

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH __

CHIPPEWA COUNTY

STATE OF WISCONSIN
17 West Main Street
Post Office Box 7857
Madison, WI 53707-7897,

Plaintiff,

v.

Case No. 2012-CX-_____

Complex Forfeiture: 30109

PROGRESSIVE RAIL INCORPORATED
and its division WISCONSIN NORTHERN RAILROAD
21778 Highview Avenue
Lakeville, MN 55044,

Defendant.

JUDGMENT

Based on the Stipulation between the plaintiff and the defendant, and on the Court's Order, the terms of both of which are incorporated into this Judgment in their entirety, judgment is granted in favor of the plaintiff, State of Wisconsin, and against the defendant, Progressive Rail Incorporated and its division Wisconsin Northern Railroad, in the amount of \$49,000. This amount is comprised of forfeitures, statutory surcharges and costs as follows: forfeitures of \$26,443.88 for the violations described in the complaint, plus \$6,875.40 for the 26% penalty surcharge under Wis. Stat. § 814.75(18), \$5,288.78 for the 20% 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 \$264.44 jail surcharge under Wis. Stat. § 814.75(14), the \$21.50 justice information system surcharge required by Wis. Stat. § 814.75(15), plus \$5,000.00 for the costs of the Department of Natural Resources' investigation and \$5,000.00 as attorney fees for the Department of Justice under Wis. Stat. § 283.91(5).

Based on the defendant's representations concerning its annual budgeting situation, the defendant shall pay the total amount of \$49,000 according to the following schedule:

a. Payment of \$5,000 shall be made by check payable to the "Wisconsin Department of Justice" and delivered to counsel for plaintiff JoAnne F. Kloppenburg, at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857, within 30 days of entry of judgment in this case.

b. Payment of \$5,000 shall be made by check payable to the "Wisconsin Department of Natural Resources" and delivered to counsel for plaintiff at the address listed above within 30 days of entry of judgment in this case.

c. Payment of \$39,000 shall be made in three equal installments of \$13,000 each, on September 1, 2012, December 1, 2012, and March 1, 2013, by check payable to the "Chippewa 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. Defendant shall simultaneously send a photocopy of the check and cover letter submitted to the clerk of court to counsel for plaintiff at the address listed above.

If defendant fails to mail a check for the required amount on or before a payment date set forth in this stipulation, defendant shall have 15 days to cure that failure before being considered in default of this stipulated judgment. If defendant fails to comply with any other term in this stipulation, defendant shall provide an explanation for that failure to the Department of Natural Resources and shall have 30 days to cure that failure before being considered in default of this stipulated judgment. If defendant is in default in any respect, all obligations remaining under this stipulation shall be accelerated and shall be immediately due and payable as set forth under this stipulation.

This Judgment is final for purposes of appeal.

Dated this _____ day of May, 2012.

BY THE COURT:
