

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

EILEEN JANIS and KIM COLHOFF,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civ. 09-5019
CHRIS NELSON, In his individual and official)	
capacity as Secretary of State of South Dakota,)	
and as a member of the State Board of)	
Elections; MATT McCAULLEY, CINDY)	
SCHULTZ, CHRISTOPHER W. MADSEN,)	
RICHARD CASEY, KAREN M. LAYHER,)	
and LINDA LEA M. VIKEN, in their individual)	
and official capacities as members of the State)	
Board of Elections; SUE GANJE, in her)	
individual and official capacity as Auditor for)	
Shannon County; and LA FAWN CONROY, in)	
her individual and official capacity as a Poll)	
Worker for Shannon County,)	
)	
Defendants.)	
)	

**PLAINTIFFS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO FILE REPLIES IN SUPPORT OF THEIR MOTION TO AMEND THE
COMPLAINT AND THEIR MOTION FOR CLASS CERTIFICATION**

Plaintiffs, by and through counsel, and pursuant to Fed. R. Civ. P. 7 and Local Rule 7.1, file this unopposed motion for an extension of time to file their replies in further support of their motion to file a second amended complaint and their motion for certification. Plaintiffs request that the Court give them until March 22, 2010 to file their replies. In support of this motion, Plaintiffs state as follows:

Plaintiffs submitted their motion to file a second amended complaint and their motion for class certification on February 8, 2010. The defendants filed their responses to both of these motions on March 1, 2010. Consequently, Plaintiffs' replies are due on March 15, 2010.

The parties have agreed to enter into settlement negotiations on March 10 and 11. The outcome of these negotiations will determine the future course of this litigation, including whether Plaintiffs will maintain or voluntarily withdraw their motion for class certification and motion to file a second amended complaint. If the negotiations are unsuccessful, or if none of the settlement terms impact Plaintiffs' motions, Plaintiffs will proceed with filing replies in support of their motions. The defendants do not oppose this motion for an extension of time.

For these reasons, Plaintiffs respectfully request the Court's permission to file their replies by March 22, 2010.

Dated this 4th day of March, 2010.

Respectfully submitted,

/s/ Patrick Duffy
PATRICK DUFFY
629 Quincy Street, Suite 105
Rapid City SD 57701
Tel: (605) 342-1963
Fax: (605) 399-9512
pduffy@rushmore.com

NANCY G. ABUDU*
LAUGHLIN MCDONALD*
BRYAN SELLS*
AMERICAN CIVIL LIBERTIES UNION,
VOTING RIGHTS PROJECT
230 Peachtree Street, Suite 1440
Atlanta, GA 30303-1227
Tel: (404) 523-2721
Fax: (404) 653-0331
lmedonald@aclu.org
nabudu@aclu.org
bsells@aclu.org
*Admitted pro hac vice

ROBERT DOODY
AMERICAN CIVIL LIBERTIES UNION,
SOUTH DAKOTA CHAPTER

401 East 8th Street, Suite 200P
Sioux Falls, SD 57103
Tel: (605) 332-2508
rdoodu@aclu.org

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed and served electronically through the CM/ECF system upon the following individuals:

Sherri Sundem Wald
John Guhin
Scott Swier
Attorney General's Office
1302 E. Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Sara Frankenstein
Gunderson, Palmer, Nelson, Ashmore
440 Mt. Rushmore Road, 3rd Floor
Rapid City, South Dakota 57709

This 4th day of March, 2010.

/s/ Patrick Duffy
PATRICK DUFFY
629 Quincy Street, Suite 105
Rapid City SD 57701
Tel: (605) 342-1963
Fax: (605) 399-9512
pduffy@rushmore.com