

FILED  
12-27-2023  
Clerk of Circuit Court  
Brown County, WI  
For Official Use: 2023CV001635  
Honorable Beau G  
Liegeois  
Branch 8

STATE OF WISCONSIN  
BROWN COUNTY

CIRCUIT COURT

LEDGEVIEW FARMS LLC  
3870 Dickinson Road,  
De Pere, WI 54115,  
a domestic limited liability company,

Plaintiff,

v.

TOWN OF LEDGEVIEW,  
3700 Dickinson Road,  
De Pere, WI 54115,

Defendant.

Case No.  
Case Code: 30701

*JLC*  
*Process Served*  
*12/28/23 @ 945*  
*515 George St*  
*De Pere WI*  
*Philip Danen - Tw*  
*Chairman*

**SUMMONS**

THE STATE OF WISCONSIN, To the person named above as Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint for Declaratory Judgment ("Complaint"), which is attached, states the nature and basis of the legal action.

Within twenty (20) days, exclusive of the day of service, after the summons has been served personally upon the defendant or served by substitution personally upon another authorized to accept service of the summons for the defendant, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is Clerk of Circuit Court, 100 South Jefferson Street, Green Bay, Wisconsin, 54301, and to Eric M. McLeod of Husch Blackwell LLP, Plaintiff's attorney, whose address is 33 East Main Street, Suite 300, Madison, Wisconsin, 53703. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the Court may grant judgment against you for the award of money or other legal relief requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated this 27<sup>th</sup> day of December, 2023.

HUSCH BLACKWELL LLP  
Attorneys for Ledgeview Farms LLC

By:



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**COMPLAINT FOR DECLARATORY JUDGMENT**

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Plaintiff Ledgeview Farms LLC (“Plaintiff” or “Ledgeview Farms”), by its undersigned attorneys, and for its Complaint for Declaratory Judgment against Defendant Town of Ledgeview (“Defendant” or “the Town”) alleges as follows:

**NATURE OF ACTION**

1. This is an action for declaratory judgment pursuant to Wis. Stat. § 806.04. Ledgeview Farms seeks a declaration regarding its lawful nonconforming use status as a dairy farm. The Pansier family has been farming in the Town of Ledgeview since 1900 and have operated the dairy farm that came to be called Ledgeview Farms for generations. The Pansiers began farming in the Town long before the existence of any local zoning ordinances that regulated the use of land in this historically agricultural community, and Ledgeview Farms has grown over the years consistent with the Wisconsin dairy industry in general.

2. In recent years, the Town has changed from a community primarily devoted to farming to one with growing residential subdivisions and other non-farming uses. In 2017, the

Town adopted a zoning ordinance that requires livestock facilities to obtain a conditional use permit if they operate with more than 1,000 animal units. Prior to the ordinance's enactment, however, Ledgeview Farms operated its dairy farm within structures—including a large freestall barn built in 2013—that were lawfully constructed pursuant to previously-issued building permits. The capacity of those structures is far greater than 1,000 animal units and, prior to the Town's new ordinance, Ledgeview Farms had populated those structures with more than 1,000 animal units and intended to utilize those structures up to their full capacity.

3. Despite this established pre-existing use, the Town has claimed that Ledgeview Farms may not lawfully operate its dairy farm with more than 1,000 animal units and has affirmatively threatened to bring an enforcement action against Ledgeview Farms if it refuses to depopulate its herd. Accordingly, Ledgeview Farms seeks a declaration from this Court that its existing farming operations amount to a lawful nonconforming use under the Town's zoning ordinance, which status obviates any requirement to comply with that ordinance, including the requirement to obtain a conditional use permit to simply operate within its previously existing and lawfully permitted structures.

### **PARTIES**

4. Plaintiff Ledgeview Farms LLC is a Wisconsin limited liability company with its principal place of business at 3870 Dickinson Road, De Pere, Wisconsin 54115.

5. Defendant Town of Ledgeview is a Wisconsin town organized under the laws of the State of Wisconsin and located within Brown County, Wisconsin. The Town of Ledgeview Town Hall is located at 3700 Dickinson Road, De Pere, Wisconsin 54115.

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction pursuant to Article VII, § 8 of the Wisconsin Constitution, which provides for subject matter jurisdiction over all civil matters within

this state. In addition, this Court has jurisdiction over this action under the Uniform Declaratory Judgments Act at Wis. Stat. § 806.04, as well as the Court's general equitable jurisdiction.

7. This Court has jurisdiction over the Town pursuant to Wis. Stat. § 801.05.

8. Venue in this Court is proper under Wis. Stat. § 801.50(2)(a) in that this action arose in Brown County and is proper under Wis. Stat. § 801.50(2)(b) in that this action pertains to property situated in Brown County.

### **FACTUAL BACKGROUND**

9. Ledgeview Farms is a multi-generation dairy farm owned and operated by the Pansier family, including Roy Pansier, Glen Pansier and Jason Pansier.

10. Ledgeview Farms operates its dairy farm at two locations in the Town of Ledgeview. Since the first structure was erected more than a century ago, Ledgeview Farms has added several larger structures to accommodate its growing operations. In addition to other farm buildings, Ledgeview Farms added freestall barns in 1960, 1976, 1984, and 1997, followed by the largest freestall barn in 2013 and an 80-cow milking parlor in 2015. The freestall barn added in 2013 was designed and built to accommodate over 3,000 animal units.

11. Ledgeview Farms is currently operating with more than 1,000 animal units, contained within structures built pursuant to previously issued Town building permits.

12. Ledgeview Farms has invested a substantial amount in its facilities, all of which pre-date the Town's new zoning ordinance and were lawfully constructed pursuant to Town-issued building permits. Ledgeview Farms' ability to sustain its operations and remain economically viable depends on its ability to fully operate those lawful structures at the capacity they were designed to accommodate. Being forced to reduce the size of their herd to comply with a subsequently enacted ordinance would not only violate Ledgeview Farms' vested property rights,

it would also jeopardize Ledgeview Farms' business operations and cause economic hardship to the Pansier family.

13. In a letter dated October 19, 2023, the Town demanded that Ledgeview Farms depopulate its herd to below 1,000 animal units no later than December 31, 2023 and has threatened Ledgeview Farms with an enforcement action if the Farm fails to comply.

#### **CLAIM FOR DECLARATORY JUDGMENT**

14. Pursuant to Wis. Stat. § 806.04(1), the Uniform Declaratory Judgments Act, Wisconsin courts have the “power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.” The express purpose of the Uniform Declaratory Judgments Act is “to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations.” Wis. Stat. § 806.04(12).

15. Under Wis. Stat. § 806.04(2), “[a]ny person . . . whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder. No party shall be denied the right to have declared the validity of any statute or municipal ordinance by virtue of the fact that the party holds a license or permit under such statutes or ordinances.”

16. Both the United States Constitution and the Wisconsin Constitution recognize and protect vested rights in the pre-existing use of land. Wisconsin statutes codify those property rights protections, defining nonconforming use status as “a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.” Wis. Stat. § 60.61(5)(ab). The Town adopted a similar definition of nonconforming use in its zoning ordinance, as “[a]ny use of land, buildings or structures lawful at the time of the enactment of this chapter which does not comply

with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.” Town of Ledgeview Ord. § 135-8.

17. Ledgeview Farms’ existing farming operations constitute a legal nonconforming use of property because those operations existed lawfully before the current zoning ordinance was enacted and/or amended.

18. Although the Town’s position lacks merit, as a legal matter an actual dispute exists between Ledgeview Farms and the Town concerning Ledgeview Farms’ right to maintain its existing dairy farm operations, including the right to fully utilize Town-permitted farm structures that have the capacity for more than 1,000 animal units.

19. The Town of Ledgeview has threatened an enforcement action against Ledgeview Farms, creating controversy and uncertainty over Ledgeview Farms’ status as a nonconforming use and its ability to maintain its pre-existing operations.

20. A judgment or decree in this action will terminate the controversy or remove the uncertainty giving rise to these proceedings.

21. This matter is ripe for adjudication because Ledgeview Farms faces a threatened enforcement action by the Town if it does not depopulate its herd to below 1,000 animal units.

22. Ledgeview Farms is entitled to judgment declaring the full operation of its dairy farm exceeding 1,000 animal units—up to the capacity of the pre-existing structures—is a nonconforming use under Wisconsin law.

### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiff requests that this Court:

A. Enter a judgment declaring that Ledgeview Farms’ continued operation as a dairy farm, including the full use of its pre-existing, Town-approved farm structures, amounts to a legal nonconforming use under the United States and Wisconsin Constitutions and Wisconsin statutes;

B. Enter a judgment declaring that the Town is barred from pursuing an enforcement action against Ledgeview Farms claiming that its pre-existing dairy farm operations violate the Town's zoning ordinance on grounds that those operations exceed 1,000 animal units;

C. Award Ledgeview Farms costs and attorney fees to the full extent allowed by law;  
and

D. Award Ledgeview Farms such other further relief as this Court may deem just and equitable.

Dated this 27<sup>th</sup> day of December, 2023.

HUSCH BLACKWELL LLP  
Attorneys for Ledgeview Farms LLC

By:



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**STATE OF WISCONSIN****CIRCUIT COURT****BROWN**

LEDGEVIEW FARMS LLC vs. TOWN OF LEDGEVIEW

**Electronic Filing  
Notice**

Case No. 2023CV001635

Class Code: Declaratory Judgment

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12-27-2023

Clerk of Circuit Court

Brown County, WI

2023CV001635

Honorable Beau G

Liegeois

Branch 8

TOWN OF LEDGEVIEW  
3700 DICKINSON ROAD  
DE PERE WI 54115

Case number 2023CV001635 was electronically filed with/converted by the Brown County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

**Pro Se opt-in code: 2dca54**

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-448-4155.

Brown County Circuit Court  
Date: December 27, 2023