From: James, Andrew G - DNR
Sent: Wednesday, January 19, 2022 5:47 PM
To: Jane Landretti
Cc: Rick A. Manthe; Marjorie Irving; Schmenk, Colin R -DNR; Bower, Phillip R - DNR
Subject: WI DOT French Advertising Site #1 - BRRTS # 03-20-219760

Ms. Landretti,

Thank you for your response and for clarifying your client's position as related to the WI DOT French Advertising Site #1 contamination case (BRRTS # 03-20-219760). You addressed two concerns in your response to the Department of Natural Resources (DNR) letter, advising of a potential Notice of Contamination affidavit to be filed at the Fond du Lac County Register of Deeds' office.

First, please rest assured that DNR understands neither your client, nor the client's trust, currently owns the property formerly known as 235 W. Johnson St. in the City of Fond du Lac, Wisconsin (Property). Therefore, DNR hereby rescinds the draft affidavit naming your client and your client's trust as a responsible party. Apologies for this inconvenience and thank you for this additional information.

Second, with regard to DNR's public database and your client being named a responsible party. You have stated, your client and the client's trust have never had ownership interest in the Property. I have reviewed the BRRTS entry related to this site and confirmed that neither your client, nor the trust are named as a responsible party. We will be sure to upload this document to our public database so that this correspondence and the decision is accessible and viewable to the public.

Thank you again for your letter. Please let me know if you have any follow-up questions and have an excellent rest of your week.

Sincerely,
Andy James

We are committed to service excellence.
Visit our survey at http://dnr.wi.gov/customersurvey to evaluate how I did.

Andy James
Hydrogeologist
Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313
Cell: 715-527-0114
Andrew.James@wisconsin.gov

dnr.wi.gov

From: Jane Landretti <jlandretti@staffordlaw.com>
Sent: Friday, December 31, 2021 1:53 PM
To: James, Andrew G - DNR <andrew.james@wisconsin.gov>
Cc: Rick A. Manthe <rmanthe@staffordlaw.com>; Marjorie Irving <mirving@staffordlaw.com>
Subject: Ltr to DNR re Notice of Contamination

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Hi Andy,

Please find the enclosed letter sent on behalf of Janet French and the Janet Yates French Trust. A hard copy will follow by mail.

Once you've had a chance to review, we'd welcome the chance to discuss.

Thanks much, and have a happy new year.

Jane

STAFFORD ROSENBAUM

Celebrating 140 Years of Excellence

Jane Landretti
JLandretti@staffordlaw.com | 608.210.6302 |
222 West Washington Avenue, Suite 900
P.O. Box 1784 | Madison, Wisconsin 53701-1784
www.staffordlaw.com | LinkedIn
Wisconsin member firm of ALFA International,
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From: Jane Landretti <jlandretti@staffordlaw.com>
Sent: Friday, December 31, 2021 1:53 PM
To: James, Andrew G - DNR
Cc: Rick A. Manthe; Marjorie Irving
Subject: Ltr to DNR re Notice of Contamination
Attachments: 3SO5502-Ltr to DNR re Notice of Contamination.PDF

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StaffordRosenbaum LLP
Attorneys

Rick Manthe
222 West Washington Avenue, Suite 900
P.O. Box 1784
Madison, WI 53701-1784
RManthe@staffordlaw.com
608.259.2684

Jane Landretti
222 West Washington Avenue, Suite 900
P.O. Box 1784
Madison, WI 53701-1784
JLandretti@staffordlaw.com
608.210-6302

December 31, 2021

VIA EMAIL AND U.S. MAIL

Mr. Andy James
Hydrogeologist
WI Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727

Re: Notice of Intent to File Notice of Contamination
235 West Johnson Street, Fond du Lac, WI
BRRTS # 03-20-219760

Dear Mr. James:

Stafford Rosenbaum represents Janet French and the Janet Yates French Trust ("Trust"). I am writing regarding the notice of intent to file notice of contamination affidavit sent to the Trust regarding the property formerly addressed as 235 West Johnson Street, Fond du Lac, Wisconsin ("Property").

Contrary to the DNR's assertion, Janet French and the Trust cannot possibly be a responsible party, as they do not, and have never owned the Property. French Advertising, an S corporation, acquired the property sometime in the 1970s. Prior to that, the Property was used as a fueling station. However, French Advertising primarily used the Property as office space for an advertising company. Around 2008, French Advertising sold all of its assets to a company called Next Media. At no point, did Janet French or the Trust own the Property. Nor did Ms. French or the Trust cause, possess or control any contamination on the Property.

Since Janet French and the Trust do not own the Property, have never owned the Property, and have never caused or controlled the contamination on the property, they cannot be a responsible

Madison Office
222 West Washington Avenue
P.O. Box 1784
Madison, Wisconsin
53701-1784
608.256.0226
888.655.4752
Fax 608.259.2600
www.staffordlaw.com

Milwaukee Office
1200 North Mayfair Road
Suite 430
Milwaukee, Wisconsin
53226-3282
414.982.2850
888.655.4752
Fax 414.982.2889
www.staffordlaw.com

party. Ms. French and the Trust never caused any discharge, nor do they possess or control a hazardous discharge under Wis. Stat. § 292.11.

Accordingly, Ms. French and the Trust respectfully request that the DNR rescind its notice of contamination affidavit against Ms. French and the Trust, as neither have any ownership interest in the Property nor fit within the definition of a responsible party. Ms. French and the Trust also request that the DNR BRRTS' system include documentation establishing that they are not a responsible party.

Best regards,

STAFFORD ROSENBAUM LLP

Jane R. Landretti
Rick Manthe

JRL/RAM:mai