handling) for alleged violations of the State's laws and regulations governing wastewater discharges. The State of Wisconsin and K & D Manure Handling 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 K & D Manure Handling 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 K & D Manure Handling.

2. The Circuit Court of Vernon 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 K & D Manure Handling in the total 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).

5. 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.

6. 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 provided in paragraph 5 of this Stipulation, 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.

7. 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 Department of Natural Resources. 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 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 waives the requirement for formal service of an authenticated Summons and Complaint.

9. 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.

10. Compliance by K & D Manure Handling with its obligations under this Stipulation and the Order for Judgment shall constitute full release of its civil liability for 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 ^{April} ~~7th~~ day of ~~March~~, 2021.

JOSHUA L. KAUL
Attorney General of Wisconsin

Emily M Ertel

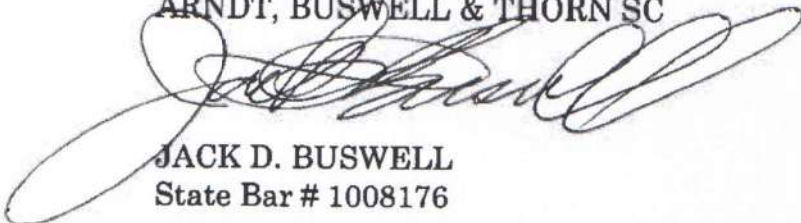
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Dated this 11 day of March, 2021.

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