

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

TOM and MICHELLE TEN EYCK,)	Civ. No. 4:19-cv-04007-LLP
GUARDIANS OF MORGAN TEN)	
EYCK,)	
Plaintiffs,)	
)	
vs.)	PLAINTIFFS' RESPONSE TO
)	ORDER (DOC. 21)
UNITED STATES OF AMERICA,)	
ROBERT NEUENFELDT, individually)	
and UNKNOWN SUPERVISORY)	
PERSONNEL OF THE UNITED)	
STATES, individually,)	
)	
Defendants.)	
)	

Plaintiffs, through undersigned counsel, respectfully submits Plaintiffs' Response to Order (Doc. 21). As requested by the Court, the parties conferred regarding the following issues on April 13, 2020. As a result, the parties will each submit individual responses to the Court's Order (Doc. 21).

QUESTION NO. 1: Whether Morgan Ten Eyck and Talen Bourassa, the driver of the vehicle, are non-Indians, or if Indians, whether they are members of the Flandreau Santee Sioux Tribe?

ANSWER: The parties agree that Morgan Ten Eyck and Talen Bourassa are non-Indians, and are not members of the Flandreau Santee Sioux Tribe.

QUESTION NO. 2: If the initial stop of Bourassa was on tribal land?

ANSWER: The parties agree that the initial stop was not on tribal land.

QUESTION NO. 3: Which officer or officers actually made the stop?

ANSWER: Plaintiffs contend that officer Neuenfeldt made the stop by standing in the middle of the roadway directing the vehicle to stop. This is confirmed by

the video taken from Officer Kurtz patrol vehicle, who was following behind Talen Bourassa. The video can be provided upon the Court's request.

QUESTION NO. 4: What was the reason for the stop? Did the stop occur because of a violation of tribal, state or federal law?

ANSWER: Plaintiffs contend there was no valid basis for the stop. The stop was made without any alleged violation of tribal, state or federal law. After the chase and the subsequent rollover and crash, it was determined there was no alcohol or drug use for Talen Bourassa, Morgan Ten Eyck or Micah Roman. There has been no claim or allegation that Talen Bourassa did anything in violation of the law to satisfy reasonable suspicion to justify the stop.

Respectfully submitted this 13th day of April, 2020.

BEARDSLEY, JENSEN & LEE,
Prof. L.L.C.

By: /s/ Michael S. Beardsley

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2020, a true and correct copy of the foregoing has been served on the following by the following means:

John Nooney	<input type="checkbox"/>	First Class Mail
Robert J. Galbraith	<input type="checkbox"/>	Hand Delivery
Nooney & Solay	<input checked="" type="checkbox"/>	CM/ECF System
632 Main Street	<input type="checkbox"/>	Electronic Mail
Rapid City, SD 57709		

Seth Perman	<input type="checkbox"/>	First Class Mail
Flandreau Santee Sioux Tribe	<input type="checkbox"/>	Hand Delivery
603 W. Broad Avenue	<input checked="" type="checkbox"/>	CM/ECF System
Flandreau, SD 57028	<input type="checkbox"/>	Electronic Mail

Delia Druley	<input type="checkbox"/>	First Class Mail
Assistant U.S. Attorney	<input type="checkbox"/>	Hand Delivery
PO Box 2638	<input checked="" type="checkbox"/>	CM/ECF System
Sioux Falls, SD 57101-26387	<input type="checkbox"/>	Electronic Mail

/s/ Michael S. Beardsley
Michael S. Beardsley