

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL
15-30-6

RULE 92-2

Pursuant to a hearing held on February 13, 1992, at Pierre, South Dakota, relating to the amendment of SDCL 15-30-6, the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is ORDERED that SDCL 15-30-6 be and it is hereby amended to read in its entirety as follows:

15-30-6. Costs allowed to prevailing party on appeal. Costs on appeal to the Supreme Court shall be allowed to the prevailing party in civil actions and special proceedings, provided, however, that the cost of printing or reproducing briefs as set out in (3) and the cost of transcripts as set out in (4) are recoverable only if the required proof of such costs is filed with the clerk of the Supreme Court prior to entry of the Court's decision. Allowable costs are set out as follows:

- (1) The amount of the statutory fees of the clerk of the Supreme Court and the clerk of the trial court;
- (2) For argument in the Supreme Court, thirty dollars;
- (3) For printing of brief, exclusive of any appendix thereto, when printed to conform to the rules of the Supreme Court, not to exceed two dollars and fifty cents per page, or for reproduction of brief by other approved method, not to exceed fifteen cents per page times the number of necessary copies not to exceed twenty unless necessary to meet service and filing requirements, provided that the costs taxed for printing or reproducing a brief shall not exceed the actual cost thereof, which actual cost is to be evidenced by an affidavit of counsel setting out the necessary number of briefs

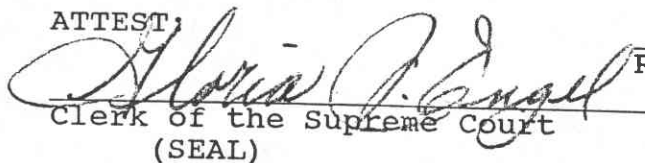
- reproduced, the number of pages per brief, and the actual per page cost;
- (4) The cost of the original and two copies of the transcript necessarily procured for the purpose of an appeal record, if the same has not heretofore been taxed as costs in the trial court, such cost to be evidenced by a copy of the reporter's bill and an affidavit of counsel stating that the cost of the transcript has not been taxed in the trial court; and
- (5) When a judgment is affirmed the court may, in its discretion, also award damages for the delay, not to exceed ten percent of the amount of the judgment.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1992.

DATED at Pierre, South Dakota, this 6th day of March, 1992.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Robert A. Miller, Chief Justice

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 06 1992


Clerk