

IN THE DISTRICT COURT FOR DAWSON COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
 PATRICK W. RICE, Acting Director, NEBRASKA)
 DEPARTMENT OF ENVIRONMENTAL)
 QUALITY,)
)
 Plaintiff,)
)
 v.)
)
 TERRY L. JESSEN, TJ CORP 2010;)
 d/b/a COMFORT SUITES,)
)
 Defendant.)

Case No. 13-393

CONSENT FOR RELEASE OF FUNDS PURSUANT
 TO SETTLEMENT RELEASE AND
 SATISFACTION

The Nebraska Department of Environmental Quality ("NDEQ") and Terry L. Jessen ("Jessen") jointly filed this Consent For Release of Funds Pursuant to the Settlement Release and Satisfaction, and each party having consented to the making and entering of this Consent without trial, the Court finds that the Consent for Release of Funds should be and hereby is entered.

1. This 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 2014), and all rules, regulations, and orders promulgated and issued thereunder.

2. NDEQ alleged that Jessen *et al* failed to properly obtain coverage under the National Pollutant Discharge Elimination System Construction Storm Water General Permit (NER110000) prior to beginning construction of a hotel project near Gothenburg, Nebraska. Jessen *et al* specifically denies the same.

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

4. The Consent shall be in full satisfaction of all claims alleged Complaint. NDEQ and Jessen agree to release all claims arising out the same transaction or occurrences referenced in the Complaint, provided such claims were known, or were reasonably ascertainable from information within the parties' possession, as of the date of the entry of the Consent.



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STATE OF NEBRASKA
 DAWSON COUNTY

DEC 22 2014

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 CLERK OF DISTRICT COURT



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5. Entry of this Consent will have no effect on any enforcement action brought by the State or NDEQ against Jessen *et al* for future violations of any statutes or regulations.

IT IS THEREFORE ORDERED:

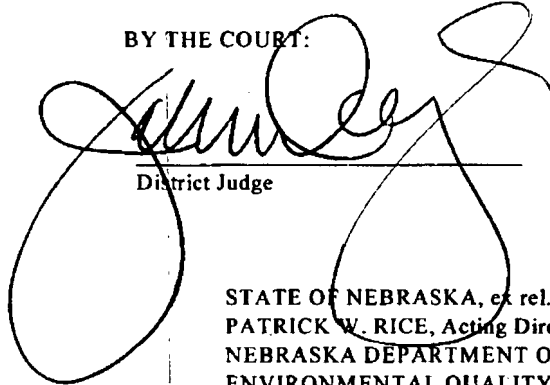
6. Terry Jessen *et al* shall pay a compromised settlement, with Jessen *et al* denying liability. Jessen *et al* shall pay the amount of ten thousand dollars (\$10,000.00) as a compromised settlement. The proceeds are being accepted by the plaintiff as a civil penalty for distribution as provided in Article VII, Section V, of the Nebraska Constitution and will be paid within fifteen (15) days of the date of the Court signing this order.

7. The plaintiff herein shall sign the separate Release and Satisfaction prepared by the defendant.

8. This action is otherwise hereby dismissed with prejudice .

Dated this ^{22nd} day of December, 2014, in Dawson County, Nebraska.

BY THE COURT:



District Judge

STATE OF NEBRASKA, *et rel.*,
PATRICK W. RICE, Acting Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

By: JON C. BRUNING, Attorney General

s/Blake E. Johnson
Blake E. Johnson, #24158
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Lincoln, Nebraska 68509-8920
(402) 471-2682
blake.johnson@nebraska.gov

Attorneys for Plaintiff

CERTIFICATE

The undersigned certifies that the foregoing document was served upon all pro se parties to the above cause and to each of the attorneys of record herein at their respective addresses as shown on the pleadings on Dec 22, 2014

- U.S. Mail
 FAX
 Hand Delivered
 Certified Mail

Signature: Blake E. Johnson (Atty Gen)

**TERRY L. JESSEN, TJ CORP 2010,
Defendant**

By: *s/Sterling T. Huff*
Sterling T. Huff, #21732
Island & Huff, PC, LLO
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Gering, Nebraska 69341
(308) 635-4900

Attorney for Defendant