

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 6

WINNEBAGO COUNTY

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

Plaintiff,

Case No. 11-CX-0002

v.

G&G RIVER INVESTMENTS, LLC
W3277 Creekview Lane
Appleton, Wisconsin 54915

GENE FREDERICKSON TRUCKING, INC.
4450 Fieldcrest Drive
Kaukauna, Wisconsin 54130,

Defendants.

STIPULATION AND ORDER FOR JUDGMENT

The State brought this action against defendants G&G River Investments, LLC, and Gene Frederickson Trucking, Inc., seeking forfeitures for defendants' violation of Wisconsin's water protection laws related to placing riprap and boat shelters in navigable waters without permits and violating permit conditions for piers and lifts along the Wolf River in Winnebago County, Wisconsin. The plaintiff State of Wisconsin and defendants G&G River Investments, LLC, and Gene Frederickson Trucking, Inc., now wish to settle this matter by agreement and avoid further litigation and, therefore, enter into this stipulation.

IT IS STIPULATED AND AGREED by the plaintiff State of Wisconsin and defendants G&G River Investments, LLC, and Gene Frederickson Trucking, Inc., that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The defendant G&G River Investments, LLC, shall pay a judgment in the amount of \$137,500, comprising forfeitures of \$100,271.90 for the violations described in the complaint, plus \$26,070.69 for the 26% penalty surcharge under Wis. Stat. § 814.77(11), \$10,027.19 for the 10% environmental surcharge under Wis. Stat. § 814.77(5), the \$25 court costs under Wis. Stat. § 814.63(1), the \$13 crime laboratories and drug law enforcement surcharge required by Wis. Stat. § 814.77(2), the \$68 court support services surcharge as required by Wis. Stat. § 814.77(1m), the \$1,002.72 jail surcharge under Wis. Stat. § 814.77(7), and the \$21.50 justice information system surcharge required by Wis. Stat. § 814.77(8).

2. Based on defendant's representations as to its financial situation, defendant G&G River Investments, LLC, shall pay the judgment amount of \$137,500 in 5 equal installments of \$27,500 each, and shall make each payment by check payable to the Winnebago County Clerk of Circuit Court and delivered to the clerk of court, along with a cover letter to the court identifying the case by name and number, on or before January 15 of each year beginning in 2013 and ending in 2017. Defendant shall simultaneously with each payment send a photocopy of the check and cover letter submitted to the clerk of court to counsel for plaintiff at the address listed below.

3. The defendant Gene Frederickson Trucking, Inc., shall pay a judgment in the amount of \$15,000, comprising forfeitures of \$10,855.84 for the violations described in the complaint, plus \$2,822.52 for the 26% penalty surcharge under Wis. Stat. § 814.77(11), \$1,085.58 for the 10% environmental surcharge under Wis. Stat. § 814.77(5), the \$25 court costs under Wis. Stat. § 814.63(1), the \$13 crime laboratories and drug law enforcement surcharge required by Wis. Stat. § 814.77(2), the \$68 court support services surcharge as required by Wis. Stat. § 814.77(1m), the \$108.56 jail surcharge under Wis. Stat. § 814.77(7), and the \$21.50 justice information system surcharge required by Wis. Stat. § 814.77(8).

4. Defendant Gene Frederickson Trucking, Inc., shall pay the judgment amount of \$15,000 by check payable to the Winnebago County Clerk of Circuit Court and delivered to the clerk of court, along with a cover letter to the court identifying the case by name and number, on or before December 31, 2011. Defendant shall simultaneously with each payment send a photocopy of the check and cover letter submitted to the clerk of court to counsel for plaintiff at the address listed below.

5. In addition to paying the judgment described in paragraphs 1-4 above, defendant G&G River Investments, LLC, shall submit an application and implement a corrective plan for the lifts and reconfiguration of the pier, and shall submit and implement a restoration plan for the riprap as set forth in the following paragraphs.

6. Defendant G&G River Investments, LLC, shall by June 1, 2012, either come into compliance with the terms of the permits and plans approved by the Department of Natural Resources on December 19, 2003, namely Nos. 3-NE-2003-

0770WL, 0771WL, 0772WL and 0773WL (i.e., piers only of the dimensions shown on those approved plans), or implement modifications as approved by the Department in a new permit, provided that an application for a new permit shall be submitted to the Department by December 1, 2011.

7. Defendant G&G River Investments, LLC, shall complete the shoreline restoration plan already in place, shall hire a qualified consultant to monitor the shoreline restoration for the next five years to determine:

- a. The effectiveness of the shoreline restoration.
- b. Presence of invasive species.
- c. Removal of invasive species found.
- d. Observations of bank conditions;

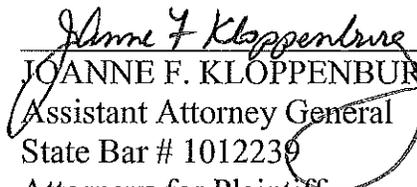
and shall submit reports by the qualified consultant of annual inspections of the site, by no later than September 30 of each year, documenting the inspectors' credentials, plant species and invasive species found, steps taken to remove the invasive species, and condition of bank and steps taken to stabilize the bank if necessary.

8. 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 defendants in any proceeding now pending or hereafter commenced.

9. Entry and satisfaction of the judgment based on this stipulation shall fully release defendants and their officers, directors, employees and agents, of all liability for all violations described in the complaint.

10. The accompanying 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: 31 October 2011
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ATTORNEY GENERAL


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Dated: October 28, 2011
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ORDER

The court approves the terms of the foregoing stipulation in *State v. G&G River Investment, LLC and Gene Frederickson Trucking, Inc.*, Case No. 11-CX-2, which provides for the entry of judgment in favor of the State and against defendants G&G River Investments, LLC, and Gene Frederickson Trucking, Inc., along with the payment of forfeitures and statutory surcharges totaling \$137,500 by defendant G&G River Investments, LLC, and \$15,000 by defendant Gene Frederickson Trucking, Inc., according to the schedule set forth in the stipulation, and along with corrective action as to the riprap, piers and boat lifts in the Wolf River, and directs the clerk to enter the

judgment incorporating the terms of this stipulation, and to docket the judgment, this
1 day of November, 2011. This is a Final Order under Wis. Stat. § 808.03(1).

IT IS SO ORDERED.

BY THE COURT:



DANIEL J. BISSETT
Circuit Court Judge