

STATE OF SOUTH DAKOTA )  
 )SS  
COUNTY OF HUGHES )

IN CIRCUIT COURT  
  
SIXTH JUDICIAL CIRCUIT

32 CIV 20-000186

In the Matter of Election Contest as to  
Amendment A, an Amendment to the South  
Dakota Constitution to Legalize, Regulate, and  
Tax Marijuana; and to Require the Legislature  
to Pass Laws Regarding Hemp as Well as Laws  
Ensuring Access to Marijuana for Medical Use.

**VERIFIED UNOPPOSED MOTION  
TO INTERVENE BY RANDOLPH  
SEILER, WILLIAM STOCKER,  
CHARLES PARKINSON, AND  
MELISSA MENTELE**

Randolph Seiler, William Stocker, Charles Parkinson, and Melissa Mentele  
(hereinafter, "Defendants"), by their attorneys, hereby move the Court to intervene as  
defendants in the above-captioned matter pursuant to S.D.C.L. § 12-22-15. In support of  
intervention, the Defendants submit the following verified motion to intervene.

1. Randolph Seiler is an individual who resides in Stanley County, South  
Dakota. Seiler is a registered voter in the State of South Dakota and was entitled to vote  
on Amendment A in the South Dakota general election held on November 3, 2020.  
Seiler supported the passage of Amendment A.

2. William Stocker is an individual who resides in Minnehaha County, South  
Dakota. Stocker is a registered voter in the State of South Dakota and was entitled to  
vote on Amendment A in the South Dakota general election held on November 3, 2020.  
Stocker supported the passage of Amendment A.

3. Charles Parkinson is an individual who resides in Pennington County, South Dakota. Parkinson is a registered voter in the State of South Dakota and was entitled to vote on Amendment A in the South Dakota general election held on November 3, 2020. Parkinson supported the passage of Amendment A.

4. Melissa Mentele is an individual who resides in Hanson County, South Dakota. Mentele is a registered voter in the State of South Dakota and was entitled to vote on Amendment A in the South Dakota general election held on November 3, 2020. Mentele supported the passage of Amendment A.

5. On Friday, November 20, Contestants Kevin Thom and Rick Miller filed a verified complaint challenging the validity of Amendment A.

6. The Attorney General was served with a summons on November 23, 2020. The Defendants have not been served with a summons in this matter.

7. S.D.C.L. § 12-22-15 states that “[a]fter commencement of a contest involving a submitted or referred question, any voter who was entitled to vote on such question may be permitted to intervene as a party plaintiff or defendant.”

8. Each of the Defendants is a voter who was entitled to vote on Amendment A.

9. Although S.D.C.L. § 12-22-15 contains no time limits on the right to intervene, there can be no question that this motion to intervene is timely, as the deadline for answers has not expired. No party will be unfairly prejudiced by this motion to intervene.

10. Each Defendant has an interest in the question presented in this election contest. Each is a voter who was qualified to vote on Amendment A. Each was also involved in the campaign for Amendment A and supported its passage.

11. The existing parties will not adequately represent the interests of the Defendants.

12. The Defendants hereby petition the Court to permit their intervention in this matter. Counsel has conferred with counsel for Thom and Miller, who have stated that they do not oppose intervention.

13. The Defendants further request that the Court set a date certain for the Defendants to file an answer as required by S.D.C.L. § 12-22-16. The Defendants respectfully request that the date for their answer be no less than ten days from the date the Court grants this Motion.

Respectfully,

DATED: November 24, 2020

**ROBINS KAPLAN LLP**

By: /s/ Brendan V. Johnson

Brendan V. Johnson (3263)

Timothy W. Billion (4641)

140 North Phillips Avenue, Suite 307

Sioux Falls, SD 57104

Telephone: (605) 335-1300

Facsimile: (605) 740-7199

Email: [BJohnson@RobinsKaplan.com](mailto:BJohnson@RobinsKaplan.com)

Email: [TBillion@RobinsKaplan.com](mailto:TBillion@RobinsKaplan.com)

*Attorneys for Randolph Seiler, William Stocker,  
Charles Parkinson, and Melissa Mentele*

VERIFICATION

STATE OF SOUTH DAKOTA )  
COUNTY OF Stanley )SS

Randolph Seiler, being first duly sworn, states and deposes that he has read the foregoing Verified Motion to Intervene and knows the contents thereof; that the same is true of his own knowledge except as to matters therein stated on information and belief, and as to those matters he believes it to be true.

Dated: 11/24/20

Randolph Seiler  
Randolph Seiler

Subscribed and sworn to before me  
this the 24<sup>th</sup> day of November, 2020

Bailey Ricketts  
Notary Public - South Dakota  
My Commission Expires: 3/22/2024



VERIFICATION

STATE OF SOUTH DAKOTA )  
COUNTY OF Minnehaha )SS

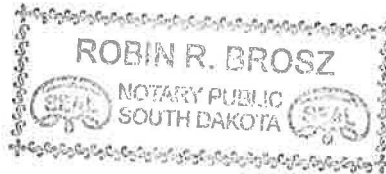
William Stocker, being first duly sworn, states and deposes that he has read the foregoing Verified Motion to Intervene and knows the contents thereof; that the same is true of his own knowledge except as to matters therein stated on information and belief, and as to those matters he believes it to be true.

Dated: 11/24/2020

Wm S  
William Stocker

Subscribed and sworn to before me  
this the 24th day of November, 2020

Robin Brosz  
Notary Public - South Dakota  
My Commission Expires: 11/27/25



VERIFICATION

STATE OF SOUTH DAKOTA )  
COUNTY OF Bennington ) SS

Charles Parkinson, being first duly sworn, states and deposes that he has read the foregoing Verified Motion to Intervene and knows the contents thereof; that the same is true of his own knowledge except as to matters therein stated on information and belief, and as to those matters he believes it to be true.

Dated: Nov 24, 2020  
*Charles Parkinson*

Charles Parkinson

Subscribed and sworn to before me  
this the 24 day of November, 2020

*Pat Watson*  
Notary Public – South Dakota  
My Commission Expires: \_\_\_\_\_

Patricia M. Watson  
My Commission Expires  
August 08, 2024



VERIFICATION

STATE OF COUTH DAKOTA )  
COUNTY OF Minnehaha )SS

Melissa Mentele, being first duly sworn, states and deposes that she has read the foregoing Verified Motion to Intervene and knows the contents thereof; that the same is true of her own knowledge except as to matters therein stated on information and belief, and as to those matters she believes it to be true.

Dated: 11-24-2020

Melissa Mentele

Subscribed and sworn to before me  
this the 24<sup>th</sup> day of November, 2020

[Signature]  
Notary Public - South Dakota  
My Commission Expires: 1-29-2025

