

October 31, 2022

David Schied
P.O. Box 321
Spearfish, SD 57783

RE: **David Schied v. South Dakota Department of Social Services**
Lawrence County 40CIV22-000116

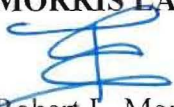
Dear Mr. Schied:

Please find enclosed a true and correct copy of the *Notice of Entry of Order*, with attached Order and Judgment of Dismissal, in the above matter.

The same is intended as service by mail upon you.

Very truly yours,

MORRIS LAW FIRM, Prof. LLC


Robert L. Morris

RLM/slt
Enc.

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF LAWRENCE)

IN CIRCUIT COURT

FOURTH JUDICIAL CIRCUIT

DAVID SCHIED,)	40CIV22-000116
)	
Appellant,)	
)	
vs.)	
)	
SOUTH DAKOTA DEPARTMENT)	
OF SOCIAL SERVICES,)	
)	
Appellee.)	

NOTICE OF ENTRY OF ORDER

TO: Appellant David Schied:

NOTICE IS HEREBY GIVEN that attached hereto is a filed-stamped copy of the

Order and Judgment of Dismissal in regard to the above-captioned matter, the original of which

was filed in the office of the Clerk of the Circuit Court for the Fourth Judicial Circuit, Lawrence

County, Deadwood, South Dakota, on October 28, 2022.

NOTICE OF RIGHT TO APPEAL

AN APPEAL MAY RESULT IN REVERSAL OF THIS DECISION. A PERSON WHO IS ADVERSELY AFFECTED BY THIS ORDER AND JUDGMENT OF DISMISSAL IS ENTITLED TO JUDICIAL REVIEW THROUGH AN APPEAL TO THE SOUTH DAKOTA SUPREME COURT PURSUANT TO 1-26-37. YOU ARE GENERALLY REFERRED TO THE RULES OF APPELLATE PROCEDURE CONTAINED IN SDCL CHAPTER 15-26A.

YOUR SPECIFIC ATTENTION IS DIRECTED TO SDCL 15-26A-6 WHICH PROVIDES THAT AN APPEAL FROM A JUDGMENT OR ORDER MUST BE TAKEN WITHIN THIRTY (30) DAYS AFTER THE JUDGMENT OR ORDER SHALL BE SIGNED, ATTESTED, FILED AND WRITTEN NOTICE OF ENTRY THEREOF SHALL HAVE BEEN GIVEN TO THE ADVERSE PARTY.

Schied v. SDDSS
40CIV22-000116
Notice of Entry of Order
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Dated this 31st day of October, 2022.

MORRIS LAW FIRM, PROF. LLC

Attorney for South Dakota Department of Social Services

/s/ Robert L. Morris

Robert L. Morris

Special Assistant Attorney General

P.O. Box 370

Belle Fourche, SD 57717-0370

Phone: (605) 723-7777


bobmorris@westriverlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing document, **NOTICE OF ENTRY OF ORDER**, upon the persons herein next designated, on the date below shown, as follows:

David Schied P.O. Box 321 Spearfish, SD 57783 <i>Appellant, Pro Se</i>	<input checked="checked" type="checkbox"/> U.S. Mail – First Class, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Odyssey File and Serve <input type="checkbox"/> E-mail
---	--

Dated this 31st day of October, 2022.


/s/ Robert L. Morris
Robert L. Morris

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF LAWRENCE)

IN CIRCUIT COURT

FOURTH JUDICIAL CIRCUIT

DAVID SCHIED,)	40CIV22-000116
)	
Appellant,)	
)	
vs.)	
)	
SOUTH DAKOTA DEPARTMENT)	
OF SOCIAL SERVICES,)	
)	
Appellee.)	

ORDER and JUDGMENT OF DISMISSAL

On June 10, 2022, the Appellant filed pleadings appealing a Final Order of Dismissal dated May 12, 2022, issued by the Office of Administrative Hearings, Erich H. Monson, Administrative Law Judge, OAH#22-365 and Case #00128694. In the Appellant's pleadings he sought an extension of time to file his appeal brief and also requested waiver of costs and fees, amongst other matters. Since the Appellant's filing of his Notice of Appeal, Appellant has filed numerous and voluminous items with the Lawrence County Clerk of Courts.

... in MEADE
COUNTY!

On July 29, 2022, the Lawrence County Clerk of Courts sent a letter to the Appellant at his last known mailing address. Among other things, the Clerk advised the Appellant that:

.... 5. The Court has authorized a hearing to be scheduled specifically and only for the purpose of hearing your motion for waiver of costs and motion to extend your time for filing a brief in the matter. You will be provided that date through a notice of hearing that will be mailed to you. You will need to appear in person at that hearing unless otherwise allowed by the Court to appear telephonically. You may make your request once you receive the notice of hearing.

Those are the instructions of the Court which **he believes** will accommodate you and your disability. Any further questions regarding this letter and/or process shall be done through US mail.

On September 19, 2022, **the Court, on its own volition**, signed a Notice of Hearing regarding Appellant's Motion for Waiver of Fees and Costs and Motion to Extend Time for Filing Appeal Brief. The Hearing on such matters was noticed for the **7th day of October, 2022, at 9:30 a.m.** in the **Lawrence County** Courthouse (Courtroom 2) at 78 Sherman Street, Deadwood, South Dakota 57732. Pursuant to the Certificate of Service, signed by the Lawrence County Clerk of Courts, the Appellant was **served via Certified Mail** at his last known mailing address. The Lawrence County Clerk of Courts received the Certified Mail Receipt from the United States Postal Service which indicated that the Appellant, David Schied, signed the Certified Mail Receipt on September 21, 2022.

On October 7, 2022, at **9:30 a.m.** at the Lawrence County Courthouse, Courtroom 2, the Court convened for the Hearing on Appellant's Motion for Waiver of Fees and Costs and Extension of Time for Filing Appeal Brief. Appearing on behalf of the Appellee, South Dakota Department of Social Services, was Robert L. Morris, Morris Law Firm, Prof. LLC, **Belle Fourche**, South Dakota. The **Appellant** did **not** personally make an **appearance** at the Hearing. **As the result**, the **Court inquired of the Lawrence County Clerk of Courts as to whether the Appellant had contacted her office to make arrangements to appear by telephone.** The Lawrence County Clerk of Courts advised the Court **no contact** had been made with her office by the Appellant **requesting to appear by telephone.** Nonetheless, the Court proceeded with the Hearing and listened to the arguments of Appellee's counsel. During the Hearing, the Court did not receive any telephone call or become knowledgeable of any attempt by the Appellant to **call in to**

BUTTE
COUNTY

attend the Hearing. The Court then proceeded to make an extensive record regarding the matter before the Court and the consequences of the Appellant's failure to appear.

Based upon the record, due to the fact that Appellant failed to appear to prosecute his pending motions despite receiving Notice of Hearing and given an opportunity to appear by telephone as an accommodation in lieu of personal appearance, and the Court after being fully advised of the premises, it is hereby:

ORDERED, ADJUDGED and DECREED, that the Appellant's appeal is dismissed with prejudice; and it is further;

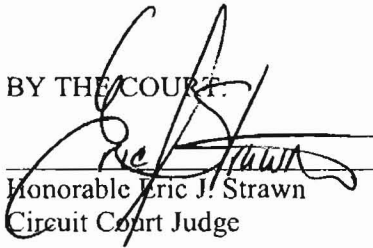
ORDERED, ADJUDGED and DECREED, that the Court's reasoning for dismissal is fully set forth by the Court in the Transcript of the Hearing, which is on file with the Lawrence County Clerk of Courts, which reasons are fully incorporated herein by reference as though fully set forth herein; and it is further;

ORDERED ADJUDGED and DECREED, that the Appellant be giving notice of his right to appeal to the South Dakota Supreme Court in this document and in the Notice of Entry of Order and Judgment of Dismissal that will be filed by Appellee's Counsel.

Dated this ____ day of October, 2022.

10/28/2022 11:42:44 AM

BY THE COURT.


Honorable Eric J. Strawn
Circuit Court Judge

Attest:

Gibbens, Kristie

Clerk/Deputy

NOTICE OF RIGHT TO APPEAL



AN APPEAL MAY RESULT IN REVERSAL OF THIS DECISION. A PERSON WHO IS ADVERSELY AFFECTED BY THIS ORDER AND JUDGMENT OF DISMISSAL IS ENTITLED TO JUDICIAL REVIEW THROUGH AN APPEAL TO THE SOUTH

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Order and Judgment of Dismissal

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Is this the "BATE'S STAMP"?



Filed on: 10/28/2022 Lawrence County, South Dakota 40CIV22-000116

DAKOTA SUPREME COURT PURSUANT TO 1-26-37. YOU ARE GENERALLY
REFERRED TO THE **RULES OF APPELLATE PROCEDURE CONTAINED IN SDCL
CHAPTER 15-26A.**

YOUR SPECIFIC ATTENTION IS DIRECTED TO SDCL 15-26A-6 WHICH PROVIDES
THAT AN APPEAL FROM A JUDGEMENT OR ORDER MUST BE TAKEN WITHIN
THIRTY (30) DAYS AFTER THE JUDGMENT OR ORDER SHALL BE SIGNED,
ATTESTED, FILED AND WRITTEN NOTICE OF ENTRY THEREOF SHALL HAVE
BEEN GIVEN TO THE ADVERSE PARTY.

ATTEST:

Clerk of Courts

By **KRISTIE GIBBENS**



"The Court" has a different person "authenticate"
this document than who was present (Carol Latuseck)
at the FRAUDULENT HEARING and who otherwise is, or
should be, knowing of its fraudulence.



MORRIS LAW FIRM
P.C., LLC

P.O. Box 370
Rapid City, SD 57717-0370

RAPID CITY SD 577

31 OCT 2023 PM 11



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