

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

GRANT PARK CAPITAL, LLC

Plaintiff,

vs.

CITY OF BALTIC, a South Dakota Municipal Corporation; DEBORAH MCISAAC, TRAVIS SCHREURS, NIKKI OIEN, BRIAN MCGREEVY, AND RYAN SINDING, in their official capacities as members of CITY OF BALTIC CITY COUNCIL; CITY OF BALTIC PLANNING AND ZONING COMMISSION; ED WILSON, DEB MURPHY, NATE VRCHOTA, RYAN SINDING, AND TRAVIS SCHREURS, in their official capacities as members of CITY OF BALTIC PLANNING AND ZONING COMMISSION,

Defendants.

49CIV22-002973

MOTION FOR TEMPORARY RESTRAINING ORDER WITHOUT NOTICE, PRELIMINARY INJUNCTION, AND PERMANENT INJUNCTION

COMES NOW Plaintiff Grant Park Capital, LLC (“Grant Park”), and for its Motion for Temporary Restraining Order Without Notice, Preliminary Injunction, and Permanent Injunction (the “Motion”), states as follows:

Grant Park, by and through its undersigned attorneys of record, and pursuant to SDCL §§ 15-6-65(a) through (d), moves this Court for a temporary restraining order without notice and preliminary and permanent injunction against Defendants City of Baltic, a South Dakota Municipal Corporation, Deborah McIsaac, in her capacity as Mayor (“Mayor”), Travis Schreurs, Nikki Oien, Brien McGreevy, and Ryan Sinding, in their official capacities as members of City of Baltic City Council (“City Council”), City of Baltic Planning and Zoning Commission (“Planning and Zoning”), Ed Wilson, Deb Murphy, Nate Vrchota, Ryan Sinding,

and Travis Schreurs, in their official capacity as members of the City of Baltic Planning and Zoning Commission (“Defendants” or “the City”).

As detailed in the brief in support of this Motion and supporting documents, Grant Park faces irreparable harm unless the City’s conduct is restrained, the harm to Grant Park outweighs any injury that injunctive relief would inflict on the City, Grant Park is likely to prevail on the merits of its claims, and the public interest would be served by the issuance of a temporary restraining order without notice.

Accordingly, injunctive relief is warranted, and Grant Park respectfully requests that the Court grant its Motion and enter the accompanying proposed temporary restraining order. Furthermore, Grant Park requests that, following a hearing and determination of the issues, a preliminary and/or permanent injunction be entered against Defendants. Specifically, Grant Park seeks an Order from this Court against the City:

1. Enjoining and restraining the City from defaming Grant Park by publishing to third parties false information in writing which have the propensity to expose Grant Park to hatred, contempt, ridicule, or obloquy, and which may cause it to be shunned or avoided, and which have the tendency to injure its reputation and good will;

2. Compelling the City to publicly retract any statements not true that were published to any third party, including any statement that Grant Park is violating any state laws and local ordinances;

3. Enjoining and restraining the City from making demands upon Grant Park that are not included in the Final Plats;

4. Enjoining and restraining the City from making any resolutions that require Grant Park to do anything outside of the approved Final Plats;

5. Enjoining and restraining the City from ignoring its municipal functions with regard to the neighborhoods, including maintenance and addressing any Residents' concerns.

In support of this Motion, Grant Park relies upon its Brief in Support of Motion for Temporary Restraining Order Without Notice and Preliminary and Permanent Injunction and supporting documents, its proposed Order Granting Temporary Restraining Order, and all the files and records of this action.

Dated: December 16, 2022.

By: /s/ Anna Limoges
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