

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF HUGHES)

IN CIRCUIT COURT

SIXTH JUDICIAL DISTRICT

IN THE MATTER OF THE PETITION OF
TRANSCANADA KEYSTONE PIPELINE
LP FOR AN ORDER ACCEPTING
CERTIFICATION OF PERMIT ISSUED IN
IN DOCKET HP 09-001 TO CONSTRUCT
THE KEYSTONE XL PIPELINE

CIV. 16-37

AFFIDAVIT OF
CHASE IRON EYES

I, Chase Iron Eyes, under penalty of perjury, hereby state and affirm:

1. That I serve as counsel of record in the above-captioned matter, for Joye Braun, Dallas Goldtooth, John H. Harter, Chastity S. Jewett, Elizabeth Lone Eagle, Paul F. Seamans, Bruce Boettcher, Terry and Cheri Frisch, Arthur R. Tanderup, Wrexie Lainson Bardaglio and Gary F. Dorr.

2. This affidavit respectfully requests that the Honorable Mark Barnett be disqualified from serving as judge in this matter, pursuant to SDCL §15-12-21.

3. This affidavit is made in good faith and not for the purpose of securing delay.

4. In the ordinary course of litigating this matter, one or more issues are expected to come on for adjudication before Judge Barnett, which the parties identified in paragraph 1 have good reason to believe, and do actually believe, that they cannot have a fair and impartial adjudication of such issues before Judge Barnett.

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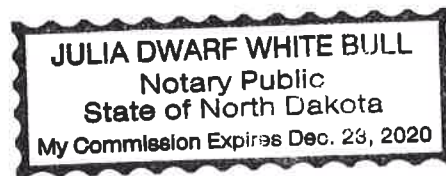
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5. I made an informal request for the recusal of Judge Barnett via letter dated April 1, 2016 (Affidavit Exhibit A), but the informal request was denied via letter dated April 6, 2016. (Affidavit Exhibit B).

WHEREFORE, your Affiant respectfully requests a change of judge pursuant to SDCL §§15-12-21 – 15-12-33.

Chase Iron Eyes

STATE OF NORTH DAKOTA)
 :
COUNTY OF SIOUX)



SUBSCRIBED and SWORN to before me
this 6th day of April, 2016

Notary Public

My Commission Expires December 23, 2020