

TUESDAY, OCTOBER 5, 2010  
9:00 A.M.

NO. 1

#25553

HUTTERVILLE HUTTERIAN  
BRETHREN, INC., a South Dakota  
non-profit Corporation,  
Plaintiffs,

and

JOHNNY WIPF, ALVIN HOFER,  
and JAKE HOFER, SR., Individually,  
as voting members and as directors  
and/or officers of Hutterville  
Hutterian Brethren, Inc.,  
Plaintiffs and Appellants,

vs.

JOHN G. WALDNER, GEORGE  
WALDNER, SR., TOM WALDNER  
and KENNITH WALDNER, as voting  
Members of Hutterville Hutterian  
Brethren, Inc.,  
Defendants and Appellees.

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(FOR APPELLEES)

The Honorable Jack R. Von Wald  
Fifth Judicial Circuit  
Brown County

(CIV 09-705)

(20-20-10)

STATEMENT OF ISSUE

Whether the trial court erred in refusing to determine the officers and directors of Appellant Corporation for lack of subject matter jurisdiction.

U.S. Const. Amend. 1

S.D. Const. Art. VI, § 3

*Decker v. Tschetter Hutterian Brethren, Inc.*, 1999 SD 62,  
594 N.W.2d 357

*Second Int'l Baha'l Council v. Chase*, 2005 MT 30,  
106 P.3d 1169 (Mont. 2005)

*Viravonga v. Samakitham*, 279 S.W.2d 44 (Ar. 2008)