

STATE OF SOUTH DAKOTA)
: SS.
COUNTY OF CODINGTON)

IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT

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TIMOTHY LINDGREN and
LINDA LINDGREN,

 Plaintiffs,

 -vs-

File 14CIV19-303

CODINGTON COUNTY, *a political*
subdivision of the State of
South Dakota, CODINGTON COUNTY*
BOARD OF ADJUSTMENT, *an agency**
of Codington County, having
issued a certain Conditional
Use Permit, #CU018-007,
CROWNED RIDGE WIND, LLC,
CROWNED RIDGE WIND II, LLC,
BOULEVARD ASSOCIATES, LLC,
all other Persons having
present of future interests
in #CU018-007, and SOUTH
DAKOTA PUBLIC UTILITIES
COMMISSION, *having issued a*
certain Facility Sitting
Permit, Docket EL19-003, and
all other Persons having
present or future interest in
a certain Energy Facility
Permit issued by the South
Dakota Public Utilities
Commission in Docket EL19-003,

 Defendants.

**DEFENDANTS CODINGTON COUNTY AND
CODINGTON COUNTY BOARD OF
ADJUSTMENT'S MOTION TO DISMISS**

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Pursuant to SDCL 15-6-12(b)(1) and (5), Defendants
Codington County and Codington County Board of Adjustment
respectfully move the Court to dismiss the plaintiffs' Complaint.
As grounds for this Motion, these defendants state that the Court

lacks subject matter jurisdiction to adjudicate an untimely challenge to the Codington County Board of Adjustment's decision to grant a Conditional Use Permit to Crowned Ridge Wind, LLC and Crowned Ridge Wind II, LLC. Further, the plaintiffs' Complaint should be dismissed because it fails to state a claim upon which relief may be granted.

This Motion is supported by the pleadings and files herein; the Affidavit of Zachary W. Peterson; and the Brief in Support of Defendants Codington County and Codington County Board of Adjustment's Motion to Dismiss, which are served and filed herewith.

Dated this 30th day of September, 2019.

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& HIEB, LLP

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