

STATE OF SOUTH DAKOTA

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

<p>SOUTH DAKOTA ONE CALL NOTIFICATION BOARD, Plaintiff,</p> <p>vs.</p> <p>JEREMY SCADDEN CONSTRUCTION, Defendant.</p>	<p>*</p>	<p>OC NO. 06-007</p> <p>ANSWER OF JEREMY SCADDEN CONSTRUCTION TO COMPLAINT OF CITY OF BRANDON</p>
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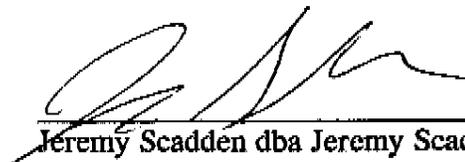
COMES NOW Defendant JEREMY SCADDEN, dba JEREMY SCADDEN CONSTRUCTION, aka JEREMY SCADDEN CONSTRUCTION, INC., who makes and files this Answer to the referenced Complaint, and in support thereof, states and alleges as follows:

1. Defendant admits performing an excavation for a basement at 101 County Club Avenue, Brandon, SD. The Defendant also did excavation work for utilities at this location.
2. Defendant gave the required notification and obtained a ticket number for his excavation work for sewer and water lines at 101 County Club Ave., Brandon, SD.
3. During the said excavations, there was no damage whatsoever to any utilities services, private persons, or governmental entities.
4. During the said excavations, no injury occurred to the public's safety.
5. During the said excavations, there was no inconvenience caused to the public.
6. That on several previous occasions, the Defendant told contractors he must contact One Call before beginning excavation projects, and they subsequently utilized other excavators who did not call One Call, resulting in considerable financial loss to the

Defendant, while other excavators were not held liable. Local government officials have failed to act on the Defendant's reports in such incidents.

7. That Defendant has been in the excavation business with his family since he was in high school, and is familiar with the location of most utilities in the vicinity of Brandon and Valley Springs, SD. The Defendant has considerable experience in regard to the location of utility services and does not act recklessly in conducting excavation business. The Defendant fully realizes the cost to individuals and the general public which can result in the event of disruption of utility services.
8. The Defendant has excavated more than 375 basements and installed more than 375 water and sewer systems in the last five years, and has fully comply with the procedures set forth in SDCL 49-7A.
9. The Defendant hereby reserves his rights to present testimony and evidence, to cross-exam witnesses, and to make argument at any formal hearing conducted in this matter.

Dated this 1 day of November, 2006, at Brandon, SD.



Jeremy Scadden dba Jeremy Scadden Construction
aka Jeremy Scadden Construction, Inc.
P.O. Box 243
Valley Springs, SD 57068