



NEWS FROM U.S. DISTRICT COURT

February 10, 2023

New Bankruptcy Judge. The district has a new bankruptcy judge. The Eighth Circuit Court of Appeals appointed Laura Kulm Ask to succeed Judge Charles L. Nail, Jr., who retired last month. Prior to taking the bench, Judge Kulm Ask was a partner in the law firm of Gerry & Kulm Ask, Prof. LLC in Sioux Falls. She has practiced bankruptcy law for almost 20 years and served on multiple committees including the District of South Dakota's Federal Practice Committee, the South Dakota Local Bankruptcy Rules Committee, and the South Dakota State Bar Debtor/Creditor Committee.

Damage to courthouse minimized by quick thinking law clerk. When Marcus Miller went to work on Sunday, January 8th, he knew there was a problem as soon as he entered the Sioux Falls Courthouse. Water was leaking through the ceiling onto the first-floor hallway. The Iowa native and first year law clerk to Judge Karen Schreier immediately called his boss and reported the problem. Judge Schreier called Clerk of Court Matt Thelen, and Miller proceeded to assess the source of the problem.

Miller knew it was bad on the first floor, but by the time he reached the second floor, he knew it was "really bad." Miller says, "it was obvious the leak was coming from the men's restroom." The supply hose connecting water to the toilet had come undone and water was squirting everywhere. Miller took a video using his phone and sent it to Judge Schreier, who called and asked if he could turn off the water supply. Miller thought "you're really going to make me get drenched," but then agreed to try after admitting he didn't know how to turn the water off. Using FaceTime, Judge Schreier walked Miller through the process of shutting off the water using the valve by the bottom of the toilet. As soon as Miller turned off the water, Clerk Thelen arrived to find Miller soaking wet. Clerk Thelen assessed the damage and called GSA for assistance. It was later determined that more than 6,000 gallons of water had sprayed out of the supply hose during the incident.

Based on security video, it appears the supply hose became disconnected at six that morning as water can be seen dripping from the ceiling by seven. Had Miller not gone in to work that Sunday, the leak would not have been discovered until six o'clock the following morning when maintenance staff was scheduled to arrive.

Miller says luckily Judge Schreier's chambers were not affected. There was water damage in her courtroom but they were able to resume using it about a week later. Most of the damage occurred on the first floor. Magistrate Judge Veronica Duffy's chambers suffered extensive damage as did her courtroom. Magistrate Judge Duffy and her staff are currently sharing space with the bankruptcy clerk's office.

Repairs to Magistrate Judge Duffy's courtroom, chambers and the first-floor men's bathroom are expected to take 6-12 months. A contractor who performed work on the toilets several months ago is onsite overseeing repairs along with an industrial hygienist. Click [here](#) to see photos and video of the damage.

Reminder. The Court will be closed on Monday, February 20th in observance of Washington's Birthday.