

STATEMENT OF LEGAL ISSUES

The Trial Court committed errors and made rulings which raise the following appellate issues.

- I. **WHETHER THE TRIAL COURT ERRED BY NOT GRANTING A DIRECTED VERDICT ON THE ISSUE OF CIVIL CONSPIRACY OR IN THE ALTERNATIVE WHETHER SUFFICIENT EVIDENCE EXISTS TO SUPPORT BREACH OF LOYALTY, FAILURE TO GIVE NOTICE OF TERMINATION, AS THE UNLAWFUL ACT REQUIRED IN A CIVIL CONSPIRACY.**

The Trial Court did not grant a directed verdict on the issue of civil conspiracy.

- II. **WHETHER AN AT-WILL EMPLOYMENT RELATIONSHIP IS A PROPER BASIS FOR A TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS CLAIM.**

The Trial Court found that an at-will employer may maintain a tortious interference claim and denied a Motion for Directed Verdict.

- III. **WHETHER THE TRIAL COURT ERRED IN THE CALCULATION OF PREJUDGMENT INTEREST.**

The Trial Court granted pre-judgment interest on the amount a co-defendant settled prior to trial and which amount reduced the verdict against this defendant.

- IV. **WHETHER THE TRIAL COURT ERRED BY NOT ENFORCING SDCL 15-30-16.**

The Trial Court found that Setliff's bankruptcy filing permitted the Plaintiff Setliff to take no action for over twenty two months after this Court's decision in Setliff I. SR 056.