



CIRCUIT COURT OF SOUTH DAKOTA  
SIXTH JUDICIAL CIRCUIT

HUGHES COUNTY COURTHOUSE  
P.O. BOX 1238  
PIERRE, SOUTH DAKOTA 57501-1238

MARK BARNETT  
CIRCUIT COURT JUDGE  
Phone: (605) 773-4014  
Fax: (605) 773-6492  
Mark.Barnett@ujs.state.sd.us

LORI J. GRODE  
COURT REPORTER  
Phone: (605) 773-8227  
Lori.Grode@ujs.state.sd.us

KATIE J. HRUSKA  
SIXTH CIRCUIT LAW CLERK  
Katie.Hruska@ujs.state.sd.us

April 6, 2016

Chase Iron Eyes  
Iron Eyes Law Office, PLLC  
P.O. Box 888  
Fort Yates, ND 58538  
chaseironeyes@gmail.com

**RE: Informal request to recuse in two related files for Hughes County Civil No. 16-37 and 16-39: *In Re Petition of TransCanada Keystone Pipeline LP for an Order Accepting Certification of Permit Issued in Docket HP09-001 to Construct the Keystone XL Pipeline***

Mr. Iron Eyes,

The Court is in receipt of your informal request for disqualification under SDCL § 15-12-21.1. Understanding that you are not required to state a reason, I have no “knowledge of a ground for self-disqualification under the guidelines established by Canon 3C.” SDCL 15-12-37.

Further, I note the nature of this appeal. Your informal requests relate to two out of seven appeals that have been filed regarding this same matter; all appeal the ruling of the PUC in this pipeline case. *See* Hughes Civil No. 16-33, 16-34, 16-35, 16-36, and 16-38. You have copied the attorneys representing other appellants on these other related appeal cases. Whether these cases eventually are consolidated is for another day, but judicial economy and consistency in resolution are concerns I have considered when I deliberated on your request. It would be repetitious for this judge to hear five cases together and make one ruling, while a second judge re-hears all the same facts and considers the same record for two related cases, 16-37 and 16-39, and who may come to a different outcome. Additionally, if these cases are consolidated, SDCL 15-12-23 would require that “all parties who are united in interest or representation must unite in the filing of an

Affidavit of Chase Iron Eyes  
Exhibit B

affidavit for change of judge or magistrate and the filing of such affidavit by one party is deemed to be filed by all of such parties.” This statute seems to prevent a situation where each appellant exercises their right to one recusal and then recuses their way through a number of judges.

I have not made any rulings in this appeal or any other related appeal now before the circuit court. However, I did rule on a motion to revoke pro hac vice status of an attorney on record when the PUC had jurisdiction of this petition now on appeal. *See* Hughes Civil Administrative File, 14-1. This is not a submission to the jurisdiction that would bar your request; I only feel compelled to disclose this ruling.

Your informal request is denied. Please consider this letter notification in writing to the parties or their attorneys as required by SDCL 15-12-21.1.

Best Regards,



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Honorable Mark Barnett  
Sixth Circuit Court Judge

CC:

Adam de Hueck, S.D. PUC, by email to Adam.dehueck@state.sd.us  
John Smith by email to Johnj.smith@state.sd.us  
James E. Moore, Woods Fuller, by email to James.moore@woodsfuller.com  
William G. Taylor, by email to bill.taylor@williamgtaylor.com  
James P. White, by email to jim\_p\_white@transcanada.com  
Peter Capossela, by email to pcapossela@nu-world.com  
Travis G. Clark, by email to Telark@ndnlaw.com  
Thomasina Real Bird, by email to Trealbird@ndnlaw.com  
Bruce Ellison, by email to belli4law@aol.com  
Robin Martinez, by email to Robin.martinez@martinezlaw.net  
Bob Gough, by email to gough.bob@gmail.com