

TIMOTHY LINDGREN and LINDA LINDGREN,

Case No. 14CIV19000303

Plaintiffs,

vs.

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 or future interests in #CU018-007, and SOUTH DAKOTA PUBLIC UTILITIES COMMISSION, having issued a certain Facility Siting 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 CROWNED RIDGE WIND, LLC, CROWNED RIDGE WIND II, LLC, AND BOULEVARD ASSOCIATES, LLC'S MOTION TO DISMISS

Defendants.

Defendants, Crowned Ridge Wind, LLC, Crowned Ridge Wind II, LLC, and Boulevard Associated, LLC, by and through their attorneys of record, respectfully move

the Court for dismissal of Plaintiff's Complaint pursuant to SDCL § 15-6-12(b)(1) and 12(b)(5). This Motion is based on the Complaint and Exhibits thereto, and on these

Defendants' Brief in Support of Motion to Dismiss and Affidavit of Miles F. Schumacher.

Dated this 3rd day of October, 2019.

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

/s/ Miles F. Schumacher

Miles F. Schumacher

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