

WEDNESDAY, AUGUST 27, 2008
9:00 A.M.

NO. 1

#24692

SUSAN JEAN KURTZ,
Plaintiff and Appellee,

vs.

AARON LEE SQUIRES,
Defendant and Appellant.

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(FOR APPELLEE)

The Honorable Stuart L. Tiede
Second Judicial Circuit
Minnehaha County

(CIV 04-1470)

20-20-10

STATEMENT OF THE ISSUES

I. Did the circuit court abuse its discretion by denying Aaron's Motion for New Trial?

The circuit court denied Aaron's Motion for New Trial.

- ♦ *First Premier Bank v. Kolcraft Enterprises, Inc.*, 2004 SD 92, 686 N.W.2d 430
- ♦ *Kjerstad v. Ravellette Publ'ns, Inc.*, 517 N.W.2d 419 (S.D. 1994)
- ♦ *LDL Cattle Co. v. Guetter*, 1996 SD 22, 544 N.W.2d 523

II. Did the circuit court abuse its discretion by overruling Aaron's chain of custody objection to a bumper cover?

The circuit court overruled Aaron's objection.

- ♦ *State v. Guthrie*, 2001 SD 61, 627 N.W.2d 401
- ♦ *State v. Brings Plenty*, 490 N.W.2d 261 (S.D. 1992)
- ♦ *Citizens Ins. Co. of Am. v. Sears Roebuck & Co.*, 203 F. Supp. 2d 837 (W.D. Mich. 2002)
- ♦ *Storm v. Ford Motor Co.*, 526 S.W.2d 875 (Mo. Ct. App. 1975)

III. Did the circuit court abuse its discretion by circumscribing Aaron's ability to inquire into Susan's previous claim of permanent disability?

The circuit court granted Susan's motion *in limine*.

- ♦ *State v. Guthrie*, 2001 SD 61, 627 N.W.2d 401
- ♦ *Arnold v. Goose*, 109 F.3d 1292 (8th Cir. 1997)
- ♦ *Dugan v. EMS Helicopters, Inc.*, 915 F.2d 1428 (10th Cir. 1990)
- ♦ *Williams v. Union Carbide Corp.*, 790 F.2d 552 (6th Cir. 1986)