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Honorable Carmen A. Means
Third Judicial Circuit
14 1st Avenue SE
Watertown, SD 57201
Via Electronic Mail

RE: 14CIV19-303, *Lindgren v. Codington County, et al.*

Judge Means:

The Public Utilities Commission, in its responsive brief filed November 27, 2019, inadvertently omitted a response to Plaintiffs' argument on page 46 of Plaintiffs' Brief in Opposition to Defendants' Separate Motions to Dismiss Complaint Under SDCL § 15-6-12(b)(1) and (5). I understand this is late, as the deadline for Defendants' responses was yesterday. However, I did not want to include a case in argument next week not having provided it to the Court and other parties.

Because the deadline has passed and for the sake of being brief, I will save argument for the motions hearing and simply note that Plaintiffs contend that *Royal Indemnity* is the sole case dealing with SDCL § 21-24-10. *Royal Indemnity Company v. Metropolitan Casualty Ins. Co. of New York*, 80 S.D. 541, 128 N.W.2d 111 (1964). However, contrary to the assertion that *Royal Indemnity* is the sole case, a decades newer and more on-point case is *O'Connor v. King*, 479 N.W.2d 162 (S.D. 1991). I have attached a courtesy copy of the case.

Sincerely,

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