

TUESDAY, JANUARY 12, 2010
9:00 A.M.

NO. 1

#25216

MANDI LEIGH GRONSETH,
Plaintiff,

vs.

CHESTER RURAL FIRE PROTECTION
DISTRICT and CHESTER FIRE
DEPARTMENT,
Defendants.

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(FOR PLAINTIFF)

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(FOR DEFENDANTS)

The Honorable Lawrence L. Piersol
United States District Court

(CIV 07-4163)

STATEMENT OF LEGAL ISSUE

The certified question for this Court's consideration is as follows:

The Defendant driver was driving his own vehicle to the fire hall from which the firemen would then drive an emergency vehicle to the scene of the fire. Is the driving to the fire hall "any emergency care and services during an emergency..." so that SDCL § 20-9-4.1 would preclude liability to Plaintiff passenger unless Plaintiff showed the causing of "any damage by [Defendant's] willful, wanton or reckless act of commission or omission"?

List of most relevant authorities:

- SDCL § 20-9-4.1
- *Thompson v. Summers*, 567 N.W.2d 387, 1997 SD 103
- *Ferebee v. Smith*, 2006 WL 2092596 (D. S.D. 2006)
- *Culhane v. Equitable Life Assur. Soc. of the United States*, 274 N.W. 315, 65 S.D. 337 (S.D. 1937)