

WEDNESDAY, JANUARY 13, 2010
11:00 A.M.

NO. 3

#25236

WILLIAM MUNDHENKE,
Plaintiff and Appellee,

vs.

STEVEN HOLM,
Defendant and Appellant.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable Tony Portra
Fifth Judicial Circuit
Brown County

(CIV 06-545)

STATEMENT OF LEGAL ISSUES

- I. WHETHER THE TRIAL COURT ERRED IN DENYING DEFENDANT/
APPELLANT'S REQUEST FOR JURY TRIAL.

Relevant Authority:

Article VI, Section 6 of the South Dakota Constitution

SDCL 15-6-38(a) and (b)

SDCL 48-1-4

First Nat Bank of Philip v. Temple, 2002 SD 36, 642
NW2d 197

Rosebud Sioux Tribe v. Strain, 432 NW2d 259, 264 (SD
1988)

- II. WHETHER THE TRIAL COURT ERRED WHEN IT DETERMINED THAT
MUNDHENKE AND HOLM FORMED A PARTNERSHIP AS CO-OWNERS OF
A-1 SANITATION, AND, IF THE COURT DID NOT ERR IN DETER-
MINING A PARTNERSHIP WAS ORIGINALLY FORMED BETWEEN
MUNDHENKE AND HOLM, DID THE COURT ERR WHEN IT DETER-
MINED THAT THERE WAS NOT A DE FACTO DISSOLUTION OF SAID
PARTNERSHIP SUBSEQUENT TO THE FORMATION OF THE
PARTNERSHIP.

Relevant Authority:

SDCL 48-1-2

Weidner v. Lineback, 140 NW2d 597 (SD 1966)

Widdoss v. Donahue, 331 NW2d 831 (SD 1983)

Charitan Feed and Grain, Inc. v. Harder, 369 NW2d 777
(Ia 1985)

Warren v. Warren, 784 SW2d 247, 256 (Mo 1989)