

IN THE DISTRICT COURT OF CUMING COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel,
MICHAEL J. LINDER, Director,
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Plaintiff,

v.

DONALD KNOBBE, DEAN KNOBBE,
and THOMAS KNOBBE, individuals
doing business as KORNER PIG
COMPANY, a Nebraska partnership,

Defendants.

Case No. CI 2-88

CONSENT DECREE

RECEIVED
DISTRICT COURT
NOV 30 PM 12 49
CUMING COUNTY NEBRASKA

COME NOW the parties, Plaintiff, Michael J. Linder, Director of the Nebraska Department of Environmental Quality (hereinafter "NDEQ"), proceeding on his Complaint filed herein and appearing through his Counsel, Jon Bruning, Attorney General, and Defendants, Donald Knobbe, Dean Knobbe, and Thomas Knobbe, individuals doing business as Korner Pig Company, a Nebraska partnership pursuant to NEB.REV.STAT. § 67-401 *et seq.* (Reissue 2009), and each party having consented to the making and entering of this Consent Decree without trial, the Court finds that the Consent Decree should be and hereby is entered.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to the Nebraska Environmental Protection Act, NEB.REV.STAT. § 81-1501 *et seq.* (Reissue 2008), and all rules and regulations and orders promulgated thereunder.

2. In the Complaint, the Plaintiff alleged, in pertinent part, that Defendants allowed livestock waste to flow out of a damaged earthen pit and flow toward Pebble Creek, in violation of the Nebraska Environmental Protection Act, the Nebraska Livestock Waste Management Act, and certain rules and regulations adopted and promulgated pursuant to such Acts.



000010503D24



92040002102

3. The parties agree that settlement of this matter is in the public interest and that entry of this Consent Decree is the most appropriate means of resolving their dispute. The parties desire to conclude this case without trial or adjudication of any issues of fact or law, without this Consent Decree constituting an admission by Defendants with respect to such issues.

4. This Consent Decree shall be in full satisfaction of all claims between the parties alleged in Plaintiff's complaint. The parties also agree to release any and all claims or actions arising out of the same transaction or occurrences referenced above and in Plaintiff's complaint, provided that such claims were known to NDEQ, or were reasonably ascertainable from information in NDEQ's possession, as of the date of the filing of the Consent Decree.

5. IT IS THEREFORE ORDERED that Defendants shall pay a civil penalty, under NEB.REV.STAT. § 81-1508.02 (Reissue 2008), in the amount of \$5,000.00 as well as court costs in the amount of \$82.00, to the District Court of Cuming County, Nebraska. The civil penalty shall be handled as provided in Article VII, Section V, of the Constitution of the State of Nebraska.

- a. \$2,500.00 of said civil penalty shall be paid within ten days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.
- b. \$2,500.00 of the civil penalty shall be paid to this Court no more than 180 days from the entry of this Consent Decree by the Court. However, if Defendants maintain compliance with and do not violate any provisions of the Nebraska Environmental Protection Act, the Nebraska Livestock Waste Management Act, or any rules and regulations adopted and promulgated pursuant to such Acts during the 180 days following the entry of this Consent Decree, then payment of this \$2,500.00 of civil penalties will be waived.
- c. To qualify for the \$2,500.00 waiver of civil penalties as stated in paragraph 5(b), Defendants will file with the Court and serve upon Plaintiff a showing within fifteen

(15) days prior to the due date of the civil penalties. The showing will certify that Defendants have maintained compliance with all requirements listed in paragraph 5(b). Plaintiff shall file a satisfaction of judgment within ten (10) days of receipt of Defendants' showing. If Defendants violate the requirements in paragraph 5(b) during the 180 days following the entry of this Consent Decree, Plaintiff, in its sole discretion, may file an objection to Defendants' showing. If Plaintiff files an objection to Defendants' showing, the determination of this waiver provision will be stayed pending ongoing enforcement proceedings.

6. This Consent Decree will have no effect on any enforcement action brought by NDEQ against Defendants for future violations of any statutes or regulations.

7. The undersigned consent without further notice to the form and entry of this consent decree.

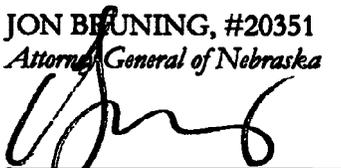
DATED THIS 29 day of November, 2012, in Cuming County, Nebraska.

BY THE COURT:


District Judge of Cuming County, Nebraska

STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

By: JON BRUNING, #20351
Attorney General of Nebraska

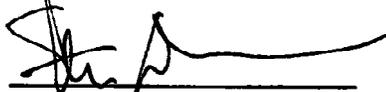
By: 
David A. Lopez, #24947
Assistant Attorney General

2115 State Capitol Building
P.O. Box 98920
Lincoln, Nebraska 68509-8920
(402) 471-1814
dave.lopez@nebraska.gov

Attorneys for Plaintiff.

DONALD KNOBBE, DEAN KNOBBE,
and THOMAS KNOBBE, Individuals
doing business as KORNER PIG COMPANY, Defendants

By:



Stephen D. Mossman
Mattson Ricketts Davies Stewart & Calkins
134 South 13th Street, Suite 1200
Lincoln, NE 68508
(402) 475-8433
sdm@mattsonricketts.com

Attorney for Defendants.

RECORDED IN

JOURNAL No. 416 Page 444-446