

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF KOOCHICHING

NINTH JUDICIAL DISTRICT

Case Type: Civil

In re Government Shutdown Litigation,

Chief Judge Kathleen Gearin  
Court File No. 36-CV-11-471

Whitefish Creek Enterprises, Inc., Erickson  
Timber Products, Incorporated, Erickson  
Herefords, Inc., and Hasbargen Logging, Inc.,

Plaintiffs,

vs.

**ORDER FOR DISMISSAL WITH  
PREJUDICE**

Tom Landwehr, in his official capacity as  
Commissioner, Minnesota Department of  
Natural Resources,

Defendant.

Based upon the Stipulation Of Dismissal With Prejudice submitted by the parties,

IT IS HEREBY ORDERED that:

1. The undersigned's July 15, 2011 order ending and vacating Judge LeDuc's June 30 and July 1, 2001 orders shall remain in effect except for the portion setting a Temporary Injunction hearing for July 18, 2011. That hearing is cancelled.
2. The one thousand dollar bond is returned to Plaintiffs, and
3. The above-entitled action is dismissed on the merits and with prejudice and without any fees or costs to any party. The present law of the case is that the DNR will continue to suspend all timber sale permit operations except as stated in the attached stipulated settlement.

DATED: 7-15-11

BY THE COURT



Honorable Kathleen Gearin  
Chief Judge, Second Judicial District

STATE OF MINNESOTA

DISTRICT COURT

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Timber Products, Incorporated, Erickson  
Herefords, Inc., and Hasbargen Logging, Inc.,

Plaintiffs,

vs.

**STIPULATED SETTLEMENT AND  
STIPULATION OF DISMISSAL WITH  
PREJUDICE**

Tom Landwehr, in his official capacity as  
Commissioner, Minnesota Department of  
Natural Resources,

Defendant.

The Plaintiffs and Defendant ("DNR") stipulate and agree as follows:

1. The DNR will amend paragraph 1 of the Commissioner's Order Suspending All Operations On State Timber Sales Permits, dated 6/24/11, to read as follows (additions indicated by underscore, deletions by ~~strike through~~):

1. Operations on all state timber sale permits are suspended; with the exception that through ~~July 14, 2011~~ September 1, 2011 hauling of wood will be permitted from approved landings located immediately adjacent to and directly accessed by a county or state highway, township road, national forest system road or DNR state forest "system" road. This includes wood under a consumer scale agreement, SOAV permit, or other wood that is state scaled (as per permit conditions) prior to the shutdown. The use of load tickets, load marketing and all other permit requirements must be met.

2. The temporary restraining order imposed by the Order On Motion For Temporary Restraining Order, dated June 30, 2011, by the Koochiching County District Court, Honorable Charles H. LeDuc, including the Amended Order of the same date, may be dissolved by the Court, and no temporary injunction shall issue.

3. Notwithstanding the temporary restraining order imposed by the Order On Motion For Temporary Restraining Order, dated June 30, 2011, by the Koochiching County District Court, Honorable Charles H. LeDuc, including the Amended Order of the same date, Plaintiffs will immediately abide by the terms of the amended Commissioner's Order Suspending All Operations On State Timber Sales Permits, as provided in Paragraph 1 of this Stipulation.

4. Plaintiffs hereby dismiss the above-entitled lawsuit, together with all causes of action and claims that were or that might have been alleged therein, on the merits and with prejudice, without any fees or costs to any party, and agree that the Court may issue the Order for Dismissal With Prejudice in the form attached hereto as Exhibit A.

Dated: July 14, 2011.

MINNESOTA DEPARTMENT OF  
NATURAL RESOURCES



By: Dave Schad, Deputy Commissioner

Dated: \_\_\_\_\_.

STEVEN M. SHERMOEN LAW OFFICE

\_\_\_\_\_  
Steven M. Shermoen, #0100304

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P.O. Box 1152  
International Falls, MN 56649-2415  
(218) 285-2972

Attorney for Plaintiffs

3. Notwithstanding the temporary restraining order imposed by the Order On Motion For Temporary Restraining Order, dated June 30, 2011, by the Koochiching County District Court, Honorable Charles H. LeDuc, including the Amended Order of the same date, Plaintiffs will immediately abide by the terms of the amended Commissioner's Order Suspending All Operations On State Timber Sales Permits, as provided in Paragraph 1 of this Stipulation.

4. Plaintiffs hereby dismiss the above-entitled lawsuit, together with all causes of action and claims that were or that might have been alleged therein, on the merits and with prejudice, without any fees or costs to any party, and agree that the Court may issue the Order for Dismissal With Prejudice in the form attached hereto as Exhibit A.

Dated: \_\_\_\_\_.

MINNESOTA DEPARTMENT OF  
NATURAL RESOURCES

\_\_\_\_\_  
By: Dave Schad, Deputy Commissioner

Dated: 7-15-11.

STEVEN M. SHERMOEN LAW OFFICE



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