

WEDNESDAY, MARCH 23, 2011
11:00 A.M.

NO. 3

#25757

FLOYD DEMARAY and
JAMES HAGEMANN,
Plaintiffs and Appellees,

vs.

DE SMET FARM MUTUAL INSURANCE
COMPANY,
Defendant and Appellant.

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(FOR APPELLEES)

The Honorable Tim D. Tucker
Third Judicial Circuit
Lake County

(CIV 10-87)

25757

STATEMENT OF THE LEGAL ISSUE

Whether the allegations contained in the Alvine Complaint gave rise to a duty to defend under the De Smet Farm Mutual insurance policy.

The Trial Court held in the affirmative.

Legal Authority:

South Dakota State Cement Plant Comm'n v. Wausau Underwriters Ins. Co., 2000 SD 116, 616 N.W.2d 116

Headley v. St. Paul Fire and Marine Ins. Co., 712 F.Supp. 745 (D.S.D. 1989)

Travelers Cas. & Sur. Co. v. Superior Court, 75 Cal.Rptr.2d 54 (Cal. Ct. App. 1998)

Weber v. IMT Ins. Co., 462 N.W.2d 283 (Iowa 1990)