

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA and
THE STATE OF WISCONSIN,

Plaintiffs,

v.

Case No. 10-C-910

NCR CORPORATION, et al.,

Defendants.

ORDER FOR DISBURSEMENT

Settling Defendant Kimberly-Clark Corporation has paid \$1,350,000 into a Court Registry Account as prescribed by a Consent Decree that was lodged with the Court (Dkt. 924-2) and a subsequent Order entered by the Court (Dkt. 926). The Court recently approved and entered that Consent Decree (Dkt. 961, 962). The Plaintiffs have now filed a Motion asking the Court to authorize the disbursement of the Kimberly-Clark settlement payment (plus accrued interest) to Plaintiffs, as envisioned by that Consent Decree concerning the Lower Fox River and Green Bay Superfund Site (the "Site").

NOW, THEREFORE, in light of the Plaintiffs' Motion, and good cause appearing, **IT IS HEREBY ORDERED**:

1. Consistent with Paragraphs 6 and 9 of the Consent Decree, the \$1,350,000 that Kimberly-Clark paid into a Court Registry Account (and all accrued interest on that deposit) shall be disbursed to the United States and the State of Wisconsin after entry of this Order, as follows:

a. \$400,000 (plus the corresponding interest on that amount) shall be disbursed to the United States; and

b. \$950,000 (plus the corresponding interest on that amount) shall be disbursed to the State of Wisconsin.

2. The United States and the State of Wisconsin shall provide the Financial Manager in the Clerk's Office payment instructions to facilitate the Court Registry Account disbursements described above.

3. Pursuant to 28 U.S.C. § 1914(b) and the Judicial Conference Schedule of Fees, no fees shall be charged for the services rendered in conjunction with this use of a Court Registry Account.

4. For the amount disbursed to the United States under Subparagraph 1.a, the United States shall ensure that the total amount is allocated such that: (i) \$175,000 (plus all accrued interest on that portion of the total) shall be deposited in the Lower Fox River and Green Bay Superfund Site Special Account within the EPA Hazardous Substance Superfund, to be retained and used to conduct or finance response actions at or in connection with the Site, or to be transferred by EPA to the EPA Hazardous Substance Superfund; and (ii) \$225,000 (plus all accrued interest on that portion of the total) shall be deposited in a Site-specific sub-account within the Department of the Interior's Natural Resource Damage Assessment and Restoration Fund, to be managed by DOI for the joint benefit and use of the Trustees to pay for natural resource damage restoration projects jointly selected by the Trustees and/or to be applied toward natural resource damage assessment costs incurred by DOI and the State.

5. For the amount disbursed to the State of Wisconsin under Subparagraph 1.b, the State shall ensure that the total amount is deposited in a segregated fund under the direction of WDNR, to be retained and used to conduct or finance response actions at or in connection with the Site, or to be transferred to the EPA Hazardous Substance Superfund.

Dated this 19th day of December, 2014.

/s William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court

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ORDER APPROVING STIPULATION

Based on the stipulation of the parties:

1. Appvion shall be granted leave to file the Amended Counterclaim that is attached as Exhibit A to Dkt. # 969. Upon the Court's entry of this Stipulation and Agreed Order, the Amended Counterclaim shall be deemed filed on December 22, 2014, and it shall supersede Appvion's previously asserted counterclaims.

2. The United States' response to Appvion's Amended Counterclaim shall be due February 23, 2015.

3. Appvion shall not file any claim against the United States in the Whiting case that arises out of the same transaction or occurrence that is the subject matter of Appvion's Amended

Counterclaim in this case.

4. The clerk shall detach the amended counterclaim and enter it on the docket.

SO ORDERED this 23rd day of December, 2014.

/s William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court