

CAMBRIANS FOR THOUGHTFUL
DEVELOPMENT, SARAH LLOYD,
DALLAS BUCHOLZ, JOHN MUELLER,
LEONORE NEUMANN, BONNIE SMITH,
and JANELLE ZACHO

Plaintiffs,

v.

Case No. 03-CV-44
Case Code: 30703
Unclassified

VILLAGE OF CAMBRIA,
VILLAGE OF CAMBRIA ZONING
BOARD OF APPEALS

Defendants,

DIDION MILLING, INC.

Intervening Defendant.

STIPULATION AND ORDER FOR DISMISSAL

STIPULATION

Plaintiffs Cambrians for Thoughtful Development and individually-named Plaintiffs (collectively, “Plaintiffs”), by their attorneys, Garvey & Stoddard, S.C., Defendants Village of Cambria and Village of Cambria Zoning Board of Appeals (“Defendants”), by their attorneys Stafford Rosenbaum, LLP, and Intervening Defendant Didion Milling, Inc. (“Intervening Defendant”), by its attorneys, Michael Best & Friedrich, LLP, hereby stipulate and agree as follows:

WHEREAS, Plaintiffs filed this action on or about January 21, 2003, challenging the purported decision of Defendants that Intervening Defendant is not required to obtain a height variance in connection with the construction of Intervening Defendant’s proposed ethanol production facility; and

WHEREAS, the Village of Cambria Plan Commission and Village of Cambria Board rejected Intervening Defendant's application for a zoning permit on May 15, 2003, and June 2, 2003, respectively; and

WHEREAS, Intervening Defendant has not appealed the rejection of its zoning permit application to circuit court, and the time for submitting such appeals has now passed; and

WHEREAS, the current action is rendered moot as Intervening Defendant cannot construct its proposed ethanol plant facility without a zoning permit;

NOW THEREFORE, Plaintiffs, Defendants, and Intervening Defendant, by their attorneys, stipulate that the above-entitled action may be dismissed without costs and without further notice to any of the parties, and request that the Court enter the following order to that effect.

Respectfully submitted,

Dated: _____

GARVEY & STODDARD, S.C.

By: _____

Edward R. Garvey
State Bar No. 1010028
Glenn M. Stoddard
State Bar No. 1020964
Christa Westerberg
State Bar No. 1040530

634 W. Main Street, Suite 101
Madison, WI 53703

Dated: _____

STAFFORD ROSENBAUM LLP

By: _____
Ted Waskowski
State Bar No. _____

Three South Pinckney Street, No. 1000
P.O. Box 1784
Madison, WI 53701-1784

Dated: _____ MICHAEL BEST & FRIEDRICH LLP

By: _____
David A. Crass
State Bar No. _____
Eric M. McLeod
State Bar No. _____

One South Pinckney Street, Suite 700
P.O. Box 1806
Madison, WI 53701-1806

ORDER

On reading the foregoing Stipulation,

IT IS HEREBY ORDERED that the above-entitled action is dismissed, without costs and without further notice to any of the parties.

Dated this ____ day of _____, 2003.

BY THE COURT:

Hon. James Miller
Circuit Court Judge