

1. As the three-year statute of limitations on Plaintiff's invasion of privacy claim had expired, did Plaintiff present sufficient evidence that Defendant fraudulently concealed the opening of Plaintiff's mail, when the mail had been sent to Defendant's business address, opened in the ordinary course of business, and later mailed by Defendant to Plaintiff?

The trial court denied Defendant's Motion for Judgment Notwithstanding the Verdict on this issue.

2. Did Plaintiff present sufficient evidence of an actionable invasion of privacy under South Dakota law when Defendant opened mail that was not marked personal or confidential, delivered to Defendant's business address, and opened in the ordinary course of business?

The trial court denied Farner-Bocken's Motion for Judgment Notwithstanding the Verdict on this issue.

3. Did the trial court err in denying Farner-Bocken's Motion for New Trial or Remittitur, based on the grounds that:

- A. Roth made improper and inflammatory statements in closing arguments that prevented Farner-Bocken from having a fair trial.
- B. Roth presented insufficient evidence to sustain any award of compensatory damages, or alternatively the compensatory damages award was excessive and was not supported by the evidence.
- C. The punitive damages award was excessive and a result of passion and prejudice and violates both South Dakota Law and the Due Process Clause.
- D. The trial court inappropriately allowed Plaintiff to present financial information of the combined Farner-Bocken corporate entity rather than limiting the presentation of financial information to the separate corporation that employed Roth at the time of the alleged invasion.

The trial court denied Defendant's motion for a new trial on these issues.

4. Did the trial court err in granting Roth a jury trial when he had not requested one in his Complaint or Amended Complaint?

The trial court determined that Roth was entitled to a jury trial even though he had not requested one in the initial or amended complaint.