

South Dakota District Court Version 1.1 LIVE DATABASE - Docket Report

APPEAL

**U.S. District Court
District of South Dakota (Central Division)
CIVIL DOCKET FOR CASE #: 3:05-cv-03002-CBK
Internal Use Only**

Plains Commerce Bank v. Long Family Land and Cattle
Company, Inc. et al
Assigned to: Charles B. Kommann
Cause: 28:2201 Declaratory Judgement

Date Filed: 01/07/2005
Jury Demand: Defendant
Nature of Suit: 230 Rent Lease &
Ejectment
Jurisdiction: Federal Question

Plaintiff

Plains Commerce Bank

represented by **David A. Vonwald**
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Hoven, SD 57450
948-2550
Fax: 948-2236
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert V. Atmore
Lindquist and Vennum PLLP
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(612)371-3276
Fax: 371-3207
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ATTORNEY TO BE NOTICED

V.

Defendant

**Long Family Land and Cattle
Company, Inc.**

represented by **James P. Hurley**
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Simmons
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Email: jhurley@bangsmccullen.com
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Defendant

Ronnie Long

represented by **James P. Hurley**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Lila Long**

represented by **James P. Hurley**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus**Cheyenne River Sioux Tribe**

represented by **Roger K. Heidenreich**
 Sonnenochein, Nath & Rosenthal
 One Metropolitan Square
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 Department
 Legal Department
 PO Box 590
 Eagle Butte, SD 57625
 964-6686
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/07/2005	1	COMPLAINT - 3 summons issued - mailed. Receipt Number 300 29237 in the amount of \$ 150, filed by Plains Commerce Bank. (Attachments: # 1 Receipt)(DLC) Modified on 1/10/2005 (DLC). (Entered: 01/10/2005)
01/07/2005	2	CIVIL COVER SHEET (DLC) (Entered: 01/10/2005)

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01/10/2005	3	Summons Issued as to Lila Long, Ronnie Long, Long Family Land and Cattle Company, Inc.. (DLC) (Entered: 01/10/2005)
01/18/2005	4	Motion for Admission Pro Hac Vice and ORDER signed by Judge Charles B. Kornmann on 1/14/05. (JAB) (Entered: 01/18/2005)
01/18/2005	5	Confirmation of mailing NOE to non-ecf counsel (JAB) (Entered: 01/18/2005)
01/19/2005	6	PRO HAC VICE fee paid by Lindquist & Vennum for attorney Robert V. Atmore (SRN,) (Entered: 01/19/2005)
01/20/2005	7	NOTICE of Entry of Order Regarding Admission Pro Hac Vice by Plains Commerce Bank (Attachments: # 1 Motion for Admission Pro Hac Vice and Order)(DLC) (Entered: 01/20/2005)
01/20/2005	8	CERTIFICATE OF SERVICE by Plains Commerce Bank (DLC) (Entered: 01/20/2005)
02/08/2005	9	ADMISSION OF SERVICE Executed as to 1 Complaint, 3 Summons Issued Acknowledgement filed by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long. (DLC) (Entered: 02/08/2005)
03/11/2005	10	ANSWER to Complaint with Jury Demand and Affirmative Defenses by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long. (Hurley, James) (Entered: 03/11/2005)
03/22/2005	11	ORDER For Form 35 Report and Scheduling Information signed by Judge Charles B. Kornmann on March 17, 2005. (Attachments: # 1 Letter to counsel from the Court)(DLC) (Entered: 03/22/2005)
03/22/2005	12	Confirmation of mailing NOE to non-ecf counsel (DLC) (Entered: 03/22/2005)
04/28/2005	13	Rule 26(f) Plaintiff's Report. (DLC) (Entered: 04/28/2005)
04/29/2005	14	RULE 16 SCHEDULING ORDER: Discovery due by 9/15/2005. Motions due by 11/15/2005 telephonic Pretrial Conference set for 1/23/2006 at 01:00 PM in PR Courtroom 1 before Charles B. Kornmann signed by Judge Charles B. Kornmann on 4/29/05. (JAB) (Entered: 04/29/2005)
04/29/2005	15	Confirmation of mailing NOE to non-ecf counsel (JAB) (Entered: 04/29/2005)
04/29/2005	16	REPORT of Rule 26(f) Planning Meeting. (Hurley, James) (Entered: 04/29/2005)
09/15/2005		***Discovery Deadline terminated (KMH) (Entered: 09/21/2005)
11/01/2005	17	AMENDED RULE 16 SCHEDULING ORDER:Discovery due by 09/15/05. Motions due by 11/15/2005. Pretrial Conference and motions hearing set for 1/27/2006 01:00 PM in PR Courtroom 1 before Charles B. Kornmann. Signed by Judge Charles B. Kornmann on November 1, 2005. (DLC) Modified on 11/1/2005 (DLC). (Entered: 11/01/2005)

11/01/2005	<u>18</u>	Confirmation of mailing NOE to non-ecf counsel (DLC) (Entered: 11/01/2005)
11/01/2005		***Previous Pretrial Conference Deadline terminated (KMH) (Entered: 11/14/2005)
11/15/2005		***Amicus Curiae Party Cheyenne River Sioux Tribe rep by Steven Joseph Gunn, Thomas James Van Norman added. (DLC) (Entered: 11/15/2005)
11/15/2005	● <u>19</u>	MOTION for Leave to File Amicus Brief by Cheyenne River Sioux Tribe. (DLC) (Entered: 11/15/2005)
11/15/2005		***Motion Filing Deadline terminated (KMH) (Entered: 11/15/2005)
11/17/2005	● <u>20</u>	MOTION for attorney Roger K. Heidenreich to Appear Pro Hac Vice by Cheyenne River Sioux Tribe. (Attachments: # 1 Text of Proposed Order) (JAB) (Entered: 11/17/2005)
11/18/2005	● <u>21</u>	STIPULATION re <u>14</u> Scheduling Order to <i>Extend Deadlines</i> by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long. (Attachments: # 1 Text of Proposed Order to Extend Deadlines)(Hurley, James) (Entered: 11/18/2005)
11/23/2005	● <u>22</u>	ORDER Granting <u>19</u> Motion for Leave to file Amicus Brief. Signed by Judge Charles B. Kornmann on 11/19/05. (SRN,) (Entered: 11/23/2005)
11/23/2005	<u>23</u>	Confirmation of mailing NOE to non-ecf counsel (SRN,) (Entered: 11/23/2005)
11/29/2005	● <u>24</u>	ORDER TO ADMIT PRO HAC VICE granting <u>20</u> Motion for Attorney Roger K. Heidenreich to appear Pro Hac Vice. Signed by Judge Charles B. Kornmann on 11/25/05. (JAB) (Entered: 11/29/2005)
11/29/2005	<u>25</u>	Confirmation of mailing NOE to non-ecf counsel (JAB) (Entered: 11/29/2005)
11/29/2005	● <u>26</u>	AMENDED RULE 16 SCHEDULING ORDER: Motions due by 12/1/2005. Telephonic Pretrial Conference set for 4/21/2006 at 01:30 PM before Charles B. Kornmann. Signed by Judge Charles B. Kornmann on 11/25/05. (JAB) (Entered: 11/29/2005)
11/29/2005	<u>27</u>	Confirmation of mailing NOE to non-ecf counsel (JAB) (Entered: 11/29/2005)
11/29/2005		***Attorney Roger K. Heidenreich for Cheyenne River Sioux Tribe added. (SKM) (Entered: 12/28/2005)
12/01/2005	● <u>28</u>	Notice of Motion and MOTION for Summary Judgment by Plains Commerce Bank. (JAB) (Entered: 12/01/2005)
12/01/2005	● <u>29</u>	STATEMENT OF UNCONTESTED AND MATERIAL FACTS in Support of <u>28</u> Motion for Summary Judgment by Plaintiff Plains Commerce Bank. (JAB) (Entered: 12/01/2005)

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12/01/2005	●30	MEMORANDUM OF LAW in Support of 28 MOTION for Summary Judgment filed by Plains Commerce Bank. (JAB) (Entered: 12/01/2005)
12/01/2005	●31	CERTIFICATE OF SERVICE by Plains Commerce Bank (JAB) (Entered: 12/01/2005)
12/01/2005	●32	AFFIDAVIT of Charles Simon in Support of Plaintiff's Motion for Summary Judgment. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7# <u>8</u> Exhibit 8# <u>9</u> Exhibit 9# <u>10</u> Exhibit 10# <u>11</u> Exhibit 11# <u>12</u> Exhibit 12# <u>13</u> Exhibit 13# <u>14</u> Exhibit 14# <u>15</u> Exhibit 15# <u>16</u> Exhibit 16# <u>17</u> Exhibit 17# <u>18</u> Exhibit 18# <u>19</u> Exhibit 19# <u>20</u> Exhibit 20# <u>21</u> Exhibit 21# <u>22</u> Exhibit 22# <u>23</u> Exhibit 23# <u>24</u> Exhibit 24# <u>25</u> Exhibit 25# <u>26</u> Exhibit 26# <u>27</u> Exhibit 27# <u>28</u> Exhibit 28)(JAB,) (Entered: 12/01/2005)
12/01/2005	●33	MOTION for Summary Judgment by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long. (Hurley, James) (Entered: 12/01/2005)
12/01/2005	●34	STATEMENT OF MATERIAL FACTS re 33 Motion for Summary Judgment by Defendants Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long. (Hurley, James) (Entered: 12/01/2005)
12/01/2005	●35	NOTICE by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long of <i>Defendants' Motion for Summary Judgment</i> (Hurley, James) (Entered: 12/01/2005)
12/01/2005	●36	BRIEF by Defendants Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long re 33 MOTION for Summary Judgment. (Attachments: # <u>1</u> Index of Attachments# <u>2</u> Attachment 1# <u>3</u> Attachment 2# <u>4</u> Attachment 3# <u>5</u> Attachment 4# <u>6</u> Attachment 5# <u>7</u> Attachment 6# <u>8</u> Attachment 7# <u>9</u> Attachment 8# <u>10</u> Attachment 9# <u>11</u> Attachment 10# <u>12</u> Attachment 11# <u>13</u> Attachment 12# <u>14</u> Attachment 13# <u>15</u> Attachment 14# <u>16</u> Attachment 15# <u>17</u> Attachment 16# <u>18</u> Attachment 17# <u>19</u> Attachment 18# <u>20</u> Attachment 19# <u>21</u> Attachment 20# <u>22</u> Attachment 21# <u>23</u> Attachment 22)(Hurley, James) (Entered: 12/01/2005)
12/01/2005	●37	CERTIFICATE OF SERVICE by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long re 35 Notice, 36 Brief,, 33 MOTION for Summary Judgment, 34 Statement of Material Facts (Hurley, James) (Entered: 12/01/2005)
12/01/2005		***Motion Filing Deadline terminated (KMH) (Entered: 12/07/2005)
12/09/2005	●38	AFFIDAVIT of Ronnie and Lila Long re 36 Brief,, 33 MOTION for Summary Judgment, 34 Statement of Material Facts. (Hurley, James) (Entered: 12/09/2005)
12/09/2005	●39	PRO HAC VICE fee paid by Cheyenne River Sioux Tribe for attorney Roger K. Heidenreich (SRN,) (Entered: 12/09/2005)
12/19/2005	●40	PRO HAC VICE fee paid by Sonnenschein Nath & Rosenthal for Roger K. Heidenreich (SKM) (Entered: 12/20/2005)

12/22/2005	●41	RESPONSE to 34 Statement of Material Facts filed by Plains Commerce Bank. (SRN,) (Entered: 12/22/2005)
12/22/2005	●42	SECOND AFFIDAVIT of Charles Simon. (SRN,) (Entered: 12/22/2005)
12/22/2005	●43	MEMORANDUM in Opposition re 33 MOTION for Summary Judgment filed by Plains Commerce Bank. (SRN,) (Entered: 12/22/2005)
12/22/2005	●44	NOTICE by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long <i>Notice Of Filing</i> (Hurley, James) (Entered: 12/22/2005)
12/22/2005	●45	AFFIDAVIT of Thomas J. Van Norman re 44 <i>Notice Affidavit Of Thomas J. Van Norman</i> . (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D# 5 Exhibit Exhibit E# 6 Exhibit Exhibit F# 7 Exhibit Exhibit G# 8 Exhibit Exhibit H# 9 Exhibit Exhibit I# 10 Exhibit Exhibit J# 11 Exhibit Exhibit K)(Hurley, James) (Entered: 12/22/2005)
12/22/2005	●46	BRIEF by Amicus Cheyenne River Sioux Tribe <i>Brief Of Amicus Curiae Cheyenne River Sioux Tribe Submitted For Consideration With The Parties' Cross-Motions For Summary Judgment</i> . (Gunn, Steven) (Entered: 12/22/2005)
12/22/2005	●47	RESPONSE to 29 Statement of Material Facts filed by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long. (Hurley, James) (Entered: 12/22/2005)
12/22/2005	●48	BRIEF by Defendants Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long re 30 Memorandum in Support of Motion for <i>Summary Judgment</i> . (Hurley, James) (Entered: 12/22/2005)
12/22/2005	●49	NOTICE by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long <i>of Filing</i> (Hurley, James) (Entered: 12/22/2005)
12/22/2005	●50	AFFIDAVIT of Ronnie and Lila Long re 49 <i>Notice of Filing</i> . (Attachments: # 1 Attachment-Index# 2 Attachment-Security Agreement# 3 Attachment-Guaranty 4-1-97# 4 Attachment-Guaranty 9-28-88# 5 Attachment-Guaranty 3-5-92# 6 Attachment-Mortgage 9-20-88# 7 Attachment-Mortgage 11-15-90# 8 Attachment-Mortgage 3-5-92# 9 Attachment-Bank's Mot. SJ Tribal Court# 10 Attachment-Appellate Court Tr. pages# 11 Attachment-CRST Transcript pages# 12 Attachment-Index Attach. Def. Brief MSJ)(Hurley, James) (Entered: 12/22/2005)
12/22/2005	●51	CERTIFICATE OF SERVICE by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long re 47 Response, 48 Brief, 49 Notice, 50 Affidavit., (Hurley, James) (Entered: 12/22/2005)
01/12/2006	●52	REPLY MEMORANDUM OF LAW in Support of 33 MOTION for Summary Judgment filed by Plains Commerce Bank. (JAB) (Entered: 01/12/2006)
01/12/2006	●53	CERTIFICATE OF SERVICE by Plains Commerce Bank (JAB) (Entered: 01/12/2006)

01/12/2006	54	NOTICE by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long of Filing Third Affidavit (Hurley, James) (Entered: 01/12/2006)
01/12/2006	55	AFFIDAVIT of Ronnie and Lila Long re 54 Notice. (Attachments: # 1 Exhibit Index of Attachments to Third Affidavit# 2 Exhibit BIA Guarantees of Bank loans to Long & related correspondence & pmts.# 3 Exhibit CFR 103.22# 4 Exhibit Letter dated 11/1/96 from Bank to CRST Credit Officer, Lemke# 5 Exhibit Letter dated 12/12/96 from Bank to McClure & cash flow of 12/11/96 & cash flow by Huber of 10/29/96# 6 Exhibit Money loaned to Longs 12/12/96 to 2/12/97# 7 Exhibit Plf.'s claimed Damages. Def.'s claimed Damages# 8 Exhibit Notes & Computations# 9 Exhibit Annual FSA Farm Program Pmts.# 10 Exhibit CRST Law & Order Code Ch. IV, Jurisdiction# 11 Exhibit CFR 103.2, Purpose of BIA guaranty loan program# 12 Exhibit Trial Transcript pages# 13 Exhibit Letter dated 9/4/02 from McClure to Longs)(Hurley, James) (Entered: 01/12/2006)
01/12/2006	56	MEMORANDUM in Support re 33 MOTION for Summary Judgment and in Resistance to Plaintiff's Motion for Summary Judgment filed by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long. (Hurley, James) (Entered: 01/12/2006)
01/12/2006	57	CERTIFICATE OF SERVICE by Long Family Land and Cattle Company, Inc., Ronnie Long, Lila Long re 56 Memorandum in Support of Motion, 54 Notice, 55 Affidavit,, (Hurley, James) (Entered: 01/12/2006)
04/13/2006	58	SECOND AMENDED RULE 16 SCHEDULING ORDER: Pretrial Conference set for 7/7/2006 at 02:15 PM before Charles B. Kornmann. Signed by Judge Charles B. Kornmann on 4/12/06. (JAB) (Entered: 04/13/2006)
04/13/2006	59	Confirmation of mailing NOE to non-ecf counsel (JAB) (Entered: 04/13/2006)
04/18/2006	60	THIRD AMENDED RULE 16 SCHEDULING ORDER: Telephonic Pretrial Conference set for 7/6/2006 at 02:15 PM before Charles B. Kornmann. Signed by Judge Charles B. Kornmann on 4/18/06. (JAB) (Entered: 04/19/2006)
04/18/2006	61	Confirmation of mailing NOE to non-ecf counsel (JAB) (Entered: 04/19/2006)
05/18/2006	62	FOURTH AMENDED RULE 16 SCHEDULING ORDER: Telephonic Pretrial Conference set for 9/8/2006 at 01:30 PM before Charles B. Kornmann. Signed by Judge Charles B. Kornmann on 5/18/06. (JAB) (Entered: 05/18/2006)
05/18/2006	63	Confirmation of mailing NOE to non-ecf counsel (JAB) (Entered: 05/18/2006)
07/17/2006	64	MEMORANDUM OPINION AND ORDER denying 28 Motion for

		Summary Judgment, granting <u>33</u> Motion for Summary Judgment. Signed by Judge Charles B. Kormmann on 7/17/06. (SRN,) (Entered: 07/18/2006)
07/17/2006	<u>65</u>	Confirmation of mailing NOE to non-ecf counsel (SRN,) (Entered: 07/18/2006)
08/11/2006	● <u>66</u>	NOTICE OF APPEAL as to <u>64</u> Order on Motion for Summary Judgment, by Plains Commerce Bank. Filing fee \$ 455. (JAB) Additional attachment(s) added on 8/14/2006 (JAB,). (Entered: 08/14/2006)
08/11/2006	● <u>67</u>	Appellant's Form A (JAB) (Entered: 08/14/2006)
08/11/2006	● <u>68</u>	CERTIFICATE OF SERVICE by Plains Commerce Bank (JAB) (Entered: 08/14/2006)
08/11/2006	● <u>69</u>	NOTICE to all Counsel (JAB) (Entered: 08/14/2006)
08/11/2006	<u>70</u>	Confirmation of mailing NOE to non-ecf counsel (JAB) (Entered: 08/14/2006)
08/14/2006	●	*** Appeal Receipt of Notice of Appeal and supporting documents received by USCA on: Mon Aug 14 08:53:41 CDT 2006 (JAB,) (Entered: 08/14/2006)
08/18/2006	● <u>71</u>	USCA Case Number 06-3093 for <u>66</u> Notice of Appeal filed by Plains Commerce Bank, (SRN,) (Entered: 08/21/2006)