

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH ____

COLUMBIA COUNTY

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

Plaintiff,

v.

Case No. 10-CX- 002
Complex Forfeiture: 30109

DIDION MILLING, INC.
520 Hartwig Blvd.
P.O. Box 400
Johnson Creek, WI 53038,

Defendant.

STIPULATION AND ORDER FOR JUDGMENT
AS TO CLAIMS ONE THROUGH FIVE

The State of Wisconsin brought this civil action against the Defendants Didion Milling, Inc. and Didion Ethanol, LLC seeking forfeitures, costs, and injunctive relief for Defendants' violations of Wisconsin's environmental laws governing sources of air contaminant emissions so as to prevent and reduce air pollution, and the discharge of pollutants into the waters of the state to enhance the quality, management and protection of the state's water resources. The parties now wish to settle this matter by agreement and therefore enter into this Stipulation.

IT IS STIPULATED AND AGREED by the parties that this case 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 Didion Milling, Inc.

2. The Court has jurisdiction over the parties and the subject matter of this action.

3. Judgment as to Claims One through Five in the Complaint shall be entered in favor of the State of Wisconsin and against the Defendant Didion Milling, Inc., in the amount of \$525,000.00. This sum is comprised of forfeitures, statutory surcharges, and costs as follows: \$383,118.62 in forfeitures pursuant to Wis. Stat. § 281.98(1), \$99,610.84 for the 26% penalty surcharge under Wis. Stat. § 814.75(18), \$38,311.86 for the 10% environmental surcharge under Wis. Stat. § 814.75(12), \$25 in court costs under Wis. Stat. § 814.63(1), \$13 for the crime laboratories and drug law enforcement surcharge required by Wis. Stat. § 814.75(3), the \$68 court support services surcharge required by Wis. Stat. § 814.75(2), \$3,831.18 for the 1% jail surcharge under Wis. Stat. § 814.75(14), \$21.50 justice information system surcharge required by Wis. Stat. § 814.75(15).

4. Payment by Didion Milling, Inc. of the amount specified in ¶ 3, above, shall be made in the following installments. Subject to ¶ 6, below, payment of these installments shall not be subject to interest.

- a) \$300,000.00 shall be paid by check to the Columbia County Clerk of Courts within thirty (30) days of the date of the entry of judgment;
- b) \$112,500.00 shall be paid by check to the Columbia County Clerk of Courts within one (1) years of the date of the entry of judgment; and

c) \$112,500.00 shall be paid by check to the Columbia County Clerk of Courts within two (2) years of the date of the entry of judgment.

5. The State agrees that upon payment by Didion Milling, Inc. of each of the installment payments set forth in ¶ 4, above, it shall file with the Court a partial satisfaction of judgment reflecting the amount of such payment.

6. In the event Didion Milling, Inc. fails to timely pay any of the installment payments set forth in ¶ 4, above, the State may provide written notice to counsel for Didion Milling, Inc. of such default. If such default is not cured within fifteen days of the date of such notice, the State shall be entitled to interest in the amount of 12% pursuant to Wis. Stat. § 815.05(8) on the past-due installment payment, which shall accrue from the date of the immediately preceding installment payment through the date on which the past-due installment payment is made.

7. This Stipulation, as approved by the Court, shall apply to and be binding on the parties hereto and their successors and assigns.

8. Except as between the parties to this action, nothing contained in this stipulation and order for judgment shall be construed as an admission of liability by the Defendants in any proceeding now pending or hereafter commenced.

9. Compliance by Didion Milling, Inc. with the Stipulation and Order for Judgment shall constitute full satisfaction and release of Defendants' liability, and the liability of Defendants' employees and agents, for all violations described in or arising out of facts alleged in the complaint, as well as any claims that could have been alleged against the Defendants based on facts or information contained in files of the Wisconsin

Department of Natural Resources as of the date of full execution of this Stipulation except for claims related to the definition of a "major stationary source" as that definition applies to ethanol production facilities after December 1, 2008.

10. The Court shall retain supervisory jurisdiction over the parties for the purpose of enforcing the provisions of this Stipulation and Order for Judgment.

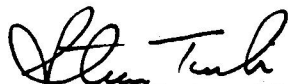
11. The accompanying Order for Judgment and judgment may be entered incorporating the terms of this Stipulation without further notice, and the judgment may be docketed pursuant to Wis. Stat. § 806.10(1).

12. This Order is a final and appealable Order. However, the parties hereby waive their right to appeal the Order.

13. This Stipulation and Order for Judgment constitutes the complete agreement by and between the parties and no other document, agreement or understanding shall be used in construing its terms except as may be expressly referred to in this Stipulation and Order for Judgment.

Dated: March 26, 2010

WISCONSIN DEPARTMENT OF JUSTICE
Attorneys for Plaintiff



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Dated: March 26, 2010

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ORDER FOR JUDGMENT

The Court approves the terms of the foregoing Stipulation in *State v. Didion Milling, Inc. and Didion Ethanol, LLC*, Case No. 10-CX-002, providing for the payment by Didion Milling, Inc. of forfeitures, surcharges, and costs totaling \$525,000.00 and directs the clerk to enter and docket the judgment against Didion Milling, Inc. incorporating the terms of this Stipulation, this 23rd day of April, 2010. This is a final Order between the State, Didion Milling, Inc. for purposes of appeal under Wis. Stat. § 808.03(1).

BY THE COURT:

/s/ Gregory J. Potter

4/23/10

THE HONORABLE GREGORY J. POTTER
Wood ~~Columbia~~ County Circuit Court, Branch I