

STATEMENT OF LEGAL ISSUE

WHETHER THE TRIAL COURT ABUSED ITS DISCRETION WHEN IT PRECLUDED LITA FROM OFFERING EVIDENCE REGARDING DR. PETERSON'S EXPERIENCES AND COMPETENCY PERFORMING THE SUBJECT MEDICAL PROCEDURE GENERALLY AND HAVING CAUSED THE IDENTICAL INJURY TO OTHER PATIENTS.

Trial court held in the negative.

Relevant Cases and Statutory Provisions:

SDCL § 19-12-3.

Kostel v. Schwartz, 2008 SD 85, 756 N.W.2d 363 (2008).

Mousseau v. Schwartz, 2008 SD 86, 756 N.W.2d 345.

Supreme Pork, Inc. v. Master Blaster, Inc., 2009 SD 20, 764 N.W.2d 474 (2009).