

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
ARDISAM, INC., )  
)  
Defendant. )

THERESA H. OWENS  
CLERK US DIST COURT  
WD OF WI

Civil No. 07-C-0405-C

STIPULATED JUDGMENT  
AND ORDER

Plaintiff, the United States of America, having filed a Complaint against Defendant Ardisam, Inc., ("Ardisam"), that seeks civil penalties, alleging a failure to timely inform the Consumer Product Safety Commission ("CPSC") as required by law that certain tree stands Ardisam manufactured and sold contained a defect or defects that could create a substantial product hazard and/or created an unreasonable risk of serious injury or death; and

Ardisam having denied any fault or liability, including the validity of any of Plaintiff's allegations; and

Ardisam having appeared and having consented to entry of this Stipulated Judgment and Order ("Order") before any testimony has been taken, and the United States of America having consented to the Order, and the parties, by their undersigned attorneys, having agreed to settlement of all allegations contained in the Complaint up to the date of the parties signing this Order, upon the following terms and conditions without adjudication of any issue of fact or law, and that entry of this Order is in the public interest.

THEREFORE, on the agreement of the parties and for good cause shown, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

Copy of this document has been provided to: Counsel

this 9<sup>th</sup> day of APRIL  
by S. Vogel  
S. Vogel, Secretary to  
Judge Barbara B. Crabb

1. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §§ 1331, 1345, and 1355(a). Venue is proper under 28 U.S.C. §§ 1391(b), (c), and 1395(a).

2. The Complaint states a claim upon which relief may be granted under the Consumer Product Safety Act, 15 U.S.C. §§ 2064(b), 2068(a), and 2069.

3. Defendant shall pay FOUR HUNDRED TWENTY THOUSAND DOLLARS (\$420,000.00) to the United States as a civil penalty, pursuant to 15 U.S.C. § 2069(a). The civil penalty shall be paid in the following manner: \$100,000.00 shall be paid on February 15, 2008, (First Payment Date); \$50,000.00 shall be paid on March 1, 2008; and the balance of \$270,000.00 shall be paid in equal quarterly installments over three (3) years, commencing June 1, 2008, with final payment March 1, 2011, with payment of interest from the First Payment Date on the unpaid principal balance at the rate of 3.36 percent per annum, payable with each installment of principal.

4. Payment of the first two installments of \$100,000.00 and \$50,000.00 shall be made in the form of a wire transfer in accordance with the instructions provided by the Office of Consumer Litigation, Civil Division, U.S. Department of Justice, Washington, DC 20530 (Contact Ken Maddox at (202) 307-0092 for instructions).

5. Quarterly payments shall be made by check, made payable to the Treasurer of the United States, and delivered to the attention of Director, Office of Consumer Litigation, Civil Division, Department of Justice, P.O. Box 386, Washington, DC 20044-0386. Payments shall be accompanied by a cover letter or other document noting the title of this litigation and a reference to DJ# 104-86-20.

6. In the event of default on any of the payments required in Paragraph 3, which default continues for ten (10) calendar days beyond the due date of the payment (a) the entire

amount of the civil penalty shall be due and payable, and (b) interest on the outstanding balance shall accrue and be paid at the rate of 3.36 percent per annum.

7. Defendant shall notify the United States Department of Justice, Office of Consumer Litigation and the CPSC in writing at least ten (10) calendar days prior to any reorganization, dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of any subsidiaries, or any other changes in its corporate structure. Defendant shall provide a copy of this Order to any successor or assign. In no event shall any such changes alter Defendant's obligations under Paragraph 3 of this Order.

8. All parties shall bear their own fees and costs incurred in this litigation.

9. This Order contains the entire agreement between the parties which can only be amended by a written agreement approved by the parties and the Court.

10. This Court retains jurisdiction of this matter for the purpose of enabling any of the parties to this Order to apply to the Court at any time for such further orders or directives as may be necessary or appropriate for the enforcement of compliance therewith, or for the punishment of violations thereof.

SO ORDERED this 9<sup>th</sup> day of January, 2008.

  
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BARBARA B. CRABB  
United States District Judge

We hereby stipulate to this judgment and consent to the entry of the foregoing Order.

DATED: January 2, 2008

DATED: January 7, 2008

FOR THE DEFENDANT

  
Mark G. Ruppel  
President/Chief Executive Officer  
Ardisam, Inc.  
1360 1<sup>st</sup> Ave.  
Cumberland, WI 54829

  
GREGORY T. EVERTS  
Attorney for Ardisam, Inc.  
Quarles & Brady LLP  
33 East Main Street, Suite 900  
P.O. Box 2113  
Madison, WI 53701-2113

FOR THE PLAINTIFF

ERIK C. PETERSON  
United States Attorney  
Western District of Wisconsin

STEPHEN E. EHLKE  
Assistant United States Attorney  
P.O. Box 1585  
Madison, Wisconsin 53701-1585  
(608) 264-5158

EUGENE THIROLF  
Director  
Office of Consumer Litigation

By:

  
ROGER GURAL  
Trial Attorney  
Office of Consumer Litigation  
Department of Justice, Civil Division  
P.O. Box 386  
Washington, D.C. 20044  
(202) 307-0174

OF COUNSEL:  
MELISSA V. HAMPSHIRE  
Attorney  
U.S. Consumer Product Safety Commission  
Bethesda, MD 20814