

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

DAKOTA RURAL ACTION, DALLAS  
GOLDTOOTH, INDIGENOUS  
ENVIRONMENTAL NETWORK, NDN  
COLLECTIVE, SIERRA CLUB, AND  
NICHOLAS TILSEN,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity  
as Governor of the State of South  
Dakota, JASON RAVNSBORG, in his  
official capacity as Attorney General,  
and KEVIN THOM, in his official  
capacity as sheriff of Pennington County,

Defendants.

Case No.: 5:19-cv-5026

**PLAINTIFFS' MOTIONS FOR  
PRELIMINARY INJUNCTION AND TO  
EXPEDITE BRIEFING**

**PLAINTIFFS' MOTIONS FOR PRELIMINARY INJUNCTION AND TO  
EXPEDITE BRIEFING**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and for the reasons set forth in the accompanying Memorandum, Plaintiffs respectfully request that the court grant Plaintiffs' Motion for Preliminary Injunction to immediately halt Defendants' enforcement of South Dakota Codified Laws §§ 22-10-6 and 22-10-6.1 and South Dakota S.B. 189, 2019 Leg. Session (S.D. 2019), to be codified in South Dakota Codified Laws § 20-9-1, *et. seq.* (collectively, "Challenged Laws") as applied to them and all others. Unless such an injunction is issued, Plaintiffs will suffer immediate and irreparable harm due to the Challenged Laws' infringement on their First Amendment and Due Process rights.

Additionally, due to the urgent nature of this matter, Plaintiffs request that the Court expedite the normal briefing requirements for this motion. Local Rule 7.1(B) provides that a party has 21 days to respond to a motion unless “otherwise specifically ordered by the court,” and that the moving party then has 14 days to reply. Plaintiffs move that the court order Defendants to file their response within 10 days (that is, by April 19, 2019) and Plaintiffs file their reply within five days (that is, by April 24, 2019).

Finally, Plaintiffs move for the Court to waive the bond requirement normally associated with the issuance of a preliminary injunction. A bond is inappropriate in this case because the state of South Dakota will not suffer any loss in security or financial harm of the type typically remedied through a bond.

**ORAL ARGUMENT REQUESTED**

Pursuant to D.S.D. Civ. LR 7.1(C), Plaintiffs respectfully request oral argument on this motion.

Dated this 9th day of April, 2019

/s/ Brendan V. Johnson  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2019, the foregoing was served upon the following counsel for the parties via e-mail.

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