

IN THE DISTRICT COURT OF CLAY COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., )  
JIM MACY, Director, )  
NEBRASKA DEPARTMENT OF )  
ENVIRONMENT AND ENERGY, )

Case No. CI 20-49

Plaintiff, )

ORDER

v. )

**FILED**  
IN THE DISTRICT COURT OF  
CLAY COUNTY, NEBRASKA

HEARTLAND SWINE, INC., a )  
Nebraska Corporation, )

JAN 6 2021

Defendant. )

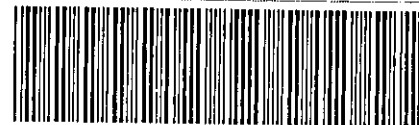
AM 123 P  
JONI BITTERMAN  
CLERK OF THE DISTRICT COURT

NOW ON THIS 6th day of January 2021, this matter came before this Court upon the Plaintiff's Motion for Default Judgment. Exhibits 1 and 2, Affidavits in Support of Motion for Default Judgment, were received into evidence, and judicial notice was taken of the pleadings in this matter.

THE COURT HEREBY FINDS that the Defendant, Heartland Swine, Inc., is in default.

IT IS THEREFORE ORDERED THAT:

1. Heartland Swine violated the Nebraska Environmental Protection Act, the Integrated Solid Waste Management Act, the Livestock Waste Management Act and the rules and regulations applicable to those Acts;
2. Heartland Swine shall comply with requirement (A) of the April 24, 2018 Administrative Order within 60 days of the entry of this Court's Order;
3. Heartland Swine shall comply with requirement (D) of the April 24, 2018 Administrative Order by installing a staff gauge in its earthen storage pit and agitating and pumping out the earthen storage pit within 60 days of the entry of this Court's Order;



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4. Heartland Swine shall remove all solid waste in the unpermitted swine pit and dispose the solid waste at a permitted solid waste management facility within 60 days of the entry of this Court's Order;
5. Heartland Swine shall pay \$ 120,000.00 in civil penalties to this Court within 60 days of the entry of this Court's Order to be deposited and remitted to the County Treasurer for Clay County for distribution in accordance with Article VII, section 5, of the Nebraska Constitution; and
6. All costs of this action are taxed to Heartland Swine.

IT IS SO ORDERED.

BY THE COURT



Honorable Stephen R. Illingworth, District Judge

Prepared by:

/s/ Maegan L. Woita

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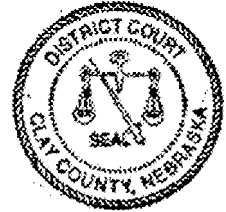
*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on January 11, 2021 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Heartland Swine, Inc.  
501 N Division Ave  
P.O. Box 386  
York, NE 68467

Maegan L Woita  
Maegan.woita@nebraska.gov



Date: January 11, 2021

BY THE COURT:

*Joni Bitterman*  
CLERK