

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF)
SUPREME COURT DOCKETING STATEMENT (FORM) RULE 97-44
5, APPENDIX TO SDCL 15-26A))

A hearing having been held on September 10, 1997, at Pierre, South Dakota, relating to the amendment of Supreme Court Docketing Statement (Form 5, Appendix to SDCL 15-26A), and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that the Supreme Court Docketing Statement (Form 5, Appendix to SDCL 15-26A) be and it is hereby amended to read in its entirety as it is hereto attached and made a part hereof.

IT IS FURTHER ORDERED that this rule shall become effective October 15, 1997.

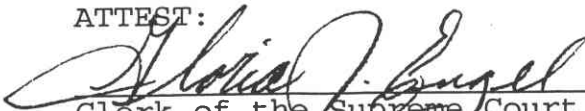
DATED at Pierre, South Dakota, this 15th day of September, 1997.

BY THE COURT:



Robert A. Miller, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP 15 1997


Clerk

TRIAL COURT

1. The circuit court from which the appeal is taken:
2. The county in which the action is venued at the time of appeal:
3. The name of the trial judge who entered the decision appealed:

4. Identify each party presently of record and the name, address, and phone number of the attorney for each party. (May be continued on an attached appendix.)

SECTION B.

TIMELINESS OF APPEAL

(If section B is completed by an appellee filing a notice of review pursuant to SDCL 15-26A-22, the following questions are to be answered as they may apply to the decision the appellee is seeking to have reviewed.)

1. The date the judgment of order appealed from was signed and filed by the trial court: _____
2. The date notice of entry of the judgment or order was served on each party: _____
3. State whether either of the following motions was made:
 - a. Motion for judgment n.o.v., SDCL 15-6-50(b): _____ Yes _____ No
 - b. Motion for new trial, SDCL 15-6-59: _____ Yes _____ No

NATURE AND DISPOSITION OF CLAIMS

(Confine responses to questions 4 through 6 to the space provided.)

- _____
4. State the nature of each party's separate claims, counterclaims or cross-claims and the trial court's disposition of each claim (e.g., court trial, jury verdict, summary judgment, default judgment, agency decision, affirmed/reversed, etc.).

- _____
5. Appeals of right may be taken only from final, appealable orders. See SDCL 15-26A-3 and 4.
 - a. Did the trial court enter a final judgment or order that resolves all of each party's individual claims, counterclaims, or cross-claims? _____ Yes _____ No
 - b. If the trial court **did not** enter a final judgment or order as to each party's individual claims, counterclaims, or cross-claims, did the trial court make a determination and direct entry of judgment pursuant to SDCL 15-6-54(b)? _____ Yes _____ No

6. State each issue intended to be presented for review. (Parties will not be bound by these statements.)

Date: _____

Signature

Attach a copy of any memorandum opinion and findings of fact or conclusions of law supporting the judgment or order appealed from. **See** SDCL 15-26A-4(2).