

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

DEBORAH McISAAC,

Plaintiff,

-vs-

CITY OF BALTIC & LINDA HUNNEL, in
her official capacity as Finance Officer for
the City of Baltic,

Defendant.

49CIV23-1333

**SOUTH DAKOTANS FOR
TRANSPARENT GOVERNMENT'S
MOTION TO INTERVENE
PURSUANT TO SDCL 15-6-24(a),
OR IN THE ALTERNATIVE,
SDCL 15-6-24(b)**

Comes now the South Dakotans for Transparent Government, a South Dakota statewide political action committee, (hereinafter "SDTG") and hereby respectfully moves this Court for leave to intervene in the above-entitled matter pursuant to SDCL 15-6-24(a) or in the alternative SDCL 15-6-24(b). In support of its Motion, SDTG states and alleges as follows:

1. That the Plaintiff is Deborah McIsaac ("McIsaac"); the Defendants are the City of Baltic & Linda Hunnel, in her official capacity as Finance Officer for the City of Baltic ("Defendants"); and the Proposed Intervenor in this Motion is SDTG, a South Dakota statewide political action committee. McIsaac has challenged the Petition For Recall in the Municipality of Baltic (Petition).

2. That the SDTG has the right to intervene in this action pursuant to SDCL 15-6-24(a) based upon the fact that the SDTG claims an interest in the Recall Petition challenge which is the subject of the action and is so situated that the disposition of the action may, as a practical matter, impede or impair its ability to protect that interest due to the number of Baltic registered voters who have signed the Recall Petitions including

members of SDTG leadership. SDTG does not believe its interests will be adequately represented by the existing parties. (*See Affidavit in Support of Motion to Intervene, Jamie Ingemansen, Paragraph 1.*)

3. SDTG interests are not adequately protected by the existing parties because the citizens of Baltic are not being represented by the challenger to the Recall Petition as she is the person challenged. Further, SDTG interests are not adequately represented by the Defendants because that party does not share the SDTG interests in the execution of the will of the residents of Baltic. (*See Affidavit, Paragraph 11.*)

4. That the SDTG is a political action committee formed with the stated purpose of promoting transparency and strong leadership within municipal government. For that purpose, SDTG is representing the interests of the citizens of Baltic in the present matter who have signed the Recall Petitions. Presently the only two parties in the matter are the Mayor, and the Finance Officer. In practice, this is a master-servant relationship; therefore, the interests of a substantial number of citizens of Baltic are not presently adequately represented. *Id.*

5. That SDTG has a direct interest in the legal sufficiency of the Petition as the group circulated the Petitions for Recall and collected 136 valid signatures. The Petition accuses McIsaac of misconduct in office, gross incompetence, and gross partiality. That conduct is stifling economic development and putting the residents of Baltic at risk by jeopardizing the city and school district's ability to pay down bonds. That conduct will have a trickle-down effect on the citizens of Baltic. As a representative for the citizens of Baltic and more precisely those who signed the Recall Petitions, SDTG would be greatly, and negatively, impacted and injured should the court declare that the Petition is legally insufficient.

6. That SDTG opposes Plaintiff McIsaac and believes that the Plaintiff's Complaint for declaratory judgment under SDCL 15-6-57 is legally insufficient under SDCL 9-13-30 and should be denied by this Court.

7. That the Proposed Intervenor, SDTG also brings this Motion to Intervene pursuant to SDCL 15-6-24(b) on the grounds that SDTG is within the class of persons which the South Dakota Legislature intended to allow to participate in claims and defenses based upon the same law and facts at issue related to the claims and defenses presented by the parties to this recall proceeding.

8. That intervention by SDTG at this time is not intended to unduly delay or prejudice the adjudication of the rights of the original parties. SDTG will agree to abide by any Scheduling Order of the Court, and be prepared for the hearing set for June 15th, 2023 at the Minnehaha County Courthouse.

9. That SDTG's Motion to Intervene is timely.

WHEREFORE, SDTG prays for the following relief:

1. For leave to intervene in this action against the Plaintiff, and in support of the Defendant City of Baltic & Linda Hunnel in her official capacity as Finance Officer for the City of Baltic.

2. For leave to file a reconsideration and pleading or response to the Plaintiff's Motion.

3. For such other and further relief as the Court deems proper.

Dated this 24th day of May, 2023.

/s/ Drew Duncan

Drew Duncan

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