

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH ____

MILWAUKEE COUNTY

STATE OF WISCONSIN

17 West Main Street

Post Office Box 7857

Madison, Wisconsin 53707-7857,

Plaintiff,

v.

Case No. 11-CX-____

Complex Forfeiture: 30109

MID-AMERICA STEEL DRUM
CO., INC.

8570 South Chicago Road

Oak Creek, Wisconsin 53154,

Defendant.

STIPULATION AND ORDER FOR JUDGMENT

Plaintiff State of Wisconsin brought this action against defendant Mid-America Steel Drum Co., Inc., to enforce the State's air pollution laws at defendant's drum reclamation facility at 8570 South Chicago Road, Oak Creek, Milwaukee County, Wisconsin. The parties 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 parties that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The defendant shall pay a judgment in the amount of \$81,000, comprised of forfeitures of \$59,028.47 for the violations described in the complaint, plus \$15,347.40 for

the 26% penalty surcharge under Wis. Stat. § 814.75(18), \$5,902.85 for the 10% environmental surcharge under Wis. Stat. § 814.75(12), the \$25 court costs under Wis. Stat. § 814.63(1), the \$13 crime laboratories and drug law enforcement surcharge required by Wis. Stat. § 814.75(3), the \$68 court support services surcharge as required by Wis. Stat. § 814.75(2), the 1% jail surcharge of \$590.28 under Wis. Stat. § 814.75(14), the \$21.50 justice information system surcharge required by Wis. Stat. § 814.75(15), and the \$3.50 special prosecution clerks surcharge under Wis. Stat. § 814.75(22).

2. Based on the defendant's representations concerning its financial situation, the defendant shall pay the total amount of \$81,000 in four payments of \$20,250 each, on September 15, 2011, December 15, 2011, March 15, 2012, and June 15, 2012. Each payment shall be made by check payable to the Milwaukee County Clerk of Circuit Court and delivered to the clerk of court. Defendant shall send a photocopy of each check submitted to the clerk of court, and of the cover letter to the clerk identifying the case by name and number, to counsel for plaintiff at the address listed below.

3. If the defendant fails to mail a check for the required amount on or before a payment date set forth in this stipulation, the defendant shall have 15 days to cure that failure before being considered in default of this stipulated judgment. If the defendant is in default in any respect, all obligations remaining under this stipulation shall be accelerated and shall be immediately due and payable. In addition, if the defendant is held to be in default, the defendant shall reimburse the State of Wisconsin for all its costs and fees, including all its attorneys' fees, incurred in connection with enforcing this stipulation.

4. In the event of default under the terms of the stipulation, the terms of the stipulation relating to payment of money shall be deemed null and void, and interest shall be added to the balance due, pursuant to Wis. Stat. § 815.05(8), from the date of entry of judgment.

5. 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 other administrative or judicial proceeding now pending or hereafter commenced.

6. Compliance by the defendant with its obligations under this stipulation shall constitute full compromise, settlement, and satisfaction of all of the defendant's (including its predecessors, successors, and all current and former officers, directors, employees, trustees, and agents) civil, administrative, and criminal liability for the violations described in the complaint.

7. 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: 29 August 2011
J.B. VAN HOLLAND, Attorney General

Joanne F. Kloppenburg
JOANNE F. KLOPPENBURG
Assistant Attorney General
State Bar # 1012239
Attorneys for Plaintiff State of Wisconsin
Wisconsin Department of Justice
P.O. Box 7857, Madison, WI 53707-7857
(608) 266-9227

Dated: August 25, 2011
REINHART BOERNER VAN DEUREN
SC

John M. Van Lieshout
JOHN M. VAN LIESHOUT
State Bar # 1014714
Attorneys for Defendant
Mid-America Steel Drum Co., Inc.
P.O. Box 2965
Milwaukee, WI 53201-2965
(414) 298-8182

ORDER FOR JUDGMENT

The Court approves the terms of the foregoing stipulation in *State v. Mid-America Steel Drum Co., Inc.*, Case No. 11-CX-_____, which provides for the entry of judgment in favor of the State and against Mid-America Steel Drum Co., Inc., along with the payment of forfeitures, statutory surcharges, and costs totaling \$81,000 in four quarterly payments starting September 15, 2011, and directs the clerk to enter the judgment incorporating the terms of this stipulation, and to docket the judgment, this _____ day of _____, 2011.

This is a Final Order under Wis. Stat. § 808.03(1).

IT IS SO ORDERED.

BY THE COURT:

Circuit Court Judge