

STATE OF SOUTH DAKOTA  
COUNTY OF HUGHES

IN CIRCUIT COURT  
SIXTH JUDICIAL CIRCUIT

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WEGNER AUTO COMPANY, INC., a South  
Dakota corporation, and the SOUTH DAKOTA  
PUBLIC UTILITIES COMMISSION, an agency of  
the State of South Dakota,

Plaintiffs,

vs.

LES SUMPTION d/b/a S&S Communications and  
S&S COMMUNICATIONS, a South Dakota general  
partnership,

Defendants.

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CIV 09-483

**DEFAULT JUDGMENT**

This action came on for hearing before the Court on October 12, 2010, the Honorable Mark W. Barnett, Circuit Judge, presiding and the issues having been duly heard and the Court having found good and sufficient cause to enter judgment by default against Defendants,

It is Ordered and Adjudged

1. That the Plaintiffs, Wegner Auto Company, Inc., a South Dakota corporation and the other 131 Damages Awardees joined as Plaintiffs in this action by Order of this Court dated October 12, 2010, (see Exhibits A and B hereto (note that Exhibit B contains only one entry for entities with more than one award)), jointly, and the South Dakota Public Utilities Commission ("Commission"), solely in its fiduciary capacity as receiver on behalf of the other Plaintiffs, recover from the Defendants, Les Sumption and S&S Communications, a South Dakota general partnership, in accordance with the equitable apportionment, distribution and other provisions of the Commission's Damages Order attached to the Complaint, the sum of: (i) \$471,890.98; (ii) plus prejudgment interest on the \$572,444.50 damages amount before bond proceeds distribution over the period from June 3, 2003, through July 13, 2007, at the statutory rate of 10% per annum in the amount of \$235,402.02; (iii) plus prejudgment interest, at the statutory rate of 10% per annum, on the \$471,890.98 in damages remaining unsatisfied from bond proceeds from July 14, 2007, through October 12, 2010, the date of entry of judgment in the amount of \$153,461.47; for a total sum of damages and prejudgment interest due, payable and recoverable from Defendants to Plaintiffs, jointly, in the amount of \$860,760.47;

2. That Defendants, S&S Communications and Les Sumption, shall be jointly and severally liable to Plaintiffs, jointly, for the satisfaction in full of the amount due Plaintiffs under this judgment;

3. That the Approved Damages Awards, Approved Judgment Fractions for all Approved Damages Awards and the mechanism for apportioning and disbursing any amounts recovered on the judgment among the Approved Damages Awardees as set forth in the Damages Order are approved;

4. That pursuant to SDCL 48-7A-307(d)(4), Plaintiffs may levy execution of the judgment against Defendant Les Sumption's personal assets without having to first exhaust execution against the partnership assets of S&S Communications.

5. That the Commission is appointed post-judgment receiver to act on behalf of the Plaintiff Damages Awardees whose names are set forth on Exhibit A, jointly, in the reasonable and prudent exercise of its discretion: to pursue execution of and recovery on this judgment; to receive, hold and manage in a fiduciary capacity any and all sums of money or property as may be recovered in execution or satisfaction of the damages and interest awarded and due Plaintiffs under this judgment, net of any expenses for outside services necessarily incurred to obtain such recovery or manage such property; to distribute from time to time any amounts so recovered to Plaintiffs in accordance with the procedures and apportionment formulae set forth in the Commission's Damages Order that forms the basis of this action and judgment as described in the Complaint; to take such other and further actions in aid of the execution and recovery of this judgment for the benefit of Plaintiffs, jointly, as the Commission shall deem prudent in its reasonable exercise of its fiduciary obligations hereunder; and to report to the Court periodically following the entry of this judgment, but no less often than once each year or at such more frequent intervals as the Court may direct, concerning the actions the Commission has taken and intends to take on behalf of Plaintiffs in execution of this judgment, with such reporting to continue until the further order of this Court.

Dated at Pierre, South Dakota, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

BY THE COURT

\_\_\_\_\_  
Circuit Judge

ATTEST: \_\_\_\_\_  
Clerk of Courts

**JUDGMENT EXHIBIT B – CIV 09-483**  
**ALPHABETIC LIST OF JUDGMENT JOINT DAMAGES AWARDEES**

**CORPORATE PARTIES**

Auto Shoppe Inc.  
Barber Farm Service, Inc.  
Beck Motors, Inc.  
BMI Agency, Inc.  
Brookings Auto Mall, LLC  
Chase Auto Connection  
Clarke Insurance Agency  
Corsica Implement Inc.  
Country Ford Inc.  
Dakota Premium Hay  
Dave Hahler Automotive, Inc.  
Doug's Anchors Marine Inc.  
Duling Financial Services  
Eastern Plains Urology  
Ellefson Implement  
Erv's Furniture  
Eugene Beckman & Sons  
Evanson Jensen Funeral Home  
Faith Livestock  
Farmers Implement & Irrig. Inc.  
Farmers Union Service Assn.  
First National Bank  
First St.Bank Miller/Highmore  
(n/k/a Quoin Financial Bank)  
Fort Pierre Livestock Inc  
Funk Harvesting  
Gesswein Motors  
Graham Tire Co.  
Grant County Implement  
Great Plains Internat. Inc  
Haberer's Imp.  
Hagan Benefits  
Harry K Chevy  
Harry K Ford  
Healthy Lifestyles  
Highmore Cattle Co  
Hoffman Harvesting  
Huron Manufact. Corp.  
Jensen Rock & Sand Inc.  
Jobbers Moving & Storage  
Jones Trucking  
Koletzky Implement Inc.  
Krause Financial Planning  
Lake County International, Inc.  
Legend Seeds  
Midland Pub. And Printing  
Midwest Credits  
Miller Livestock  
Mobridge Regional Hospital  
Montgomry Furniture  
Moodie Implement  
Moreau-Grand Elect. Co-Op  
New Frontier Station  
Newport Colony  
North Central Farmers Elevator  
O'keefe Implement Inc.

Olsen Implement  
Paul Nelson Farm  
Pharmco Industries  
Platte Parts Store  
Prostrollo Motors  
Rapid Precision  
Riverside Motel  
Rushmore Electric  
Schulte's Flandreau Motors  
Scott Supply  
Shawn Chase Ford  
Skorpik's, Inc.  
AAA South Dakota  
State Farm Insurance  
Tyndall Motors Inc  
V & S Trucking  
Van Der Werff Imp.  
Variable Investment Advisors  
Wegner Auto Co. Inc.  
Whetstone Ag Supply, Inc.  
Winner Livestock Auction

**NATURAL PERSONS**

Kyle Ammann  
Pat Amman  
Jamie and Jason Anderberg  
Sherry Badger  
Tember Beckett  
Glen Behnke  
Charles and Orpha Bensen  
Dennis Bieber  
Richard and Carolyn Bieber  
Margaret Bohner  
Bob and Diane Booth  
Curtis Bossert  
Brian Brockel  
Jeff and Debbie Bumpous  
Allen and Jean Croyle  
Linda Dikoff  
Colin Dutenhoffer  
Craig Engel  
Darren and Heidi Engelhart  
Rod and Suzanne Gepper  
Nicole and Chris Glines  
Ronald Graves  
Vicki and Bruce Graves  
Tim and Elaine Hall  
Wayne Heien  
Delton Hitchcock  
Maurice Hoffman  
Calvin and Marcella Huber  
Melvin and Phoebe Huber  
Tim and Sonja Huber  
Bart Johnson  
Neal and Janet Johnson  
Myron Joneson  
John Koskan  
Lauren Langdeau  
Gerald Larson  
Denny and Doris Lauing  
Jack R. Leininger  
Myrt Liebig  
Janice Mellema  
Judy Nichols  
Duane O'neal  
Lavonne and Steve Oswald  
Kevin Parmely  
Lyle Perman  
Sandra Schaack  
Joseph and Penny Schonebaum  
Chuck Simon  
Curtis Sylte  
Judy and Herman Symens  
Jake Volk  
Bill Wagner  
Terry and Joann Wheeler  
Arnold Wienk  
Kenny Wiese  
Byron and Penny Woodruff