WEDNESDAY, FEBRUARY 16, 2022 9:45 A.M.

<u>NO. 2</u>

#29616

YANKTON COUNTY, STATE OF SOUTH DAKOTA, A Political subdivision, Plaintiff and Appellee,

vs.

LUKE E. MCALLISTER, MCALLISTER TD, LLC and BY INTERNET, LLC, Defendants and Appellants,

and

YANKTON COUNTY COMMISSION; YANKTON COUNTY BOARD OF ADJUSTMENT; YANKTON COUNTY PLANNING COMMISSION; PATRICK E. GARRITY, in his capacity as YANKTON COUNTY ZONING ADMINISTRATOR and in his INDIVIDUAL CAPACITY; AND ROBERT W. KLIMISCH, in his capacity as YANKTON COUNTY STATE'S ATTORNEY and in his INDIVIDUAL CAPACITY, Third-Party Defendants and Appellees.

(FOR APPELLANTS)

Ms. Meredith A. Moore Mr. Jonathan A. Heber Cutler Law Firm, LLP 140 N. Phillips Ave 4th Floor Sioux Falls SD 57104 PH: 335-4950 meredithm@cutlerlawfirm.com jonathanh@cutlerlawfirm.com Mr. Douglas M. Deibert Cadwell, Sanford, Deibert & Garry LLP 200 E 10th Street Suite 200 Sioux Falls SD 57104 PH: 336-0828 ddeibert@cadlaw.com

Mr. Mark D. Fitzgerald
Fitzgerald, Vetter, Temple
& Bartell
1002 Riverside Blvd Suite 200
PO Box 1407
Norfolk NE 68702-1407
PH: 402-371-7770
fitz@fvtlawyers.com

The Honorable Patrick T. Smith First Judicial Circuit Yankton County (FOR APPELLEES YANKTON COUNTY) ENTITIES & ROBERT W. KLIMISCH

(FOR APPELLEE PATRICK E. GARRITY)

(CIV 18-178)

15-15-5