

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

ROSEBUD SIOUX TRIBE and	)	
their members, OGALALA SIOUX	)	
TRIBE and their members, and	)	5:20-cv-05058-LLP
LAKOTA PEOPLE'S LAW	)	
PROJECT, Kimberly Dillion, and	)	
Hoksila White Mountain,	)	
	)	MOTION TO DISMISS
Plaintiffs,	)	
	)	
v.	)	
	)	
STEVE BARNETT, in his official	)	
capacity as Secretary of State for	)	
the State of South Dakota and	)	
Chairperson of the South Dakota	)	
State Board of Elections; LAURIE	)	
GILL, in her official capacity as	)	
Cabinet Secretary for the South	)	
Dakota Department of Social	)	
Services; MARCIA HULTMAN, in	)	
her official capacity as Cabinet	)	
Secretary for the South Dakota	)	
Department of Labor and	)	
Regulation; and CRAIG PRICE, in	)	
his official capacity as Cabinet	)	
Secretary for the South Dakota	)	
Department of Public Safety,	)	
	)	
Defendants.	)	

Under Federal Rules of Civil Procedure 12(b)(1), 12(c), 12(h)(2)(B) and 12(h)(3), Defendants Steve Barnett, in his official capacity as South Dakota Secretary of State, Laurie Gill, in her official capacity as Cabinet Secretary for South Dakota Department of Social Services, Marcia Hultman, in her official

capacity as the Cabinet Secretary for the South Dakota Department of Labor, and Craig Price, in his official capacity as Cabinet Secretary for the South Dakota Department of Public Safety, respectfully move this Court, for an Order dismissing Plaintiffs' amended complaint. This motion is based on a supporting brief.

Dated this 9<sup>th</sup> day of February 2022.

/s/ Clifton E. Katz

Clifton E. Katz  
Assistant Attorney General  
Office of the Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
Telephone: (605) 773-3215  
Email: [Clifton.Katz@state.sd.us](mailto:Clifton.Katz@state.sd.us)

*Attorney for Defendants*

#### CERTIFICATE OF SERVICE

I hereby certify that on the 9<sup>th</sup> day of February 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Western Division by using the CM/ECF system. Participants in this case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Clifton E. Katz

Clifton E. Katz  
Assistant Attorney General