<u>NO. 3</u>

<u>#25813</u>

KEVIN RONAN, MD and
PATRICIA RONAN,
          Plaintiffs and Appellants,

   vs.

SANFORD HEALTH d/b/a SANFORD
HOSPITAL, SANFORD CLINIC,
BRADLEY E. HRUBY, MD, WENDELL
W. HOFFMAN, MD, RICHARD D. HARDIE,
MD and DAVID A THOMAS, MD,
          Defendants and Appellees.


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The Honorable Patricia C. Riepel            <u>(CIV 08-2419)</u>
Second Judicial Circuit
Minnehaha County

## STATEMENT OF THE ISSUES

I.  Did the trial court err in excluding evidence of a September 22, 2006 meeting between the Ronans and Sanford Health employees Becky Nelson and Jeannie Schwarting, and of admissions against interest made by Nelson and Schwarting during the meeting?

The trial court concluded that evidence of the meeting and the admissions were inadmissible pursuant to SDCL § 19-12-14, and precluded the Ronans from presenting such evidence in their case in chief. *See* 10/4 Trans. at 3-7.

Relevant Cases and Authorities:

*Sabag v. Continental South Dakota*, 374 N.W.2d 349, 354 (S.D. 1985).

*Lykken v. Class*, 1997 SD 27, ¶¶24-25, 561 N.W.2d 302, 308.

*Kassel v. Gannett Co., Inc.*, 875 F.2d 935, 952 (1st Cir. 1989).

SDCL § 19-12-14.

II.  Did the trial court err in precluding the Ronans from impeaching the testimony of expert witness Dr. John Galgiani with evidence that Dr. Ronan had been referred to Dr. Galgiani but that Dr. Galgiani had cancelled the appointment so that he could serve as a paid expert for Defendants?

The trial court granted Defendants' motion in limine concerning such evidence, and reaffirmed that ruling at trial. *See* 9/20 Trans. at 10-13; 10/8 Trans. at 88-93.

Relevant Cases:

*Mousseau v. Schwartz*, 2008 SD 86, ¶32, 756 N.W.2d 345, 359.