

COPY

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

DANE COUNTY

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

Plaintiff,

v.

Case No. 15CX50

Complex Forfeiture: 30109

CLEAR HORIZONS DANE,
LLC,
6321 Cuba Valley Road
Dane, Wisconsin 53629

Defendant.

THE AMOUNT CLAIMED IS
GREATER THAN THE
AMOUNT CLAIMED UNDER
WIS. STAT. § 799.01(1)(d).

RECEIVED

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Wisconsin
Dept. Of Justice

STIPULATION AND ORDER FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against defendant Clear Horizons Dane, LLC., the operator of a manure digester in the Town of Vienna, Dane County, Wisconsin. The complaint alleges violations of Wisconsin's air and water pollution laws, specifically relating to violations of Wisconsin Pollutant Discharge Elimination System (WPDES) Permit No. WI-0064530-01-0 and Air Pollution Control Construction Permit No. 10-SML-028.

The parties now wish to finally and fully resolve this litigation with prejudice, and as such enter into this Stipulation and Order for Judgment setting forth the terms and conditions of such settlement.

IT IS HEREBY STIPULATED AND AGREED THAT:

1. Dane County Circuit Court has jurisdiction over the parties and subject matter of this action.

2. Judgment shall be entered in favor of the plaintiff State of Wisconsin and against the defendant Clear Horizons Dane, LLC., in the amount of \$80,000. The sum is comprised of forfeitures, statutory surcharges, and costs as follows: forfeitures of \$ 54,335.03 under Wis. Stat. § 285.87, a 26% penalty surcharge of \$14,127.11 under Wis. Stat. § 814.75(18), a 20% environmental surcharge of \$10,867.01 under Wis. Stat. § 814.75(12), \$25 in court costs under Wis. Stat. § 814.63(1), a \$13 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), a \$68 court support services surcharge under Wis. Stat. § 814.75(2), a 1% jail surcharge of \$543.35 under Wis. Stat. § 814.75(14), a \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15).

3. The Defendant will pay the \$80,000 by check payable to the Dane County Clerk of Circuit Court and delivered to the Dane County Courthouse, Room 1000, 215 S. Hamilton Street, Madison, WI 53703, along with a cover letter to the Court identifying the case by name and number. A copy of the check and cover letter shall be simultaneously mailed as proof of payment to Assistant Attorney General Cynthia R. Hirsch at the Wisconsin Department of Justice, Post Office Box 7857,

Madison, WI 53707-7857. Upon receipt of such proof of payment, the plaintiff shall complete and file a Satisfaction of Judgment.

4. Monthly, not weekly, phosphorus removal averages will be used to calculate the compliance of the digester facility with the current applicable WPDES permit.

5. The average phosphorus load will be calculated and reported according to Sampling Point 703, as identified in the current WPDES Permit No. WI-0064530-01-0.

6. Except as between the parties to this action, nothing contained in this Stipulation and Order for Judgment shall be construed as an admission of liability by the Defendant in any proceeding now pending or hereafter commenced.

7. The parties acknowledge that this Stipulation and Order for Judgment sets forth the entire understanding of the parties with respect to the subject matter hereto.

8. The Order for Judgment accompanying this Stipulation will be a final and appealable order. 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 20th day of July, 2015.

Wisconsin Department of Justice
Post Office Box 7857

BRAD D. SCHIMEL
Attorney General



CYNTHIA R. HIRSCH
Assistant Attorney General

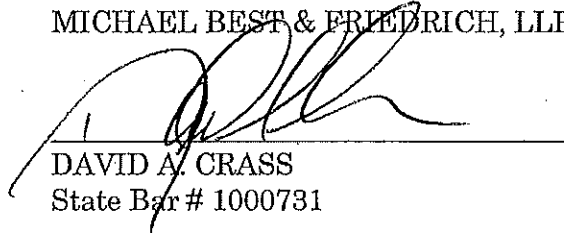
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State Bar # 1012870

Attorneys for Plaintiff State of Wisconsin

Dated this 23rd day of July, 2015.

MICHAEL BEST & FRIEDRICH, LLP.



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Dane, LLC

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ORDER FOR JUDGMENT

The Court approves the terms of the foregoing Stipulation in *State of Wisconsin v. Clear Horizons Dane, LLC*, Dane County Case No. 15CX50, pursuant to which the Defendant will pay \$80,000 in accordance with the schedule set forth in the Stipulation, directs the clerk to enter and docket the Judgment. This is a final Order for purposes of appeal under Wis. Stat. § 808.03(1).

Dated this 5th day of August 2015.

BY THE COURT:

Frank D. Peniston