

**U.S. District Court
District of South Dakota (Western Division)
CIVIL DOCKET FOR CASE #: 5:12-cv-05003-KES**

Brooks et al v. Gant et al
Assigned to: U.S. District Judge Karen E. Schreier
Cause: 42:1983 Civil Rights Act – Civil Action for Deprivation
of Rights

Date Filed: 01/13/2012
Date Terminated: 08/06/2013
Jury Demand: Defendant
Nature of Suit: 441 Civil Rights: Voting
Jurisdiction: Federal Question

Plaintiff

Chris Brooks

represented by **Steven Daniel Sandven**
Steven D. Sandven Law Offices
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ATTORNEY TO BE NOTICED

Plaintiff

Francis Rencountre

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Plaintiff

Gloria Red Eagle

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ATTORNEY TO BE NOTICED

Plaintiff

Sharon Conden

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ATTORNEY TO BE NOTICED

Plaintiff

Jacqueline Garnier

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Plaintiff

Jennifer Red Owl

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Plaintiff

Edwina Weston

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Plaintiff

Michelle Weston

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Plaintiff

Monette Two Eagle

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Plaintiff

Mark A. Mesteth

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Plaintiff

Stacy Two Lance

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Plaintiff

Harry Brown

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Plaintiff

Eleanor Weston

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Plaintiff

Dawn Black Bull

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Plaintiff

Clarice Mesteth

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Plaintiff

Donovan L. Steele

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Plaintiff

Eileen Janis

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Plaintiff

Leona Little Hawk

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Plaintiff

Evan Rencountre

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Plaintiff

Cecil Little Hawk, Sr.

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Plaintiff

Linda Red Cloud

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Plaintiff

Loretta Little Hawk

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Plaintiff

Faith Two Eagle

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Plaintiff

Edmond Mesteth

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Plaintiff

Elmer Kills Back, Jr.

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ATTORNEY TO BE NOTICED

V.

Defendant

Jason Gant

*in his official capacity as South Dakota
Secretary of State*

represented by **Richard M. Williams**
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Pierre, SD 57501-8501
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Defendant

Shannon County, South Dakota

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Rebecca L. Mann

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Defendant

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Defendant

Shannon County Board of Commissioners

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Rebecca L. Mann
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Defendant

Fall River County Board of Commissioners

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Rebecca L. Mann
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Defendant

Joe Falkenbuerg
in his official capacity as a member of the County Board of Commissioners for Fall River County, South Dakota

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Defendant

Anne Cassens
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Defendant

Michael P. Ortner
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Defendant

Deb Russell

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Defendant

Joe Allen

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Defendant

Bryan J. Kehn

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represented by **Sara Frankenstein**
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Defendant

Deloris Hagman

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Rebecca L. Mann
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Defendant

Eugenio B. White Hawk

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represented by **Sara Frankenstein**
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Rebecca L. Mann
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ATTORNEY TO BE NOTICED

Defendant

Wendell Yellow Bull

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represented by **Sara Frankenstein**
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Rebecca L. Mann
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Defendant

Lyla Hutchison
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 County Board of Commissioners for
 Shannon County, South Dakota*

represented by **Sara Frankenstein**
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LEAD ATTORNEY
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Rebecca L. Mann
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Defendant

Sue Ganje
*in her official capacity as the County
 Auditor for Shannon and Fall River
 Counties*

represented by **Sara Frankenstein**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca L. Mann
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ATTORNEY TO BE NOTICED

Defendant

James Sword
*in his official capacity as Attorney for
 Shannon and Fall River Counties*

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LEAD ATTORNEY
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Rebecca L. Mann
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Amicus

ACLU of South Dakota

represented by **Robert J. Doody**
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 Sisseton, SD 57262
 Email: robert@rjdoodylaw.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/13/2012	<u>1</u>	COMPLAINT filed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. (Attachments: # <u>1</u> Ex 1 – Brief History of Lakota and Pine Ridge Reservation Red Cloud Indian School, # <u>2</u> Ex 2 – Statistics for Pine Ridge, # <u>3</u> Ex 3 – South Dakota: Pine Ridge Reservation, American Indian Relief Council, # <u>4</u> Ex 4 – Testimony of the Hon. John Yellow Bird Steele March 22, 2007, # <u>5</u> Ex 5 – Affidavit of Bret Healy, # <u>6</u> Ex 6 – SD Secretary of State 2004 Absentee Ballot Records, # <u>7</u> Ex 7 – SD Secretary of State 2004 Voter Turnout Records, # <u>8</u> Ex 8 – SD Secretary of State 2006 Absentee Ballot Records, # <u>9</u> Ex 9 – SD Secretary of State 2006 Voter Turnout Records, # <u>10</u> Ex 10 – 2008 SD Official General Election Results Turnout, # <u>11</u> Ex 11 – SD Secretary of State 2008 Absentee Ballot Records, # <u>12</u> Ex 12 – NPR article Native Americans Face Voting Roadblocks, # <u>13</u> Ex 13 – SD Secretary of State 2010 Absentee Ballot Records, # <u>14</u> Ex 14 – 2010 SD Official General Election Results Turnout, # <u>15</u> Ex 15 – Ltr from James G. Sword to Senator Tim Johnson 10/21/09, # <u>16</u> Ex 16 – Ltr from James G. Sword to Brendan Johnson 12/31/09, # <u>17</u> Ex 17 – Memorandum of Agreement 4/23/10, # <u>18</u> Ex 18 – 8/18/10 ltr from Theresa Two Bulls to Shannon County Commissioners, # <u>19</u> Ex 19 – RC Journal article 12/10/11, # <u>20</u> Ex 20 – Ltr from Gant to Sandven 12/30/11, # <u>21</u> Ex 21 – HAVA State Plan for SD updated March 2010, # <u>22</u> Ex 22 – RC Journal article 9/24/10, # <u>23</u> Ex 23 – Ganje ltr to Sandven 12/21/11, # <u>24</u> Ex 24 – Total State Government Budget FY 2012, # <u>25</u> Ex 25 – Complaint, # <u>26</u>

		Ex 26 – Appendix A) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>2</u>	MOTION for Preliminary Injunction, MOTION for Permanent Injunction by All Plaintiffs and memorandum in support thereof (DJP) Modified on 7/3/2012 to terminate second motion (SST). (Entered: 01/13/2012)
01/13/2012	<u>3</u>	CIVIL COVER SHEET (DJP) (Entered: 01/13/2012)
01/13/2012	<u>4</u>	Summons Issued as to Jason Gant (handed true copy to Plaintiffs' attorney) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>5</u>	Summons Issued as to James Sword (handed true copy to Plaintiffs' attorney) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>6</u>	Summons Issued as to Sue Ganje (handed true copy to Plaintiffs' attorney) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>7</u>	Summons Issued as to Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Shannon County Board of Commissioners, Shannon County, South Dakota, Eugenio White Hawk, Wendell Yellow Bull (handed true copy to Plaintiffs' attorney). (DJP) (Entered: 01/13/2012)
01/13/2012	<u>8</u>	Summons Issued as to Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River Board of Commissioners, Fall River County, South Dakota, Michael P. Ortner, Deb Russell (handed true copy to Plaintiffs' attorney) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>9</u>	Summons Issued as to Bryan J. Kehn (handed true copy to Plaintiffs' attorney) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>10</u>	Summons Issued as to Deloris Hagman (handed true copy to Plaintiffs' attorney) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>11</u>	Summons Issued as to Eugenio B. White Hawk (handed true copy to Plaintiffs' attorney) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>12</u>	Summons Issued as to Wendell Yellow Bull (handed true copy to Plaintiffs' attorney) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>13</u>	Summons Issued as to Lyla Hutchison (handed true copy to Plaintiffs' attorney) (DJP) (Entered: 01/13/2012)
01/13/2012	<u>14</u>	ORDER OF RECUSAL. U. S. District Judge Jeffrey L. Viken recused. Signed by U. S. District Judge Jeffrey L. Viken on 1/13/12. (SB) (Entered: 01/13/2012)
01/16/2012	<u>15</u>	MOTION for Hearing by All Plaintiffs. (Sandven, Steven) (Entered: 01/16/2012)
01/17/2012	<u>16</u>	Filing fee received: Fee Amount: \$ 350, Receipt #: SDX400024466. (SLW) (Entered: 01/17/2012)
01/17/2012	<u>17</u>	ORDER REASSIGNING CASE. Case reassigned to Chief Judge Karen E. Schreier for all further proceedings. Signed by Chief Judge Karen E. Schreier on 1/17/2012. (KC) (Entered: 01/17/2012)
01/17/2012	<u>18</u>	NOTICE of Appearance by Richard M. Williams on behalf of Jason Gant (Williams, Richard) (Entered: 01/17/2012)
01/18/2012	<u>19</u>	WAIVER OF SERVICE Returned Executed by Chris Brooks. Jason Gant waiver sent on 1/17/2012, answer due 3/19/2012. (Attachments: # <u>1</u> Exhibit)(Sandven, Steven) (Entered: 01/18/2012)
01/19/2012	<u>20</u>	RETURN OF SERVICE Executed upon Defendant James Sword on 01/18/12 (Sandven, Steven) (Entered: 01/19/2012)
01/19/2012	<u>21</u>	RETURN OF SERVICE Executed upon Defendant Sue Ganje on 01/18/12 (Sandven, Steven) (Entered: 01/19/2012)
01/20/2012		NOTICE of Filing Error: Return of Service Executed <u>21</u> , Return of Service Executed <u>20</u> FILED IN ERROR (Sandven, Steven) (Entered: 01/20/2012)

01/20/2012	<u>22</u>	SUMMONS Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Sue Ganje served on 1/18/2012, answer due 2/8/2012. (Sandven, Steven) (Entered: 01/20/2012)
01/20/2012	<u>23</u>	SUMMONS Returned Executed by Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Evan Rencountre, Jacqueline Garnier. James Sword served on 1/18/2012, answer due 2/8/2012. (Sandven, Steven) (Entered: 01/20/2012)
01/24/2012	<u>24</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Shannon County, South Dakota waiver sent on 1/24/2012, answer due 3/26/2012. (Sandven, Steven) (Entered: 01/24/2012)
01/24/2012	<u>25</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Shannon County Board of Commissioners waiver sent on 1/24/2012, answer due 3/26/2012. (Sandven, Steven) (Entered: 01/24/2012)
01/24/2012	<u>26</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Evan Rencountre, Jacqueline Garnier. Bryan J. Kehn waiver sent on 1/24/2012, answer due 3/26/2012. (Sandven, Steven) (Entered: 01/24/2012)
01/24/2012	<u>27</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Lyla Hutchison waiver sent on 1/24/2012, answer due 3/26/2012. (Sandven, Steven) (Entered: 01/24/2012)
01/24/2012	<u>28</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Eugenio B. White Hawk waiver sent on 1/24/2012, answer due 3/26/2012. (Sandven, Steven) (Entered: 01/24/2012)
01/24/2012	<u>29</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle

		Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Deloris Hagman waiver sent on 1/24/2012, answer due 3/26/2012. (Sandven, Steven) (Entered: 01/24/2012)
01/25/2012	<u>30</u>	NOTICE of Appearance by Sara Frankenstein on behalf of Joe Allen, Anne Cassens, Joe Falkenberg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull (Frankenstein, Sara) (Entered: 01/25/2012)
01/26/2012	<u>31</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Wendell Yellow Bull waiver sent on 1/25/2012, answer due 3/26/2012. (Sandven, Steven) (Entered: 01/26/2012)
01/27/2012	<u>32</u>	ORDER Setting Hearing on Motion <u>2</u> MOTION for Preliminary Injunction: Motion Hearing set for 3/8/2012 at 09:00 AM in Rapid City Courtroom 2 – Room 236 before Chief Judge Karen E. Schreier. Signed by Chief Judge Karen E. Schreier on 1/27/2012. (KC) (Entered: 01/27/2012)
02/08/2012	<u>33</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Fall River County, South Dakota waiver sent on 2/6/2012, answer due 4/6/2012. (Sandven, Steven) (Entered: 02/08/2012)
02/08/2012	<u>34</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Fall River County Board of Commissioners waiver sent on 2/6/2012, answer due 4/6/2012. (Sandven, Steven) (Entered: 02/08/2012)
02/08/2012	<u>35</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Deb Russell waiver sent on 2/6/2012, answer due 4/6/2012. (Sandven, Steven) (Entered: 02/08/2012)
02/08/2012	<u>36</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Michael P. Ortner waiver sent on 2/6/2012, answer due 4/6/2012. (Sandven, Steven) (Entered: 02/08/2012)
02/08/2012	<u>37</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre,

		Jacqueline Garnier. Anne Cassens waiver sent on 2/6/2012, answer due 4/6/2012. (Sandven, Steven) (Entered: 02/08/2012)
02/08/2012	<u>38</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Joe Falkenbuerg waiver sent on 2/6/2012, answer due 4/6/2012. (Sandven, Steven) (Entered: 02/08/2012)
02/08/2012	<u>39</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. Joe Allen waiver sent on 2/6/2012, answer due 4/6/2012. (Sandven, Steven) (Entered: 02/08/2012)
02/08/2012	<u>40</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. (Sandven, Steven) (Entered: 02/08/2012)
02/08/2012	<u>41</u>	WAIVER OF SERVICE Returned Executed by Linda Red Cloud, Edwina Weston, Francis Rencountre, Eileen Janis, Chris Brooks, Leona Little Hawk, Donovan L. Steele, Elmer Kills Back, Jr, Dawn Black Bull, Cecil Little Hawk, Sr, Edmond Mesteth, Mark A. Mesteth, Stacy Two Lance, Loretta Little Hawk, Faith Two Eagle, Eleanor Weston, Jennifer Red Owl, Gloria Red Eagle, Monette Two Eagle, Harry Brown, Clarice Mesteth, Michelle Weston, Sharon Conden, Evan Rencountre, Jacqueline Garnier. (Sandven, Steven) (Entered: 02/08/2012)
02/08/2012	<u>42</u>	ANSWER to <u>1</u> Complaint,,,,,, with Jury Demand by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 02/08/2012)
02/14/2012	<u>43</u>	MOTION to Dismiss by Jason Gant. (Williams, Richard) (Entered: 02/14/2012)
02/14/2012	<u>44</u>	BRIEF by Defendant Jason Gant re <u>2</u> MOTION for Preliminary Injunction MOTION for Permanent Injunction, <u>43</u> MOTION to Dismiss. (Attachments: # <u>1</u> Exhibit Chapter 45 (H.B. 1197), # <u>2</u> Exhibit Shannon County Charter, # <u>3</u> Exhibit Federal Register)(Williams, Richard) (Entered: 02/14/2012)
02/14/2012	<u>45</u>	RESPONSE to Motion re <u>2</u> MOTION for Preliminary Injunction MOTION for Permanent Injunction filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 02/14/2012)
02/14/2012	<u>46</u>	AFFIDAVIT in Opposition re <u>2</u> MOTION for Preliminary Injunction MOTION for Permanent Injunction filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Attachments: # <u>1</u> Exhibit A (Shannon-Fall River Co. Contract 2012), # <u>2</u> Exhibit B (Shannon Co. Minutes September 8, 2004) # <u>3</u> Exhibit C (Shannon Co. Minutes of December 2, 2011), # <u>4</u> Exhibit D (10 County Comparison), # <u>5</u> Exhibit E (Shannon County Minutes of

		September 9, 2011)(Frankenstein, Sara) Modified on 2/15/2012 to add descriptions (DJP). (Entered: 02/14/2012)
02/21/2012	<u>47</u>	MEMORANDUM in Opposition re <u>43</u> MOTION to Dismiss <i>and Reply Brief</i> filed by All Plaintiffs. (Sandven, Steven) (Entered: 02/21/2012)
02/21/2012	<u>48</u>	AFFIDAVIT in Opposition re <u>43</u> MOTION to Dismiss <i>and Reply Brief with Exhibits 1-18</i> filed by All Plaintiffs. (Attachments: # <u>1</u> EX 1A (Shannon-Fall River County Contract 2012), # <u>2</u> EX 1B (Shannon-Fall River County Contract 2011), # <u>3</u> EX 1C (Shannon-Fall River County Contract 2010), # <u>4</u> EX 1D (Shannon-Fall River County Contract 2009), # <u>5</u> EX 1E (Shannon-Fall River County Contract 2008), # <u>6</u> EX 1F (Shannon-Fall River County Contract 2007), # <u>7</u> EX 1G (Shannon-Fall River County Contract 2006), # <u>8</u> EX 1H (Shannon-Fall River County Contract 2005), # <u>9</u> EX 1I (Shannon-Fall River County Contract 2004), # <u>10</u> EX 2 (1/24/12 memo from Congressional Research Service), # <u>11</u> EX 3 (RC Journal article 1/18/12), # <u>12</u> EX 4(Argus Leader online article 1/18/12) , # <u>13</u> EX 5 (100r.org online article 1/31/12), # <u>14</u> EX 6 (2010 HAVA State Plan for SD), # <u>15</u> EX 7 (worksheet regarding absentee ballot percentages), # <u>16</u> EX 8 (2012 Narrative for Oglala Sioux Tribe Department of Public Safety), # <u>17</u> EX 9 (Worksheet re: travel to courthouses in SD), # <u>18</u> EX 10 (worksheet re: travel from towns in Shannon Co to Fall River Courthouse), # <u>19</u> EX 11 (worksheet re: travel from the largest city in a county to county seat), # <u>20</u> EX 12 (worksheet re: travel from second largest city in county to county seat), # <u>21</u> EX 13 (worksheet re: Shannon Co voter turnout percentages compared to rest of SD), # <u>22</u> EX 14 (Worksheet re: mileage comparisons between Shannon and Meade Counties), # <u>23</u> EX 15 (Statement of Organization filed by Jason Gant 1/26/11), # <u>24</u> EX 16 (Advertisements for internet providers in Pine Ridge), # <u>25</u> EX 17 (2012 Bill History for SD 58), # <u>26</u> EX 18 (Post Office closings in Wounded Knee and Manderson))(Sandven, Steven) Modified on 2/22/2012 to add descriptions (DJP). (Entered: 02/21/2012)
02/21/2012	<u>49</u>	AFFIDAVIT in Support re <u>43</u> MOTION to Dismiss <i>Affidavit Supplement w/ Exhibits 19-31</i> filed by All Plaintiffs. (Attachments: # <u>1</u> EX 19 – 2012 Election Calendar, # <u>2</u> EX 20 – B. Healy Affidavit, # <u>3</u> EX 21 – Shannon Cty Minutes 09/03/10, # <u>4</u> EX 22 – OJ Semans Affidavit, # <u>5</u> EX 23A – Shannon Cty Minutes 02/04/11, # <u>6</u> EX 23B – Shannon Cty Minutes 03/04/11, # <u>7</u> EX 23C – Shannon Cty Minutes 05/06/11, # <u>8</u> EX 23D – Shannon Cty Minutes 11/04/11, # <u>9</u> EX 24A – Shannon Cty Minutes 09/03/10, # <u>10</u> EX 24B – Shannon Cty Minutes 12/03/10, # <u>11</u> EX 25 – Election Board Minutes 11/29/11, # <u>12</u> EX 26 – Shannon Cty Map, # <u>13</u> EX 27 – M. Two Eagle Affidavit, # <u>14</u> EX 28 – C. Mesteth Affidavit, # <u>15</u> EX 29 – E. Mesteth Affidavit, # <u>16</u> EX 30 – S. Two Lance Affidavit, # <u>17</u> EX 31 D. BlackBull Affidavit)(Sandven, Steven) (Entered: 02/21/2012)
02/27/2012	<u>50</u>	REPLY to <u>47</u> Memorandum in Opposition to Motion, <u>45</u> Response to Motion, filed by Jason Gant. (Attachments: # <u>1</u> Exhibit 11/29/11 letter to Gant, # <u>2</u> Exhibit Federal Register Vol. 76)(Williams, Richard) (Entered: 02/27/2012)
03/05/2012	<u>51</u>	First MOTION for Leave to ACLU Amicus by Robert James Doody. (Attachments: # <u>1</u> Exhibit ACLU Amicus Brief)(Doody, Robert) (Entered: 03/05/2012)
03/06/2012	<u>52</u>	TEXT ORDER granting <u>51</u> Motion for Leave to file amicus brief. Signed by Chief Judge Karen E. Schreier on 3/6/2012. (KC) (Entered: 03/06/2012)
03/06/2012	<u>53</u>	SUBPOENA for Jim Sword returned (Sandven, Steven) (Entered: 03/06/2012)
03/06/2012	<u>54</u>	SUBPOENA for Sue Ganje returned (Sandven, Steven) (Entered: 03/06/2012)
03/06/2012	<u>55</u>	Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction by All Defendants. (Williams, Richard) (Entered: 03/06/2012)
03/06/2012	<u>56</u>	MEMORANDUM in Support re <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction filed by All Defendants. (Williams, Richard) (Entered: 03/06/2012)
03/06/2012	<u>57</u>	AFFIDAVIT in Support re <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction filed by All Defendants. (Attachments: # <u>1</u> Exhibit March 1, 2012 Letter, # <u>2</u> Exhibit March 2, 2012 letter, # <u>3</u> Exhibit Shannon County Minutes)(Williams, Richard) (Entered: 03/06/2012)

03/07/2012	<u>58</u>	MEMORANDUM in Opposition re <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction filed by All Plaintiffs. (Sandven, Steven) (Entered: 03/07/2012)
03/07/2012	<u>59</u>	AFFIDAVIT of Steven D. Sandven in Opposition re <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction of filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Ex 1 RC Journal Article 02March12)(Sandven, Steven) (Entered: 03/07/2012)
03/07/2012	<u>60</u>	REPLY to Motion Response re <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction filed by All Defendants. (Frankenstein, Sara) (Entered: 03/07/2012)
03/07/2012	<u>61</u>	AFFIDAVIT in Support re <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction filed by All Defendants. (Attachments: # <u>1</u> Exhibit 9; Shannon–Fall River Couny Contract – 2012 Amended, # <u>2</u> Exhibit 10; Shannon–State's Attorney Contract – 2012 Amended)(Frankenstein, Sara) (Entered: 03/07/2012)
03/07/2012	<u>62</u>	AFFIDAVIT in Support re <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction filed by All Defendants. (Frankenstein, Sara) (Entered: 03/07/2012)
03/07/2012	<u>63</u>	MOTION for Sequence of Testimony by Joe Allen, Anne Cassens, Joe Falkenburg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortnier, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 03/07/2012)
03/08/2012	<u>64</u>	Motion Hearing held on 3/8/2012 re <u>2</u> MOTION for Preliminary Injunction MOTION for Permanent Injunction, <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction before Chief Judge Karen E. Schreier (Court Reporter Connie Heckenlaible) (SLT) (Entered: 03/08/2012)
03/08/2012	<u>65</u>	EXHIBIT LIST re: <u>64</u> Motion Hearing held on 3/8/2012 re <u>2</u> MOTION for Preliminary Injunction MOTION for Permanent Injunction, <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction.(SLT) (Main Document 65 replaced on 3/16/2012 with corrected date on exhibit list) (SLT). (Entered: 03/08/2012)
03/14/2012	<u>66</u>	ORDER granting <u>55</u> Motion to Dismiss; denying as moot <u>2</u> Motion for Preliminary Injunction. Signed by Chief Judge Karen E. Schreier on 03/14/2012. (MWT) (Entered: 03/14/2012)
03/15/2012	<u>67</u>	TRANSCRIPT of Proceedings re <u>64</u> Motion Hearing, held on March 8, 2012 before Judge Schreier. Court Reporter/Transcriber: Connie Heckenlaible, Telephone number 605–945–4622. Transcript may be viewed at the Clerk's Office public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/9/2012. Redacted Transcript Deadline set for 4/19/2012. Release of Transcript Restriction set for 6/18/2012. (CJH) (Entered: 03/15/2012)
03/15/2012	<u>68</u>	NOTICE of Filing of Official Transcript re: <u>64</u> Motion Hearing,. Notice mailed to non–ecf counsel. (CJH) (Entered: 03/15/2012)
03/19/2012	<u>69</u>	AFFIDAVIT in Support re <u>55</u> Joint MOTION to Dismiss Plaintiffs' Motion for Preliminary Injunction filed by All Defendants. (Attachments: # <u>1</u> Exhibit 11; Shannon–Fall River County Contract – 2012 – Amended, # <u>2</u> Exhibit 12; Shannon–State's Attorney Contract – 2012 – Amended)(Frankenstein, Sara) (Entered: 03/19/2012)
03/23/2012	<u>70</u>	ORDER For Form 52 Report and Scheduling Information. Signed by Chief Judge Karen E. Schreier on 3/23/2012. (KC) (Entered: 03/23/2012)
04/06/2012	<u>71</u>	FORM 52 REPORT of Parties Planning Meeting. (Frankenstein, Sara) (Entered: 04/06/2012)

04/09/2012	<u>72</u>	SCHEDULING ORDER: Discovery due by 8/31/2012 Motions due by 10/1/2012. Signed by Chief Judge Karen E. Schreier on 4/9/12. (CMS) (Entered: 04/09/2012)
07/30/2012	<u>73</u>	MOTION to Extend Deadlines by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Mann, Rebecca) (Entered: 07/30/2012)
07/30/2012	<u>74</u>	MEMORANDUM in Support re <u>73</u> MOTION to Extend Deadlines filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Mann, Rebecca) (Entered: 07/30/2012)
07/30/2012	<u>75</u>	AFFIDAVIT in Support re <u>73</u> MOTION to Extend Deadlines filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Mann, Rebecca) (Entered: 07/30/2012)
08/01/2012	<u>76</u>	MEMORANDUM in Opposition re <u>73</u> MOTION to Extend Deadlines filed by All Plaintiffs. (Sandven, Steven) (Entered: 08/01/2012)
08/10/2012	<u>77</u>	Joint MOTION to Dismiss by All Defendants. (Frankenstein, Sara) (Entered: 08/10/2012)
08/10/2012	<u>78</u>	MEMORANDUM in Support re <u>77</u> Joint MOTION to Dismiss filed by All Defendants. (Frankenstein, Sara) (Entered: 08/10/2012)
08/10/2012	<u>79</u>	AFFIDAVIT in Support re <u>77</u> Joint MOTION to Dismiss filed by All Defendants. (Attachments: # <u>1</u> Exhibit Memorandum of Agreement, # <u>2</u> Exhibit Resolution #2012-10, # <u>3</u> Exhibit Resolution #2012-11, # <u>4</u> Exhibit Anticipated 2012 Election Costs Chart, # <u>5</u> Exhibit March 8, 2012 Hearing Transcript, # <u>6</u> Exhibit Nelson Depo Transcript, # <u>7</u> Exhibit Gant Depo Transcript, # <u>8</u> Exhibit Frankenstein March 1, 2012 Letter, # <u>9</u> Exhibit Williams March 2, 2012 Letter, # <u>10</u> Exhibit Ganje Depo Transcript)(Frankenstein, Sara) (Entered: 08/10/2012)
08/14/2012	<u>80</u>	AFFIDAVIT in Support re <u>77</u> Joint MOTION to Dismiss filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Attachments: # <u>1</u> Exhibit Memorandum of Agreement)(Frankenstein, Sara) (Entered: 08/14/2012)
08/21/2012	<u>81</u>	MEMORANDUM in Opposition re <u>77</u> Joint MOTION to Dismiss filed by All Plaintiffs. (Sandven, Steven) (Entered: 08/21/2012)
08/21/2012	<u>82</u>	AFFIDAVIT in Opposition re <u>77</u> Joint MOTION to Dismiss filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit EX 1 – Defendant Ganje's Responses, # <u>2</u> Exhibit EX 2 – C Nelson Email, # <u>3</u> Exhibit EX 3 – C Nelson Email, # <u>4</u> Exhibit EX 4 – OST Memo, # <u>5</u> Exhibit EX 5 – Defendant Gant Responses, # <u>6</u> Exhibit EX 6 – Defendant Shannon County Responses, # <u>7</u> Exhibit EX 7 – Defendant Fall River Responses, # <u>8</u> Exhibit EX 8 – Defendant Gant Responses, # <u>9</u> Exhibit EX 9 – Plaintiffs' November 14, 2011 Memo, # <u>10</u> Exhibit EX 10 – Plaintiffs' November 26, 2011 Memo, # <u>11</u> Exhibit EX 11 – Plaintiffs' November 14, 2011 Memo, # <u>12</u> Exhibit EX –12 Plaintiffs' November 26, 2011 Memo, # <u>13</u> Exhibit EX 13 – Plaintiffs' December 19, 2011 Memo, # <u>14</u> Exhibit EX 14 – Shannon Cty Minutes, # <u>15</u> Exhibit EX 15 – Shannon County Minutes, # <u>16</u> Exhibit EX 16 – States Attorney Memo, # <u>17</u> Exhibit EX 17 – Shannon–Fall River Contract, # <u>18</u> Exhibit EX 18 – Defendant Gant Deposition Excerpts, # <u>19</u> Exhibit EX 19 – C Nelson Deposition Excerpts, # <u>20</u> Exhibit EX 20 – Defendant Ganje Deposition Excerpts, # <u>21</u> Exhibit EX 21 – L Hutchinson Deposition Excerpts)(Sandven, Steven) (Entered: 08/21/2012)

08/31/2012	<u>83</u>	MEMORANDUM in Opposition re <u>73</u> MOTION to Extend Deadlines <i>Supplemental Pleading</i> filed by All Plaintiffs. (Sandven, Steven) (Entered: 08/31/2012)
08/31/2012	<u>84</u>	AFFIDAVIT in Opposition re <u>73</u> MOTION to Extend Deadlines filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Plaintiffs Memo 16August12, # <u>2</u> Exhibit Plaintiffs Email 27August12, # <u>3</u> Exhibit Plaintiffs Email 30August12, # <u>4</u> Exhibit Plaintiffs Expert Report, # <u>5</u> Exhibit Defendants Memo 16August12, # <u>6</u> Exhibit Plaintiffs Initial Disclosures 03April12, # <u>7</u> Exhibit Plaintiffs Email 30August12, # <u>8</u> Exhibit Seman Deposition Notice 30August12)(Sandven, Steven) (Entered: 08/31/2012)
09/07/2012	<u>85</u>	AFFIDAVIT of Sue Ganje. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Frankenstein, Sara) (Entered: 09/07/2012)
09/07/2012	<u>86</u>	REPLY to Motion Response re <u>77</u> Joint MOTION to Dismiss filed by All Defendants. (Frankenstein, Sara) (Entered: 09/07/2012)
09/07/2012	<u>87</u>	AFFIDAVIT in Support re <u>77</u> Joint MOTION to Dismiss filed by All Defendants. (Attachments: # <u>1</u> Exhibit Nelson Depo, # <u>2</u> Exhibit Hutchison Depo, # <u>3</u> Exhibit Gant Depo, # <u>4</u> Exhibit Ganje Depo, # <u>5</u> Exhibit 2008 HAVA Form, # <u>6</u> Exhibit May 9, 2012 letter, # <u>7</u> Exhibit Shannon/Fall River County Contract, # <u>8</u> Exhibit August 23, 2010 email, # <u>9</u> Exhibit March 8, 2012 Hearing Transcript)(Frankenstein, Sara) (Entered: 09/07/2012)
09/11/2012	<u>88</u>	Joint MOTION to Amend/Correct <u>86</u> Reply to Motion Response by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Jason Gant, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Attachments: # <u>1</u> Exhibit Corrected Defendants' Joint Reply to Plaintiffs' Response to Defendants' Joint Motion to Dismiss)(Frankenstein, Sara) (Entered: 09/11/2012)
09/17/2012	<u>89</u>	ORDER granting <u>88</u> Motion to Amend/Correct granting motion to correct defendants' joint reply. Signed by Chief Judge Karen E. Schreier on 9/17/2012. (KC) (Entered: 09/17/2012)
09/18/2012	<u>90</u>	REPLY to Motion Response re <u>77</u> Joint MOTION to Dismiss <i>CORRECTED</i> filed by All Defendants. (Frankenstein, Sara) (Entered: 09/18/2012)
09/21/2012	<u>91</u>	MOTION for Summary Judgment by Dawn Black Bull, Chris Brooks, Harry Brown, Sharon Conden, Jacqueline Garnier, Eileen Janis, Elmer Kills Back, Jr, Cecil Little Hawk, Sr, Leona Little Hawk, Loretta Little Hawk, Clarice Mesteth, Edmond Mesteth, Mark A. Mesteth, Linda Red Cloud, Gloria Red Eagle, Jennifer Red Owl, Evan Rencountre, Francis Rencountre, Donovan L. Steele, Faith Two Eagle, Monette Two Eagle, Stacy Two Lance, Edwina Weston, Eleanor Weston, Michelle Weston. (Attachments: # <u>1</u> Plaintiffs' Brief in Support of Motion to Dismiss, # <u>2</u> Plaintiffs' Statement of Undisputed Material Facts)(Sandven, Steven) (Entered: 09/21/2012)
09/21/2012	<u>92</u>	AFFIDAVIT in Support re <u>91</u> MOTION for Summary Judgment <i>Exhibits 1-12</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit J. Gant Deposition Excerpts, # <u>2</u> Exhibit C. (Refiled as doc 94) Nelson Deposition Excerpts, # <u>3</u> Exhibit S. Ganje Deposition Excerpts, # <u>4</u> Exhibit L. Hutchinson Deposition Excerpts, # <u>5</u> Exhibit S. Ganje Responses, # <u>6</u> Exhibit S. Ganje Responses, # <u>7</u> Exhibit Shannon County Responses, # <u>8</u> Exhibit Fall River Responses, # <u>9</u> Exhibit Shannon County Minutes December 2, 2011, # <u>10</u> Exhibit Plaintiffs' First Request to Shannon County for Early Voting, # <u>11</u> Exhibit Plaintiffs' Second Request to Shannon County for Early Voting, # <u>12</u> Exhibit Dr. Braunstein Expert Report)(Sandven, Steven) Modified on 9/25/2012 (SLW). (Entered: 09/21/2012)
09/21/2012	<u>93</u>	SUPPLEMENTAL Exhibits to <u>92</u> Affidavit re: <u>91</u> Motion for Summary Judgment by Plaintiffs Dawn Black Bull, Chris Brooks, Harry Brown, Sharon Conden, Jacqueline Garnier, Eileen Janis, Elmer Kills Back, Jr, Cecil Little Hawk, Sr, Leona Little Hawk, Loretta Little Hawk, Clarice Mesteth, Edmond Mesteth, Mark A. Mesteth, Linda Red Cloud, Gloria Red Eagle, Jennifer Red Owl, Evan Rencountre, Francis Rencountre, Donovan L. Steele, Faith Two Eagle, Monette Two Eagle, Stacy Two Lance, Edwina Weston, Eleanor Weston, Michelle Weston <i>Sandven Affidavit Exhibits 13-33</i> . (Attachments: # <u>1</u> Exhibit EX 13 C Nelson Email to S.Ganje, # <u>2</u> Exhibit EX 14 C.Nelson Email to S. Ganje, # <u>3</u> Exhibit EX 15 Oglala Sioux Tribe Request to

		Shannon County for Early Voting, # <u>4</u> Exhibit EX 16 Shannon County Minutes March 2, 2012, # <u>5</u> Exhibit EX 17 Plaintiffs' First Request to Secretary of State for Early Voting, # <u>6</u> Exhibit EX 18 Plaintiffs' Second Request to Secretary of State for Early Voting, # <u>7</u> Exhibit EX 19 Plaintiffs' Third Request to Secretary of State for Early Voting, # <u>8</u> Exhibit EX 20 March 8 Hearing Transcript Excerpts, # <u>9</u> Exhibit EX 21 Dawn Black Bull Affidavit, # <u>10</u> Exhibit EX 22 Clarice Mesteth Affidavit, # <u>11</u> Exhibit EX 23 Defendant Gant Responses, # <u>12</u> Exhibit EX 24 Defendant Gant Responses, # <u>13</u> Exhibit EX 25 Oliver J. Semans Deposition Transcript Excerpts, # <u>14</u> Exhibit EX 26 Dr. Braunstein Deposition Excerpts, # <u>15</u> Exhibit EX 27 Oliver J. Semans Affidavit, # <u>16</u> Exhibit EX 28 2010 Turnout, # <u>17</u> Exhibit EX 29 2004 Turnout, # <u>18</u> Exhibit EX 30 2006 Turnout, # <u>19</u> Exhibit EX 31 Gant Responses, # <u>20</u> Exhibit EX 32 Oglala Lakota College Case Statement, # <u>21</u> Exhibit EX 33 RC Journal Article)(Sandven, Steven) Modified on 9/25/2012 to add link and text(SLW). (Entered: 09/21/2012)
09/24/2012	<u>94</u>	SUPPLEMENTAL Exhibits (replaced Exhibit 2 to <u>92</u> Affidavit re: <u>91</u> Motion for Summary Judgment by Plaintiffs Dawn Black Bull, Chris Brooks, Harry Brown, Sharon Conden, Jacqueline Garnier, Eileen Janis, Elmer Kills Back, Jr, Cecil Little Hawk, Sr, Leona Little Hawk, Loretta Little Hawk, Clarice Mesteth, Edmond Mesteth, Mark A. Mesteth, Linda Red Cloud, Gloria Red Eagle, Jennifer Red Owl, Evan Rencountre, Francis Rencountre, Donovan L. Steele, Faith Two Eagle, Monette Two Eagle, Stacy Two Lance, Edwina Weston, Eleanor Weston, Michelle Weston S. <i>Sandven Aff. Ex. 2 C. Nelson Deposition Excerpts Parts I and II.</i> (Attachments: # <u>1</u> Sandven Aff. Ex. 2 C. Nelson Deposition Excerpts Part II)(Sandven, Steven) Modified on 9/25/2012 to add link and text(SLW). (Entered: 09/24/2012)
09/27/2012	<u>95</u>	ORDER denying <u>43</u> Gant's Motion to Dismiss. Signed by Chief Judge Karen E. Schreier on 9/27/2012. (KC) (Entered: 09/27/2012)
10/01/2012	<u>96</u>	MOTION for Summary Judgment by Jason Gant. (Williams, Richard) (Entered: 10/01/2012)
10/01/2012	<u>97</u>	MOTION for Summary Judgment <i>Fall River County Defendants</i> by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Michael P. Ortner, Deb Russell, James Sword. (Frankenstein, Sara) (Entered: 10/01/2012)
10/01/2012	<u>98</u>	STATEMENT OF <i>Fall River County Defendants</i> MATERIAL FACTS re <u>97</u> Motion for Summary Judgment, by Defendants Michael P. Ortner, Anne Cassens, Fall River County Board of Commissioners, Fall River County, South Dakota, Joe Falkenbuerg, Joe Allen, James Sword, Sue Ganje, Deb Russell filed by Michael P. Ortner, Anne Cassens, Fall River County Board of Commissioners, Fall River County, South Dakota, Joe Falkenbuerg, Joe Allen, James Sword, Sue Ganje, Deb Russell. (Frankenstein, Sara) (Entered: 10/01/2012)
10/01/2012	<u>99</u>	MEMORANDUM in Support re <u>97</u> MOTION for Summary Judgment <i>Fall River County Defendants</i> filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Michael P. Ortner, Deb Russell, James Sword. (Frankenstein, Sara) (Entered: 10/01/2012)
10/01/2012	<u>100</u>	Joint MOTION for Summary Judgment <i>All Defendants</i> by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Jason Gant, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 10/01/2012)
10/01/2012	<u>101</u>	AFFIDAVIT in Support re <u>100</u> Joint MOTION for Summary Judgment <i>All Defendants</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit Nelson Depo., # <u>2</u> Exhibit Ganje Depo., # <u>3</u> Exhibit McDonald Article, # <u>4</u> Exhibit Gronke Article, # <u>5</u> Exhibit Neeley Article, # <u>6</u> Exhibit Brunell Expert Report, # <u>7</u> Exhibit Gant Responses)(Frankenstein, Sara) (Entered: 10/01/2012)
10/01/2012	<u>102</u>	MEMORANDUM in Support re <u>100</u> Joint MOTION for Summary Judgment <i>All Defendants</i> filed by All Defendants. (Frankenstein, Sara) (Entered: 10/01/2012)

10/02/2012	<u>103</u>	MOTION for Leave to File Excess Pages by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 10/02/2012)
10/03/2012	104	ORDER granting <u>103</u> Motion for Leave to File Excess Pages. Signed by Chief Judge Karen E. Schreier on 10/3/2012. (KC) (Entered: 10/03/2012)
10/03/2012	<u>105</u>	ANSWER to <u>1</u> Complaint,,,,,,,,, with Jury Demand by Jason Gant. (Williams, Richard) (Entered: 10/03/2012)
10/04/2012	<u>106</u>	ORDER granting <u>73</u> Motion to Extend Deadlines (Discovery due by 11/30/2012, Motions due by 12/31/2012); denying <u>77</u> Motion to Dismiss. Signed by Chief Judge Karen E. Schreier on 10/4/2012. (KC) (Entered: 10/04/2012)
10/05/2012	<u>107</u>	MOTION for Reconsideration of <i>Extension of Deadlines</i> by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 10/05/2012)
10/05/2012	<u>108</u>	MEMORANDUM in Support re <u>107</u> MOTION for Reconsideration of <i>Extension of Deadlines</i> filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 10/05/2012)
10/05/2012	<u>109</u>	AFFIDAVIT in Support re <u>107</u> MOTION for Reconsideration of <i>Extension of Deadlines</i> filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Attachments: # <u>1</u> Exhibit County Defendants' Designation of Expert Witness, # <u>2</u> Exhibit Frankenstein's September 21, 2012 Letter, # <u>3</u> Exhibit Sandven's September 22, 2012 Letter, # <u>4</u> Exhibit Sandven's September 25, 2012 Letter)(Frankenstein, Sara) (Entered: 10/05/2012)
10/12/2012	<u>110</u>	MEMORANDUM in Opposition re <u>97</u> MOTION for Summary Judgment <i>Fall River County Defendants</i> filed by All Plaintiffs with attached appendix A. (Sandven, Steven) Modified on 10/15/2012 to add reference to appendix(SLW). (Entered: 10/12/2012)
10/12/2012	<u>111</u>	AFFIDAVIT in Opposition re <u>97</u> MOTION for Summary Judgment <i>Fall River County Defendants</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit EX 1 2002 Contract, # <u>2</u> Exhibit EX 2 2003 Contract, # <u>3</u> Exhibit EX 3 2004 Contract, # <u>4</u> Exhibit EX 4 2005 Contract, # <u>5</u> Exhibit EX 5 2006 Contract, # <u>6</u> Exhibit EX 6 2007 Contract, # <u>7</u> Exhibit EX 7 2008 Contract, # <u>8</u> Exhibit EX 8 2009 Contract, # <u>9</u> Exhibit EX 9 2010 Contract, # <u>10</u> Exhibit EX 10 2011 Contract, # <u>11</u> Exhibit EX 11 2012 Contract, # <u>12</u> Exhibit EX 12 2012 Amended 06March12, # <u>13</u> Exhibit EX 13 2012 Amended 12March12, # <u>14</u> Exhibit EX 14 SwordMemo 21October09, # <u>15</u> Exhibit EX 15 SwordMemo 31December09, # <u>16</u> Exhibit EX 16 HealyAffidavit, # <u>17</u> Exhibit EX 17 ShannonCtyMinutes 03September10, # <u>18</u> Exhibit EX 18 LHutchinsonTranscripts)(Sandven, Steven) (Entered: 10/12/2012)
10/15/2012	<u>112</u>	RESPONSE to <u>91</u> Motion for Summary Judgment,, <i>Response to Plaintiffs' Statement of Undisputed Material Facts</i> filed by All Defendants. (Frankenstein, Sara) (Entered: 10/15/2012)
10/15/2012	<u>113</u>	MOTION to Strike <i>Plaintiffs' Statement of Undisputed Material Facts</i> by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Jason Gant, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 10/15/2012)

10/15/2012	<u>114</u>	MEMORANDUM in Support re <u>113</u> MOTION to Strike <i>Plaintiffs' Statement of Undisputed Material Facts</i> filed by All Defendants. (Frankenstein, Sara) (Entered: 10/15/2012)
10/15/2012	<u>115</u>	AFFIDAVIT in Opposition re <u>91</u> MOTION for Summary Judgment filed by All Defendants. (Attachments: # <u>1</u> Exhibit Semans Depo, # <u>2</u> Exhibit HAVA Reimbursement Forms 2003, 2004, 2005, 2008, 2009, 2010, # <u>3</u> Exhibit Nelson Depo, # <u>4</u> Exhibit Gant Depo, # <u>5</u> Exhibit March 8, 2012 Hearing Transcript, # <u>6</u> Exhibit Braunstein Depo)(Frankenstein, Sara) (Attachment 2 replaced on 10/16/2012 to provide better copy) (KKD). (Entered: 10/15/2012)
10/16/2012	<u>116</u>	Filed in error: RESPONSE to Motion re <u>91</u> MOTION for Summary Judgment <i>in Opposition</i> filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) Modified on 10/17/2012 (SLW). (Entered: 10/16/2012)
10/16/2012		NOTICE of Filing Error: Response to Motion, <u>116</u> filed by Defendant Joe Falkenbuerg, Defendant Eugenio B. White Hawk, Defendant Michael P. Ortner, Defendant Sue Ganje, Defendant Fall River County Board of Commissioners, Defendant James Sword, Defendant Deloris Hagman, Defendant Joe Allen, Defendant Anne Cassens, Defendant Shannon County, South Dakota, Defendant Deb Russell, Defendant Shannon County Board of Commissioners, Defendant Lyla Hutchison, Defendant Wendell Yellow Bull, Defendant Bryan J. Kehn, Defendant Fall River County, South Dakota FILED IN ERROR (Frankenstein, Sara) (Entered: 10/16/2012)
10/16/2012	<u>117</u>	MEMORANDUM in Opposition re <u>91</u> MOTION for Summary Judgment filed by All Defendants. (Frankenstein, Sara) (Entered: 10/16/2012)
10/17/2012	<u>118</u>	Joint MOTION to Dismiss <i>on Ripeness Grounds</i> by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Jason Gant, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 10/17/2012)
10/17/2012	<u>119</u>	MEMORANDUM in Support re <u>118</u> Joint MOTION to Dismiss <i>on Ripeness Grounds</i> filed by All Defendants. (Frankenstein, Sara) (Entered: 10/17/2012)
10/19/2012	<u>120</u>	MEMORANDUM in Opposition re <u>100</u> Joint MOTION for Summary Judgment <i>All Defendants</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Appendix Appendix A – State HAVA Plans)(Sandven, Steven) (Entered: 10/19/2012)
10/19/2012	<u>121</u>	AFFIDAVIT in Opposition re <u>100</u> Joint MOTION for Summary Judgment <i>All Defendants</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit EX 1 ShannonCtyMinutes, # <u>2</u> Exhibit EX 2 Shannon County Statistics, # <u>3</u> Exhibit EX 3 Clarice Mesteth Affidavit, # <u>4</u> Exhibit EX 4 Ed Mesteth Affidavit, # <u>5</u> Exhibit EX 5 Monette Two Eagle Affidavit, # <u>6</u> Exhibit EX 6 Stacy Two Lance Affidavit, # <u>7</u> Exhibit EX 7 Dawn Black Bull Affidavit)(Sandven, Steven) (Entered: 10/19/2012)
10/26/2012	<u>122</u>	MOTION to Extend Deadlines <i>to file reply brief</i> by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 10/26/2012)
10/26/2012	<u>123</u>	REPLY to Motion Response re <u>97</u> MOTION for Summary Judgment <i>Fall River County Defendants</i> filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Michael P. Ortner, Deb Russell, James Sword. (Frankenstein, Sara) (Entered: 10/26/2012)
10/29/2012	124	TEXT ORDER granting <u>122</u> Motion to Extend Deadlines. Defendants' reply due 11/9/2012. Signed by Chief Judge Karen E. Schreier on 10/29/2012. (KC) (Entered: 10/29/2012)

10/29/2012	<u>125</u>	MOTION to Extend Deadlines by Jason Gant. (Williams, Richard) (Entered: 10/29/2012)
10/29/2012	126	TEXT ORDER granting <u>125</u> Motion to Extend Deadlines. Gant's reply due 11/9/2012. Signed by Chief Judge Karen E. Schreier on 10/29/2012. (KC) (Entered: 10/29/2012)
10/29/2012	<u>127</u>	REPLY to Motion Response re <u>91</u> MOTION for Summary Judgment <i>PLAINTIFFS RESPONSE TO DEFENDANTS JOINT MEMORANDUM IN OPPOSITION TO PLAINTIFFS MOTION FOR SUMMARY JUDGMENT</i> filed by All Plaintiffs. (Sandven, Steven) (Entered: 10/29/2012)
10/29/2012	<u>128</u>	AFFIDAVIT in Support re <u>91</u> MOTION for Summary Judgment filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Exhibit 1 – Dawn Black Bull Affidavit, # <u>2</u> Exhibit Exhibit 2 – Clarice Mesteth Affidavit)(Sandven, Steven) (Entered: 10/29/2012)
11/01/2012	<u>129</u>	MEMORANDUM in Opposition re <u>118</u> Joint MOTION to Dismiss <i>on Ripeness Grounds</i> filed by All Plaintiffs. (Sandven, Steven) (Entered: 11/01/2012)
11/05/2012	<u>130</u>	MEMORANDUM in Opposition re <u>113</u> MOTION to Strike <i>Plaintiffs' Statement of Undisputed Material Facts and Proposed Revisions to Plaintiffs' Statement of Undisputed Material Facts</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Supplement Proposed Revisions to Plaintiffs' Statement of Undisputed Material Facts)(Sandven, Steven) (Entered: 11/05/2012)
11/07/2012	<u>131</u>	STATEMENT OF MATERIAL FACTS re <u>100</u> Motion for Summary Judgment, by Defendants Michael P. Ortner, Anne Cassens, Jason Gant, Fall River County Board of Commissioners, Shannon County, South Dakota, Fall River County, South Dakota, Lyla Hutchison, Joe Falkenberg, Joe Allen, James Sword, Shannon County Board of Commissioners, Wendell Yellow Bull, Bryan J. Kehn, Sue Ganje, Eugenio B. White Hawk, Deb Russell, Deloris Hagman filed by All Defendants. (Frankenstein, Sara) (Entered: 11/07/2012)
11/07/2012	<u>132</u>	AFFIDAVIT in Support re <u>100</u> Joint MOTION for Summary Judgment <i>All Defendants</i> filed by All Defendants. (Frankenstein, Sara) (Entered: 11/07/2012)
11/09/2012	<u>133</u>	REPLY to Motion Response re <u>100</u> Joint MOTION for Summary Judgment <i>All Defendants</i> filed by All Defendants. (Frankenstein, Sara) (Entered: 11/09/2012)
11/09/2012	<u>134</u>	AFFIDAVIT in Support re <u>100</u> Joint MOTION for Summary Judgment <i>All Defendants</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit March 8, 2012 Hearing Transcript Excerpts, # <u>2</u> Exhibit (MT case) Order Denying Plfs' Motion for Preliminary Injunction)(Frankenstein, Sara) (Entered: 11/09/2012)
11/13/2012	<u>135</u>	RESPONSE to Motion re <u>100</u> Joint MOTION for Summary Judgment <i>All Defendants PLAINTIFFS' RESPONSE TO DEFENDANTS' STATEMENT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT</i> filed by All Plaintiffs. (Sandven, Steven) (Entered: 11/13/2012)
11/15/2012	<u>136</u>	REPLY to Motion Response re <u>118</u> Joint MOTION to Dismiss <i>on Ripeness Grounds</i> filed by All Defendants. (Frankenstein, Sara) (Entered: 11/15/2012)
11/15/2012	<u>137</u>	AFFIDAVIT in Support re <u>118</u> Joint MOTION to Dismiss <i>on Ripeness Grounds</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit Excerpts from March 8, 2012 Hearing Transcript, # <u>2</u> Exhibit Excerpts from May 3, 2012 Deposition Transcript of Lyla Hutchison)(Frankenstein, Sara) (Entered: 11/15/2012)
11/19/2012	<u>138</u>	REPLY to Motion Response re <u>113</u> MOTION to Strike <i>Plaintiffs' Statement of Undisputed Material Facts</i> filed by All Defendants. (Mann, Rebecca) (Entered: 11/19/2012)
11/19/2012	<u>139</u>	AFFIDAVIT in Support re <u>113</u> MOTION to Strike <i>Plaintiffs' Statement of Undisputed Material Facts</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit Braunstein Depo.)(Mann, Rebecca) (Entered: 11/19/2012)
11/26/2012	<u>140</u>	MOTION to Exclude PLAINTIFFS MOTION TO STRIKE DEFENDANTS EXPERT REPORT AND EXCLUDE TESTIMONY OF DR. THOMAS L. BRUNELL by Dawn Black Bull, Chris Brooks, Harry Brown, Sharon Conden, Jacqueline Garnier, Eileen Janis, Elmer Kills Back, Jr, Cecil Little Hawk, Sr, Leona Little Hawk, Loretta

		Little Hawk, Clarice Mesteth, Edmond Mesteth, Mark A. Mesteth, Linda Red Cloud, Gloria Red Eagle, Jennifer Red Owl, Evan Rencountre, Francis Rencountre, Donovan L. Steele, Faith Two Eagle, Monette Two Eagle, Stacy Two Lance, Edwina Weston, Eleanor Weston, Michelle Weston. (Sandven, Steven) (Entered: 11/26/2012)
11/26/2012	<u>141</u>	MEMORANDUM in Support re <u>140</u> MOTION to Exclude PLAINTIFFS MOTION TO STRIKE DEFENDANTS EXPERT REPORT AND EXCLUDE TESTIMONY OF DR. THOMAS L. BRUNELL filed by All Plaintiffs. (Sandven, Steven) (Entered: 11/26/2012)
12/17/2012	<u>142</u>	RESPONSE to Motion re <u>140</u> MOTION to Exclude PLAINTIFFS MOTION TO STRIKE DEFENDANTS EXPERT REPORT AND EXCLUDE TESTIMONY OF DR. THOMAS L. BRUNELL filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 12/17/2012)
12/17/2012	<u>143</u>	AFFIDAVIT in Opposition re <u>140</u> MOTION to Exclude PLAINTIFFS MOTION TO STRIKE DEFENDANTS EXPERT REPORT AND EXCLUDE TESTIMONY OF DR. THOMAS L. BRUNELL filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Attachments: # <u>1</u> Exhibit A – Reference Guide on Survey Research)(Frankenstein, Sara) (Entered: 12/17/2012)
12/17/2012	<u>144</u>	AFFIDAVIT in Opposition re <u>140</u> MOTION to Exclude PLAINTIFFS MOTION TO STRIKE DEFENDANTS EXPERT REPORT AND EXCLUDE TESTIMONY OF DR. THOMAS L. BRUNELL filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Attachments: # <u>1</u> Exhibit A – Creative Research Systems (on–line tool), # <u>2</u> Exhibit B – Expert Report of Thomas Brunell, Ph.D., # <u>3</u> Exhibit C – Affidavit of Sue Ganje (Doc. 85 & Data Table Exhibits), # <u>4</u> Exhibit D – Curriculum Vitae of Thomas Brunell, Ph.D.)(Frankenstein, Sara) (Entered: 12/17/2012)
12/28/2012	<u>145</u>	REPLY to <u>140</u> Motion to Exclude,, filed by All Plaintiffs. (Sandven, Steven) (Entered: 12/28/2012)
01/07/2013	146	ORDER denying as moot <u>107</u> Motion for Reconsideration. Signed by U.S. District Judge Karen E. Schreier on January 7, 2013. (Schreier, Karen) (Entered: 01/07/2013)
03/07/2013	<u>147</u>	MOTION IN LIMINE: by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 03/07/2013)
03/07/2013	<u>148</u>	MEMORANDUM in Support re <u>147</u> MOTION IN LIMINE: filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 03/07/2013)
03/07/2013	<u>149</u>	AFFIDAVIT in Support re <u>147</u> MOTION IN LIMINE: filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Attachments: # <u>1</u> Exhibit Exhibit A – Reference Manual on Scientific Evidence (2nd Edition – Federal Judicial Center, 2000), # <u>2</u> Exhibit Exhibit B – Braunstein Expert

		Report, # <u>3</u> Exhibit Exhibit C – Expert Report of Thomas Brunell, Ph.D., # <u>4</u> Exhibit Exhibit D – Affidavit of Dr. Thomas L. Brunell, # <u>5</u> Exhibit Exhibit E – Excerpts – Richard Braunstein Deposition (full version) 8–27–12, # <u>6</u> Exhibit Exhibit F – Excerpts – Denzin & Lincoln (Collecting and Interpreting Qualitative Materials), # <u>7</u> Exhibit Exhibit G – Excerpts – SOS Chris Nelson Deposition (condensed) 7–16–12, # <u>8</u> Exhibit Exhibit H – Gronke Article (Early Voting and Turnout), # <u>9</u> Exhibit Exhibit I – McDonald & Popkin (The Myth of the Vanishing Voter), # <u>10</u> Exhibit Exhibit J – Neely & Richardson, Jr. (Who is Early Voting– An Individual Level Examination))(Frankenstein, Sara) (Entered: 03/07/2013)
03/07/2013	<u>150</u>	AFFIDAVIT in Support re <u>147</u> MOTION IN LIMINE: filed by All Defendants. (Frankenstein, Sara) (Entered: 03/07/2013)
03/07/2013	<u>151</u>	AFFIDAVIT in Support re <u>147</u> MOTION IN LIMINE: filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Attachments: # <u>1</u> Exhibit A – Shannon County Plaintiff General Election Records)(Frankenstein, Sara) (Entered: 03/07/2013)
03/08/2013	<u>152</u>	MOTION for Joinder by Jason Gant. (Williams, Richard) (Entered: 03/08/2013)
03/25/2013	<u>153</u>	MEMORANDUM in Opposition re <u>147</u> MOTION IN LIMINE: filed by All Plaintiffs. (Sandven, Steven) (Entered: 03/25/2013)
03/25/2013	<u>154</u>	AFFIDAVIT in Opposition re <u>147</u> MOTION IN LIMINE: <i>Dr. Richard Braunstein</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit EX A – 48 S.D. L. Rev. 171 (2003), # <u>2</u> Exhibit EX B – 50 S.D. L. Rev. 440, # <u>3</u> Exhibit EX C – Handbook of Mixed Methods in Social and Behavioral Research)(Sandven, Steven) (Entered: 03/25/2013)
03/25/2013	<u>155</u>	AFFIDAVIT in Opposition re <u>147</u> MOTION IN LIMINE: <i>Steven Sandven</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit EX A – Dr. Braunstein Deposition Excerpts, # <u>2</u> Exhibit EX B – 2012–2013 American Political Science Review Editorial Board's Vision Statement)(Sandven, Steven) (Entered: 03/25/2013)
04/08/2013	<u>156</u>	REPLY to Motion Response re <u>147</u> MOTION IN LIMINE: <i>to exclude Plaintiff's expert</i> filed by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Frankenstein, Sara) (Entered: 04/08/2013)
07/30/2013	<u>157</u>	SCHEDULING ORDER: Motion Hearing set for 8/2/2013 at 03:00 PM in Sioux Falls Courtroom 2* before U.S. District Judge Karen E. Schreier. Signed by U.S. District Judge Karen E. Schreier on 7/30/13. (KC) (Entered: 07/30/2013)
08/02/2013	<u>158</u>	Motion Hearing held on 8/2/2013 re <u>118</u> Joint MOTION to Dismiss <i>on Ripeness Grounds</i> before U.S. District Judge Karen E. Schreier (Court Reporter Jill Connelly) (SLW) (Entered: 08/02/2013)
08/02/2013		Motions Taken Under Advisement: <u>118</u> Joint MOTION to Dismiss <i>on Ripeness Grounds</i> (SLW) (Entered: 08/02/2013)
08/06/2013	<u>159</u>	MEMORANDUM OPINION AND ORDER denying as moot <u>91</u> Motion for Summary Judgment; denying as moot <u>96</u> Motion for Summary Judgment; denying as moot <u>97</u> Motion for Summary Judgment; denying as moot <u>100</u> Motion for Summary Judgment; denying as moot <u>113</u> Motion to Strike ; granting <u>118</u> Motion to Dismiss without prejudice; denying as moot <u>140</u> Motion to Exclude; denying as moot <u>147</u> Motion in Limine; denying as moot <u>152</u> Motion for Joinder. Signed by U.S. District Judge Karen E. Schreier on 8/6/13. (KC) (Entered: 08/06/2013)
08/06/2013	<u>160</u>	JUDGMENT Signed by U.S. District Judge Karen E. Schreier on 8/6/13. (KC) (Entered: 08/06/2013)
08/20/2013	<u>161</u>	BILL OF COSTS by Joe Allen, Anne Cassens, Joe Falkenbuerg, Fall River County Board of Commissioners, Fall River County, South Dakota, Sue Ganje, Deloris Hagman, Lyla Hutchison, Bryan J. Kehn, Michael P. Ortner, Deb Russell, Shannon

		County Board of Commissioners, Shannon County, South Dakota, James Sword, Eugenio B. White Hawk, Wendell Yellow Bull. (Attachments: # <u>1</u> Exhibit Bill of Costs)(Frankenstein, Sara) (Entered: 08/20/2013)
08/29/2013	<u>162</u>	OBJECTION by all Plaintiffs to Defendants' Bill of Costs. (Sandven, Steven) Modified on 8/29/2013 to reflect pleading was filed on behalf of all Plaintiffs (DJP). (Entered: 08/29/2013)
09/19/2013	<u>163</u>	ORDER denying <u>161</u> Bill of Costs, filed by Joe Falkenbuerg, Eugenio B. White Hawk, Michael P. Ortner, Sue Ganje, Fall River County Board of Commissioners, James Sword, Deloris Hagman, Joe Allen, Anne Cassens, Shannon County, South Dakota, Deb Russell, Shannon County Board of Commissioners, Lyla Hutchison, Wendell Yellow Bull, Bryan J. Kehn, Fall River County, South Dakota. Signed by U.S. District Judge Karen E. Schreier on 9/19/2013. (KC) (Entered: 09/19/2013)
01/26/2015	<u>164</u>	Letter sent to Richard M. Williams and Sara Frankenstein re: Return of Exhibits. (SLT) (Entered: 01/26/2015)
01/26/2015	<u>165</u>	Letter sent to Steven Daniel Sandven re: Return of Exhibits. (SLT) Returned as undeliverable. Resent on 2/17/2015 (SLT). Modified on 4/1/2015 Returned undeliverable again. Spoke with assistant at Law office and Orally indicated that the exhibits could be destroyed. (SLT). (Entered: 01/26/2015)
01/27/2015	<u>166</u>	Letter to Court. (Frankenstein, Sara) (Entered: 01/27/2015)
01/27/2015	<u>167</u>	Letter. (Williams, Richard) (Entered: 01/27/2015)
02/03/2015	<u>168</u>	RECEIPT for Return of Exhibits by Sara Frankenstein on behalf of Joe Allen, Anne Cassens, Joe Falkenbuerg re <u>64</u> Motion Hearing. Exhibits Returned: Exhibits A – D. (KKD) (Entered: 02/04/2015)
02/09/2015	<u>169</u>	RECEIPT for Return of Exhibits by Richard M. Williams on behalf of Jason Gant re <u>64</u> Motion Hearing, Exhibits Returned: 105–106 (KLK) (Entered: 02/09/2015)
04/01/2015		Remark: Exhibits P1 – P11, & P13 re: 64 Motion Hearing destroyed per conversation with Steven Sandven's Assistant and no response to <u>165</u> within 28 days. (SLT) (Entered: 04/01/2015)