

TUESDAY, JANUARY 10, 2012
9:00 A.M.

NO. 1

#26083

DOUGLAS A. RUMPCA,
Plaintiff and Appellant,

vs.

GLENN A. BRENNER,
Defendant and Appellee.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable Robert A Miller
Seventh Judicial Circuit
Pennington County

(CIV 10-677)

STATEMENT OF ISSUES

I. Whether there is a reasonable basis to believe that the Defendant's conduct was willful, wanton or malicious.

The Trial Court held in the negative.

MOST RELEVANT AUTHORITIES

SDCL § 21-1-4.1

Flockhart v. Wyant, 467 N.W.2d 473 (S.D. 1991)

Case v. Murdock, 488 N.W.2d 885 (S.D. 1992)

Dahl v. Sittner, 474 N.W.2d 897 (S.D. 1991)

II. Whether there exists a question of material fact that the Plaintiff's spouse had affections for the Plaintiff at the time of the Defendant's conduct, so as to preclude summary judgment.

The Trial Court held in the negative.

MOST RELEVANT AUTHORITIES

SDCL § 20-9-7

Veeder v. Kennedy, 1999 S.D. 23, 589 N.W.2d 610

Pankratz v. Miller, 401 N.W.2d 543 (S.D. 1987)

Pickering v. Pickering, 434 N.W.2d 758 (S.D. 1989)