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03-20-2017
CIRCUIT COURT
DANE COUNTY, WI
2016CV002816

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March 20, 2017

Honorable Valerie L. Bailey-Rihn
Dane County Circuit Court, Branch 3
Dane County Courthouse
215 South Hamilton Street
Madison, WI 53703

RE: *Clean Wisconsin, et al. v. DNR*, Case Nos. 16-CV-2816, *et seq.*

Dear Judge Bailey-Rihn:

Enclosed please find a proposed order denying the motion to dismiss, as requested at oral argument last week. Counsel for DNR has reviewed and agrees with the form of the order.

Thank you for your attention to this matter.

Sincerely,

AXLEY BRYNELSON, LLP

Carl A. Sinderbrand

CAS/sal

Enclosures

cc: Jennifer L. Vandermeuse, Assistant Attorney General
Attorney Robert L. Fassbender
Attorney Katie Nekola
Dr. Frances Rowe
Mr. Tom Kunes

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
Branch 3

CLEAN WISCONSIN, INC.
634 West Main Street, Suite 300
Madison, WI 53703

and

PLEASANT LAKE MANAGEMENT DISTRICT
P.O. Box 230
Coloma, WI 54930,

Petitioners,

v.

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES,
101 South Webster Street
Madison, WI 53707,

Respondent.

Case Nos. 16-CV-2817
16-CV-2818
16-CV-2819
16-CV-2820
16-CV-2821
16-CV-2822
16-CV-2823
16-CV-2824

Case Code: 30607
Administrative Agency Review

ORDER DENYING MOTION TO DISMISS

The Respondent, Wisconsin Department of Natural Resources, having moved the Court to dismiss the above-referenced actions; and

The Petitioners, Clean Wisconsin, Inc., *et al.*, having opposed that motion; and

The Parties having fully briefed the motion and having presented oral argument to the Court on March 16, 2017; and

The Court having rendered an oral decision from the bench on March 16, 2017, denying the motion to dismiss in its entirety;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent's motion to dismiss is denied in its entirety for the reasons set forth in the Court's decision from the bench;
2. A decision on the award of costs and any fees is deferred pending further motion by the Petitioners; and
3. The caption of these consolidated cases is amended as shown above to reflect the previous dismissal of case No 16-CV-2816 by stipulation of the parties.

Dated this ____ day of _____, 2017.

BY THE COURT:

Valerie L. Bailey-Rihn, Circuit Judge

Dated this 20th day of March, 2017

BY THE COURT:

Electronically signed by Judge Valerie Bailey-Rihn

Valerie L. Bailey-Rihn, Judge