

Filed in Hall District Court  
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**IN THE DISTRICT COURT OF HALL COUNTY, NEBRASKA**

STATE OF NEBRASKA, ex rel.,	)	
JESSE BRADLEY, Director, NEBRASKA	)	Case No. <u>CI26-310</u>
DEPARTMENT OF WATER, ENERGY	)	
AND ENVIRONMENT,	)	
	)	
	)	<b>CONSENT DECREE</b>
Plaintiff,	)	
	)	
v.	)	
	)	
SWIFT BEEF COMPANY,	)	
INC.,	)	
	)	
Defendant.	)	

COMES NOW Plaintiff, the State of Nebraska on behalf of Jesse Bradley, Director of the Nebraska Department of Water, Energy and Environment, proceeding on the Complaint filed herein and appearing through counsel, Michael T. Hilgers, Nebraska Attorney General, and Defendant, Swift Beef Company, Inc., appearing through counsel, and each party having consented to the making and entering of this Consent Decree without trial, request approval and 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 Defendant’s facility is located in Hall County and the events at issue took place in Hall County.
2. In the Complaint, Plaintiff alleges Defendant violated the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.*, applicable rules and regulations, and permits. Such alleged violations include that Defendant caused water pollution on a number of occasions, including when the smaller of its anaerobic lagoons failed and discharged approximately 2 million gallons of wastewater and sludge to waters of the state, as well as violations of operation and maintenance requirements, surface water quality standards, and permit conditions.

3. The parties agree settlement of this matter is in the public interest and approval and entry of this Consent Decree is the most appropriate means of resolving their dispute. The parties desire to conclude this matter 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 Defendant 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 federal or state law.

5. IT IS THEREFORE ORDERED that Defendant shall pay a civil penalty, under Neb. Rev. Stat. § 81-1508.02(2), in the amount of one-million two-hundred and fifty thousand dollars (\$1,250,000). The civil penalty of one-million two-hundred and fifty thousand dollars (\$1,250,000) shall be paid by Defendant within thirty (30) days of approval and entry of the Consent Decree and shall be made by check payable to the State of Nebraska. The civil penalty payment shall be deposited in the appropriate fund for use and support of the common schools in Hall County as directed by Article VII, § 5, of the Nebraska Constitution.

6. IT IS FURTHER ORDERED THAT Defendant shall reimburse Plaintiff for court costs in the amount of eighty-nine dollars (\$89.00) within thirty (30) days of approval and entry of the Consent Decree and made by check payable to the State of Nebraska.

7. Checks for payment of the civil penalty and payment of the court costs shall be mailed to:

Nebraska Attorney General's Office  
Attn: Maegan L. Woita  
1445 K Street, Room 2115  
Lincoln, Nebraska 68508

Defendant shall notate on the check memo line: the case and case number, as well as if the payment is for the civil penalty or court costs.

8. Defendant shall notify Plaintiff's counsel by email when the checks have been mailed. Upon verification that (a) Defendant has paid the civil penalty in full and it has been deposited in the appropriate fund for use and support of the common schools in Hall County as directed by Article VII, § 5, of

the Nebraska Constitution, and that (b) Defendant has reimbursed Plaintiff for court costs in full, Plaintiff will file a Satisfaction of Judgment with the Court thereby fully resolving this matter. If Defendant, however, does not make the appropriate payments within thirty (30) days of approval and entry of the Consent Decree, Plaintiff may, in its sole discretion, file with the Court a motion to enforce the terms of the Consent Decree to recover any unpaid civil penalties and costs.

9. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1-6050X-1, Plaintiff is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F with respect to any settlement that requires a payor to pay an aggregate amount that the state reasonably believes will be equal to or in excess of \$50,000.00 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” Plaintiff is required to furnish a copy of IRS Form 1098-F to each payor. A payor who fails to provide IRS Form W-9 or a Tax Identification Number (“TIN”), as described below, may subject the payor to a penalty pursuant to 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide Plaintiff with sufficient information to fulfill these obligations, Defendant agrees that:

- A. Defendant will complete IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”);
- B. Defendant will certify that the completed IRS Form W-9 includes its correct TIN or that it has applied and is waiting for the issuance of a TIN;
- C. Defendant will provide the completed IRS Form W-9 to the Plaintiff’s counsel within thirty (30) days after this Consent Decree is approved and entered by the Court; and
- D. In the event Defendant certified that it does not have TIN but had applied for a TIN, Defendant will provide the TIN to Plaintiff’s counsel with fourteen (14) days after receiving the TIN.

10. This Consent Decree is binding on Defendant's 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 Defendant under this Consent Decree.

11. This Consent Decree shall have no preclusive effect on any enforcement action brought by Plaintiff against Defendant for unknown or future violations of any statute, rules or regulations, or permits. Plaintiff reserves its rights to seek civil penalties and/or injunctive relief against Defendant for unknown or future violations of any statute, rules or regulations, or permits.

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

DATED this 30th day of April 2026.

BY THE COURT:




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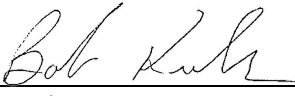
District Judge of Hall County, Nebraska

STATE OF NEBRASKA, ex rel., JESSE  
BRADLEY, Director, NEBRASKA  
DEPARTMENT OF WATER, ENERGY AND  
ENVIRONMENT, Plaintiff,

By: MICHAEL T. HILGERS, #24483  
Attorney General

By:   
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Maegan L. Woita, #26287  
Michael A. Taddonio, #27677  
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michael.taddonio@nebraska.gov  
*Attorneys for Plaintiff*

SWIFT BEEF COMPANY, INC., Defendant

By:  Date: 04/27/2026  
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Bob Krebs  
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President and COO – Swift Beef Company