

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

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ARGUS LEADER MEDIA,
d/b/a ARGUS LEADER and
SOUTH DAKOTA NEWSPAPER
ASSOCIATION,
Applicants,

vs.

SPENCER GOSCH, in his
official capacity as
Speaker of the South
Dakota House of
Representatives,
Respondent.

) ORDER DENYING APPLICATION FOR
) ALTERNATIVE WRIT OF MANDAMUS
) and
) ORDER DENYING APPLICATION FOR
) ALTERNATIVE WRIT OF
) PROHIBITION

) #29788
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Applicants having filed an application for permission to commence an original mandamus and/or prohibition proceeding and a verified application for alternative writ of mandamus and/or alternative writ of prohibition in the above-entitled matter on October 13, 2021, requesting that this Court: 1) enter a writ of mandamus compelling South Dakota Speaker of the House of Representatives, Spencer Gosch, to disclose the names of the members of the House of Representatives who signed the "Petition For Special Session On Impeachment"; and/or 2) enter a writ of prohibition barring Speaker Gosch from convening the aforementioned special session unless and until the names of the petitioners are publicly disclosed; and

The Court having considered the applications and the "Proclamation Convening the Legislature in Special Session on November

OCT 27 2021

#29788, Order


Clerk

9, 2021", see <https://mylrc.sdlegislature.gov/api/Documents/221728.pdf>
(website cited in Applicants' statement of facts), and being fully
advised in the premises, now, therefore, it is hereby


ORDERED that the application for the commencement of an
original mandamus proceeding and the issuance of an alternative writ
of mandamus is denied pursuant to SDCL 21-29-2 because Applicants have
a plain, speedy, and adequate remedy, in the ordinary course of law to
seek the public disclosure of the names of the members of the House of
Representatives who signed the petition. It is further

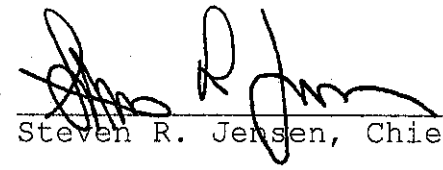
ORDERED that the application for the commencement of an
original prohibition proceeding and the issuance of an alternative
writ of prohibition is denied pursuant to SDCL 21-30-1 because the
non-disclosure of the names of the members of the House of
Representatives who signed the petition does not in and of itself
implicate the question of whether Speaker Gosch convened the special
session "in excess of the powers of authority conferred by law upon"
him under Article III, § 31 of the South Dakota Constitution.

DATED at Pierre, South Dakota, this 27th day of October,
2021.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern,
Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.