

Superintendent. The school owned house is located directly across the street from the Dupree K-12 School, which is located within the exterior boundaries of the Cheyenne River Sioux Indian Reservation. Therefore, pursuant to Law & Order Code, Section 11-1-2, Keith Fodness is not subject to exclusion or removal and the Emergency Exclusion Order should be rescinded inasmuch as it pertains to him.

Similarly, Dupree Elementary PK-6 School Principal Cindy Lindskov is an owner of land in both Ziebach and Dewey Counties, including land which is located within the exterior boundaries of the Cheyenne River Sioux Indian Reservation. Accordingly, pursuant to Law & Order Code, Section 11-1-2, Cindy Lindskov is likewise not subject to exclusion or removal and the Emergency Exclusion Order should be rescinded inasmuch as it pertains to her.

This Motion to Dismiss and Alternative Petition for Hearing to Reconsider Emergency Exclusion Order for Sarah Shaff, Cindy Lindskov, and Keith Fodness is supported by a Brief and Affidavits in support thereof which are filed contemporaneously herewith.

WHEREFORE, Defendants respectfully request the Court dismiss all matters pending including Plaintiff's Emergency Petition for Exclusion and Removal of Sarah Shaff, Cindy Lindskov, and Keith Fodness from the Cheyenne River Sioux Indian Reservation, and rescind this Court's Emergency Exclusion Order for Sarah Shaff, Cindy Lindskov, and Keith Fodness. Defendants alternatively respectfully Petition this Court for a Hearing to reconsider its Emergency Exclusion Order for Sarah Shaff, Cindy Lindskov, and Keith Fodness, and schedule said hearing within two (2) weeks of the receipt of this Petition in accordance with Law & Order Code, Section 11-1-5(3).

Dated this 31st day of August, 2023.

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