



STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR  
KRISTI NOEM | GOVERNOR

July 27, 2023

Rebecca Kidder  
1830 West Fulton Street, Ste 102  
Rapid City, SD 57702  
By email rkidder@ndnlaw.com

RE: 32CIV22-172 Responsive Letter

Dear Ms Kidder,

This letter is written on behalf of the Department of Labor and Regulation as well as the Governor's Office. It is in response to the parties' Stipulation for Order of Dismissal signed on July 27, 2023.

At Section 3.a. of the Stipulation, the State agreed to provide:

Aggregate costs for hotel or lodging, transportation, either air or ground and food, on a per trip basis setting forth the total costs per trip for the five specific trips as listed in Paragraph 20 of Plaintiff's Complaint, for the Governor and the Governor's staff, family or invited guests, except security. Individual breakdowns of specific costs incurred related to these trips will not be disclosed.

The State has conducted a search for responsive records to calculate the aggregate costs for lodging, transportation, and food, per trip of the Governor, or her staff, family, or invited guests, excepting security costs, for five specific listed trips. None of these costs were paid for with state funds. Therefore, the State has no responsive records, and the aggregate costs are as follows:

- a. January 20, 2022: SHOT Show, Las Vegas, Las Vegas - \$0.00
- b. February 18, 2022: Teton County Republican's Patriot's Dinner, Jackson, WY - \$0.00
- c. February 24-27, 2022: Conservative Political Action Conference, Orlando, FL - \$0.00
- d. February 28, 2022: New York Republican Party Convention Celebration Gala, Jericho, NY - \$0.00
- e. March 4, 2022: Campaign Event for Senator Mike Lee, Salt Lake City, UT - \$0.00.

At Section 3.b. of the Stipulation, the State agreed to provide:

Costs incurred by the State as indicated in paragraph 26 of Plaintiff's Complaint.

The informal request for these costs was mistakenly directed to the Department of Labor and Regulation who is not the custodian of any responsive record relating to the respective age discrimination claim. Regardless, between the requested dates of December 1, 2020 through September 30, 2021, the State incurred \$15,220.34 in outside attorney fees, and a total of \$18,999.34 in outside attorney fees to defend the referenced matter.<sup>1</sup> No in-house counsel was used.

With this disclosure, both State Defendants have provided all the required information to you. I understand the Order for Dismissal with Prejudice as required in Section 2 of the parties' Stipulation will be promptly filed.

Sincerely,



Katie Hruska  
General Counsel

---

<sup>1</sup> This additional disclosure of the total attorney fees is not required by the Stipulation. However, for transparency purposes and to avoid confusion concerning the total amount of attorney fees, the State is disclosing all attorney fee costs beyond the specific date range in the original request or as included in the Complaint.