

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA and)	
THE STATE OF WISCONSIN,)	
)	
Plaintiffs,)	
)	Civil Action No. 10-C-910
v.)	
)	The Honorable William C. Griesbach
NCR CORPORATION, <i>et al.</i>)	
)	
Defendants.)	

**CIVIL L. R. 7(h) EXPEDITED NON-DISPOSITIVE MOTION
BY THE UNITED STATES TO AUTHORIZE
CERTAIN COURT REGISTRY ACCOUNT DEPOSITS**

Pursuant to Fed. R. Civ. P. 67 and E.D. Wis. Civil L. R. 7(h) and 67, the United States hereby moves that the Court enter an Order authorizing certain deposits into a Court Registry Account, as provided by a set of Consent Decrees lodged with the Court on this date. More specifically:

- Paragraph 5 of the Consent Decree with Kimberly-Clark Corporation requires Kimberly-Clark to pay a total of \$1,350,000 into a Court Registry Account within 14 days after this Court enters an Order allowing that deposit; and
- Paragraph 5 and Appendix B of the Consent Decree with Cashout Settling Defendants and the State of Wisconsin require the deposit of a total of \$54,100,000 into a Court Registry account within 30 days after this Court enters an Order allowing that deposit, including:¹

\$5,200,000 by the City of Appleton
\$3,000,000 by CBC Coating, Inc.
\$13,700,000 by Menasha Corporation
\$5,200,000 by the Neenah-Menasha Sewerage Commission
\$14,700,000 by U.S. Paper Mills Corporation
\$12,200,000 by WTM I Company
\$100,000 by the State of Wisconsin

¹ Added time was allowed for these deposits because insurers will be making payments on behalf of some of these parties. Under Consent Decree Paragraph 41, WTM's payment into a Court Registry Account also is conditioned on receipt of a separate bankruptcy court approval to be sought by WTM.

The United States requests that the deposited funds earn interest in accordance with the normal investment procedures of the Clerk of Court. Pursuant to 28 U.S.C. § 1914(b) and the Judicial Conference Schedule of Fees, the United States further requests that no fees be charged for services rendered on behalf of the United States in conjunction with this deposit of funds in the Court Registry Account.

These payments into a Court Registry Account would only be disbursed from the Court Registry Account pursuant to separate Withdrawal Orders entered by the Court. If the Court approves the Consent Decree with Kimberly-Clark Corporation after a public comment period, the funds deposited by Kimberly-Clark (plus accrued interest) would be disbursed to the Plaintiffs pursuant to a Withdrawal Order as specified by Paragraph 6 of the Consent Decree with Kimberly-Clark. Similarly, if the Court approves the Consent Decree with Cashout Settling Defendants and the State of Wisconsin after a public comment period, the funds deposited by those parties (plus accrued interest) would be disbursed to the Plaintiffs pursuant to a Withdrawal Order as specified by Paragraph 6 of the Consent Decree with those parties. In the event the Plaintiffs withdraw or withhold consent to either Consent Decree before entry, or the Court declines to enter the Consent Decree, the relevant funds would be returned to the payor(s) pursuant to a separate Withdrawal Order.

Counsel for the United States contacted the Financial Manager in the Clerk's Office before filing this Motion and counsel for the United States will coordinate with the Financial Manager to facilitate any Court Registry Account deposits and disbursements that this Court authorizes.

For the foregoing reasons, the United States hereby moves that the Court enter an Order authorizing the above-described payments into a Court Registry Account, as provided by the

proposed Consent Decrees lodged with the Court on this date. A proposed “Order Authorizing Certain Court Registry Account Deposits” accompanies this Motion, and the United States respectfully requests that the Court enter that Order without delay.

Respectfully submitted,

For the United States of America

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Dated: March 26, 2014

s/ *Randall M. Stone*
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CERTIFICATE OF SERVICE

I hereby certify that on this date copies of the foregoing Motion were served on the following counsel of record in this case by the Court's Electronic Case Filing system:

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