



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN  
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February 5, 2010

The Honorable Patrick J. Fiedler  
Circuit Court Judge, Br. 8  
Dane County Courthouse  
215 South Hamilton Street, Rm. 8103  
Madison, WI 53703-3292

Re: *Farm-to-Consumer Legal Defense Fund et al. v. WDATCP*  
Case No. 09CV6313

Dear Judge Fiedler:

Enclosed please find a proposed Stipulation and Order in the above matter. A copy is being mailed this date to opposing counsel.

If the proposed Stipulation and Order meets with the Court's approval, please *sign the* Order and file the original. Please direct your clerk to conform the copies and return the copies to all parties in the enclosed preaddressed stamped envelopes.

Sincerely,

Robert M. Hunter  
Assistant Attorney General  
State Bar #1008114

RMH:rk

Enclosures

c: Elizabeth Gamsky Rich

FARM-TO-CONSUMER LEGAL  
DEFENSE FUND, GRASSWAY  
ORGANICS FARM STORE, LLC,  
GRASSWAY ORGANICS  
ASSOCIATION, and KAY and  
WAYNE CRAIG d/b/a  
GRASSWAY FARM,

Plaintiffs,

v.

Case No. 09-CV-6313

Declaratory Judgment: 30701

WISCONSIN DEPARTMENT OF  
AGRICULTURE, TRADE AND  
CONSUMER PROTECTION,

Defendant.

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STIPULATION AND ORDER

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The defendant, Wisconsin Department of Agriculture, Trade and Consumer Protection ("DATCP"), by its attorneys, J.B. Van Hollen, Attorney General, and Robert M. Hunter, Assistant Attorney General, and the plaintiffs, Farm-to-Consumer Legal Defense Fund, Grassway Organics Farm Store, LLC, Grassway Organics Association, and Kay and Wayne Craig d/b/a Grassway Farm, by their attorneys, Elizabeth Gamsky Rich & Associates, S.C., by Attorney Elizabeth Gamsky Rich (collectively referred to hereinafter as "Plaintiffs"), hereby stipulate and agree as follows:

1. DATCP is an agency of the State of Wisconsin, and
2. A suit against an agency of the State of Wisconsin is a suit against the State itself,

3. Having brought this suit against DATCP, Plaintiffs have brought a suit against the State of Wisconsin,

4. Under the terms of Wis. Stat. § 801.11(3) to serve DATCP Plaintiffs must serve an authenticated copy of the summons and complaint upon the Attorney General,

5. DATCP by its attorneys brought a motion to dismiss the complaint *herein*, asserting that service upon it had not been effectuated as required in Wis. Stat. § 801.11(3),

6. On January 25, 2010, Plaintiffs forwarded an authenticated copy of the summons and complaint in this action to Robert M. Hunter, Assistant Attorney General,

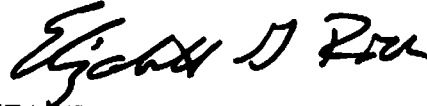
7. Robert M. Hunter, Assistant Attorney General, on behalf of the Attorney General has now admitted service upon DATCP by receipt at his office of an authenticated summons and complaint, on January 26, 2010.

8. DATCP's answer to the summons and complaint must be filed on or before March 12, 2010.

9. The motion to dismiss filed by DATCP is now moot and may be taken off the Court's calendar.

Dated this 4<sup>th</sup> day of February, 2010.

ELIZABETH GAMSKY RICH & ASSOCIATES



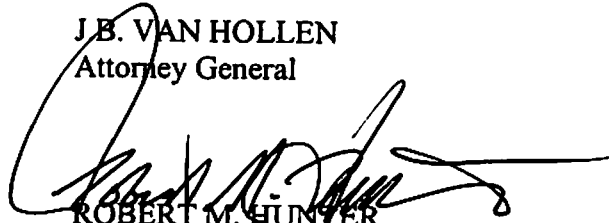
ELIZABETH GAMSKY RICH  
Attorney at Law  
State Bar #1019123

Attorneys for Plaintiffs

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erich@rich-law.com

Dated this 5<sup>th</sup> day of February, 2010.

J.B. VAN HOLLEN  
Attorney General



ROBERT M. HUNTER  
Assistant Attorney General  
State Bar #1008114

Attorneys for Defendant

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ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The foregoing stipulation having been agreed between the parties, it is hereby adopted as the order of the Court.

Dated this \_\_\_\_\_ day of February, 2010.

BY THE COURT:

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THE HONORABLE PATRICK J. FIEDLER  
Circuit Court Judge, Br. 8

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