

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA

**FILED**  
APR 1 2016  
*[Signature]*  
CLERK

OGLALA SIOUX TRIBE, et al,

Plaintiffs,

vs.

LISA FLEMING, et al,

Defendants.

Case No. 5:13-cv-05020-JLV

STIPULATION TO DISMISS  
PLAINTIFFS' MOTION FOR  
SANCTIONS

Pending before the Court is a motion filed by Plaintiffs seeking sanctions against the Honorable Judge Jeff Davis. See Docket 114 . Numerous pleadings and several orders have been filed in connection with that motion, all of them filed under seal per order of this Court. See Docket 147.

The undersigned parties hereby stipulate that they have reached a full and complete settlement of Plaintiffs' motion for sanctions. The parties contemplate that no further proceedings involving the motion for sanctions will occur, including any further discovery directed by the Court's sealed order (DOC 225), as the motion for sanctions has been resolved in its entirety by the agreement of the parties. In reaching their accord, the parties have agreed on the following three provisions:

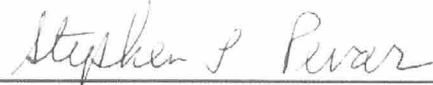
1. Consistent with prior commitments to the Court, all pleadings and orders of the Court filed under seal in connection with the motion for sanctions should now be unsealed and available to the public.
2. The following statement will appear on the record: Judge Davis admits that he provided a set of documents dealing with ICWA, including Exhibit 6A

(also referred to as the Oviatt Memorandum), to Marcia Whiting. Judge Davis further admits that he provided those documents to Ms. Whiting without retaining a copy. Judge Davis has no present independent recollection of reviewing any of the documents provided to Ms. Whiting before he gave them to her. Judge Davis had general knowledge that the file turned over to Ms. Whiting contained miscellaneous documents relating to forty-eight hour custody hearings. Judge Davis denies that he directed the preparation of either the Oviatt or Thorstenson memorandum or had knowledge of their preparation at the time they were drafted. Judge Davis denies concealing Exhibit 6A.

3. Plaintiffs will be compensated in the amount of \$50,000 for reasonable attorneys' fees incurred in pursuing their motion for sanctions.

Pursuant to this Stipulation the undersigned parties respectfully request the Court enter its order dismissing Plaintiffs' Motion for Sanctions (DOC 114) in its entirety. The undersigned parties also respectfully request the Court enter its order terminating the discovery and production contemplated by the Court's sealed order (DOC 225), and directing the Clerk of Court to unseal all pleadings and all orders filed in connection with the motion for sanctions, including the motion (Docket 114) and the Court's March 7, 2016 Order.

Dated this 31st day of March, 2016.



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Dated this 1<sup>st</sup> day of April, 2016



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