

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

NATIONAL WASTE & RECYCLING	)	
ASSOCIATION,	)	
	)	
Plaintiff,	)	
	)	3:15-cv-00158-RLY-WGH
vs.	)	
	)	
WARRICK COUNTY SOLID WASTE	)	
MANAGEMENT DISTRICT,	)	
	)	
Defendant.	)	

**STIPULATION OF THE PARTIES**

This Stipulation is entered into between Plaintiff National Waste & Recycling Association (“NWRA”) and Defendant Warrick County Solid Waste Management District (the “District”) by counsel for submittal to the Court for approval. NWRA and the District are collectively referred to as the Parties.

WHEREAS, the District has adopted a Curbside Pickup Program that was to begin December 1, 2015;

WHEREAS, subject to an opt out provision, the Curbside Pickup Program requires “covered participants” to use the District’s chosen curbside waste and recycling company, Renewable Resources, LLC;

WHEREAS, the Curbside Pickup Program provides that contracts between persons other than Renewable Resources, LLC and “covered participants” for curbside waste and recycling services are deemed void after certain dates;

WHEREAS, the Curbside Pickup Program also establishes certain fines for persons other than Renewable Resources, LLC who collect waste and recycling from “covered participants”; and

WHEREAS, on November 13, 2015, NWRA filed the above-captioned lawsuit against the District, which, among other things, requested temporary and permanent relief from the Curbside Pickup Program.

### **TERMS OF THE STIPULATION**

NOW THEREFORE, the Parties, in consultation with the Court, have agreed to the following terms which will be in place until further Order of the Court after a preliminary injunction hearing:

1. “Covered participants,” as described in the Curbside Pickup Program, may use any hauler for waste and recycling pickup services.
2. The District will not seek civil penalties, attorneys’ fees, court costs, or any other fees from any person who provides waste and recycling pickup services to covered participants.
3. The terms of this Agreement remain in effect until the Court’s rulings after presentation of evidence and argument at the Parties’ preliminary injunction hearing with the Court set for January 21, 2016.
4. The Parties respectfully request that the Court enter an order approving this Stipulation.

WHEREFORE, the Parties, by counsel, have caused this Stipulation to be executed on the date below.

Dated: November 25, 2015

Respectfully submitted,

/s/ Richard A. Kempf

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