

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.

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.*

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Case No. 14CIV1-000303

ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS  
AND GRANTING MOTION FOR COSTS

Each Defendant having filed motions to dismiss the Plaintiffs' Complaint, to which Plaintiffs objected, with a hearing being held on December 9, 2019, before the Court, with A.J. Swanson (appearing on behalf of Timothy Lindgren and Linda Lindgren), Kristen N. Edwards and Amanda M. Reiss (appearing on behalf of South

Dakota Public Utilities Commission), Miles Schumacher (appearing on behalf of Crowned Ridge Wind, LLC; Crowned Ridge Wind II, LLC; and Boulevard Associates, LLC), and Jack Hieb (appearing on behalf of Codington County Commission and Codington County Board of Adjustment), participating.

After hearing arguments of counsel, opposition by Plaintiffs, and having considered the written submissions of the parties, for reasons stated in the Court's oral decision and for good cause appearing, it is hereby

ORDERED, ADJUDGED, & DECREED, that Defendant South Dakota Public Utilities Commission's Motion to Dismiss is hereby GRANTED with prejudice. It is further

ORDERED, ADJUDGED, & DECREED, that Defendant South Dakota Public Utilities Commission's Motion for Award of Cost Pursuant to SDCL 21-24-11 is hereby GRANTED. It is further

ORDERED, ADJUDGED, & DECREED, that Defendants Crowned Ridge Wind, LLC, Crowned Ridge Wind II, LLC, and Boulevard Associates, LLC's Motion to Dismiss is hereby GRANTED with prejudice. It is further

ORDERED, ADJUDGED, & DECREED, that Defendants Codington County Commission and Codington County Board of Adjustment's Motion to Dismiss is hereby GRANTED with prejudice. It is further

ORDERED, ADJUDGED, & DECREED, that the above-entitled matter is hereby DISMISSED with PREJUDICE.

Attest:  
Zeller, Barbara  
Clerk/Deputy



BY THE COURT:

Signed: 12/20/2019 12:30:48 PM

*Carmen Means*

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Honorable Carmen Means  
Circuit Court Judge