

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

CHRIS BROOKS, FRANCIS RENCOUNTRE, )  
GLORIA RED EAGLE, SHARON CONDEN, )  
JACQUELINE GARNIER, JENNIFER RED )  
OWL, EDWINA WESTON, MICHELLE )  
WESTON, MONETTE TWO EAGLE, MARK )  
A. MESTETH, STACY TWO LANCE, HARRY )  
BROWN, ELEANOR WESTON, DAWN )  
BLACK BULL, CLARICE MESTETH, )  
DONOVAN L. STEELE, EILEEN JANIS, )  
LEONA LITTLE HAWK, EVAN )  
RENCOUNTRE, CECIL LITTLE HAWK, SR., )  
LINDA RED CLOUD, LORETTA LITTLE )  
HAWK, FAITH TWO EAGLE, EDMOND )  
MESTETH, AND ELMER KILLS BACK, JR., )

Plaintiff(s), )

v. )

JASON GANT, IN HIS OFFICIAL CAPACITY )  
AS SOUTH DAKOTA SECRETARY OF )  
STATE, SHANNON COUNTY, SOUTH )  
DAKOTA, FALL RIVER COUNTY, SOUTH )  
DAKOTA, SHANNON COUNTY BOARD OF )  
COMMISSIONERS, JOE FALKENBUERG, )  
ANNE CASSENS, MICHAEL P. ORTNER, )  
DEB RUSSELL, AND JOE ALLEN IN THEIR )  
OFFICIAL CAPACITY AS MEMBERS OF )  
THE COUNTY BOARD OF COMMISSIONS )  
FOR FALL RIVER COUNTY, SOUTH )  
DAKOTA, BRYAN J. KEHN, DELORIS )  
HAGMAN, EUGENIO B. WHITE HAWK, )  
WENDELL YELLOW BULL, AND LYLA )  
HUTCHINSON IN THEIR OFFICIAL )  
CAPACITY AS MEMBERS OF THE COUNTY )  
BOARD OF COMMISSIONERS FOR )  
SHANNON COUNTY, SOUTH DAKOTA, SUE )  
GANJE, IN HER OFFICIAL CAPACITY AS )  
THE COUNTY AUDITOR FOR SHANNON )  
AND FALL RIVER COUNTIES, AND JAMES )  
SWORD, IN HIS OFFICIAL CAPACITY AS )  
ATTORNEY FOR SHANNON AND FALL )  
RIVER COUNTIES, )

Defendant(s). )

Case No.: 12-5003

**DEFENDANT FALL RIVER  
COUNTY'S RESPONSES TO  
PLAINTIFF'S REQUESTS FOR  
ADMISSIONS**

**TO: PLAINTIFFS AND THEIR ATTORNEY OF RECORD, STEVEN D. SANDVEN.**

Defendant, Fall River County, by and through its undersigned counsel of record, Sara Frankenstein of Gunderson, Palmer, Nelson & Ashmore, LLP, answers as follows:

**RESPONSE TO PLAINTIFF'S REQUESTS  
FOR ADMISSIONS**

**REQUEST NO. 47:** Admit that South Dakota law provides for the practice of early voting.

**RESPONSE:** Admit.

**REQUEST NO. 48:** Admit that SDCL Title 12 provides for the standards, practices, and procedures for the administration of elections in South Dakota.

**RESPONSE:** Admit, although other state statutes located in other Titles, as well as administrative rules, also provide voting direction.

**REQUEST NO. 49:** Admit that as a political subdivision of the State of South Dakota, you are responsible for the administration of state elections in Fall River County.

**RESPONSE:** Admit.

**REQUEST NO. 50:** Admit that as a political subdivision of the State of South Dakota located next to Shannon County, you are responsible for the administrations of state elections in Shannon County when requested by Shannon County and agreed to by Fall River County.

**RESPONSE:** Admit to the extent that this relationship is governed by contract and South Dakota law.

**REQUEST NO. 51:** Admit that early voting locations are a standard, practice, or procedure in the administration of elections in Fall River and Shannon counties.

**RESPONSE:** Admit.

**AS TO THE RESPONSES TO REQUESTS FOR ADMISSIONS:**

Dated: July 12, 2012.

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLP

By:   
Sara Frankenstein  
*Attorney for Defendants:*  
Shannon County, Fall River County,  
Fall River Board of Commissions, Joe Falkenburg,  
Anne Cassens, Michael P. Ortner, Deb Russell, Joe  
Allen, Shannon County Board of Commissions,  
Bryan J. Kehn, Deloris Hagman, Eugenio B.  
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