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Attorneys for Plaintiff
Concerned Farmers and Neighbors
Of the Town of Hixton, U.A.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Concerned Farmers and Neighbors
of the Town of Hixton, U.A.,
a nonprofit association;

Plaintiff,

vs.

Sedelbauer Farms, Inc., and Lynn Sedelbauer;
Defendants.

Case No: 04-C-0491-C

**PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT
(LIABILITY) AGAINST
DEFENDANT SEDELBAUER
FARMS, INC.**

Judge: Hon. Barbara B. Crabb

Date:

Time:

Courtroom:

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TIMOTHY J. HENNING
CLERK, U.S. DISTRICT COURT
WD OF WI.

Plaintiff Concerned Farmers and Naighbors of the Town of Hixton, U.A.

("Concerned Farmers") moves the Court pursuant to Federal Rules of Civil Procedure Rule 56(a),(d) for Partial Summary Judgment in this case against Defendant Sedelbauer Farms, Inc. ("Sedelbauer") on issues of Sedelbauer's liability for violations of the Clean Water Act, Article III standing, and statutory standing based on the likelihood of on-going violations. The grounds for this Motion are set forth in the attached Brief in Support of the Motion, Proposed Findings of Fact in Support of the Motion and the affidavits and evidentiary materials provided with the Motion.

Sedelbauer has violated conditions of its National Pollution Discharge Elimination System Permit ("Permit"), and has thus violated the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act, 33 U.S.C. § 1251 et seq. Violations of an NPDES Permit are violations of Section 402 of the Clean Water Act. Sedelbauer has also violated Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), because it has discharged pollution into Waters of the United States from a point source without a Permit. These violations are on-going at this time, or have a reasonable likelihood of continuing in the future, and Plaintiff has Standing under Article III and the Clean Water Act to bring this suit.

Dated: January 14, 2005

Respectfully submitted,

By: 
Attorneys for Plaintiff

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