

STATE OF SOUTH DAKOTA
:SS

COUNTY OF HANSON

JOHN & DEBORAH E. HORNIDGE,
PLAINTIFFS,

-vs-

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT
File # 30Civ25-32

ORDER EXTENDING TIME
AND ORDER DENYING
MOTION FOR SUMMARY
JUDGMENT

BRENT & MELISSA MENTELE,
HANSON COUNTY, SOUTH DAKOTA,
A local government subdivision,
STATE OF SOUTH DAKOTA-
DEPARTMENT OF REVENUE,
STATE OF SOUTH DAKOTA-
DEPARTMENT OF LABOR,
LINCOLN COUNTY, SOUTH DAKOTA,
A local government subdivision,
AAA COLLECTIONS INC.,
CREDIT COLLECTIONS INC.,
CREDIT COLLECTIONS BUREAU,
RUSHMORE SERVICE CENTER, LLC,
ROGER GERLACH
DEFENDANTS.

The above-entitled matter came on for hearing before this Court in the Courtroom of the Courthouse in Alexandria, Hanson County, South Dakota, at the hour 1:15 o'clock p.m. on Monday, July 6, 2026.

Plaintiff's John Hornidge and Melissa Hornidge were represented by attorney J. R. Davies of Alexandria, South Dakota. Defendant Melissa Mentele appeared in person.

This was the time, place and date set for hearing on Defendant's Motion for Default Judgment upon her counterclaim and for a hearing to be held on Plaintiff's request for Extension of Time to authorize the filing of a reply to Defendant's Counterclaim.

The Court has considered the entire records and files of this case to date, together with statements of counsel for Plaintiff and statements of Defendant made at the during the hearing.

Based upon the record established at that time, date and place, and the Court's review of the files to date, the Court does hereby find that the Extension of Time to file the reply is not unreasonable; Defendant and an attorney provided conflicting information regarding whether Defendant was represented by counsel or not; there has been insufficient discovery done to enable the entry of any judgment on the counterclaim; and

Plaintiff's response to the motion for summary judgment shows [A] a reasonable cause for delay; [B] the allegation of a meritorious defense; and [C] the likelihood of success on that defense.

Based upon the above and foregoing, now, therefore, it is, by the Court

ORDERED AND DECREED that Defendant's motion for default judgment on the counterclaim is hereby denied; and

It is further ORDERED AND DECREED that Plaintiff's request to extend time for reply to the counterclaim up to the point in time when such reply was actually filed is hereby granted.

7/21/2026 4:47:18 PM

BY THE COURT



Patrick T. Smith
First Circuit Court Judge

Attest:
Koupal, Pam
Clerk/Deputy

