

CHRONOLOGY

All the federal court documents mentioned below can be purchased from PACER <https://www.pacer.gov/>. The state court documents can be purchased from the <https://www.lasuperiorcourt.org>.

Procedural History from June 27, 2013 California State Court of Appeal Order Super. Ct. No. BS 121441. Darley served a demand for arbitration on both Hanul and SDIBI in March 2008 stating that the dispute concerned a breach of the Agreement. Hanul agreed to arbitrate, but SDIBI as a non-signatory to the Agreement refused.

CA Federal Court Proceedings: Darley filed a petition in the United States District Court for the Central district of California in July 2008 to compel SDIBI to arbitrate the dispute. The federal court granted the petition in October 2008. SDIBI filed a motion to vacate the order in March 2008 on the grounds that SDIBI was immune from suit in federal court under the Eleventh Amendment. Darley voluntarily dismissed its petition without prejudice in June 2009.

CA State Court Proceedings: Darley filed a petition in the Los Angeles Superior Court July 2009 to compel SDIBI to participate in the arbitration. South Dakota Board of Regents, as the legal entity operating SDIBI, opposed the petition. After a hearing on the petition, the tribal court granted the petition in June 2010. The court concluded that Hanul had acted as SDIBI's ostensible agent in entering into the Agreement and that SDIBI or the Board of Regents had ratified the Agreement and therefore was bound by the arbitration clause. This decision was not appealed by the Board of Regents.

Darley filed a second petition to compel SDRC, Inc. in the arbitration in September 2011 that was denied by the trial court on April 6, 2012. Darley appealed this decision and lost. SDIBI and Hanul remain in the arbitration while SDRC, Inc. is not a party.

Exhibit 1 is the Declaration of Maxwell Blecher, attorney for Darley International , LLC ("Darley") filed in California federal court on July 31, 2008 that includes: demand for arbitration against South Dakota Internal Business Institute or SDIBI (006), Bollen asserting on May 7, 2008 the Court didn't have jurisdiction over SDIBI (007), US CIS memorandum to Joop Bollen regarding the procedure for amending the role of South Dakota's regional center (054-056).

Exhibit 2A is Darley's petition to compel arbitration in federal court filed on July 31, 2008 that included the overseas recruitment and service agreement between Hanul Professional Law Corporation ("Hanul") and Darley (008-021) and emails between Darley and Hanul's James Park who signed the January 15, 2008 agreement on behalf of SDRC, Inc. with South Dakota (022-23).

Exhibit 2B is SDIBI's opposition brief filed on behalf of the State in federal court on August 22, 2008 and signed by Bollen who is not an attorney (page 18 of 36). Bollen states in attached affidavit that "on or about August 5, 2008, SDIBI was served with the subject Petition for Order Compel Arbitration" (page 25 of 36).

Exhibit 3 is Darley attorney's declaration dated September 8, 2008 filed in federal court containing website postings of the relationship between Hanul and South Dakota.

Exhibit 4 is Darley's reply memorandum filed in federal court on September 8, 2008 regarding website posting referencing South Dakota (003).

Exhibit 5 is federal court order filed on October 7, 2008 granting Darley's motion to compel SDIBI to participate in arbitration.

Exhibit 6 is the Board of Regents response memorandum filed in federal court on March 20, 2009 asserting that the court did not have jurisdiction and "any money judgment or arbitration award against the SDIBI, for this or any matter, would be paid out of the general fund of the State of South Dakota (page 7 of 21).

Exhibit 7 is the Declaration of SD AG Lawrence Long filed in federal court on March 20, 2009 that provided Joop Bollen had no authority to retain legal counsel and the attorneys previously representing South Dakota in the lawsuit were not authorized (pages 2 and 3 of 13).

Exhibit 8 is the Declaration of Bollen's secretary Cherri Brick filed in federal court on March 20, 2009 who moved from the State to Bollen's private company who stated "I have never been authorized by Mr. Bollen or any other person to accept service of legal process on behalf of the SDIBI, Northern State University, the South Dakota Board of Regents, or the State of South Dakota. Although I work for the SDIBI, my paychecks are issued on the account of South Dakota.

Exhibit 9 is the Declaration of John Meyer, NSU attorney, filed on March 20, 2009 in federal court where he stated: "On January 22-23, 2009, Mr. Bollen called me on the telephone and asked me questions about whether someone who was not party to a contract could nevertheless be compelled to arbitrate the contract. On January 23, 2009, he sent me some documents ... By January 27, 2009, I had reviewed the documents that Mr. Bollen sent to me on the 23rd. I became concerned that this likely had involved litigation and instructed Mr. Bollen to provide me with additional documents ... it was nevertheless clear to me, in viewing those documents, that the SDIBI had been sued On January 27, 2009, I informed James Shekleton, the Board of Regent's General Counsel, of what Mr. Bollen told me that day and of the apparent fact that the SDIBI had been involved in a lawsuit."

Exhibit 10 is the Declaration of James Shekleton, General Counsel for the Board of Regents, filed in federal court on March 20, 2009 where he stated: "I first learned that the SDIBI had become involved in litigation and an arbitration with Darley on January 27, 2009, when John Meyer, the campus based attorney at NSU, contacted me to inform me that he had just learned of this from Joop Bollen, the SDIBI director. The first time that I saw any document in connection with the above captioned matter was on January 27, 2009, when I first saw this Court's Order compelling the SDIBI to participate in an arbitration with Darley. I immediately began to find California counsel ..."

Exhibit 11 is the Board of Regent’s motion to vacate order filed in federal court on March 20, 2009 where they state: “Austin Su Ki Kim was not lawfully appointed to represent SDIBI in the above-captioned matter and there did not represent the institute, the Board of Regents, or the State of South Dakota. Consequently, the Board of Regents and the State of South Dakota were surprised and/or excusably neglected to raise jurisdictional defenses at an earlier stage.”

Exhibit 12 is the Declaration of Robert Perry, Board of Regents Executive Director, filed in federal court on March 20, 2009 that provides: “The Board of Regents has never authorized the Hanul Professional Law Corporation, or any of its attorneys, to accept service of process on behalf of the Board of Regents ... Were a court to permit a suit against the SDIBI in its own name and a money judgment were to be entered against the SDIBI, such judgment would be paid out of the funds of the State of South Dakota.”

Exhibit 13 is the Declaration of Darley attorney Blecker filed on September 2, 2011 in California state court includes memorandums from Jeffrey Sveen on behalf of Bollen and SDRC, Inc. and memorandum of understanding between the State and SDRC, Inc. dated January 15, 2008. Mr. Sveen’s firm, Siegel Barnett & Schutz LLP, provided legal services to the Office of SD Governor Litigation and Legal Services Manager 2008-09, 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14. **Exhibit 14.**

Exhibit 15 is April 2, 2009 American News Article showing Harvey Jewett was President of the Board of Regents from 1999-April 2, 2009 and his background posted on the BOR website on November 19, 2013 stating he was a partner at Siegel Barnett, and Schultz LLP.

Exhibit 16 includes the articles for SDRC, Inc. filed by Jeffrey T. Sveen, Siegel Barnett & Schutz LLP, on June 1, 2008 (001-004). Mr. Sveen and Mr. Jewett of Siegel Barnett & Schutz LPP donated \$32,000.00 to Governor Daugaard in 2011-12 (005-008). Mr. Jewett donated \$6,000.00 in 2010 - second largest contributor - and \$2000.00 to SD AG Jackley in 2011 – largest contributor (009-011). During cross examination of Mr. Jewett in CIV 10-260 on February 14, 2012, Jewett admits to being listed on Siegel, Barnett & Schutz LLP website as an attorney with that firm and is on their health insurance plan:

Q: And you’re currently listed on the Siegel, Barnett and Schutz, LLP website as an attorney with that firm, as well; correct?

A: I am.

Q: What is your affiliation with Siegel, Barnett & Schutz?

A: It’s kind of a combination affiliation. I haven’t done any work down there in years and I don’t share in any of the proceeds of the firm, unless by some odd duck I’d actually produce some money down there, and it’s been a long time. But I still remain and their health insurance.

Q: And it is fair to say that having your name and your photograph on the Siegel, Barnett, Schutz website is a benefit to that firm?

A: Maybe at one time (012-014).

Attorneys from Siegel Barnett & Schutz LLP are referenced throughout loan documents with Northern Beefpackers LP. For example: (1) Siegel Barnett & Schutz LLP is named in section 1.9

of the November 4, 2010 Credit Agreement for \$60,000,000.00 between Northern BeefPackers LP and SDIF Limited Partnership 6 for payment of legal fees (018-019). Notices in this agreement for the Lender went to Joop Bollen and Jeffrey T. Sveen (020). (2) The amended credit agreement for \$60,000,000.00 dated March 4, 2011 also names Siegel Barnett & Schutz LLP for payment of legal fees (021-022) and notice to Lender with Joop Bollen (021-024). (23) Jeff Sveen prepared and recorded mortgage instruments (025 - 027).

Exhibit 17 is the Board of Regents 240+ page response filed on April 23, 2010 in the Superior Court of California that includes: (1) Declaration of Jack Warner, Board of Regents Executive Director dated April 23, 2010 who states in paragraphs 7-8 that “Mr. Bollen has never served as an attorney for the Board of Regents, NSU, or the SDIBI, Mr. Bollen is not licensed to practice law. The Board of Regents has never authorized Mr. Bollen to defend or appear in litigation on behalf of the Board of Regents, NSU, or the SDIBI, or to represent the Board of Regents, NSU or the SDIBI in any legal disputes with Darley International, LLC. There is no record that the Board of Regents has never authorized the Hanul Professional Law Corporation or any of its attorneys, to represent the Board of Regents, NSU, or the SDIBI, in any action or in any capacity.” (2) Declaration of SD AG Marty Jackley dated April 22, 2010 who states in paragraph 5 that “No legal services contract for Joop Bollen to represent the State of South Dakota in a litigation matter has been filed with my office. Mr. Bollen has never been appointed as a special assistant attorney general for the State of South Dakota during my or former Attorney General Long’s term as attorney general. Mr. Bollen has never been authorized by me, former Attorney General Long, or an authorized representative of either office to accept service of process, defend, or to appear in litigation for, the state of South Dakota. (3) Declaration of John Meyer, attorney for NSU. (4) Declaration of James Park dated August 11, 2009 who states “Although the agreement confers certain ‘exclusive rights’ upon Darley, throughout my negotiations I advised Mr. Stratmore that Hanul did not have a written agreement with the SDIBI and therefore actually characterized the ‘exclusive’ rights were discussing as ‘unofficial.’ (5) Declaration of Joop Bollen dated August 11, 2009. (5) Attorney contract between the State and Garcia Calderon Ruiz, LLP where James Lynch would provide legal services for the State in the Darley arbitration that was signed by the Board of Regents on August 3, 2009, Northern State University on August 10, 2009 and the SD AG on August 11, 2009.

Exhibit 18 is the June 27, 2013 Los Angeles Superior Court Order where SDRC, Inc. is released from the Darley arbitration where the State is currently a party. Jeff Sveen’s firm was representing SDRC, Inc. The Court stated: Darley served a demand for arbitration on both Hanul and SDIBI in March 2008.