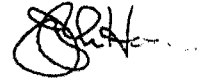


FILED

MAR 17 2014



UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

| | | |
|---|---|------------------|
| OGLALA SIOUX TRIBE and |) | CIV. 13-5020-JLV |
| ROSEBUD SIOUX TRIBE, as |) | |
| <i>parens patriae</i> , to protect the rights |) | |
| of their tribal members; and |) | ORDER |
| ROCHELLE WALKING EAGLE, |) | |
| MADONNA PAPPAN, and |) | |
| LISA YOUNG, individually and on |) | |
| behalf of all other persons similarly |) | |
| situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | |
| LUANN VAN HUNNIK; |) | |
| MARK VARGO; |) | |
| HON. JEFF DAVIS; and |) | |
| KIM MALSAM-RYSDON, in their |) | |
| official capacities, |) | |
| |) | |
| Defendants. |) | |

On January 28, 2014, the court entered an order granting expedited discovery related to 48-hour ICWA hearing transcripts. (Docket 71). The order required defendants to “provide plaintiffs with a complete list of 48-hour ICWA hearings from January 1, 2010, through the present.” *Id.* at p. 13. The plaintiffs were then responsible for obtaining the transcripts. *Id.* Thereafter, the parties entered into a stipulation and the court entered a protective order safeguarding the state-created privacy interests in each ICWA transcript. (Dockets 77 & 78). Incorporated in the parties’ stipulation was a

model order drafted by defense counsel for Judge Davis that plaintiffs intended to use to obtain each 48-hour hearing transcript. (Docket 77-1).

On March 17, 2014, plaintiffs filed a motion to compel. (Docket 85). Plaintiffs contend five judges from the Seventh Judicial Circuit: Judges Eklund, Trimble, Thorstensen, Pfliefl, and Mandel, are refusing to sign the order plaintiffs' counsel prepared to obtain 48-hour ICWA hearing transcripts. Id. Plaintiffs request this court expedite the motion to compel. Id. Good cause appearing, it is hereby

ORDERED that defendants shall respond to the motion to compel on or before **5:00 p.m. (MDT) on March 28, 2014.**


IT IS FURTHER ORDERED that Robert B. Anderson, counsel for Judges Eklund, Trimble, Thorstensen, Pfliefl, and Mandel, may file a response on or before **5:00 p.m. (MDT) on March 28, 2014.**

IT IS FURTHER ORDERED that plaintiffs may file a reply on or before **5:00 p.m. (MDT) on April 4, 2014.**

IT IS FURTHER ORDERED that the Clerk's Office shall serve a copy of plaintiffs' motion to compel (Docket 85) and this order on Robert B. Anderson, counsel for Judges Eklund, Trimble, Thorstensen, Pfliefl, and Mandel.

Dated March 17, 2014.

BY THE COURT:



JEFFREY L. VIKEN
CHIEF JUDGE