

IN THE DISTRICT COURT OF PIERCE COUNTY, NEBRASKA

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|------------------------------|---|---------------------------|
| STATE OF NEBRASKA, ex rel., |) | Case No. CI-24-022 |
| THADDEUS D. FINERAN, Interim |) | |
| Director, |) | |
| NEBRASKA DEPARTMENT OF |) | |
| ENVIRONMENT AND ENERGY, |) | |
| |) | |
| Plaintiff, |) | CONSENT DECREE |
| |) | |
| v. |) | |
| |) | |
| DICKIE VENTURES, LLC and |) | |
| POWER SPORTS NATION, LLC, |) | |
| |) | |
| Defendants. |) | |

COMES NOW Plaintiff, the State of Nebraska on behalf of Thaddeus D. Fineran, Interim Director of the Nebraska Department of Environment and Energy (“Department”), proceeding on the Complaint filed herein and appearing through counsel, Michael T. Hilgers, Nebraska Attorney General, and Joshua E. Dethlefsen, Assistant Attorney General, and Defendants, Dickie Ventures, LLC and Power Sports Nation, LLC, by and through their counsel, Steven P. Case, and each party having consented to the making and entering of this Consent Decree without trial, request entry of this Consent Decree.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. This Court has jurisdiction over the subject-matter of this action, pursuant to Neb. Rev. Stat. § 24-302, and over the parties to this action. Venue is proper pursuant to Neb. Rev. Stat. § 25-403.01, as the events at issue took place in Pierce County.

2. In the Complaint, Plaintiff alleges Defendant violated the Nebraska Environmental Protection Act (“NEPA”), Neb. Rev. Stat. § 81-1501 *et seq.*, and the Integrated Solid Waste Management Act (“ISWMA”), Neb. Rev. Stat. § 13-2001 *et seq.*, by, *inter alia*, allowing pollution of the land of the state by



improperly storing tires on its property without a permit, polluting the land and air of the state when those tires accidentally caught fire, and polluting the air and land of the state by burning cardboard on its property without a permit.

3. The parties agree settlement of this matter is in the public interest and entry of this Consent Decree is the most appropriate means of resolving their dispute. The parties desire to conclude this case without trial or adjudication of any issues of fact or law. The parties further desire to conclude this case without this Consent Decree constituting an admission by Defendants with respect to such issues.

4. This Consent Decree will be in full satisfaction of all claims between the parties alleged in Plaintiff's Complaint. This Consent Decree does not satisfy any unknown or future violations of any statutes or rules and regulations.

5. IT IS THEREFORE ORDERED that Defendants shall pay a civil penalty, under Neb. Rev. Stat. § 81-1508.02(2), in the amount of twenty-five thousand dollars (\$25,000.00) to the District Court for Pierce County, Nebraska, as well as reimburse the Plaintiff for court costs in the in the amount of eighty-six dollars (\$86.00), subject to the following:

- A. Twelve thousand five hundred dollars (\$12,500.00) of the civil penalty shall be paid by Defendants within thirty (30) days of entry of the Consent Decree and made payable to the Clerk of the District Court for Pierce County. Defendants shall also reimburse the Plaintiff for court costs in the amount of eighty-six dollars (\$86.00) within thirty (30) days of entry of the Consent Decree and made payable to the Nebraska Attorney General's Office; and
- B. The remaining twelve thousand five hundred dollars (\$12,500.00) of the civil penalty shall be waived if Defendants have no material violations of NEPA or ISWMA, including applicable rules and regulations,

for a period of six months from the entry of the Consent Decree.

- C. If Defendants do not comply with all of the requirements of Paragraph 5(B), above, then the remaining twelve thousand five hundred dollars (\$12,500.00) will not be waived and, instead, Defendants shall pay the remaining half of civil penalty to the Clerk of the District Court for Pierce County within thirty (30) days of notice of failure to comply with and satisfy the requirements for waiver of the remaining half of the civil penalty.
- D. The civil penalty will be deposited by the Court and remitted to the County Treasurer for Pierce County for use and support of the common schools in Pierce County as directed by Article VII, Section 5, of the Nebraska Constitution.
- E. No later than fourteen (14) days after the six-month compliance period ends, Defendants shall provide Plaintiff with a Showing of Compliance. This Showing of Compliance must demonstrate Defendants complied with all terms and conditions in the Consent Decree. The Department will verify compliance with the Consent Decree. Plaintiff will file a Satisfaction of Judgment with the Court after Defendants provide their Showing of Compliance and the Department verifies Defendants fully complied with all terms and conditions in this Consent Decree. If Defendants, however, do not comply with all terms and conditions of the Consent Decree during the six-month compliance period, then Plaintiff, in its sole discretion, may file with the Court a motion to enforce the terms of the

Consent Decree and to recover any unpaid civil penalties.

6. This Consent Decree is binding on Defendants' successors and assigns. Any change in ownership or corporate or other legal status, including, but not limited to any transfer of assets or real or personal property, shall in no way alter the status or responsibilities of Defendants under this Consent Decree.

7. This Consent Decree will have no preclusive effect on any enforcement action brought by Plaintiff against Defendants for unknown or future violations of any statutes or rules and regulations. Defendants acknowledge that noncompliance with the terms and conditions set forth in this Consent Decree may also be violations of NEPA, ISWMA, or other applicable statutes, rules, and regulations, and this Consent Decree does not preclude Plaintiff from bringing an independent enforcement action seeking civil penalties and/or injunctive relief for such violations.

8. Plaintiff reserves its rights to seek civil penalties and/or injunctive relief against Defendants for unknown or future violations of NEPA, IWSMA, and other applicable statutes, rules, and regulations.

9. The undersigned consent without further notice to the form and entry of this Consent Decree.

DATED this 20th day of August 2024, in Pierce County, Nebraska.

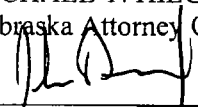
BY THE COURT:



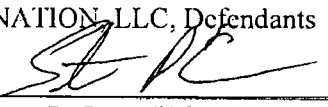
District Judge of Pierce County, Nebraska

STATE OF NEBRASKA, ex rel.,
THADDEUS D. FINERAN, Interim
Director, NEBRASKA DEPARTMENT OF
ENVIRONMENT AND ENERGY, Plaintiff

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Nebraska Attorney General

BY: 
/s/ _____
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