

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA and  
THE STATE OF WISCONSIN,

Plaintiffs,

v.

Case No. 10-C-910

NCR CORPORATION, *et al.*,

Defendants.

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**ORDER AUTHORIZING COURT REGISTRY ACCOUNT DEPOSIT**

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The United States has filed an unopposed Motion for entry of an Order authorizing a \$20,500,000 Court Registry deposit by Defendant P.H. Glatfelter Company, as envisioned by a proposed Consent Decree with P.H. Glatfelter Company and Georgia-Pacific Consumer Products LP that has been lodged with the Court.

**NOW, THEREFORE**, in light of the United States' Motion, and good cause appearing,

**IT IS HEREBY ORDERED:**

1. The Clerk of the Court shall accept Glatfelter's \$20,500,000 payment into a Court Registry Account, as envisioned by the proposed Consent Decree.
2. Glatfelter's payment shall be made in a manner that is acceptable to the Financial Manager in the office of the Clerk of the Court. The funds deposited in a Court Registry Account shall earn interest in accordance with the normal investment procedures of the Clerk of the Court. Pursuant to 28 U.S.C. § 1914(b) and the Judicial Conference Schedule of Fees,

no fees shall be charged for services rendered on behalf of the United States in conjunction with this deposit of funds into a Court Registry Account.

3. Any disbursement of these funds from a Court Registry Account shall be made only in accordance with a separate Withdrawal Order entered by this Court.

4. If the Court approves the Consent Decree after a public comment period, the funds deposited by Glatfelter (plus accrued interest) would be disbursed to the United States pursuant to a Withdrawal Order, as specified by Paragraph 26 of the Consent Decree.

5. In the event the United States withdraws or withholds its consent to the Consent Decree before entry, or the Court declines to enter the Consent Decree, the funds deposited by Glatfelter (plus accrued interest) would be returned to Glatfelter pursuant to a separate Withdrawal Order.

**SO ORDERED** this 3<sup>rd</sup> day of January, 2019.

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

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**ORDER**

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The government lodged a proposed consent decree involving P.H. Glatfelter Company and Georgia-Pacific Consumer Products LP with the court in January 2019, which was subject to a thirty-day public comment period. On March 14, 2019, the government filed an unopposed motion seeking court approval of that settlement and vacatur of certain prior decisions. Upon review of the decree and the brief in support, the court finds that the settlement is reasonable, is consistent with the purposes of CERCLA, and will help achieve clarity and finality. The government also seeks entry of an order vacating three of the court's decisions: the January 3, 2017 Decision and Order on Plaintiffs' Motion *in Limine*, the February 5, 2018 Decision and Order on Cross Motions for Summary Judgment on Recovery of Response Costs from P.H. Glatfelter Co., and the July 13, 2018 Decision and Order Denying Plaintiffs' Motion for Reconsideration. The vacatur of those decisions is a condition precedent to the settlement. I conclude that it is appropriate to vacate those decisions to facilitate a settlement.

**IT IS THEREFORE ORDERED** that the government's motion (ECF No. 1255) is **GRANTED**. The consent decree is hereby approved. The clerk is directed to enter the consent decree (ECF No. 1252-1) on the docket.

**IT IS FURTHER ORDERED** that the orders found at ECF Nos. 1167, 1217, and 1239 are hereby **VACATED** in accordance with the terms of the consent decree.

**IT IS FURTHER ORDERED** that any remaining motions are **DENIED as moot**.

Dated this 14th day of March, 2019.

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