

FEB 27 2023

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

*Shirley A. Jameson-Fergel*  
Clerk

\* \* \* \*

IN THE MATTER OF THE AMENDMENT )  
SDCL 15-26A-73 )

RULE 23-05

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A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-73, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26A-73 is amended to read in its entirety as follows:

**SDCL 15-26A-73. Supplemental brief with late authorities-- Service on opposing counsel.**

Whenever a party desires to present late authorities, newly enacted legislation, or other intervening matters that were not available in time to have been included in ~~his~~ the party's brief in chief, ~~he~~ the party shall serve a copy thereof upon ~~opposing counsel~~ the attorney for each party to the action separately represented and upon any party who is not represented by counsel and file ~~fifteen copies of~~ the supplemental brief, restricted to such new matter and otherwise in conformity with this chapter, up to the time the case is called for hearing, or by leave of court thereafter. A supplemental brief shall not exceed ten pages.

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

DATED at Pierre, South Dakota, this 27th day of February, 2023.

BY THE COURT:

ATTEST:

*[Signature]*  
Clerk of the Supreme Court  
(SEAL)

*[Signature]*  
STATE OF SOUTH DAKOTA  
Steven R. Jensen, Justice

I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 21 day of Feb, 2023.

*[Signature]*  
Clerk of Supreme Court  
Deputy