

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

EILEEN JANIS AND KIM COLHOFF,)
)
 Plaintiff(s),)
)
 v.)
)
 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. MADEN,)
 RICHARD CASEY, KAREN M. LAYHER,)
 AND LINDA LEA M. VIKEN, IN THEIR)
 INDIVIDUAL AND OFFICIAL CAPACITIES)
 AS MEMBERS OF THE STATE BOARD OF)
 ELECTIONS; AND SUE GANJE, IN HER)
 OFFICIAL AND INDIVIDUAL CAPACITY AS)
 AUDITOR FOR SHANNON COUNTY; AND)
 LA FAWN CONROY, IN HER INDIVIDUAL)
 AND OFFICIAL CAPACITY AS A POLL)
 WORKER FOR SHANNON COUNTY,)
)
 Defendant(s).)

Case No.: 09-5019

**DEFENDANTS UNOPPOSED
MOTION OF DISMISSAL WITH
PREJUDICE**

COME NOW the Defendants, Sue Ganje and LaFawn Conroy, by and through their counsel of record, Sara Frankenstein of Gunderson, Palmer, Nelson & Ashmore, LLP, pursuant to Federal Rule of Civil Procedure 41(a)(1), and hereby motion that the above-captioned action shall be dismissed with prejudice based on the parties having settled all of the claims at issue in this case, and the parties' agreement that this Court shall retain jurisdiction to resolve any issues or disputes regarding the enforcement of the settlement terms. All parties are unopposed to this motion.

Dated this 28th day of May, 2010.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP

By: /s/Sara Frankenstein

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CERTIFICATE OF SERVICE

I hereby certify on May 28, 2010, a true and correct copy of **DEFENDANTS UNOPPOSED MOTION OF DISMISSAL WITH PREJUDICE** was served electronically through the CM/ECF system upon the following individuals:

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By: :/s/Sara Frankenstein
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