

FILED
05-23-2022
Clerk of Circuit Court
Waukesha County
2021CV000342

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 1

WAUKESHA COUNTY

WISCONSIN MANUFACTURERS
AND COMMERCE, INC., and
LEATHER RICH, INC.,

Plaintiffs,

v.

WISCONSIN DEPARTMENT OF
NATURAL RESOURCES; WISCONSIN
NATURAL RESOURCES BOARD,
and PRESTON COLE, in his official
capacity as Secretary of the
WISCONSIN DEPARTMENT OF
NATURAL RESOURCES,

Defendants.

Case No. 21-CV-0342
Hon. Michael O. Bohren

**AFFIDAVIT OF ALICIA BOURKE IN SUPPORT OF
DEFENDANTS' MOTION FOR STAY PENDING APPEAL**

I, Alicia Bourke, upon first being duly sworn, declare under oath as follows:

1. I make this affidavit based on personal knowledge and in support of the Defendants' Motion for Stay Pending Appeal in the above-captioned matter.

2. My husband and I reside at 803 Lakeview Drive, La Crosse, Wisconsin 54603, along with our infant son and our dog. We have owned this home since November 2018.

3. I first learned that the private well providing water to my home may be contaminated with per- and polyfluoroalkyl substances, more commonly known as PFAS, during the fall of 2020.

4. Both my husband and I have been potentially exposed to PFAS contamination from our private well since we moved into our home, including for approximately six months while I

was pregnant with our now infant son.

5. My husband and I also lived at 1642 Bainbridge Street, La Crosse Wisconsin 54603, which just south of the airport on French Island and is also on a private well, from June 2016 to November 2018. My understanding is that PFAS was detected in our former neighbors' private well. My husband and I may have therefore been exposed to PFAS for an even longer period of time.

6. My household currently relies on free bottled water provided by the Wisconsin Department of Natural Resources ("DNR") due to the health risks associated with drinking water from our private well. My family uses this bottled water not only to drink, but also to cook and to brush our teeth.

7. My understanding is that the Spills Law provides DNR with the ability to provide my household with this bottled water when there is a threat to public health.

8. A disruption of the free bottled water my household currently receives would put my family at risk of additional PFAS exposure because, while my husband and I both work full time jobs, we do not have the disposable income to purchase replacement bottled water on our own without foregoing other basic necessities. I estimate that it would cost our household at least \$1500 per year to continue receiving water deliveries at the same rate.

9. Our household income is not keeping up with rising costs due to inflation and other economic factors such as product shortages. Recent rising costs of basic necessities like baby formula to feed our son and gasoline to fuel our cars to get back and forth from work have made it even more difficult for my husband and I to provide for our family.

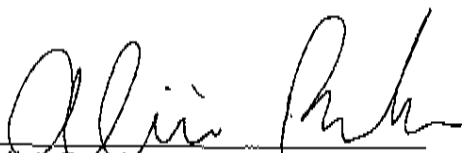
10. To avoid the risk of additional PFAS exposure, my family would have to consider relocating, which would be a significant hardship as the potential presence of PFAS in our well

has devalued our home and significantly reduced our ability to recoup our investment and secure comparable housing elsewhere. The task of moving itself also requires significant time and money.

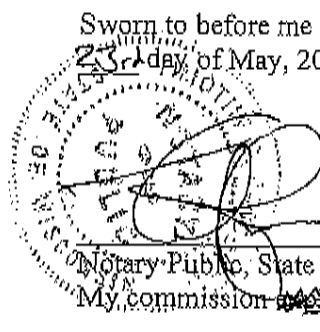
11. Relocating would also likely disrupt the personal relationships my family has developed with our neighbors and the greater French Island community over the last several years.

12. If my family is unable to relocate and we no longer have access to free bottled water, we may have to resort to drinking and otherwise using our well water. This would not only put my immediate family at risk, including my husband, infant son, and dog, but would also put my extended family who visits for extended periods of time from out of state at risk.

13. Based on my understanding of the health risks already associated with PFAS exposure and the uncertainty about additional long-term adverse health impacts, even at extremely low concentrations and particularly when it comes to vulnerable populations like small children, the prospect of a disruption of the free bottled water my household currently receives causes me to feel significant stress and anxiety.


Alicia Bourke

Sworn to before me this
23rd day of May, 2022


Notary Public, State of Wisconsin
My commission ~~was~~ is permanent.

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**AFFIDAVIT OF KELSEY CRAIG IN SUPPORT OF
DEFENDANTS' MOTION FOR STAY PENDING APPEAL**

I, Kelsey Craig, upon first being duly sworn, declare under oath as follows:

1. I make this affidavit based on personal knowledge and in support of the Defendants' Motion for Stay Pending Appeal in the above-captioned matter.

2. My husband and I reside at 2500 1st Ave E, La Crosse, Wisconsin 54603, which is on French Island, with our son and daughter, who are four years old and one year old, respectively, and our dog.

3. Our home was previously owned by my grandparents and has been in my family since my mother was a small child. After my grandparents passed away, I purchased the home in 2015. I have lived on French Island for the vast majority of my life and have other family members who reside on French Island, including my parents.

4. I first learned that the private well providing water to my home was contaminated with per- and polyfluoroalkyl substances, more commonly known as PFAS, on October 12, 2020. At the time, I was pregnant with my daughter and my son was two years old.

5. After we learned that our private well is contaminated, we began to obtain and use water from my parents' residence, only to later discover that their private well is also within the geographic scope of the PFAS contamination plume impacting French Island residents. We were also forced to stop growing our own food in our backyard garden.

6. Each member of my immediate family, including my husband, two small children, and our dog, has previously been exposed to PFAS through drinking and otherwise consuming water from our private well.

7. My household currently relies on free bottled water provided by the City of La Crosse due to the health risks associated with drinking water from our private well. My family uses this bottled water not only to drink, but also to cook and to brush our teeth.

8. My understanding is that the City of La Crosse provides my household with this bottled water because it has been identified as a responsible party under the Spills Law for PFAS contamination in my private well.

9. My understanding is that the in-home daycare I send my children to, which is approximately five houses down the street from my residence, also receives free bottled water due to PFAS contamination.

10. A disruption of the free bottled water my household currently receives would put my family at risk of additional PFAS exposure because, while my husband and I both work full time jobs, we do not have the disposable income to purchase replacement bottled water on our own without foregoing other necessities. Recent rising costs of basic necessities like gasoline to fuel

our cars to get back and forth from work have made it even more difficult for my husband and I to provide for our family.

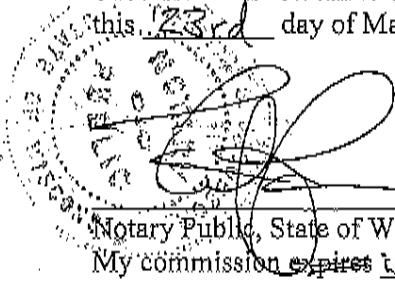
11. My family can also not afford to relocate, as the presence of PFAS in our well has devalued our home and effectively eliminated our ability to recoup our investment and secure comparable housing elsewhere.

12. My family would likely have to stay at our current residence and drink and otherwise use our contaminated well water. Even if we could afford to relocate, we would likely have to sell our home that has been in our family for decades and has high sentimental value to me and my family.

13. Based on my understanding of the health risks associated with PFAS exposure, particularly when it comes to vulnerable populations like small children, and the likelihood that my family may once again be exposed to PFAS, the prospect of a disruption of the free bottled water my household currently receives causes me to feel significant anxiety.

Kelsey Craig
Kelsey Craig

Subscribed and sworn to before me
this 23rd day of May, 2022.


Notary Public, State of Wisconsin
My commission ~~expires~~ is permanent

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**AFFIDAVIT OF TIMOTHY HARTLEY IN SUPPORT OF
DEFENDANTS' MOTION FOR STAY PENDING APPEAL**

I, Timothy Hartley, upon first being duly sworn, declare under oath as follows:

1. I make this affidavit based on personal knowledge and in support of the Defendants' Motion for Stay Pending Appeal in the above-captioned matter.

2. I reside at 2530 2nd Ave E, La Crosse, Wisconsin 54603, which is half a block away from the airport on French Island, and have lived there for approximately 41 years. I live there with my two daughters, three grandchildren, a son-in-law, and my three cats.

3. I first learned that the private well providing water to my home was contaminated with per- and polyfluoroalkyl substances, more commonly known as PFAS, in November 2020.

4. PFAS have been detected in my private well at concentrations well above applicable Wisconsin Department of Health Services' ("DHS") health-based groundwater

recommendations. For example, perfluorohexanesulfonic acid has been detected in my well at 77 parts per trillion and the applicable DHS recommendation is 40 parts per trillion.

5. My family has previously been exposed to PFAS through drinking and otherwise using water from my private well.

6. My household currently relies on free bottled water provided by the City of La Crosse due to the health risks associated with drinking water from our private well. We use this water not only to drink, but also to cook and to brush our teeth. We consume approximately 30 to 34 five-gallon bottles of water every four weeks.

7. My understanding is that the City of La Crosse provides my household with this bottled water because it has been identified as a responsible party under the Spills Law for PFAS contamination in my private well.

8. A disruption of the free bottled water my household currently receives would put me and my family at risk of additional PFAS exposure because we do not have the disposable income to purchase replacement bottled water on our own without foregoing other basic necessities.

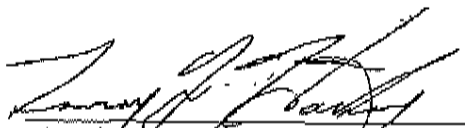
9. I am a disabled, retired, and living on a fixed income predominantly derived from social security payments. Unavoidable medical expenses related to my disability and the general increased cost of basic necessities like gasoline and groceries due to inflation make it even more difficult for me to make ends meet. Despite the likely devaluation of my property due to the PFAS contamination, my property taxes went up this year.

10. Although my daughter who is married with three children has a full-time job and already helps with household expenses, her husband is on Social Security. My other daughter has recently come to live with us due to unemployment issues related to the COVID-19 pandemic.

11. My family can also not afford to relocate, as the presence of PFAS in our well has devalued our home and effectively eliminated our ability to recoup our investment and secure comparable housing elsewhere.

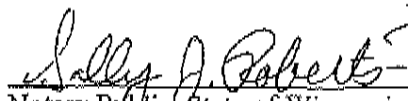
12. My family would likely have to stay at our current residence and drink and otherwise use our contaminated well water. Even if we could afford to relocate, we would likely have to sell our home that has been in our family for decades and has high sentimental value to me and my family.

13. Based on my understanding of the health risks associated with PFAS exposure, and the likelihood that my family may once again be exposed to PFAS, the prospect of a disruption of the free bottled water my household currently receives causes me to feel significant additional stress and anxiety.

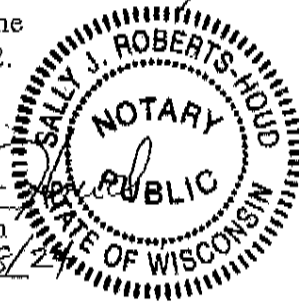


Timothy Hartley

Subscribed and sworn to before me
this 23RD day of May, 2022.



Notary Public, State of Wisconsin
My commission expires 12/18/24



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**AFFIDAVIT OF TRACEY KENNEDY IN SUPPORT OF
DEFENDANTS' MOTION FOR STAY PENDING APPEAL**

I, Tracey Kennedy, upon first being duly sworn, declare under oath as follows:

1. I make this affidavit based on personal knowledge and in support of the Defendants' Motion for Stay Pending Appeal in the above-captioned matter.
2. I reside at 2525 2nd Avenue E, La Crosse, Wisconsin 54603. I have lived there for 40 years with my husband who very recently passed away unexpectedly.
3. I first learned that the private well providing water to my home is contaminated with per- and polyfluoroalkyl substances, more commonly known as PFAS, during the fall of 2020.
4. PFAS have been detected in my private well at concentrations well above applicable Wisconsin Department of Health Services' ("DHS") health-based groundwater recommendations. For example, perfluorohexanesulfonic acid has been detected in my well at

1800 parts per trillion and the applicable DHS recommendation is 40 parts per trillion.

5. I have previously been exposed to PFAS through drinking and otherwise using water from my private well.

6. My household currently relies on free bottled water provided by the City of La Crosse due to the health risks associated with drinking water from our private well. I use this water not only to drink, but also to cook and to brush my teeth. My thirteen-year-old grandson, who comes to stay with me every Friday, also relies on this water.

7. My understanding is that the City of La Crosse provides my household with this bottled water because it has been identified as a responsible party under the Spills Law for PFAS contamination in my private well.

8. A disruption of the free bottled water my household currently receives would put me and my family at risk of additional PFAS exposure because I do not have the disposable income to purchase replacement bottled water on my own without foregoing other basic necessities. I am a retired widow living on a fixed income derived from Social Security payments. Recent unavoidable medical expenses and the general increased cost of basic necessities like electricity and groceries have made it even more difficult for me.

9. To avoid the risk of additional PFAS exposure, I would have to consider relocating, which would be a significant hardship as the potential presence of PFAS in my well has devalued my home and significantly reduced my ability to recoup our investment and secure comparable housing elsewhere. The task of moving itself also requires significant time and money, and my home holds high sentimental value to me.

10. If I am unable to relocate and I no longer have access to free bottled water, I may have to resort to drinking and otherwise using my well water. This would not only put me at risk,

but could disrupt my relationship with grandson.

11. Based on my understanding of the health risks associated with PFAS exposure and the likelihood that I or members of my family may once again be exposed to PFAS, the prospect of a disruption of the free bottled water my household currently receives causes me to feel significant stress and anxiety.

Tracey Kennedy
Tracey Kennedy

Subscribed and sworn to before me
this 23rd day of May, 2022.

Sally J. Roberts-Houd
Notary Public, State of Wisconsin
My commission expires 12/16/24

