

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

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PEGGY A. DETMERS,
Plaintiff and Appellant,

vs.

KEVIN COSTNER,
Defendant and Appellee.

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ORDER
#31028

The Court considered all of the briefs filed in the above-entitled matter, together with the appellate record, and having concluded pursuant to SDCL 15-26A-87.1(C), that it is manifest on the face of the briefs and the record that the circuit court's order granting summary judgment for the Defendant is erroneous because there is an imminent conflict that is sufficiently ripe for a declaration of the parties' rights and obligations under the contract at issue; now therefore it is hereby

ORDERED that the circuit court's orders granting Defendant's motion to dismiss and denying Plaintiff's motion for summary judgement are reversed; and it is further,

ORDERED that the circuit court shall, on remand, enter an order granting Plaintiff's motion for summary judgment and declaring, consistent with this Court's ruling in *Detmers v. Costner*, 2023 S.D. 40, ¶ 29, 994 N.W.2d 445, 456 that the obligations stemming from the condition in paragraph three of the May 5, 2000, agreement between the parties that "the sculptures are not agreeably displayed


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elsewhere" are ongoing and therefore Defendant's "decision to unilaterally sell Tatanka and relocate the sculptures would trigger the sale clause in paragraph three of the agreement unless the parties agree to another display location."

DATED at Pierre, South Dakota, this 5th day of December 2025.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Steven R. Jensen, Chief Justice

(Justice Mark E. Salter disqualified.)

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Patricia J. DeVaney, Scott P. Myren, and Circuit Court Judge Julie Dvorak.

Chief Justice Steven R. Jensen and Justice Scott P. Myren dissent.

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

DEC -5 2025


Clerk