

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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BERNARD CROWE, THOMAS WHITE  
HAWK and RICHARD WILLIAMSON,  
individually and on behalf of all  
others similarly situated,

Plaintiffs,

-vs-

DON R. ERICKSON, individually and  
as Warden of the South Dakota State  
Penitentiary; FREDRICK R. COZAD,  
WILLIAM R. McCANN, M. LARRY  
DAHLSTROM, LAMBERT HOLLAND,  
M.D., and DOROTHY ECKER, individu-  
ally and as members of the BOARD  
OF CHARITIES AND CORRECTIONS  
of the STATE OF SOUTH DAKOTA,  
and RICHARD F. KNEIP, individually  
and as Governor of the STATE OF  
SOUTH DAKOTA,

Defendants.

Civ. 72-4101

FILED  
April 11, 1973  
William J. Srstka,  
Clerk  
By DeAnn Noteboom,  
Deputy

ORDER

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Plaintiffs' Motion for partial Summary Judgment and Motion to Compel  
Answers to Interrogatories and for Attorneys' Fees and Expenses coming on for  
hearing before the Court in the Courtroom, Federal Building, Sioux Falls, South  
Dakota, on the 6th day of April, 1973, at 10:30 A.M., Plaintiffs appearing by  
their counsel, Roy S. Haber and Steven Pevar, and Defendants appearing by  
their counsel, Gale E. Fisher of May, Johnson & Burke, and Plaintiff having filed  
a Memorandum in Support of their Motion for Summary Judgment, and Defendants  
having requested leave to file a Reply Brief, and the Court having considered

ORDERED:

1. That Defendants shall have until May 7, 1973, to file a Reply Brief in opposition to Plaintiffs' Motion for Summary Judgment.
2. That Defendants may file Answering Affidavits in opposition to Plaintiffs' Motion for Summary Judgment, conditioned upon Defendants payment of terms to Plaintiffs' counsel in the sum of \$107.13.
3. That Plaintiffs' Motion to Compel Answers to Interrogatory No. 1 (c) is granted insofar as said Interrogatory requires Defendants to state the race of all employees of the South Dakota State Penitentiary on the date of commencement of this action, as well as the race of said employees at the present time.
4. That Plaintiffs' Motion to Compel Answers to Interrogatory Nos. 2 (e), 6 (d), 6 (f), 6 (g), 11 and 13 is denied and the Answers made by Defendants to said Interrogatories on file herein may stand; that Defendants' Objection to Interrogatory No. 13 is sustained, until such time as Plaintiffs provide Defendants with a medical authorization, consent or other waiver, as required by the provisions of SDCL 19-2-3.
5. Plaintiffs' Motion requiring Defendants to pay expenses and attorneys' fees incurred in their Motion to Compel Answers to Interrogatories is hereby denied.

Dated this 10th day of April, 1973.

BY THE COURT:

FRED J NICHOL  
Judge

ATTEST: