UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

Aarin Nygaard and Terrance Stanley, Petitioners, v Tricia Taylor; Ted Taylor, Jr.; Jessica Ducheneaux; Ed Ducheneaux; Cheyenne River Sioux Tribal Court; Brenda Claymore, in her official capacity as Chief Judge, Cheyenne River Sioux Tribal Court of Appeals; Frank Pommersheim, in his official capacity as Chief Justice; the South Dakota Department of Social Services; Todd Waldo in his official capacity as Social Worker; and Jenny Farlee in her official capacity as Social Worker, Respondents.	Civil No. 3:19-CV-03016-RAL

PETITIONERS' BRIEF IN RESPONSE TO TRIBAL COURT RESPONDENTS' MOTION FOR SUMMARY JUDGMENT

Petitioners Aarin Nygaard and Terrance Stanley (collectively, "Fathers"), by and through the undersigned counsel, respectfully submit this Brief in Response to Tribal Court Respondents' Motion for Summary Judgment, Doc. 82. Fathers oppose Tribal Court Respondents' Motion for Summary Judgment because contrary to the Tribal Court Respondents' arguments, and as further detailed in Fathers' Brief in Support of their Motion for Summary Judgment, Doc. 79, 1) the federal Parental Kidnapping Prevention Act, 28 U.S.C. § 1738A ("PKPA"), extends to tribes including the Cheyenne River Sioux Tribe, its Reservation, and its Tribal Courts; and 2) the Cheyenne River Tribal Court and Tribal Court of Appeals, and specifically Chief Judge Brenda Claymore and Chief Justice Frank Pommersheim (collectively, "Tribal Courts"), have no

jurisdiction to make custody determinations regarding Fathers' children given the first-in-time North Dakota state court proceedings and the associated North Dakota state court orders. Accordingly, Fathers reiterate their request for issuance of a writ of habeas corpus and other appropriate relief as requested within the Amended Petition for Writ of Habeas Corpus, Doc. 8, and oppose entry of summary judgment in favor of Tribal Court Respondents.

FACTS

Fathers incorporate by reference the "Facts" section set forth in their Brief in Support of Motion for Summary Judgment, Doc. 79, as well as their Statement of Undisputed Material Facts, Doc. 78. Fathers do not dispute the Tribal Courts' Statement of Undisputed Material Facts, and note the general Tribal Court records speak for themselves in this matter and as to the issue of jurisdiction. Fathers do, however, continue to dispute any allegations of abuse or violence included in such records.

LAW AND ARGUMENT

In contending that the PKPA does not extend to the Cheyenne River Sioux Tribe, Tribal Court Respondents fail to recognize crucial legal authority guiding the interpretation of the PKPA, the North Dakota state court's valid exercise of jurisdiction over this matter, and the mother's unlawful actions when bringing T.R.S. and C.S.N. to the Cheyenne River Indian Reservation. While Fathers acknowledge and appreciate the Cheyenne River Sioux Tribe's general authority to exercise jurisdiction over certain matters involving its members or occurring within its borders, the issue here is not whether the Cheyenne River Sioux Tribe generally may exercise jurisdiction over its members. Rather, the precise question is whether the PKPA precludes the Tribal Courts from exercising their jurisdiction to keep Fathers from their children contrary to the North Dakota state court Orders and in violation of their rights to due process and to make parental decisions

regarding "the care, custody, and control of [their] children." *Troxel v. Granville*, 530 U.S. 57, 65-66 (2000) ("'We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected.'") (quoting *Quilloin v. Walcott*, 434 U.S. 246 (1978)).

A. The PKPA extends to the Tribe under its express terms and the Tribal Courts' other cited federal statutes do not support a contrary interpretation of the PKPA.

The PKPA, by its plain language, applies to "[S]tate[s] of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and territor[ies] or possession[s] of the United States." *See* 28 U.S.C. § 1738A(b)(8) (defining "State"). As set forth in Fathers' Brief in Support of Motion for Summary Judgment, Congress's intention and stated purpose of the PKPA, caselaw on this topic, as well as the historical backdrop of the PKPA's enactment and rules of statutory construction, all confirm that the PKPA extends to Indian tribes. *See* Doc. 79, at 9-19; *see also infra* at C. The Tribal Courts, however, contend that this plain language does not encompass Indian tribes, pointing to the absence of that specific language in the PKPA and referencing other federal statutes' express inclusion of "Indian tribes, tribal courts, or Indian country" in the context of full faith and credit statutes. *See* Doc. 83 at 11 & n.4. Yet, the seven statutes relied upon by Tribal Courts are distinguishable and do not aid in the interpretation of the plain language of the PKPA itself.

First, a key distinction between the Tribal Courts' cited statutes and the PKPA is that most of the statutes cited by the Tribal Courts were enacted subsequent to the PKPA.[1] Yet as noted in

[1] The PKPA was enacted in 1980. 28 U.S.C. § 1738A, Pub. L. No. 96-611, § 7(a), 94 Stat. 3568-69 (Dec. 28, 1980). The Full Faith and Credit for Child Support Orders Act was enacted in 1994, more than 14 years later. 28 U.S.C. § 1738B, Pub. L No. 103-383 (Oct. 20, 1994). The Violence Against Woman Act was enacted in 1994, 18 U.S.C. § 2265, Pub. L. No. 103-322 (Sept. 13, 1994). The American Indian Agricultural Resource Management Act was enacted in 1993. 25 U.S.C. § 3713, Pub. L. No. 103-177 (Dec. 3, 1993) (providing for full faith and credit for tribal court judgments and noting concurrent jurisdiction to enforce statute). The National Indian Forest Resources Management Act was enacted in 1990. 25 U.S.C. § 3106, Pub. L. No.

Fathers' Brief in Support of Motion for Summary Judgment, Doc. 79, at the time of enactment of the PKPA, historical definitions of territories or possessions included tribes and thus, "Congress was not required to explicitly refer to Indian tribes since the judicial interpretive backdrop against which it legislated, including the [*Mackey* case, clearly reflected that tribes were included within the states, territories, or possessions of the United States." *Eberhard v. Eberhard*, 24 ILR 6059, 6065-66 (Chy. R. Sx. Tr. Ct. 1997) (now overruled). Such interpretation is further supported by case law from the United States Supreme Court and the Eighth Circuit Court of Appeals, among other courts. *See United States ex rel. Mackey v. Coxe*, 59 U.S. 100, 103 (1856); *Cornells v. Shannon*, 63 F. 305, 306 (8th Cir. 1894); *Standley v. Roberts*, 59 F. 836, 845 (8th Cir. 1894); *Mehlin v. Ice*, 56 F. 12, 19 (8th Cir. 1893); *United States v. White*, 237 F.3d 170, 173 (2d Cir. 2001) (noting a regulation applying to "a territory or possession of the United States" encompassed Indian reservations); *In re Larch*, 872 F.2d 66, 68 (4th Cir. 1989); *Jim v. CIT Fin. Servs. Corp.*, 533 P.2d 751, 752 (N.M. 1975); *Kansas v. Wakole*, 945 P.2d 421, 423-24 (Kan. Ct. App. 1997); *Eberhard*, 24 I.L.R. at 6065.

Additionally, many of the federal statutes cited by the Tribal Courts were specifically geared towards tribal issues, such as the Indian Child Welfare Act, Maine Indian Claims Settlement Act, National Indian Forest Resources Management Act, the American Indian Agricultural Resource Management Act, and the Indian Land Consolidation Act. *See* Doc. 83, at 11 n. 4. Congress's specific references to Indian tribes, tribal courts, and Indian country in those

101-630 (Nov. 28, 1990) (providing for full faith and credit for tribal court judgments and noting concurrent civil jurisdiction to enforce statute). The Indian Land Consolidation Act was enacted in 1983. 25 U.S.C. § 2207, Pub. L. No. 97-459 (Jan. 12, 1983) (requiring full faith and credit to tribal actions relating to descent and distribution of trust lands and not including any specific definition of "state"). The Indian Child Welfare Act was enacted in 1978. 25 U.S.C. § 1901 *et. seq.*, Pub. L. 95-608, Title I, § 101 (Nov. 8, 1978).

federal statutes are prudent, considering that they were the focus of the legislation. Conversely, the PKPA was aimed at addressing the broad, nationwide issue of parents "frequently resort[ing] to the seizure, restraint, concealment, and interstate transportation of children, the disregard of court orders, excessive relitigation of cases, obtaining of conflicting orders by the courts of various jurisdictions, and interstate travel and communication that is so expensive and time consuming as to disrupt their occupations and commercial activities[.]" *See* Parental Kidnapping Prevention Act of 1980, Pub. L. No. 96-611, § 7(a)(3), 94 Stat. 3568-69 (Dec. 28, 1980). In this regard, Congress's all-encompassing definition of "State" without further breakdown or specific reference to Indian tribes is appropriate and supports Congress's intended purpose.

Finally in regards to rules of construction, the Tribal Courts argue that interpreting the PKPA in a manner that extends it to Indian tribes should be rejected because "courts will not lightly assume that Congress in fact intends to undermine Indian self-government." *See* Doc. 83, at 14. To the contrary, the application of the PKPA to Indian tribes would support, rather than undermine, Indian self-government. "The PKPA is not intended to and does not diminish the sovereignty of the courts to which it applies. Rather, it protects their jurisdiction by assuring that other sovereigns will not 'second guess' child custody orders granted full faith and credit under the Act." *See Eberhard*, 24 I.L.R. at 6066 (now overruled). Ultimately, all of the foregoing reasons supports the conclusion that the PKPA extends to Indian tribes and is controlling in this matter.

B. The Tribal Courts' cited caselaw against application of the PKPA to Indian tribes is unpersuasive.

The Tribal Court of Appeals stated in its 2019 decision, "[t]he relevant caselaw is virtually unanimous in holding that the PKPA does *not* apply to tribes." *See* Fathers' Statement of Undisputed Material Facts ("SUMF") ¶ 49, Doc. 78 at 12. While the caselaw is certainly not "virtually unanimous" in that conclusion, Fathers have already distinguished a number of the cases

cited by the Tribal Courts in Fathers' Brief in Support of Motion for Summary Judgment. *See* Doc. 79 at 19-21 (discussing *Garcia v. Gutierrez*, 217 P.3d 591 (N.M. 2009); *In re Custody of Sengstock*, 477 N.W.2d 310 (Wis. App. 1991); *John v. Baker*, 982 P.2d 739 (Alaska 1999); *Miles v. Chinle Family Court*, 7 Am. Tribal Law 608, Case No. SC-CV-04-08 (Nav. Sup. Ct. Feb. 21, 2008)). The Tribal Courts cite a few additional cases in their briefing, but these cases are also distinguishable.

The Tribal Courts point to *In re Custody of C.M.A.*, 3 Am. Tribal Law 336, 343-344, 2001 WL 36152576 (Fort Peck Ct. App. 2001), in which the "Fort Peck Court of Appeals held that the PKPA does not apply to Indian tribes or tribal courts and opined that Congress deliberately omitted Indian country from the PKPA . . . ." Doc. 83 at 19. Notably in that case though, the Fort Peck Tribal Court determined it had jurisdiction in a child custody case where no other court had conducted a full custodial hearing except for the tribal court and no other court had intervened to attempt to modify the tribal court's decision. *Id.* at 343-44. In making its conclusory decision, the Court also failed to provide a complete analysis of the application of 28 U.S.C. § 1738A and cited no authority outside of the statute itself. *Id.* Unlike the present matter, where the North Dakota courts exercised jurisdiction, provided a full opportunity for a custodial hearing, and issued valid custody orders, *In re Custody of C.M.A.* involved both parents previously invoking the jurisdiction of the tribal court, forum shopping in certain instances, and attempts by each parent to "outdo" the other. *Id.* at 341.

The Tribal Courts also cite to *Tupling v. Kruse*, 15 Am. Tribal Law 23, 2017 WL 2443081 (Colville Tribal Ct. App. 2017), and *Mother H v. Father H*, 6 Mash. Rep. 424, 427, 2017 WL 3039105 (Mashantucket Pequot Tribal Ct. 2017), in support of their interpretation of the PKPA. Doc. 83 at 20. Although concluding that the PKPA does not apply to Indian tribes, the respective court in each case failed to provide any significant analysis. Additionally, while the Colville Tribal

Court of Appeals in *Tupling* highlighted the "need to develop procedures to address cases that are before both the Tribal Court and a state court at the same time [to] ensure that forum shopping is not allowed between the two jurisdictions . . .", *Id.* at 27-28, it failed to recognize that is precisely the need already addressed by Congress through the PKPA.

Going beyond the PKPA itself, the Tribal Courts contend that "the greater weight of authority" is "that Indian tribes are not 'territories or possessions,' within the meaning of the PKPA *or* the Full Faith and Credit Act, 28 U.S.C. § 1738." *See* Doc. 83, at 20 (emphasis added). Looking specifically at the Full Faith and Credit Act, the Tribal Courts cite to a 2007 law review article which "observ[ed] that modern courts have 'rejected the 19th century view of tribes as entities under the ownership of the United States,' and that 'the prevailing modern view among courts is that tribes are not properly considered "territories" or "possessions" within the meaning of 28 U.S.C. § 1738.'" Doc. 83, at 20-21 (quoting Stephanie Moser Goins, *Comment: Beware the Ides of Marchington: The Erie Doctrine's Effect on Recognition and Enforcement of Tribal Court Judgments in Federal and State Court*, 32 Am. Indian L. Rev. 189, 207 (2007)). However, a review of the authority relied upon for that observation indicates that it is questionable at best. *See* Moser Goins, 32 Am. Indian L. Rev. at n.102 (citing the following cases in support of the proposition: *MacArthur v. San Juan County*, 391 F. Supp. 895, 1017 (D. Utah 2005), which was affirmed in part, vacated in part, & reversed in part by *MacArthur v. San Juan County*, (10th Cir. 2007); *MacArthur v. San Juan County*, 309 F.3d 1216 (10th Cir. 2002), which concluded that it did not need to address whether tribes were "territories" under 28 U.S.C. § 1738 because the argument had been waived; and *Brown v. Babbitt Ford, Inc.*, 571 P.2d 689 (Az. Ct. App. 1977) and *Tracy v. Superior Court of Maricopa County*, 810 P.2d 1030 (Az. S. Ct. 1991) (both discussed hereafter).

In particular, one of the cases cited, *Tracy v. Superior Court of Maricopa County*, 810 P.2d 1030, directly contradicts the observation. In that case, the Arizona Supreme Court noted that "[a] majority of courts has deemed Indian tribes to be territories for purposes of the federal statute extending application of the full faith and credit clause to the territories and possessions of the United States." *See id.* at 1040. The Arizona Supreme Court explicitly disagreed with the Arizona Court of Appeals' earlier statement in *Brown v. Babbitt Ford, Inc.*, 571 P.2d 689 (a case relied upon by the Tribal Courts in this case) that "Indian reservations have never been considered as a 'territory' within the meaning of the laws of the United States, but simply they are the home of the Indians." *Compare Tracy*, 810 P.2d at 1040 *with* Doc. 83, at 22 (relying upon *Brown*). [2]

Ultimately, the remaining cases cited by the Tribal Courts carry minimal weight and do not involve custody disputes or otherwise include analyses directly on point to this dispute regarding the PKPA, 28 U.S.C. § 1738A. *See* Doc. 83 at 21-22, discussing *Wilson v. Marchington*, 127 F.3d 805, 809 (9th Cir. 1997) (noting the Supreme Court of the United States has not ruled specifically on whether territories or possessions includes tribes in analyzing whether a tribal court judgment is entitled to recognition in United States courts under 28 U.S.C. § 1738); *Coeur D'Alene Tribe v. Johnson*, 405 P.3d13, 16 (Idaho 2017) (concluding civil tribal court judgment relating to a dock and pilings on the Coeur d'Alene Reservation was not entitled to full faith and credit under 28 U.S.C. § 1738); *Brown v. Babbitt Ford, Inc.*, 571 P.2d 689 (Ariz. App. 1977) (noting Arizona state courts were not required to give full faith and credit under 28 U.S.C. § 1738 to tribal resolution

[2] The Tribe also cites to an earlier 1989 law review article for the similar proposition that "most courts have concluded that Indian tribes are not 'territories or possessions' of the United States and therefore are not bound by the full faith and credit guarantee". *See* Doc. 83, at 20 (citing Barbara Ann Atwood, *Fighting Over Indian Children: The Uses and Abuses of Jurisdictional Ambiguity*, 36 UCLA L. Rev. 1051, 1063 n.50 (1989). As with the 2007 law review article, the 1989 law review article relies upon *Brown,* and only one other case is cited for the proposition. *See* Atwood, at n.50.

relating to civil liability for repossession of personal property), *disagreed with by Tracy v. Superior Court of Maricopa Cnty,*, 810 P.2d 1030, 1040 (Ariz. 1991) (noting many federal cases concluding Indian reservations have been considered territories under United States law); *Miccosukee Tribe v. Kraus-Anderson Const. Co.*, Case No. 04-22774-CIV, 2006 WL 8433224 (S.D. Fla. Jan 19, 2006) (noting the varying determinations relating to 28 U.S.C. § 1738 and its application to tribes in a matter relating to a series of construction contracts, and concluding Congress only intended to apply full faith and credit to certain situations involving tribes).

C. Caselaw supporting the PKPA's application to Indian tribes is persuasive.

In stark comparison to the aforementioned conclusory determinations by courts that the PKPA does not apply to Tribes, this Court should instead look to the more persuasive caselaw on this topic. Seemingly the only federal appellate court to rule upon the PKPA's application to Indian tribes, the Fourth Circuit Court of Appeals in *In re Larch*, 872 F.2d 66 (4th Cir. 1989), concluded that the PKPA applies to Indian tribes. *See id.* at 68. Importantly, in support of that conclusion, the Fourth Circuit cited precedent from the United States Supreme Court *and* the Eighth Circuit Court of Appeals. *See id.* (citing *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978) & *Raymond v. Raymond*, 83 F. 721 (8th Cir. 1897)).

The Tribal Courts argue that "*In re Larch* is an outlier." *See* Doc. 83, at 20. However, approximately one month after *In re Larch*, the Eighth Circuit in *DeMent v. Oglala Sioux Tribal Court*, 874 F.2d 510 (8th Cir. 1989) also acknowledged that the Supreme Court and the Eighth Circuit have both "construed the term 'territories' in an earlier statute to include Indian tribes", although the Court in *DeMent* did not resolve the issue and noted that the PKPA's legislative history may indicate otherwise. *See id.* at 514 n.4. In addition, such argument ignores the many cases supporting that the PKPA is extended to Indian tribes. *See* Fathers' Brief in Support of

Motion for Summary Judgment, Doc. 15-16 (discussing *In re Marriage of Susan C.*, 60 P.3d 644 (Wash. App. 2002), *Monteau v. Monteau*, 5 Am. Tribal Law 26 (Salish-Kootenau Ct. Ap. Apr. 26, 2004), *Mitchell v. Preston*, 439 P.3d 718 (Wy. 2019)); *see also Bluehorse v. Bluehorse*, 12 Am. Tribal Law 186, 187 (Fort Peck C.A. 2015) (concluding that "[t]he Tribal Trial Court was correct to comply with the federal Parental Kidnapping Prevention Act, a federal law applicable to Indian Tribes."); *Arneach v. Reed*, 2000 WL 35789445 at *3 & n.17 (Eastern Band of Cherokee Indians S. Ct., Dec. 15, 2000) (not reported in Am. Tribal Law) (quoting *In re Larch* and also invoking the PKPA).

As discussed in Fathers' Brief in Support of Motion for Summary Judgment, Doc. 79, the Tribal Court of Appeals' (now overruled) decision in *Eberhard* is also persuasive, especially considering that it was the law of the case for a number of years during the pendency of the tribal court proceedings in this matter. The Tribal Courts contend that the Cheyenne River Tribal Council had "overrode *Eberhard* and rendered it inapplicable to future cases" in September 1997 through a resolution establishing comity principles. *See* Doc. 83 at 15. This contention, however, ignores that the Tribal Court of Appeals itself, in its 2016 decision, indicated that it could not rule on the PKPA issue without additional factual findings surrounding the childrens' home state, residency, and possible kidnapping. *See* Fathers' SUMF ¶ 34, Doc. 78 at 9. And most tellingly, the Cheyenne River Tribal Courts were applying the PKPA on the Cheyenne River Indian Reservation in at least one other case during the very same time period as the case involving the Fathers. *See Mitchell v. Preston*, 439 P.3d 718, 721-22 (Wy. 2019) (describing Cheyenne River Tribal Court Orders in 2016 and 2017 made "pursuant to the [PKPA]" and "[under the PKPA]", and noting that it seems at least one of the Tribal Court Orders was appealed to the Tribal Court of Appeals).

D. The Indian Child Welfare Act is not applicable.

In briefly addressing the Tribal Courts' asserted defense that it has exclusive jurisdiction under the Indian Child Welfare Act, it is noted that the Tribal Court of Appeals' 2019 decision concluded that this was *not* an ICWA case and that "ICWA does not apply to this case". *See* Fathers' SUMF ¶¶ 30-32, Doc. 78 at 8-9. Additionally, the Tribal Courts fail to acknowledge the crucial language in its relied upon ICWA provision, 25 U.S.C. § 1911(a):

> An Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of such tribe, *except where such jurisdiction is otherwise vested in the State by existing Federal law*. Where an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child.

*(*Emphasis added). *Cf.* Doc. 83, at 8 n.2, 23. Here, the PKPA applies and vests jurisdiction with the North Dakota state court. Any argument under ICWA for tribal court jurisdiction is without merit.[3]

CONCLUSION

Ultimately, while there are differing decisions by courts regarding the application of the PKPA to Indian tribes, the explicit language of the PKPA, the purpose and legislative backdrop of the PKPA, and persuasive caselaw including the Tribal Courts' prior decision in *Eberhard* confirm

[3] The Tribal Courts also briefly raise a defense that even if the PKPA applies, 25 U.S.C. section 1738A(c)(2)(C) "would allow the Tribal Court to enter a temporary custody order concerning the minor children." Doc. 83, at 23 n.7. That statute, in relevant part, addresses situations where a child has been abandoned or emergency situations due to mistreatment or abuse. *See* 25 U.S.C. § 1738A(c)(2)(C). Fathers have addressed that argument in their Brief in Support of Motion for Summary Judgment, Doc. 79, at 26-27.

that the PKPA extends to Indian tribes. For the foregoing reasons, Fathers respectfully request denial of the Tribal Courts' Motion for Summary Judgment.

Dated this 5th day of January, 2022.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP

Marty J. Jackley (SD ID No. 2447)
Stacy R. Hegge
111 W Capitol Ave, Suite #230
Pierre, SD 57501
Phone: 605-494-0105
Fax: 605-342-9503
mjackley@gpna.com
shegge@gpna.com
Attorney for Fathers

O'KEEFFE O'BRIEN LYSON, LTD.

TRACY J. LYSON (ND ID No. 06138)
SARAH A. AABERG (ND ID No. 08393)
720 Main Avenue
Fargo, ND 58103
Phone: (701) 235-8000
Fax: (701) 235-8023
tracy@okeeffeattorneys.com
sarah@okeeffeattorneys.com
Attorneys for Fathers

CERTIFICATE OF COMPLIANCE

Pursuant to D.S.D. Civ. LR 7.1.B.1, I certify that the foregoing complies with the type volume limitation. In reliance upon the document properties provided by Microsoft Word, in which the foregoing was prepared, the Brief contains 4,058 words, excluding the caption, any addendum materials, and any certificates of counsel.

Dated this 5th day of January, 2022.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP

Marty J. Jackley (SD ID No. 2447)
Stacy R. Hegge
111 W Capitol Ave, Suite #230
Pierre, SD 57501
Phone: 605-494-0105
Fax: 605-342-9503
mjackley@gpna.com
shegge@gpna.com
Attorney for Fathers

CERTIFICATE OF SERVICE

I certify that on January 5, 2022, I caused a true and correct copy of the foregoing to be served through the Court's Case Management/Electronic Case Filing System on the following:

Steven Gunn
1301 Hollins Street
St. Louis, MO 63135
Phone: 314-920-9129

Robert Anderson
503 South Pierre St
PO Box 160
Pierre, SD 57501

and a courtesy copy to the defaulting parties via First Class U.S. Mail, postage prepaid, to the following:

Jessica Ducheneaux
Ed Ducheneaux
709 G St
Timber Lake, SD 57656

Theodore Taylor, Jr.
Register No. 18126-273
Terre Haute FCI
4200 Bureau Rd. North
Terre Haute, IN 47808

Tricia Taylor
#35 Itazitpo or #6 Fuller
Eagle Butte, SD 57625

/s/ Stacy R. Hegge
Stacy R. Hegge