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S.D. SEC. OF STATE

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF HUGHES)

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

32CIV18-000147

DAN LEDERMAN, individually)
and in his capacity as Chairman of)
the of the SOUTH DAKOTA)
REPUBLICAN PARTY,)

Petitioner,)

vs.)

HONORABLE SHANTEL)
KREBS, in her official)
capacity as SECRETARY OF)
STATE, and the CONSTITUTION)
PARTY OF SOUTH DAKOTA,)

Respondents,)

and)

TERRY LEE LeFLEUR,)
)
Intervenor.)

**AMENDED
JUDGMENT GRANTING
PEREMPTORY WRIT
OF PROHIBITION**

TO THE ABOVE-NAMED RESPONDENTS:

The Petitioner, having filed an Application for a Writ of Prohibition seeking to prohibit the Secretary of State from certifying for the General Election ballot any candidates nominated by the Constitution Party of South Dakota at any Convention noticed for August 14, 2018; and the Court having issued an Alternative Writ requiring that the Respondents show cause as to why the Secretary of State should not be absolutely restrained from performing the acts addressed by these writs and why a peremptory writ of mandamus and/or writ of prohibition should not issue; and a show cause hearing was held before this Court in the Courtroom of Hughes County Courthouse in Pierre, South Dakota, on the 16th day of August, 2018, beginning at 1:00 pm. Petitioner appeared personally and with his counsel, Justin L. Bell of May, Adam, Gerdes & Thompson, LLP. Respondent the Honorable Shantel Krebs, Secretary of State, was represented Assistant Attorneys General Ann Mines Bailey and Kirsten Jasper. Terry LaFleur appeared pro se, and his Motion for Intervention was granted. Mike Gunn appeared pro se and orally moved to intervene in his individual capacity, but his motion was denied.

Upon consideration of the evidence presented, including the testimony of the witnesses, judicial notice of exhibits, exhibits offered and received, and the stipulations of the parties, and upon consideration of the briefs and arguments of counsel, the Court now reaffirming and hereby incorporating the Court's Oral Findings of Facts and Conclusions of Law entered of August 16,

2018, and finding that granting of a Peremptory Writ of Prohibition is warranted pursuant to SDCL 21-30-4, that there is no reason for delay, and that this is the final judgment of this Court.

NOW, THEREFORE,

IT IS ORDERED AND COMMANDED that the Secretary of State shall be permanently restrained from placing any candidates nominated by the Constitution Party of South Dakota on the 2018 general election ballot.

Dated the 21st day of August, 2018.

BY THE COURT

Patricia DeVaney

Hon. Patricia J. DeVaney
Circuit Court Judge

Attest:
Deuter-Cross, TaraJo
Clerk/Deputy



STATE OF SOUTH DAKOTA
Sixth Judicial Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on file in my office on this date:
-AUG 21 2018-
Kelli Sitzman
Hughes County Clerk of Courts
By *Deuter-Cross*