

**Individual Report for Docket Number : Civ04-3014**

**Docket Title:**

VERIZON WIRELESS (VAW) LLC, COMMNET CELLULAR LICENSE HOLDING LLC, MISSOURI VALLEY CELLULAR, INC., SANBORN CELLULAR, INC., AND EASTERN SOUTH DAKOTA CELLULAR, INC. D/B/A VERIZON WIRELESS, PLAINTIFFS, VS. STATE OF SOUTH DAKOTA, SOUTH DAKOTA PUBLIC UTILITIES COMMISSION, AND BOB SAHR, GARY HANSON AND JIM BURG, IN THEIR OFFICIAL CAPACITIES AS THE COMMISSIONERS OF THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION, DEFENDANTS

**Open Date:** 08/09/2004

**Close Date:** 12/28/2007

**Days Open:** 1236

**Filing Type:**

TC

**Tax ID:**

**Attorney:**

RW

**Staff:**

**Primary Appeal Information**

**Appeal Date:**

**Appellant:**

**Decision Date:**

**Appeal Location:** Civ.04-3014-U.S.Dis.Ct.-Central Division

**Current Status:**

**Description of Above Decision:**

**Secondary Appeal Information**

**Appeal Date:**

**Appellant:**

**Decision Date:**

**Appeal Location:**

**Current Status:**

**Description of Above Decision:**

VERIZON WIRELESS (VAW) LLC, COMMNET CELLULAR LICENSE HOLDING LLC, MISSOURI VALLEY CELLULAR, INC., SANBORN CELLULAR, INC., AND EASTERN SOUTH DAKOTA CELLULAR, INC. D/B/A VERIZON WIRELESS, PLAINTIFFS, VS. STATE OF SOUTH DAKOTA, SOUTH DAKOTA PUBLIC UTILITIES COMMISSION, AND BOB SAHR, GARY HANSON AND JIM BURG, IN THEIR OFFICIAL CAPACITIES AS THE COMMISSIONERS OF THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION, DEFENDANTS Filed 08/09/04; Pending.

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### Docket Notes

08/09/04 - Summons in a Civil Action  
08/09/04 - Complaint for Declaratory and Injunctive Relief  
08/09/04 - Corporate Disclosure Statement  
08/09/04 - Admissions of Service  
08/10/04 - Motion to Admit David C. McDonald Pro Hac Vice  
08/10/04 - Affidavit of David C. McDonald for Admission Pro Hac Vice  
08/10/04 - Motion to Admit Philip R. Schenkenberg Pro Hac Vice  
08/10/04 - Affidavit of Philip R. Schenkenberg for Admission Pro Hac Vice  
09/01/04 - Amended Complaint for Declaratory and Injunctive Relief  
09/07/04 - Answer to Amended Complaint for Declaratory and Injunctive Relief  
10/04/04 - Motion to Intervene as Defendants  
10/04/04 - Answer of Intervenors  
10/04/04 - Certificate of Service  
01/11/05 - Order  
07/12/05 - Notice of Change of Address  
07/13/05 - Rule 16 Scheduling Order  
07/13/05 - Joint Written Report of Rule 26(f) Meeting  
07/13/05 - Plaintiff's Rule 26(a) Disclosures  
07/13/05 - Initial Disclosure Under Rule 26(a)  
07/13/05 - Certificate of Service  
07/18/05 - Plaintiff's First Set of Interrogatories, Requests for Production of Documents and Requests for Admission  
07/21/05 - Amended Rule 16 Scheduling Order  
08/02/05 - Disclosure of Expert Witnesses pursuant to Rule 26(a)(2)  
08/05/05 - Stipulation and Motion for Protective Order  
08/05/05 - Proposed Protective Order  
08/05/05 - Certificate of Service  
08/17/05 - Certificate of Service  
09/02/05 - Expert Report prepared by Larry D. Thompson of Vantage Point Solutions  
09/07/05 - Certificate of Service  
09/19/05 - Certificate of Service  
10/17/05 - Certificate of Service  
10/31/05 - Plaintiffs' Unopposed Motion for Protective Order  
10/31/05 - Plaintiffs' Notice of Motion for Protective Order  
10/31/05 - Memorandum in Support of Plaintiffs' Motion for Protective Order  
10/31/05 - Affidavit of Doug Miller in Support of Plaintiffs' Motion for Protective Order  
10/31/05 - Proposed Order Granting Plaintiffs' Motion for Protective Order  
11/02/05 - Order Granting Plaintiffs' Motion for Protective Order  
11/03/05 - Affidavit of Doug Miller in Support of Plaintiffs' Motion for Protective Order  
11/17/05 - Plaintiffs' Motion for Summary Judgment  
11/17/05 - Plaintiffs' Memorandum of Law in Support of Motion for Summary Judgment  
11/17/05 - Affidavits of Philip R. Schenkenberg, Jeff Harmon, John L. Clampitt, Edward A. Harrop and Doug Miller  
11/17/05 - Proposed Order Granting Plaintiffs' Motion for Summary Judgment  
12/05/05 - Motion for Enlargement of Time for Response and Amendment of Rule 16 Scheduling Order  
12/14/05 - Order

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12/14/05 - Second Amended Rule 16 Scheduling Order  
12/23/05 - Reply of Defendant and Intervenors to Summary Judgment Motion of Verizon Wireless  
12/23/05 - Defendant's and Intervenors' Statement of Facts  
12/23/05 - Response of Defendant and Intervenors to Plaintiff's Statement of Facts  
12/23/05 - Certificate of Service  
01/19/06 - Plaintiffs' Reply Memorandum of Law in Support of Motion for Summary Judgment  
01/19/06 - Second Affidavit of Philip R. Schenkenberg  
04/03/06 - Notice of Appearance for Craig A. Pfeifle  
04/07/06 - Third Amended Rule 16 Scheduling Order  
04/19/06 - Fourth Amended Rule 16 Scheduling Order  
05/18/06 - Fifth Amended Rule 16 Scheduling Order  
05/18/06 - Sixth Amended Rule 16 Scheduling Order  
08/25/06 - Seventh Amended Rule 16 Scheduling Order  
10/11/06 - Plaintiff's Rule 26(a) Disclosures, as Supplemented October 6, 2006  
10/11/06 - Plaintiff Verizon Wireless' Supplemental Answers to Intervenors' and Defendant's First Set of Interrogatories  
10/11/06 - Affidavit of Service by Mail  
10/13/06 - Opinion and Order on Plaintiffs' Motion for Summary Judgment  
12/12/06 - Letter Regarding Expert Report  
01/03/07 - Eighth Amended Rule 16 Scheduling Order  
01/18/07 - Letter and Expert Report of Larry Thompson  
02/02/07 - Motion to Continue and Motion for Additional Discovery  
02/06/07 - Plaintiffs' Third Set of Interrogatories and Second Set of Requests for Production of Documents  
02/15/07 - Verizon Wireless' Response to Motion to Continue and Motion for Additional Discovery  
02/22/07 - Letter to United States District Court  
02/23/07 - Reply to Verizon Wireless' Response to Motion to Continue and Motion for Additional Discovery  
02/27/07 - Verizon Wireless' Request for Leave to File Record Clarification Regarding Motion to Continue and Motion for Additional Discovery  
03/06/07 - United States District Court Memorandum  
03/23/07 - Telephonic Pretrial Conference Memo  
03/23/07 - Order Fixing Trial Dates  
06/08/07 - Amended Order Fixing Trial Dates  
06/13/07 - Verizon Wireless' Motion in Limine  
06/13/07 - Order Granting Plaintiffs' Motion in Limine  
06/13/07 - Verizon Wireless' Memorandum in Support of Motion in Limine  
06/13/07 - Affidavit of Philip R. Schenkenberg in Support of Motion in Limine  
06/13/07 - Proposed Order Granting Plaintiffs' Motion in Limine  
07/05/07 - Response to Verizon Wireless' Motion in Limine  
07/27/07 - Stipulation of Facts  
07/31/07 - Defendants' List of Trial Witnesses and Proposed Exhibits  
07/31/07 - Verizon Wireless' Exhibit and Witness List  
07/31/07 - Intervenors List of Trial Witnesses and Proposed Exhibits  
08/01/07 - Memorandum from Judge Kornmann  
08/01/07 - Letter to Kathy Hammond  
08/01/07 - Letter to Judge Kornmann  
08/06/07 - Order Granting Plaintiffs' Motion in Limine

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08/08/07 - Notice of Appearance (Richard D. Coit)

08/30/07 - Transcript of Hearing held on 08/15-16/07

09/26/07 - Plaintiffs' Proposed Findings of Fact and Conclusions of Law

09/26/07 - Plaintiffs' Post Hearing Brief

10/02/07 - Stipulated Motion to Remove the State of South Dakota as a Party

12/28/07 - Opinion and Order - M:puc.sd.gov/commission/dockets/civil/2004/122807.pdf

12/28/07 - Docket Closed - M:puc.sd.gov/commission/dockets/civil/2004/civ04-3014/close.pdf