



Bob Sahr, Chair
Dustin Johnson, Vice-Chair
Gary Hanson, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
www.puc.sd.gov

Capitol Office
(605) 773-3201
(605) 773-3809 fax

Transportation/Warehouse
(605) 773-5280
(605) 773-3225 fax

Consumer Hotline
1-800-332-1782

June 7, 2006

Ms. Judy Feddersen
Clerk of Courts
P. O. Box 1238
Pierre, SD 57501-1238

Re: South Dakota Public Utilities Commission,
an agency of the State of South Dakota v.
Les Sumption and Matt Swearingen d/b/a
S&S Communications and S&S Communications,
a South Dakota general partnership
Civ. 05-236

Dear Ms. Feddersen:

Enclosed for filing you will find Notice of Entry of Order and Default Judgment with reference to the above captioned matter.

Very truly yours,

John Smith
Assistant Attorney General

JS:dk
Enc.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION, an agency of the State of South
Dakota,

Plaintiff,

vs.

LES SUMPTION and MATT SWEARINGEN d/b/a
S&S Communications and S&S
COMMUNICATIONS, a South Dakota general
partnership,

Defendants.

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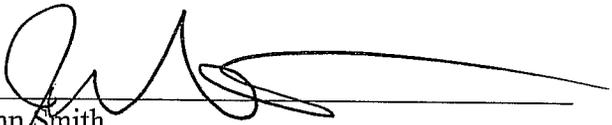
CIV 05-236

NOTICE OF ENTRY OF
ORDER AND DEFAULT
JUDGMENT

TO: LES SUMPTION AND MATT SWEARINGEN D/B/A S&S COMMUNICATIONS AND
S&S COMMUNICATIONS AND THEIR ATTORNEYS, JOHN W. BURKE AND CLAIR
R. GERRY:

Notice is hereby given that an Order and Default Judgment, copies of which are attached
hereto, were entered and filed by the Court on the 2nd day of June, 2006, in the office of the Clerk of
Courts of Hughes County, South Dakota.

Dated this 7th day of June, 2006.



John Smith
Special Assistant Attorney General
South Dakota Public Utilities Commission
500 East Capitol
Pierre, SD 57501
Telephone (605) 773-3201

CERTIFICATE OF SERVICE

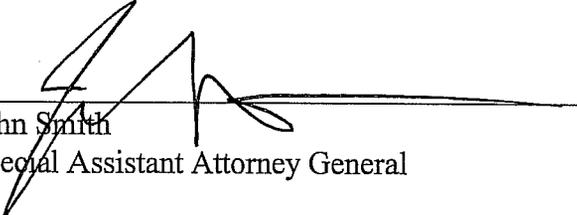
I hereby certify that copies of Notice of Entry of Order and Default Judgment were served on
the following by mailing the same to them by United States Post Office First Class mail, postage
thereon prepaid, at the address shown below on this the 7th day of June, 2006.

Mr. Les Sumption
39425 Country Drive
Bath, SD 57427

Mr. Matt Swearingen
135 Campbell Avenue
Stratford, SD 57474

Mr. John W. Burke
Attorney at Law
Thomas, Nooney, Braun, Solay & Bernard
P. O. Box 8108
Rapid City, SD 57709-8108

Mr. Clair R. Gerry
Attorney at Law
Stuart, Gerry & Schlimgen
P. O. Box 966
Sioux Falls, SD 57101-0966



John Smith
Special Assistant Attorney General

JUN 06 2006

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION, an agency of the State of South
Dakota,

Plaintiff,

vs.

LES SUMPTION and MATT SWEARINGEN
d/b/a S&S Communications and S&S
COMMUNICATIONS, a South Dakota general
partnership,

Defendants.

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CIV 05-236

ORDER

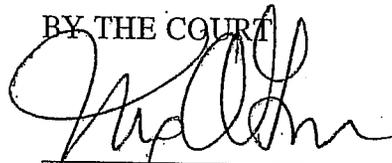
Plaintiff's Motion to Dismiss Requests for Pre-Judgment Interest and Disbursements came on for hearing before the Court on May 31, 2006, the Honorable Max A. Gors, Circuit Judge, presiding and the issues having been duly heard and the Court having found good and sufficient cause,

It is ORDERED

That Plaintiff's Motion to Dismiss Claims for Pre-Judgment Interest and Disbursements is granted and Plaintiff's requests for relief in the form of pre-judgment interest and disbursements are dismissed.

Dated at Pierre, South Dakota, this 31st day of May, 2006.

BY THE COURT



Circuit Judge

ATTEST: Judy Feddersen
Clerk of Courts

STATE OF SOUTH DAKOTA
Sixth Judicial Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on file in my office on this date:

JUN 05 2006

Judy Feddersen
Hughes County Clerk of Courts

By: Deb Fitzgerald, Deputy

STATE OF SOUTH DAKOTA
CIRCUIT COURT, HUGHES CO.
FILED

JUN 02 2006

Judy Feddersen Clerk
By _____ Deputy

RECEIVED

JUN 06 2006

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

SOUTH DAKOTA PUBLIC UTILITIES
COMMISSION, an agency of the State of South
Dakota,

Plaintiff,

vs.

LES SUMPTION and MATT SWEARINGEN
d/b/a S&S Communications and S&S
COMMUNICATIONS, a South Dakota general
partnership,

Defendants.

CIV 05-236

DEFAULT JUDGMENT

This action came on for hearing before the Court on May 31, 2006, the Honorable Max A. Gors, Circuit Judge, presiding and the issues having been duly heard and the Court having found good and sufficient cause to enter judgment by default against Defendants,

It is Ordered and Adjudged

1. That the Plaintiff, South Dakota Public Utilities Commission recover from the Defendants, Les Sumption, Matt Swearingen and S&S Communications, a South Dakota general partnership, the sum of Thirteen Thousand Four Hundred and 00/100 Dollars (\$13,400.00), and that Defendants shall be jointly and severally liable for the payment of such sum; and

2. That pursuant to SDCL 48-7A-307(4), Plaintiff may levy execution on the judgment against Les Sumption's and Matt Swearingen's personal assets without having to first exhaust execution against the partnership assets of S&S Communications.

Dated at Pierre, South Dakota, this 31st day of May, 2006.

BY THE COURT


Circuit Judge

ATTEST: 
STATE OF SOUTH DAKOTA
Clerk of Courts
Sixth Judicial Circuit Court

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on file in my office on this date:

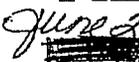
JUN 05 2006

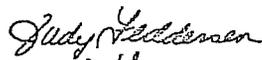
Judy Feddersen
Hughes County Clerk of Courts

By: Deb Fitzgerald, Deputy

STATE OF SOUTH DAKOTA
CIRCUIT COURT, HUGHES CO.

FILED

 2006

 Clerk
By:  Deputy