

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

GRANT PARK CAPITAL, LLC,

 Petitioner,

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 THE CITY OF
BALTIC PLANNING AND ZONING
COMMISSION,

Respondents.

49CIV22-002968

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

COMES NOW Petitioner Grant Park Capital, LLC (“Grant Park”), and for this Notice of Filing of Motion for Temporary Restraining Order Without Notice, Preliminary Injunction, and Permanent Injunction (the “Motion”), states that on November 23, 2022, in a separate matter Grant Park filed a Complaint against Respondents in the South Dakota Circuit Court, County of Minnehaha, case number 49CIV22-002973 (the “Litigation”).

In the Litigation, on December 16, 2022, Grant Park filed its Motion. Attached and incorporated hereto is a true and correct copy of the Motion marked as **Exhibit 1**. Considering the above-captioned matter and the Litigation coincide with each other, Grant Park is hereby filing this Notice to keep the Court apprised of the ongoing efforts of Grant

Park to minimize its harm and damages due to the conduct of the City. Grant Park reiterates here that it 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.

Dated: December 16, 2022.

By: /s/ Anna Limoges
Anna Limoges
Andrew Grocott
GOOSMANN LAW FIRM, PLC
2101 West 69th Street, Suite 200
Sioux Falls, SD 57108
(605) 371-2000
LimogesA@GoosmannLaw.com
GrocottA@GoosmannLaw.com

Alex T. Mastellar
RINKE NOONAN
US Bank Plaza Building
1015 W. St. Germain St., Ste. 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
AMastellar@RinkeNoonan.com

Attorneys for Petitioner

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT

SECOND JUDICIAL CIRCUIT

GRANT PARK CAPITAL, LLC

49CIV22-002973

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.

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
Anna Limoges
Andrew Grocott
GOOSMANN LAW FIRM, PLC
2101 West 69th Street, Suite 200
Sioux Falls, SD 57108
(605) 371-2000
LimogesA@GoosmannLaw.com
GrocottA@GoosmannLaw.com

Alex T. Mastellar
RINKE NOONAN
US Bank Plaza Building
1015 W. St. Germain St., Ste. 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
AMastellar@RinkeNoonan.com

Attorneys for Plaintiff