

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

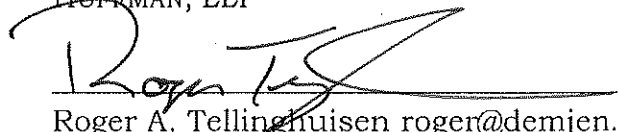
<p>DAVID ELIASON, an individual; and 1141 LLC, a South Dakota Limited Liability Company,</p> <p>Plaintiffs/Petitioners, vs.</p> <p>CITY OF RAPID CITY, a South Dakota Municipality,</p> <p>Defendant/Respondent.</p>	<p>CIV. 17-5082</p> <p>STIPULATION FOR ENTRY OF CONSENT DECREE</p>
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COME NOW, the Plaintiffs, David Eliason and 1141, LLC, and the Defendant, the City of Rapid City, by and through their undersigned counsel, and hereby advise the Court that the parties have resolved this case consistent with the Consent Decree attached hereto as Exhibit 1. The parties hereby stipulate and agree to the entry by the Court of the Consent Decree in the format attached hereto as Exhibit 1.

[SIGNATURE PAGES TO FOLLOW]

Dated this 4th day of January, 2021.

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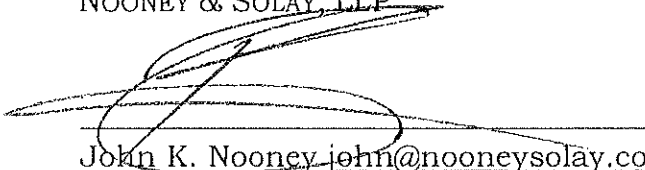
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Dated this 4th day of January, 2021.

NOONEY & SOLAY, LLP

A large, stylized handwritten signature in black ink, appearing to be 'John K. Nooney', is written over a horizontal line. The signature is somewhat messy and overlaps the line.

John K. Nooney john@nooneysolay.com

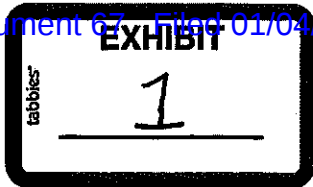
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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

DAVID ELIASON, an individual; and)
1141, LLC, a South Dakota Limited)
Liability Company,)

CIV NO. 17-5082-JLV

Plaintiffs/Petitioners,)

CONSENT DECREE

v.)

CITY OF RAPID CITY, a South)
Dakota)
Municipality,)

Defendant/Respondent.)

On or about October 15, the parties hereto having informed the Court that they had reached a settlement and resolution of the remaining aspects of this action, and the Court otherwise being fully informed in the premises, **THE COURT APPROVES, ADOPTS, RATIFIES, AND** hereby **ENTERS** the following **CONSENT DECREE**.

1. The Order of the Court entered on September 30, 2019 (Docket 54) is hereby incorporated into this Consent Judgment, and the parties hereby waive any right to appeal of the same and are hereby ordered to abide by that Order. Specifically:

a. The City of Rapid City, as well as its agents and employees, are immediately and permanently enjoined from enforcing Rapid City Municipal Code §§ 17.50.186(D)(1)(b), (E), 17.54.030(D) & (E) against David Eliason, 1141, LLC or their interests with respect to the property located at 1141 Deadwood Avenue, Rapid City, South Dakota.

b. City of Rapid City, as well as its agents and employees, are immediately and permanently enjoined from enforcing Rapid City Municipal Code § 17.50.186(E) in any respect against David Eliason, 1141, LLC or their interests.

2. Defendant City of Rapid City (the "City") shall pay to the Plaintiffs the sum of Two Hundred Eighty-Seven Thousand Five Hundred Dollars (\$287,500.00), as full satisfaction of any and all claims by the Plaintiffs, including any claim for costs or attorney's fees.

3. For and in consideration of the City's payment of the sum set forth in paragraph 2 herein, Plaintiffs shall, upon payment of such sum, execute and tender to the City, via its counsel, releases of the City and any and all of its servants, agents and employees from any and all monetary liability or claims for damages that Plaintiffs raised, or could have raised, in this action.

4. Upon payment of the sum set forth in paragraph 2 hereto, Plaintiffs' claims for damages shall be dismissed with prejudice.

IT IS SO ORDERED.

Dated: _____

BY THE COURT:

JEFFREY L. VIKEN
CHIEF JUDGE