

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

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SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 17 2006

Shirley A. Johnson-Lay
Clerk

IN THE MATTER OF THE AMENDMENT)

SDCL 15-6-50(b)

)

RULE 06-45

A hearing was held on February 16, 2006, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-50(b), and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-50(b) be and it is hereby amended to read in its entirety as follows:

SDCL 15-6-50(b). Renewing motion for judgment after trial-Alternative motion for new trial.

If, for any reason, the court does not grant a motion for judgment as a matter of law made at the close of all the evidence, the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10 days after entry of judgment - and may alternatively request a new trial or join a motion for a new trial under § 15-6-59. In ruling on a renewed motion, the court may:

- (1) if a verdict was returned:
 - A. allow the judgment to stand;
 - B. order a new trial; or
 - C. direct entry of judgment as a matter of law; or
- (2) if no verdict was returned:
 - A. order a new trial; or
 - B. direct entry of judgment as a matter of law.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2006.

DATED at Pierre, South Dakota, this 17th day of March, 2006.

BY THE COURT:

David Gilbertson
David Gilbertson, Chief Justice

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)