

IN THE DISTRICT COURT OF MADISON COUNTY, NEBRASKA

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

Plaintiff,

v.

COE CATTLE CO.,

Defendant.

Case No. \_\_\_\_\_

COMPLAINT

The State of Nebraska, on behalf of the Nebraska Department of Environmental Quality (NDEQ), alleges the following:

1. The Plaintiff is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. §81-1504(1) (Reissue 2008) of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. §81-1501 (Reissue 2008 and Supp. 2009) *et seq.* and all rules, regulations, orders and permits created thereunder.

2. At all times material herein, the Defendant, COE Cattle Co., a corporation authorized to do business in Nebraska, owned and operated an animal feeding operation located at 3409 S. 37<sup>th</sup> St., Norfolk, Nebraska, legally described as N 1/2, Section 8 and S 1/2, Section 5, Township 23N, Range 1W, Madison County, Nebraska.

3. Defendant is a "person" as defined in Neb. Rev. Stat. §81-1502(10).

4. Pursuant to Nebraska Revised Statute §81-1506 (1) (a) it is unlawful for any person to cause pollution of any waters or land of the state or to place or cause any



wastes to be placed in a location where they are likely to cause pollution of any waters of the state.

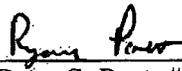
5. On or about May 25, 2011, Defendant allowed or caused livestock waste from its animal feeding operation to flow into Antelope Run Creek. This constitutes a violation of §81-1506 (1) (a).

6. Pursuant to Neb. Rev. Stat. §81-1508.02 (2), a civil penalty is provided in the amount of not more than \$10,000 (ten thousand dollars) for each day of violation. In case of a continuing violation, each day shall constitute a separate offense.

WHEREFORE, the plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of civil penalties as provided in Neb. Rev. Stat. §81-1508.02 (2) and further that all costs of this action be taxed to the Defendant.

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

By: Jon C. Bruning, #20351  
Attorney General

By:   
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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon the Defendant by regular United States mail, first class postage prepaid on this 26<sup>th</sup> day of November, 2012 addressed to the Defendant as follows:

COE Cattle Co.  
T. Edward McClymont  
3409 S. 37<sup>th</sup>  
P.O. Box 1141  
Norfolk, Nebraska 68702-1141

  
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Ryan S. Post  
Assistant Attorney General