

IN THE SUPREME COURT
STATE OF SOUTH DAKOTA

AMBER KAYE CHRISTENSON, and
ALLEN ROBISH,

Appellants,

v.

CROWNED RIDGE WIND, LLC and
SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION,

Appellees.

NO. 29334

**APPELLEES' JOINT OPPOSITION
TO APPELLANTS' MOTION FOR
EXTENSION OF TIME TO FILE
APPELLANTS' BRIEF**

Pursuant to SDCL § 15-26A-87.2, Appellees, Crowned Ridge Wind, LLC, and South Dakota Public Utilities Commission, by and through their respective attorneys of record, respectfully submit this Joint Opposition to Appellants' Motion for Extension of Time to File Appellants' Brief.

Appellants' Brief in this appeal was due to be submitted and served on August 24, 2020. On Friday, August 21, 2020, at 6:33 p.m. after the close of business, counsel for Appellants emailed a Motion for Extension of Time to File Appellants' Brief and Affidavit in support. Counsel did not, however, contact opposing counsel prior to filing that Motion. *See* Affidavit in Support of Motion for Extension of Time, ¶ 5.

Pursuant to SDCL 15-26A-76, Appellants are allowed one extension of the filing of its initial brief for 15 days, provided it presents a stipulation between the parties to the clerk of the Supreme Court before the brief is due. However, in the instant appeal,

counsel for Appellants acknowledged he did not even attempt to secure such a stipulation; indeed, counsel admits he did not even attempt to contact opposing counsel. Therefore, no stipulation has been presented to the clerk. Hence, Appellants' Motion does not conform to the Court's rule.

Furthermore, counsel for Appellants, who brought this appeal, had the completed record since mid-June, and, therefore, had sufficient time to brief the appeal. *See* Clerk's Certificate, attached hereto. Claims of other pending matters and the unfortunate but existing family issues is not good cause to unilaterally move the Court for a 40-day extension that is not provided for under the Court's rules. In fact, if Appellants were given a 40-day extension, their brief would be due on Saturday, October 3, 2020, making the brief due the following Monday, and essentially granting Appellants a 42-day extension.

For all these reasons, Appellees oppose the 40-day extension of time for Appellants to file and serve their initial brief in this appeal.

Dated this 25th day of August, 2020.

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

By: /s/ Miles F. Schumacher
Miles F. Schumacher
Dana Van Beek Palmer
110 N. Minnesota Ave., Suite 400
Sioux Falls, SD 57104
605-332-5999
mschumacher@lynnjackson.com
Attorneys for Crowned Ridge Wind, LLC

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

By: /s/ Amanda M. Reiss

Amanda M. Reiss
Special Assistant Attorney General
500 E. Capitol Ave.
Pierre, SD 57501
605-773-3201
Amanda.Reiss@state.sd.us

CERTIFICATE OF SERVICE

Miles F. Schumacher, of Lynn, Jackson, Shultz & Lebrun, P.C. hereby certifies that on the 25th day of August, 2020, he electronically filed the foregoing document with the Clerk of the Supreme Court via e-mail at SCClerkBriefs@uds.state.sd.us, and further certifies that the foregoing document was also e-mailed to:

R. Shawn Tornow
Tornow Law Office, P.C.
PO Box 90748
Sioux Falls, SD 57109-0748
Rst.tlo@midconetwork.com
Attorney for Appellants

The undersigned further certifies that the original and two (2) copies of the **APPELLEES' JOINT OPPOSITION TO APPELLANTS' MOTION FOR EXTENSION OF TIME TO FILE APPELLANTS' BRIEF** in the above-entitled action were mailed by United States mail, postage prepaid to Ms. Shirley A. Jameson-Fergel, Clerk of the Supreme Court, State Capitol, 500 East Capitol, Pierre, SD 57501 on the above-written date.

/s/ Miles F. Schumacher
Miles F. Schumacher

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

COUNTY OF CODINGTON

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) SS
)

THIRD JUDICIAL CIRCUIT

AMBER KAYE CHRISTENSON

ALLEN ROBISH

KRISTI MOGEN

PATRICK LYNCH

MELISSA LYNCH

Petitioner

)

)

CIRCUIT COURT FILE NO: 14CIV19-000290

SUPREME COURT FILE NO: 29334

)

vs.

)

CLERK'S CERTIFICATE

CROWNED RIDGE WIND LLC

SOUTH DAKOTA PUBLIC UTILITIES

COMMISSION

Respondent

)

)

I, Connie Hartley, the duly appointed, qualified and acting Clerk of Court in and for Codington County, South Dakota, hereby certify that I have this day fastened together and combined all papers and instruments now on file in the office of the Clerk of said Court in the above-entitled action, and I have paginated each of said pages and have prepared the foregoing Index thereof, and I do hereby certify that the record contains pages 1 through 22968; 0 transcripts; 0 exhibits; 0 sealed items; and 53 confidential items.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Circuit of Codington County, South Dakota.

DATED this 17th day of June, 2020

BY THE COURT:



Connie Hartley, Clerk of Court
104, Clerk/Deputy

FILED

JUN 17 2020

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
3RD CIRCUIT CLERK OF COURT

By [Signature]