

TUESDAY, JANUARY 10, 2006
9:00 A.M.

NO. 1

#23684

ROGER VETTER,
Plaintiff and Appellee,

vs.

CAM WAL ELECTRIC
COOPERATIVE, INC.,
Defendant and Appellant.

Mr. Richard D. Casey
Ms. Nicole Nachtigal Emerson
Lynn, Jackson, Shultz & Lebrun
Attorney at Law
PO Box 1920
Sioux Falls SD 57101
Ph 332-5999

(FOR APPELLANT)

Mr. Thomas W. Clayton
Attorney at Law
300 N Dakota Ave #310
Sioux Falls SD 57104-6026
Ph 331-2565

(FOR APPELLEE)

(20-20-10)

STATEMENT OF THE ISSUES

**I. WHETHER THE CIRCUIT COURT ERRED IN REFUSING TO
GIVE DEFENDANT'S REQUESTED JURY INSTRUCTION NO. 16.**

The Circuit Court denied Defendant's Requested Jury Instruction No. 16 which contained a correct and accurate statement of the law regarding the jury's role as one of assessing the objective reasonableness of Cam Wal's factual determination of misconduct at the time it determined to terminate Vetter. Cam Wal filed a Motion for New Trial or, in the alternative, for Remittitur alleging error in the Circuit Court's failure to give Defendant's Requested Jury Instruction No. 16. The Circuit Court denied Cam Wal's Motion.