

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA
* * * *

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 17 2006

Shirley A. Pearson Long
Clerk

IN THE MATTER OF THE AMENDMENT)

SDCL 15-6-6(d)

)

RULE 06-03

A hearing was held on February 16, 2006, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-6(d), and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

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

SDCL 15-6-6(d). Time for motion-Affidavits-Briefs.

A written motion, other than one which may be heard ex parte and notice of the hearing thereof or an order to show cause shall be served not later than ten days before the time specified for the hearing, unless a different period is fixed by this chapter or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit or brief, the affidavit or brief shall be served with the motion and, except as otherwise provided in § 15-6-59(b), opposing affidavits or briefs may be served not later than five days before the hearing, unless the court permits them to be served at some other time. A reply brief or affidavit may be served by the movant not later than two days before the hearing, unless the court permits them to be served at some other time.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2006

DATED at Pierre, South Dakota, this 17th day of March, 2006.

BY THE COURT:

David Gilbertson

David Gilbertson, Chief Justice

ATTEST:

[Signature]
Clerk of the Supreme Court

(SEAL)