

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NORTHERN STATES POWER COMPANY,

Plaintiff,

v.

THE CITY OF ASHLAND, WISCONSIN;
ASHLAND COUNTY, WISCONSIN; and
L.E. MYERS COMPANY,

Defendants.

ORDER

12-cv-602-bbc

Defendant Ashland County has asked the court to reconsider or correct the summary judgment opinion issued March 18, 2015. Dkt. #342. The opinion states that “defendant County admitted that the wood treatment chemical creosote has been disposed of at the site and that wood preservation activities occurred there at some time.” Dkt. #341, at 32. However, defendant County correctly notes that it was letters and memoranda from defendant *City of Ashland* that contained admissions related to creosote and wood treatment. Dkt. #299, at ¶ 38. Accordingly, defendant County’s motion, dkt. #342, is GRANTED, and the opinion issued March 18, 2015, at dkt. #341, is AMENDED on page 32 as follows: the sentence “However, defendant County admitted that the wood treatment chemical creosote has been disposed of at the site and that wood preservation activities occurred there at some time” is deleted and replaced with, “Defendant City’s historical

correspondence suggests that it believed that wood treatment chemical creosote had been disposed of at the site and that wood preservation activities occurred there at some time.”

Further, I note that in the order section of the opinion, the docket number for plaintiff’s motion for leave to file a surrepley was incorrect. Paragraph 3 of the order is AMENDED to refer to docket #303, rather than docket #335.

Entered this 10th day of April, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge