

STATE OF SOUTH DAKOTA )  
 ) SS.  
COUNTY OF MINNEHAHA )

IN CIRCUIT COURT  
SECOND JUDICIAL CIRCUIT

DEBORAH MCISAAC, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CITY OF BALTIC & LINDA HUNNEL, in )  
her official capacity as Finance Officer for )  
the City of Baltic, )  
 )  
Defendants. )

CASE NO. 49CIV23-001333

**OPENING BRIEF OF  
DEFENDANTS CITY OF BALTIC  
AND LINDA HUNNEL**

Defendants, City of Baltic and Linda Hunnel (“City of Baltic”), by and through their attorney of record, Aidan F. Goetzinger of Gunderson, Palmer, Nelson and Ashmore, LLP, submit this opening brief regarding the sufficiency of the grounds stated in the Petition for Recall of Deborah McIsaac as Mayor of the City of Baltic.

**PROCEDURAL HISTORY**

On May 12, 2023, Intervenor, South Dakotans for Transparent Government (“SDTG”), filed with the City of Baltic a Petition for Recall of Deborah McIsaac as Mayor of the City of Baltic (“Petition”). *See* Affidavit of Jamie Ingemansen ¶ 4. On May 17, 2023, Plaintiff, Deborah McIsaac, filed a Complaint with this Court alleging—and seeking this Court’s declaratory judgment—that the Petition is legally insufficient pursuant to SDCL § 9-13-30. *See* Complaint ¶¶ 1-6. That same day, Plaintiff moved this Court to stay the recall election until the Court rules on the legal sufficiency of the Petition pursuant to SDCL § 9-13-31. City of Baltic was unopposed to Plaintiff’s motion. *See generally* Unopposed Motion for Enjoin or Stay Recall Election until The Court Rules on the Legal Sufficiency of the Recall Petition. On May 19, 2023, the Court stayed the recall election until it ruled on Plaintiff’s request for declaratory

relief. That same day, the Court also issued a Scheduling Order, which set deadlines for intervention and briefing. SDTG timely filed its notice of intervention in this case. *See* SDTG's Motion to Intervene; Scheduling Order. The Court granted SDTG's Motion to Intervene on May 31, 2023.

### **ARGUMENT**

In accordance with this Court's Scheduling Order, Defendants City of Baltic submit this opening brief regarding the sufficiency of the grounds as stated in the Petition. Defendants City of Baltic do not take a position regarding the sufficiency of the grounds as stated in SDTG's Petition. Should the Court find the Petition to sufficiently state grounds for Plaintiff's removal from office, Defendants City of Baltic will provide input and seek an order from this Court with regard to recall election deadlines.

Dated: June 2, 2023.

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLP

*/s/ Aidan F. Goetzinger*

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**CERTIFICATE OF SERVICE**

I hereby certify on June 2, 2023, a true and correct copy of the foregoing was served via Odyssey File and Serve upon the following:

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By:     /s/ Aidan F. Goetzing      
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