

FILED
02-22-2023
Clerk of Circuit Court
Brown County, WI
2021CX000002

STATE OF WISCONSIN CIRCUIT COURT BROWN COUNTY
 BRANCH 8

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 21-CX-0002
Complex Forfeiture: 30109

LEDGEVIEW FARMS LLC, *et al.*

Defendants.

STIPULATION FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against Defendants Ledgeview Farms LLC, Ledgeview Facility LLC, Roy Pansier, Glen Pansier, and Jason Pansier (collectively Defendants) for violations of the State's wastewater discharge laws and regulations. The State of Wisconsin and Defendants now wish to settle this matter by agreement and avoid further litigation, and therefore, enter into this Stipulation for Judgment.

IT IS STIPULATED AND AGREED by the State of Wisconsin and Defendants 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 Defendants.
2. The Circuit Court of Brown County, Wisconsin has jurisdiction over the parties and the subject matter of this action.

3. This Stipulation and the Order for Judgment as approved by the Court shall apply to and be binding on the parties and on the successors and assignees of the parties. No change in ownership or corporate or partnership status shall in any way alter the responsibilities of Ledgeview Farms LLC or Ledgeview Facility LLC under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against Defendants in the total amount of \$320,000.00. This sum is comprised of forfeitures, surcharges, costs, and the State's attorney fees and expenses of the prosecution as follows: forfeitures of \$178,628.67 pursuant to Wis. Stat. § 283.91(2), a 26 percent penalty surcharge of \$46,443.45 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$35,725.73 pursuant to Wis. Stat. § 814.75(12), \$25.00 in court costs pursuant to Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge pursuant to Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge pursuant to Wis. Stat. § 814.75(2), a 1 percent jail surcharge of \$1,786.29 pursuant to Wis. Stat. § 814.75(14), a \$21.50 justice information system surcharge pursuant to Wis. Stat. § 814.75(15), and the State's attorney fees in the amount of \$55,000.00 and the expenses of the prosecution in the amount of \$2,288.36 pursuant to Wis. Stat. § 283.91(5).

5. Defendants will pay \$262,711.64 by check payable to the Brown County Circuit Court and delivered to the Brown County Clerk of Court, Post Office Box 23600, Green Bay, Wisconsin 54305-3600, along with a cover letter identifying the case by name and number. A copy of the cover letter shall be simultaneously

mailed as proof of payment to Assistant Attorney General Emily Ertel at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payment shall be made within 90 days from the date that the Court signs the Order for Judgment.

6. Defendants will pay a total of \$57,288.36 in attorney fees and expenses of the prosecution by check payable to the Wisconsin Department of Justice. The check shall be delivered to Assistant Attorney General Emily Ertel at the address in paragraph 5 along with a cover letter identifying the case by name and number. Payment shall be made within 90 days from the date that the Court signs the Order for Judgment.

7. Defendants cannot place, move into, or otherwise add in any way additional or new feed to the feed storage area at the heifer farm. Defendants may continue to store feed that was placed in the feed storage area before the date of this Stipulation until that area is required to be abandoned, pursuant to paragraph 8.b.

8. Abandonment of the feed storage area and interim runoff controls at the heifer farm:

a. Defendants must submit an abandonment plan to DNR for approval for the feed storage area and interim runoff controls at the heifer farm within 60 days from the date that the Court signs the Order for Judgment;

b. Defendants must abandon the feed storage area and interim runoff controls at the heifer farm within 90 days of DNR's approval of the abandonment plan; and

c. Defendants must submit post-abandonment documentation to DNR for the feed storage area and interim runoff controls within 60 days of completing the abandonment.

9. Until the feed storage area and interim runoff controls are abandoned pursuant to paragraph 8.b., Defendants must submit biweekly reports to DNR on the status of the interim runoff controls. The reports must be emailed to DNR Wastewater Specialist Holly Stegemann at Holly.Stegemann@wisconsin.gov. Defendants must provide additional updates at DNR's request. The biweekly reports must include the following information:

a. Confirmation that the interim runoff controls are functioning properly or a description of any functionality issues as well as the specific remedial actions and dates by which those actions will be taken to cure the functionality issues;

b. Photographs accurately depicting the current state of the interim runoff controls;

c. A description of the maintenance actions, if any, performed on the interim runoff controls during the biweekly reporting period;

d. The dates of any rainfall events of 2.0 inches or greater that occurred at the heifer farm during the biweekly reporting period;

e. Photographs of the interim runoff controls immediately after, but by no later than 24 hours after, any rainfall events of 2.0 inches or greater that occurred at the heifer farm during the biweekly reporting period; and

f. Logs of process wastewater removed from the collection basin including the dates, volume removed from the basin, and a description of where the process wastewater was transferred to.

10. Defendants shall be jointly and severally liable for payments of the judgment described in paragraphs 5 and 6 of this Stipulation and completion of the injunctive relief described in paragraphs 7 through 9 of this Stipulation.

11. The parties acknowledge that this Stipulation and the Order for Judgment set forth the entire understanding of the parties with respect to the resolution of this matter.

12. The Order for Judgment will be a final and appealable Order. However, the parties hereby waive their right to appeal the Order.

13. 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 15th day of February, 2023.

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by Emily M. Ertel


EMILY M. ERTEL
Assistant Attorney General
State Bar #1094232

Attorneys for Plaintiff State of Wisconsin

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0432
(608) 294-2907 (Fax)
ertelem@doj.state.wi.us

Dated this 22nd day of February, 2023.

HUSCH BLACKWELL LLP



ERIC M. MCLEOD
State Bar # 1021730

Attorneys for Defendants Ledgeview Farms
LLC, Ledgeview Facility LLC, Roy Pansier,
Glen Pansier, and Jason Pansier

Husch Blackwell LLP
33 E. Main Street, Suite 300
Madison, Wisconsin 53703-4655
(608) 255-4440
(608) 258-7138 (Fax)
eric.mcleod@huschblackwell.com