

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH \_\_\_\_

BARRON COUNTY

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STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 11-CX-\_\_\_\_\_

NORSWISS FARMS, INC.,  
a domestic business corporation,

Complex Forfeiture: 30109

Defendant.

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STIPULATION AND ORDER FOR JUDGMENT

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Plaintiff State of Wisconsin brought this civil action against defendant Norswiss Farms, Inc., regarding its concentrated animal feeding operation located at 1563 19<sup>th</sup> Avenue in Rice Lake, Barron County, Wisconsin. The complaint alleges violations of the defendant's Wisconsin Pollutant Discharge Elimination System Permit. 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 State and Norswiss Farms, Inc., 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 the defendant Norswiss Farms, Inc.
2. The Court has jurisdiction over the parties and the subject matter of this action.
3. Except as between the parties hereto, nothing contained in this stipulation and order for judgment shall be construed as an admission by Norswiss Farms, Inc., in any administrative or judicial proceeding now pending or hereafter commenced.

4. This stipulation and judgment as approved by the Court shall apply to and be binding on the parties and on the successors and assigns of the parties. No change in ownership or corporate or partnership status shall in any way alter the responsibilities of the defendant under this settlement.

5. Judgment shall be entered in favor of the plaintiff State of Wisconsin and against the defendant Norswiss Farms, Inc., in the amount of \$34,000.00. This sum is comprised of forfeitures, statutory surcharges and costs, attorney fees, and restitution as follows: forfeitures of \$15,942.07 under Wis. Stat. § 283.91(2), a 26% penalty surcharge of \$4,144.92 under Wis. Stat. § 814.75(18), a 10% environmental surcharge of \$1,562.32 under Wis. Stat. § 814.75(12) (for violations committed before July 1, 2009), a 20% environmental surcharge of \$63.77 under Wis. Stat. § 814.75(12) (for violations committed on or after July 1, 2009), \$25.00 in court costs under Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), a 1% jail surcharge of \$159.42 under Wis. Stat. § 814.75(14), a \$21.50 justice information system surcharge under Wis. Stat. § 814.75(15), attorney fees of \$2,000.00 under Wis. Stat. §§ 283.91(5) and 299.97(2), and restitution of \$10,000.00 under Wis. Stat. §§ 283.87(1) and (3).

6. The defendant will pay \$22,000.00 by check payable to the Barron County Circuit Court and delivered to the Clerk of Court, Barron County Justice Center, 1420 State Highway 25 North, Room 2201, Barron, Wisconsin 54812-3004, 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, Wisconsin 53707-7857. A single payment of \$22,000.00 will be made by January 15, 2012.

7. The defendant will pay the \$10,000.00 in restitution, to be used for projects within the Red Cedar Watershed, by check payable to the Wisconsin Department of Natural Resources and delivered to Assistant Attorney General Cynthia R. Hirsch at the address provided in paragraph 6, above, by January 15, 2012.

8. The defendant will pay the \$2,000.00 in attorney fees by check payable to the Wisconsin Department of Justice and delivered to Assistant Attorney General Cynthia R. Hirsch at the address provided in paragraph 6, above, by January 15, 2012.

9. The defendant shall provide the Wisconsin Department of Natural Resources by February 1, 2012, the plans, specifications, and as-built documentation for the new leachate collection system, which was completed sometime between November 2009 and June 2010. The documents shall be sent to Anne Van Grinsven, Environmental Enforcement Specialist, Wisconsin Department of Natural Resources, 2984 Shawano Avenue, Green Bay, Wisconsin 54313-6727. A copy of the documents shall be simultaneously mailed to Assistant Attorney General Cynthia R. Hirsch at the address provided in paragraph 6, above.

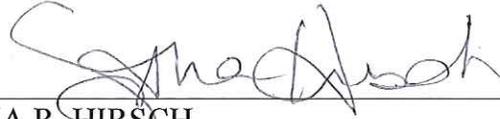
10. Entry and satisfaction of the judgment based on this stipulation shall fully release Norswiss Farms, Inc., and its officers, directors, employees, and agents of all liability for all violations described in or arising out of the facts alleged in the complaint.

11. The accompanying order for judgment and judgment incorporating the terms of this stipulation may be entered without further notice to any party, and the judgment may be docketed pursuant to Wis. Stat. § 806.10(1).

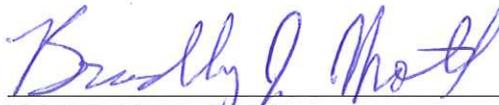
12. The parties waive their right to appeal the final Order in this case.

Dated this 7 day of <sup>December</sup>~~November~~, 2011.

J.B. VAN HOLLEN  
Attorney General



CYNTHIA R. HIRSCH  
Assistant Attorney General  
State Bar #1012870

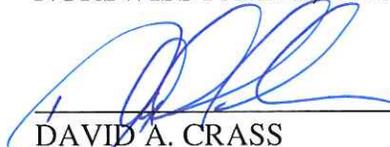


BRADLEY J. MOTL  
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Wisconsin Department of Justice  
Post Office Box 7857  
Madison, Wisconsin 53707-7857  
(608) 266-3861  
(608) 266-2250 (fax)  
hirschcr@doj.state.wi.us

Dated this 22<sup>nd</sup> day of November, 2011.

NORSWISS FARMS, INC.



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DAVID A. CRASS  
State Bar # 1000731

Attorney for Defendant Norswiss Farms, Inc.

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Post Office Box 1806  
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dacrass@michaelbest.com

Dated this \_\_\_\_ day of November, 2011.

NORSWISS FARMS, INC.

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ANDREAS HEER

Registered Agent for Defendant  
Norswiss Farms, Inc.

1563 19<sup>th</sup> Avenue  
Rice Lake, Wisconsin 54868

Dated this \_\_\_\_ day of November, 2011.

NORSWISS FARMS, INC.

---

DAVID A. CRASS  
State Bar # 1000731

Attorney for Defendant Norswiss Farms, Inc.

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Dated this 22<sup>nd</sup> day of November, 2011.

NORSWISS FARMS, INC.



ANDREAS HEER

Registered Agent for Defendant  
Norswiss Farms, Inc.

1563 19<sup>th</sup> Avenue  
Rice Lake, Wisconsin 54868

ORDER FOR JUDGMENT

The Court approves the terms of the foregoing settlement stipulation in *State of Wisconsin v. Norswiss Farms, Inc.*, Barron County Case No. 11-CX-\_\_\_\_\_, pursuant to which the defendant will pay \$34,000.00 in forfeitures, surcharges, costs, attorney fees, and restitution, and comply with the Stipulation regarding providing the Wisconsin Department of Natural Resources the plans, specifications, and as-built documentation for the new leachate collection system completed sometime between November 2009 and June 2010. The Court therefore directs the clerk to enter and docket the Judgment accordingly.

This is a final order that disposes of the entire matter in litigation between the State of Wisconsin and Norswiss Farms, Inc., and is intended by the Court to be an appealable order within the meaning of Wis. Stat. § 808.03(1).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

BY THE COURT:

\_\_\_\_\_  
Barron County Circuit Court Judge