

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

MAR 17 2006

*Shirley A. Johnson Long*  
Clerk

\* \* \* \*

IN THE MATTER OF THE AMENDMENT)

SDCL 15-6-30(g)

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RULE 06-25

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A hearing was held on February 16, 2006, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-30(g), 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 15-6-30(g) be and it is hereby amended to read in its entirety as follows:

**SDCL 15-6-30(g). Failure to attend or to serve subpoena for deposition expenses.**

- (1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by that party and that party's attorney in so attending, including reasonable attorney's fees.
- (2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon the witness and the witness because of such failure does not attend, and if another party attends in person or by attorney because that party expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the amount of reasonable expenses incurred by that party and that party's attorney in so attending, including reasonable attorney's fees.

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]*  
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Clerk of the Supreme Court  
(SEAL)