

STATE OF SOUTH DAKOTA
COUNTY OF CODINGTON

IN CIRCUIT COURT
THIRD JUDICIAL DISTRICT

TIMOTHY LINDGREN and LINDA
LINDGREN,

Plaintiffs,

vs.

CODINGTON COUNTY, *a political
subdivision of the State of South Dakota,*
CODINGTON COUNTY BOARD OF
ADJUSTMENT, *an agency of Codington
County, having issued a certain
Conditional Use Permit, # CU018-007,*
CROWNED RIDGE WIND, LLC,
CROWNED RIDGE WIND II, LLC,
BOULEVARD ASSOCIATES, LLC,
*all other Persons having present or future
interests in #CU018-007, and*
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION, *having issued a certain
Facility Siting Permit, Docket EL19-003,
and all other Persons having
present or future interest in a certain
Energy Facility Permit issued by the
South Dakota Public Utilities Commission
in Docket EL19-003,*

Defendants.

Case No. 14CIV19000303

**NOTICE OF ENTRY OF ORDER
GRANTING MOTION
TO DISMISS**

NOTICE IS HEREBY GIVEN that on December 20, 2019, the Honorable Carmen Means, Circuit Court Judge of the Third Judicial Circuit, signed an Order Granting Defendants' Motion to Dismiss and Granting Motion for Costs, which Order was entered and filed on

December 20, 2019. Attached hereto and served herewith is a true and correct copy of said Order.

Dated this 26th day of December, 2019.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

/s/ Miles F. Schumacher

Miles F. Schumacher

Dana Van Beek Palmer

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 26, 2019, I caused the foregoing document to be sent to:

Mr. A.J. Swanson
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Amanda Reiss
Kristen N. Edwards
SD Public Utilities Commission
500 East Capitol Ave.
Pierre, SD 57501
amanda.reiss@state.sd.us
kristen.edwards@state.sd.us

Dated this 26th day of December, 2019.

/s/ Miles F. Schumacher
Miles F. Schumacher

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF CODINGTON)

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COMMISSION, *having issued a certain
Facility Siting Permit, Docket EL19-003,
and*
*all other Persons having
present or future interest in a certain
Energy Facility Permit issued by the
South Dakota Public Utilities Commission
in*
Docket EL19-003,

Defendants.

Case No. 14CIV1-000303

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS
AND GRANTING MOTION FOR COSTS

Each Defendant having filed motions to dismiss the Plaintiffs' Complaint, to which Plaintiffs objected, with a hearing being held on December 9, 2019, before the Court, with A.J. Swanson (appearing on behalf of Timothy Lindgren and Linda Lindgren), Kristen N. Edwards and Amanda M. Reiss (appearing on behalf of South

Dakota Public Utilities Commission), Miles Schumacher (appearing on behalf of Crowned Ridge Wind, LLC; Crowned Ridge Wind II, LLC; and Boulevard Associates, LLC), and Jack Hieb (appearing on behalf of Codington County Commission and Codington County Board of Adjustment), participating.

After hearing arguments of counsel, opposition by Plaintiffs, and having considered the written submissions of the parties, for reasons stated in the Court's oral decision and for good cause appearing, it is hereby

ORDERED, ADJUDGED, & DECREED, that Defendant South Dakota Public Utilities Commission's Motion to Dismiss is hereby GRANTED with prejudice. It is further

ORDERED, ADJUDGED, & DECREED, that Defendant South Dakota Public Utilities Commission's Motion for Award of Cost Pursuant to SDCL 21-24-11 is hereby GRANTED. It is further

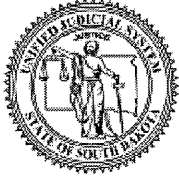
ORDERED, ADJUDGED, & DECREED, that Defendants Crowned Ridge Wind, LLC, Crowned Ridge Wind II, LLC, and Boulevard Associates, LLC's Motion to Dismiss is hereby GRANTED with prejudice. It is further

ORDERED, ADJUDGED, & DECREED, that Defendants Codington County Commission and Codington County Board of Adjustment's Motion to Dismiss is hereby GRANTED with prejudice. It is further

ORDERED, ADJUDGED, & DECREED, that the above-entitled matter is hereby DISMISSED with PREJUDICE.

Attest:

Zeller, Barbara
Clerk/Deputy



BY THE COURT:

Signed: 12/20/2019 12:30:48 PM

Carmen Means

Honorable Carmen Means
Circuit Court Judge