

**LEGAL ISSUES**

**1. WHETHER THE LOWER COURT ERRONEOUSLY GRANTED SUMMARY JUDGMENT BASED ON THE STATUTE OF LIMITATIONS.**

The Trial Court granted summary judgment based on the statute of limitations.

*Cody v. Leapley*, 476 N.W.2d 257 (S.D. 1991)

*Koenig v. Lambert*, 527 N.W. 2d 903 (S.D. 1995)

*Stratmeyer v. Stratmeyer*, 1997 SD 97, 567 N.W.2d 220

SDCL 26-10-25

SDCL 15-6-15

**2. WHETHER THE LOWER COURT ABUSED ITS DISCRETION IN FAILING TO GRANT LEAVE TO AMEND THE COMPLAINT.**

The Trial Court denied Plaintiffs' Motion for an Extension of Time for Each Plaintiff to File a Motion to Amend the Complaint.

*Americana Healthcare Center v. Randall*, 513 N.W.2d 566, 571 (S.D. 1994)

*Estate of Steffen*, 467 N.W.2d 490 (S.D. 1991)

*Twin City Federal Savings & Loan Association v. Transamerica Insurance Co.*, 491 F.2d 1122 (8th Cir. 1974)

SDCL 15-6-15

SDCL 15-6-56