



FOR IMMEDIATE RELEASE
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FOR MORE INFORMATION
Tom Lochner – 715-423-2070

Tom Lochner, executive director of the Wisconsin State Cranberry Growers Association, today released the following statement regarding today's Wisconsin Supreme Court decision to decline to review the public nuisance case against a Sawyer County cranberry grower.

Editor's Note/Background: *In February 2008, the Wisconsin District 3 Court of Appeals unanimously upheld an earlier Sawyer County Circuit Court ruling in favor of the grower stating there was no public nuisance. In addition, prior to this case, which began in 2004 and included the State of Wisconsin as a plaintiff, several of the other out-of-state landowner plaintiffs had twice tried unsuccessfully to make similar claims against Mr. Zawistowski. That first unsuccessful case against Mr. Zawistowski dates back to a filing of a three-person petition with the Wisconsin DNR in 2000 and a filing in the US Western District Court in 2002. All three of the separate cases, and their various appeals, were decided in Mr. Zawistowski's favor.*

“On behalf of state cranberry growers and the agricultural industry as a whole, we are pleased that the Wisconsin Supreme Court has decided to end this lengthy court battle that time after time has ruled in favor of Mr. Zawistowski and found that there was no public nuisance.

“This second generation cranberry marsh has been in operation since the 1930s and it follows all state and federal rules and regulations and is in full compliance with all Wisconsin Department of Natural Resources and Wisconsin Department of Agriculture, Trade and Consumer Protection policies and procedures that are in place to ensure the proper management of the marsh's operation.

“This case has been considered by every level of the court over many years, and we are pleased it has reached this conclusion with the Wisconsin Supreme Court ending the litigation. This case should have never been brought against Mr. Zawistowski, and we are glad it is over.

“All rulings in this case demonstrate that the facts do not support claims made against Mr. Zawistowski, and we hope this case's conclusion will provide assurances to other Wisconsin farmers that if they abide by state regulations and rules and run a good operation, they cannot be easily targeted as a public nuisance by others.

“As an organization, we are committed to environmental stewardship and developing and implementing best management practices across our industry, and we hope to make even further advancements in those areas. We need and have a right to utilize water to grow our crop and with that comes the responsibility to maintain its quality. We take that responsibility very seriously as it is not only the law but it is essential for our livelihoods.”