

STATEMENT OF THE ISSUES

- I. Did the Circuit Court err in (i) failing to exclude exhibits and testimony that related back to pre-divorce events; and (ii) relying on that inadmissible evidence to re-litigate issues previously adjudicated by Judge Rusch?**

The Circuit Court overruled timely objections from Jesse's counsel on the disputed evidence and made findings in its May Memorandum on issues that Judge Rusch previously adjudicated in the Divorce Decree.

Wells v. Wells, 2005 SD 67, 698 N.W.2d 504
Mack v. Trautner, 2009 SD 13, 763 N.W.2d 121

- II. Did the Circuit Court abuse its discretion in granting Elizabeth's motion to relocate to California with the children?**

The Circuit Court held that Elizabeth met her burden in establishing that the relocation was in the best interests of the children.

Hogen v. Pifer, 2008 SD 96, 757 N.W.2d 160.
Heinen v. Heinen, 2008 SD 63, 753 N.W.2d 891.
Berens v. Berens, 2004 SD 121, 689 N.W.2d 207.

- III. Did the Circuit Court err in ordering Jesse to pay Elizabeth's attorney fees arising from Elizabeth's relocation motion, to which Jesse responded in a reasonable manner?**

The Circuit Court ordered Jesse to pay \$3,500 in attorney's fees, based on the respective financial circumstances of the parties.

SDCL 15-17-38
Schieffer v. Schieffer, 2013 SD 11, --- N.W.2d ---
(standard of review)