

WEDNESDAY, FEBRUARY 16, 2011
10:00 A.M.

NO. 1

#25710

ALFRED JENNINGS, DALE HAYFORD,
ROMAN ROBERTS, RICK FARLEY,
TODD CARLSON, CLAY ROSE,
LEONARD FEIST, KASEY COFFIELD,
STANLY FEDERKIEWICZ, WILLIAM MAY,
DICKIE KAISER, DEAN SORENSON,
ROBERT KOSKI, MARY GEERSMA,
CHARLES EDWARDS, DONALD BERTALOT,
LYNN SHUCK, SUSAN BURNISON,
KELVIN KIEL, CHARLES SWANSON,
CHARLOTTE WARD and KENNETH MERNAUGH,
Plaintiffs and Appellants,

vs.

RAPID CITY REGIONAL HOSPITAL INC.,
REGIONAL HEALTH NETWORK, INC., and
REGIONAL HEALTH PHYSICIANS, INC.,
Defendants and Appellees.

Mr. Steven M. Christensen
Christensen Law Office
Attorney at Law
PO Box 583
Deadwood SD 57732-0583
Ph: 578-1953

(FOR APPELLANTS)

Mr. Reed C. Richards
Richards and Richards
Attorneys at Law
6626 Centennial Rd
Spearfish SD 57783
Ph: 578-2572

(FOR APPELLANTS)

Mr. Jeffrey G. Hurd
Mr. Daniel G. Duffy
Bangs, McCullen, Butler,
Foye & Simmons
Attorneys at Law
PO Box 2670
Rapid City SD 57709-2670
Ph: 343-1040

(FOR APPELLEES)

The Honorable Randall L. Macy
Fourth Judicial Circuit
Lawrence County

(CIV 09-404)

STATEMENT OF THE LEGAL ISSUES

I.

THE TRIAL COURT ERRED IN FAILING TO FIND PLAINTIFFS
THIRD-PARTY BENEFICIARIES TO THE CONTRACTS HEREIN

a: The Trial Court found Employees not to be third-party
beneficiaries.

b: List of Most Relevant Authorities.

- i *Sisney v. Reisch*, 2008 SD 72, 754 NW2d 813
- ii *Nahom v. Blue Cross et. al*, 885 P2d 1113 (Ariz 1994)
- iii SDCL 53-2-6
- iv Restatement (Second) of Contracts §302

II.

THE TRIAL COURT ERRED IN FINDING THE HOSPITAL'S
"CONSENT TO TREATMENT AND CONDITIONS OF ADMISSION"
AGREEMENTS TO BE ENFORCEABLE CONTRACTS AGAINST
EMPLOYEES.

a: The Trial Court found Condition of Admission agreement to be an
enforceable contract.

b: List of Most Relevant Authorities.

- i *Geraets v. Halter*, 1999 SD 11, 588 NW2d 231
- ii *Nygaard v. Sioux Valley Hosp.*, 2007 SD 34, 731 NW2d 184
- iii SDCL 53-2-3

III.

THE TRIAL COURT ERRED BY BASING ITS RULING ON
UNSTIPULATED FACTS AND ERRONEOUS LEGAL CONCLUSIONS.

a: The Trial Court found Employees liable for medical bills under the
terms of the Pope & Talbot contract and the Regional Hospital contract

b: List of Most Relevant Authorities.

- i Appendix Exhibit A
- ii Appendix Exhibit B