

TUESDAY, NOVEMBER 8, 2005  
10:00 A.M.

NO. 2

#23465

PATRICK R. HALL and MARLYN G.  
ERICKSON and FUEL FOOD MART, INC.,  
a South Dakota corporation,  
Plaintiffs and Appellants,

vs.

STATE OF SOUTH DAKOTA, by and  
through the South Dakota Department of  
Transportation and the South Dakota  
Department of Transportation Commission,  
Defendant and Appellee.

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**STATEMENT OF THE ISSUES**

**Should the State be obligated to pay just compensation to the Plaintiffs for depriving them of their right of access to a public highway by closing the highway interchange abutting the Plaintiffs' property?**

Circuit Court: No

**Was the State's action in closing the highway interchange abutting the Plaintiffs' property for the acknowledged purpose of shutting down Plaintiffs' business an abuse of the State's police power?**

Circuit Court: No