

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
WILD ROSE DAIRY, LLC**

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

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 Wild Rose Dairy under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against Wild Rose Dairy in the total amount of \$57,000.00. This sum is comprised of forfeitures, surcharges, costs, and attorney fees as follows: forfeitures of \$35,287.42 pursuant to Wis. Stat. § 283.91(2), a 26 percent penalty surcharge of \$9,174.73 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$7,057.48 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 \$352.87 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 \$5,000.00 pursuant to Wis. Stat. § 283.91(5).

5. Wild Rose Dairy will pay \$52,000.00 by checks payable to the Vernon County Circuit Court and delivered to the Vernon County Clerk of Court, 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. Payments shall be made in accordance with the following schedule:

- a. \$5,000.00 by no later than three (3) months after the Court signs the Order for Judgment;
- b. \$10,000.00 by no later than four (4) months after the Court signs the Order for Judgment;
- c. \$10,000.00 by no later than five (5) months after the Court signs the Order for Judgment;
- d. \$10,000.00 by no later than six (6) months after the Court signs the Order for Judgment;
- e. \$10,000.00 by no later than seven (7) months after the Court signs the Order for Judgment; and
- f. \$7,000.00 by no later than eight (8) months after the Court signs the Order for Judgment.

6. Wild Rose Dairy 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, by no later than three (3) months after the Court signs the Order for Judgment.

7. Wild Rose 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 Wild Rose 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 Wild Rose 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 7th day of April, 2021.

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by Emily M. Ertel

EMILY M. ERTEL
Assistant Attorney General
State Bar #1094232

Attorneys for Plaintiff State of Wisconsin

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Dated this 13th day of April, 2021.

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