

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

:SS

COUNTY OF MINNEHAHA)

SECOND JUDICIAL CIRCUIT

GRANT PARK CAPITAL, LLC,

49CIV22-002968

49CIV22-002973

Plaintiff/Petitioner,

vs.

**MOTION FOR ATTORNEYS' FEES AND  
APPLICATION FOR TAXATION OF  
COSTS AND DISBURSEMENTS**

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 THE 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,

Defendants/Respondents.

Defendants/Respondents, prevailing parties in the above-captioned related actions, by and through their counsel of record pursuant to SDCL §§ 15-6-54(d), 15-17-37, 15-17-44, 15-6-11, 15-17-42, 15-17-51, hereby make application and move the Court for an award of their costs and disbursements, including attorneys' fees. This Motion and Application is supported by the record of these proceedings including the filings of the parties, the pleadings, motions, briefs, affidavits, exhibits and attachments, the authorities cited by the parties, and the arguments of the parties, and the Order and Judgment of Dismissal dismissing Plaintiff's Complaint and Petitioner's Petition for Writ of Certiorari. This Motion and Application is further supported by the Brief in Support of

Motion for Attorneys' Fees and Application for Taxation of Costs and Disbursements, and the Affidavits of Counsel submitted herewith.

**WHEREFORE**, Defendants/Respondents respectfully request that this Court grant the Motion for Attorneys' Fees and Application for Taxation of Costs and Disbursements and enter an Order and Judgment against Grant Park Capital, LLC, and Grant Park's counsel of record, Rinke Noonan, Ltd., and Alex T. Mastellar, and Goosmann Law Firm, and Anna Limoges and Andrew Grocott, jointly and severally, and in favor of the Baltic Defendants, in the total sum of \$87,394.50 in attorneys fees' and costs and disbursements in the amount of \$304.53.

Dated this 28<sup>th</sup> day of April, 2023.

CADWELL SANFORD DEIBERT & GARRY LLP

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 28<sup>th</sup> day of April, 2023, a true and correct copy of the foregoing was served electronically using the Odyssey File and Serve system which will send notification of such filing to the following:

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