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March 19, 2008

George and Dianna Hannan
W 6826 County Road B
Pound, WI 54161-9628

Re: *State of Wisconsin v. George D. Hannan and Dianna L. Hannan*
Marinette County Case No. 07-CX-1

Dear Mr. and Mrs. Hannan:

Please find enclosed authenticated copies of the final Stipulation and Order for Judgment and Judgment in this matter. As indicated in these documents, your first payment of \$166.67 will be due on or before April 12, 2008, payable to the State of Wisconsin Department of Justice and sent to my attention at the address above.

Sincerely,

Diane L. Milligan
Assistant Attorney General

DLM:kmr

Enclosures

c w/enc: Anne Van Grinsven (via email)

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 1

MARINETTE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 07-CX-1

GEORGE and DIANNA HANNAN,

Defendants.

AUTHENTICATED COPY
LINDA L. DUMKE-MARQUARDT
MAR 13 2008
CLERK OF COURTS
MARINETTE COUNTY, WI

STIPULATION AND ORDER FOR JUDGMENT

STIPULATION

Plaintiff State of Wisconsin brought this civil action against defendants George and Dianna Hannan, alleging that Hannans violated Wisconsin's hazardous substance spills law as particularly described in the complaint that began this case. The State and the Hannans now wish to settle the entire case by agreement. Therefore, they enter this stipulation for judgment.

IT IS HEREBY STIPULATED between the parties, the State of Wisconsin, by its attorneys, Attorney General J.B. Van Hollen and Assistant Attorney General Diane Milligan, and George and Dianna Hannan, that this case may be fully and finally settled on its merits, with prejudice, on the following terms and conditions:

1. **Investigation and Remediation.** Hannans agree to continue working with their qualified environmental consultant to finish taking the steps necessary to determine the nature and extent of any contamination associated with the 1998 gasoline spill at the Hannan property located at 125 Highway 141 North, Coleman, Wisconsin (the Site). They also agree to promptly complete any remedial actions necessary to restore the Site, in accordance with their Site Investigation Plan,

as amended by the Department of Natural Resources on February 20, 2008, and in accordance with all applicable requirements in the NR 700 series of the Wisconsin Administrative Code.

2. Hannans agree to take all necessary steps to submit a request for formal case closure, and will obtain formal case closure at the Site, pursuant to Wis. Admin. Code ch. NR 726, on or before December 31, 2008.

3. **Forfeitures and Fees.** In addition to taking the actions required above, Hannans will pay a total of \$6,000.00 in forfeitures, surcharges, costs and attorneys fees. The \$6,000.00 amount consists of \$2,107.30 in forfeitures under Wis. Stat. § 292.99(1), a 26 percent penalty surcharge of \$547.90 under Wis. Stat. § 814.75(18), a 10 percent environmental surcharge of \$210.73 under Wis. Stat. § 814.75(12), \$25.00 in court costs under Wis. Stat. § 814.63(1), an \$8.00 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 percent jail surcharge of \$21.07 under Wis. Stat. § 814.75(14), a \$12.00 justice information system surcharge under Wis. Stat. § 814.75(15), and \$3,000.00 in reasonable attorneys fees and service costs.

4. The \$6,000 due under the preceding paragraph shall be due and payable in thirty-six (36) equal monthly installments of \$166.67 each, with the first payment due within thirty (30) days after the date of entry of judgment, and the remaining payments due each subsequent month on the same day of the month.

5. Defendants shall make the first eighteen payments set forth in the preceding paragraph by check or money order made payable to the State of Wisconsin Department of Justice, and sent to the Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin 53707-7857, to the attention of Assistant Attorney General Diane L. Milligan.

6. Defendants shall make the remaining eighteen monthly payments of \$166.67 by check or money order made payable to the "Marinette County Clerk of Circuit Court," and mailed to the attention of Linda L. Dumke-Marquardt, Clerk of Circuit Court, Marinette County Courthouse, 1926 Hall Avenue, Marinette, WI 54143-1717, along with a cover letter to the Court identifying the case by name and number. A copy of each such check and cover letter to the clerk identifying the case by name and number shall be simultaneously mailed as proof of payment to Assistant Attorney General Diane L. Milligan at the Environmental Protection Unit, Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857.

7. If defendants fail to comply with any provision or deadline in this stipulation, they shall be in default of the stipulated judgment, and all financial obligations remaining or outstanding shall be accelerated and be immediately due and payable, and interest shall be added to the balance due, under Wis. Stat. § 815.05(8), from the date of entry of judgment.

8. Entry and satisfaction in full of the judgment based on this stipulation will fully resolve Hannans' liability to the plaintiff for all violations alleged in the complaint by which the State began this case. However, the Court will retain continuing jurisdiction over the matter until all necessary remediation actions have been completed and the Site is closed in accordance with Wis. Admin. Code ch. NR 726.

9. As approved by the Court and incorporated into its final judgment, this stipulation applies to and binds the parties and their successors and assigns.

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 this 3rd day of March, 2008.

J.B. VANFOLLEN
Attorney General

Daniel E. Sullivan

DIANE L. SULLIVAN
Assistant Attorney General
State Bar # 1117973
Attorney for Plaintiff State of Wisconsin

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin, 53707-7857
(608) 366-9595

Dated this 13 day of March, 2008.

GEORGE D. HANNAN
Defendant

By:

George D. Hannan
GEORGE D. HANNAN

W6826 County Road B
Pound, Wisconsin 54161
(920) 897-4250

Dated this 13 day of March, 2008.

DIANNA L. HANNAN
Defendant

By:

Dianna L. Hannan
DIANNA L. HANNAN

W6826 County Road B
Pound, Wisconsin 54161
(920) 897-4250

ORDER FOR JUDGMENT

The terms of the foregoing settlement stipulation in *State v. George and Dianna Hannan*, Case No. 07-CX-1, under which the defendants must finish investigating and, if required by law, clean up the hazardous substances associated with a spill on their property located at 125 Highway 141 North, Coleman, Wisconsin, and must pay \$6,000.00 in forfeitures, surcharges, and costs, are hereby approved by the Court. The clerk is directed to enter and docket the Judgment accordingly.

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

Dated this 13 day of March 2008.

BY THE COURT:

David G. Miron
David G. Miron
Circuit Judge, Branch 1

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 1

MARINETTE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 07-CX-1

GEORGE and DIANNA HANNAN,

Defendants.

AUTHENTICATED COPY
LINDA L. DUMKE-MARQUARDT

MAR 13 2008
CLERK OF COURTS
MARINETTE COUNTY, WI

JUDGMENT

Based on the Stipulation between the parties, and upon the Court's Order, the terms of which are incorporated into this judgment in their entirety, judgment is hereby granted in favor of the plaintiff, State of Wisconsin, and against the defendants, George and Dianna Hannan, in the amount of \$6,000.00. This sum is comprised of forfeitures, statutory surcharges and costs as follows: forfeitures of \$2,107.30 pursuant to Wis. Stat. § 281.98(1), a 26 percent penalty surcharge of \$547.90 pursuant to Wis. Stat. § 814.75(18), a 10 percent environmental surcharge of \$ 210.73 pursuant to Wis. Stat. § 814.75(12); \$25 in court costs pursuant to Wis. Stat. § 814.63(1), the \$8 crime laboratories and drug law enforcement surcharge pursuant to Wis. Stat. § 814.75(3), the \$68 court support services surcharge pursuant to Wis. Stat. § 814.75(2), a 1 percent jail surcharge of \$ 21.07 pursuant to Wis. Stat. § 814.75(14), the \$12 justice information system surcharge pursuant to Wis. Stat. § 814.75(15), and \$3,000 in attorney fees and costs, pursuant to Wis. Stat. § 281.98(2).

The \$6,000 shall be due and payable in thirty-six (36) equal monthly installments of \$166.67 each, with the first payment due within thirty (30) days after the date of entry of

judgment, and the remaining payments due each subsequent month on the same day of the month.

Defendants shall make the first eighteen payments set forth above by check or money order made payable to the State of Wisconsin Department of Justice, and sent to the Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin 53707-7857, to the attention of Assistant Attorney General Diane L. Milligan. Defendants shall make the remaining eighteen payments by check or money order made payable to the Marinette County Clerk of Circuit Court and delivered to the Clerk of Court, Marinette County Courthouse, 1926 Hall Avenue, Marinette, Wisconsin 54143-1717, along with a cover letter to the Court identifying the case by name and number. A copy of each such check and cover letter to the clerk identifying the case by name and number shall be simultaneously mailed as proof of payment to Assistant Attorney General Diane L. Milligan at the Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin 53707-7857.

If defendants fail to comply with any provision or deadline in the stipulation, they shall be in default of the stipulated judgment, and all financial obligations remaining or outstanding under the stipulation shall be accelerated and be immediately due and payable, and interest shall be added to the balance due, under Wis. Stat. § 815.05(8), from the date of entry of judgment.

Dated this 13 day of March, 2008.

BY THE COURT:

1st David M. Muro