

(B)

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., )  
 MICHAEL J. LINDER, Director )  
 DEPARTMENT OF ENVIRONMENTAL )  
 QUALITY, )  
 Plaintiff, )  
 v. )  
 )  
 )  
 ADAMS LAND & CATTLE CO. )  
 )  
 Defendant. )

Case No. CI11-3304  
 2011 AUG 9 AM 9 00  
 CLERK OF THE  
 DISTRICT COURT  
 LANCASTER COUNTY

COMPLAINT

COMES NOW the Nebraska Department of Environmental Quality (hereinafter the "Department" or "Plaintiff"), who institutes this action through Jon C. Bruning, Attorney General, and alleges and states as follows:

FIRST CLAIM

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) et seq.

2. At all times material herein the Defendant, Adams Land & Cattle Co., owned and operated an animal feeding operation, located in Custer County, Nebraska.

3. Pursuant to Nebraska Revised Statute §81-1506 (1) (a) (Reissue 2008) it is unlawful for any person to cause pollution of any waters or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any land or waters of the state.

4. On or about September 23 and continuing until approximately 7:30 a.m. on September 24, 2010, Defendant caused pollution to waters or land of the state or placed or



001031664D02

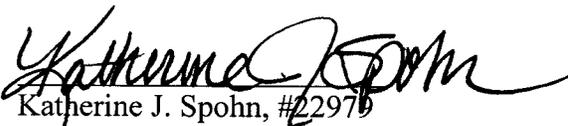
caused wastes to be placed in a location where they are likely to cause pollution to any waters or lands of the state.

5. Pursuant to Neb. Rev. Stat. §81-1508.02 (2), a civil penalty is provided in the amount of not more than \$10,000.00 (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 a civil penalty as provided under Neb. Rev. Stat. §81-1508.02 (Reissue 2008), 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   
Katherine J. Spohn, #22979  
Special Counsel to the Attorney General  
2115 State Capitol Building  
P.O. Box 98920  
Lincoln, Nebraska 68509-8920  
Telephone: (402) 471-2682  
[katie.spohn@nebraska.gov](mailto:katie.spohn@nebraska.gov)

*Attorneys for Plaintiff.*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon Defendant by regular United States mail, first class postage prepaid on this 8<sup>th</sup> day of August, 2011, addressed to the Defendant's attorney of record as follows:

Mike Mostek  
Koley Jessen P.C., L.L.O.  
One Pacific Place  
1125 South 103<sup>rd</sup> Street, Suite 800  
Omaha, Nebraska 68124

  
Katherine J. Spohn  
Special Counsel to the Attorney General