

Meierhenry Sargent LLP

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July 22, 2022

Chief Jonathan Thum
Sioux Falls Police Department
320 W. Fourth Street
Sioux Falls, SD 57104

Mayor Paul TenHaken
224 W. Ninth Street
PO Box 7402
Sioux Falls, SD 57117

Keith Allenstein
City of Sioux Falls
224 W. 9th Street
PO Box 7402
Sioux Falls, SD 57117

Sheriff Mike Milstead
Minnehaha County Sheriff
320 W. 4th Street
Sioux Falls, SD 57104

Ben Kyte
Minnehaha County Auditor
415 N. Dakota Avenue
Sioux Falls, SD 57104

Re: Notice Pursuant to SDCL § 3-21-2

Greetings:

Enclosed please find a Notice to the Sioux Falls Police Department, the City of Sioux Falls, the Minnehaha County Sheriff's Department, and Minnehaha County Auditor Pursuant to SDCL § 3-21-2.

If you have any questions, please feel free to contact our office.

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With best regards,

MEIERHENRY SARGENT LLP


Raleigh Hansman

Encl.

cc: Client

**NOTICE TO SIOUX FALLS POLICE DEPARTMENT, MINNEHAHA COUNTY
SHERIFF'S DEPARTMENT, MINNEHAHA COUNTY, AND THE CITY OF SIOUX
FALLS
PURSUANT TO SDCL § 3-21-2**

To: Jonathan Thum
Chief of Sioux Falls Police Department

Mayor Paul TenHaken
City of Sioux Falls

Keith Allenstein
Sioux Falls' City Attorney

Sheriff Mike Milstead
Minnehaha County Sheriff

Ben Kyte
Minnehaha County Auditor

On June 10, 2022, Barbara Weixel was driving eastbound on W. 9th Street in Sioux Falls, South Dakota. As she passed through the intersection at S. Covell Avenue and W. 9th Street, a southbound vehicle traveling at an elevated speed ran the stop sign – hitting her on the driver's side of her vehicle. Ms. Weixel's vehicle was sent airborne, flipped on its side, and spun around before coming to rest in a residential yard. The driver of the other vehicle immediately got out and took off running in the southbound direction it had been traveling in.

Prior to colliding with Ms. Weixel's vehicle, the driver of the speeding vehicle was being pursued by law enforcement. Ms. Weixel's injuries and damage is due to the negligence of the Sioux Falls Police Department, the Minnehaha County Sheriff's Department, Minnehaha County, and the City of Sioux Falls, through its agents and employees, to wit: failing to utilize warning lights and sirens during pursuit, continuing a pursuit at excess speed through a residential neighborhood, and failing to terminate pursuit. Ms. Weixel was injured because law enforcement prioritized a pursuit over public safety.

Dated 22nd day of July, 2022.



Raleigh Hansman

MEIERHENRY SARGENT LLP

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I certify that on this 22nd day of July, 2022, this Notice was mailed to Chief of the Sioux Falls Police Department, Jonathan Thum, Sioux Falls Mayor Paul TenHaken, Sioux Falls City Attorney, Keith Allenstein, Sheriff Mike Milstead, and Minnehaha County Auditor Ben Kyte by certified mail, return receipt requested.

Dated 22nd day of July, 2022.



For the Firm