

WEDNESDAY, OCTOBER 6, 2010  
10:00 A.M.

NO. 2

#25566

NEW LEAF, LLC, ROBERT J.  
DVORAK and VIANNA JUNE DVORAK,  
Plaintiffs and Appellants,

vs.

FD DEVELOPMENT OF BLACK HAWK,  
LLC and FAMILY DOLLAR STORES  
OF SOUTH DAKOTA, INC.,  
Defendants and Appellees.

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(FOR APPELLEE FAMILY  
DOLLAR)

The Honorable Jerome A. Eckrich, III  
Fourth Judicial Circuit  
Meade County

(CIV 07-82)

STATEMENT OF ISSUES

- I. **Whether the Covenant Restraining the Sale of Grocery Items was a Valid Covenant.**

The Trial Court held in the negative.

MOST RELEVANT AUTHORITIES

CASES:

1. *Divich v. Divich*, 2002 SD 24, 640 N.W.2d 758
2. *Jackson v. Canyon Place Homeowner's Assoc., Inc.*  
2007 SD 37, 731 N.W.2d 210
3. *Halls v. White*, 2006 SD 47, 715 N.W.2d 577

- II. **Whether New Leaf and the Dvoraks were Entitled to Equitable Relief in the Form of a Permanent Injunction relative to Family Dollar's Knowing and Willful Violation.**

The Trial Court held in the negative.

MOST RELEVANT AUTHORITIES

CASES:

4. *Foley v. City of Yankton*, 230 N.W.2d 476 (S.D. 1975)
5. *Maryhouse, Inc. v. Hamilton*, 473 N.W.2d 472 (S.D. 1991)
6. *Schuetzle v. Duba*, 201 F.Supp 754 (D.S.D. 1962)

STATUTES:

SDCL § 21-8-14