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December 24, 2020

South Dakota Supreme Court Justices  
500 East Capitol Avenue  
Pierre, SD 57501-5070

Sent by E-mail and U.S. Mail

**RE: Christenson & Robish v. CRW, LLC & S.D. Public Utilities Commission; Appeal #29334**

To the Court:

On behalf of this office's clients, Amber Christenson and Allen Robish, this correspondence appears necessary – unfortunately – in response to opposing counsel's erroneous representation(s) within his letter to the Court dated December 21, 2020.

That is, to be clear, pursuant to the mandatory service provisions of SDCL § 15-6-4(g), as well as SDCL § 15-6-5(j) and/or SDCL § 16-21A-2, counsel's (incomplete) attempt to send an e-mail of Appellees attempted service of what they sought to propose as a motion before the circuit court was not, in fact, service of the same - as required by our long-required rules of service in this state. First, as noted in opposing counsel's post-brief submission herein, his office failed to effectuate service by e-mail insofar as Appellees failed to comply with SDCL § 15-6-5(j)(4) (that is, as required by this Court's rules, an e-mail - by itself - does not effectuate service). Second, and perhaps more importantly in demonstrating Appellees failure to serve below, it's noted that any such attempted motion (again) appears to not have been accompanied by the required certificate of service pursuant SDCL § 15-6-4(g). Finally, Appellees, for whatever reason, failed to include – by simply adding to attorneys to be served – your undersigned as attorney for Appellants in their attempted service by and through Odyssey e-filing and service as required by SDCL § 16-21A-2.

As a result, with due respect, opposing counsel for Appellees are incorrect insofar as either their singular or joint post-briefing claim that Appellants were perhaps incorrect in their Reply Brief overview of Issue 1. As to having to respond to correct the record in this regard - via letter format - your undersigned seeks only to correct the record herein by way of response, while understanding that, based on experience and this Court's governing rules, responses to reply briefs are of course not ordinarily handled by letter. Thank you.

Sincerely,

R. Shawn Tornow, for  
Tornow Law Office, P.C.

c: Miles Schumacher, One of the Attorneys for Appellee CRW (only by e-mail)  
Brian Murphy, One of the Attorneys for Appellee CRW (only by e-mail)  
Amanda Reiss/Kristen Edwards, Attorney(s) for Appellee S.D. PUC (only by e-mail)