

WEDNESDAY, AUGUST 27, 2008  
11:00 A.M.

NO. 3

#24804

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellant,

vs.

GRAND RIVER ENTERPRISES, INC.,  
an alien Corporation,  
Defendant and Appellee.

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellee,

vs.

GRAND RIVER ENTERPRISES, INC.,  
a/k/a GRAND RIVER ENTERPRISES  
SIX NATIONS, LTD., an alien  
Corporation,  
Defendant and Appellee.

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellant,

vs.

GRAND RIVER ENTERPRISES, INC.,  
a/k/a GRAND RIVER ENTERPRISES  
SIX NATIONS, LTD., an alien  
Corporation,  
Defendant and Appellee.

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The Honorable Lori S. Wilbur  
Sixth Judicial Circuit  
Hughes County Clerk of Courts

(CIV 03-308)

20-20-10

STATEMENT OF LEGAL ISSUES

I

WHETHER THE CIRCUIT COURT ERRED IN CONCLUDING THAT ASSERTION OF PERSONAL JURISDICTION OVER DEFENDANT IN EACH OF THE THREE ACTIONS EXCEEDED THE LIMITS OF DUE PROCESS?

The circuit court concluded that the exercise of personal jurisdiction exceeded the limits of due process.

State v American Bankers Ins. Co., 374 N.W.2d 609 (S.D. 1985)

Clune v. Alimak AB, 233 F.3d 538 (8th Cir. 2000)

Frankenfeld v. Crompton Corp., 2005 S.D. 55, 697 N.W.2d 378

State ex rel. Dann v. Bulgartabac Holding Group, 2007 WL 4395514 (Ohio App. 10 Dist., 2007)

SDCL 15-7-2

II

WHETHER THE CIRCUIT COURT ERRED IN CONCLUDING THAT EACH OF THE SERVICES OF PROCESS UPON DEFENDANT WAS INEFFECTIVE?

The circuit court concluded that service of process in Canada for each of the three actions was ineffective under state law and the Hague Convention.

Volkswagenwerk Aktiengesellschaft v. Schlunk, 486 U.S. 694, 108 S.Ct. 2104, 100 L.Ed.2d 722 (1988)

Northrup King Co. v. Compania Productora Semillas Algodoneras Selectas, SA, 51 F.3d 1383 (8th Cir. 1995)

Grajczyk v. Tasca, 2006 S.D. 55, 717 N.W.2d 624

SDCL 15-7-3

SDCL 15-6-4(e) (2004)

SDCL 15-6-4(d)(12) (2004)