IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

IN	THE	MATTER	OF	THE	AMENDMENT)	RULE	21-04
SDO	CL 1!	5-6 - 56 (c	2))		

A hearing was held on February 17, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-56(c) and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-56(c) be and it is hereby amended to read in its entirety as follows:

proceedings thereon. Unless different periods are fixed or permitted by order of the court, The the motion and supporting brief, statement of undisputed material facts, and any affidavits; shall be served not later than twenty-eight calendar days before the time specified for the hearing; and any response or reply thereto, including any response to the movant's statement of undisputed material facts, shall be served not later than fourteen calendar days before the hearing; and a reply brief or affidavit may be served by the movant not later than seven calendar days before the hearing. The time computation rules of SDCL 15-6-6(a) requiring the exclusion of intermediate Saturdays, Sundays, and legal holidays shall not apply to the seven-calendar-day reply period. shall be served within the dates set forth in § 15-6-6(d).

- (1) A party moving for summary judgment shall attach to the motion a separate, short, and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried. Each material fact in this required statement must be presented in a separate numbered statement and with appropriate citation to the record in the case.
- (2) A party opposing a motion for summary judgment shall include a separate, short, and concise statement of the material facts as to which the opposing party contends a genuine issue exists to be tried. The opposing party must respond to each numbered paragraph in the moving party's statement with a separately numbered response and appropriate citations to the record.

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(3) All material facts set forth in the statement that the moving party is required to serve shall be admitted unless controverted by the statement required to be served by the opposing party.

The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2021.

DATED at Pierre, South Dakota, this 23rd day of February, 2021.

BY THE COURT:

Steven R. Je

Chief Justice

Clerk of the Supreme Court

(SEAL)

SUPREME COURT STATE OF SOUTH DAKOTA FILED

FEB 23 2021

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