

TUESDAY, OCTOBER 6, 2009
11:00 A.M.

NO. 3

#25144

STACIE WILCOX f/k/a Stacie
Sheesley, Personal
Representative of the
Estate of Shane Sheesley,
Plaintiff and Appellee,

vs.

DEE ANN VERMEULEN, as Personal
Representative of the Estate
of Thomas Vermeulen,
Defendant and Appellant.

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(FOR APPELLEE)

The Honorable Janine Kern
Seventh Judicial Circuit
Pennington County

(CIV 08-1796)

20-20-10

STATEMENT OF LEGAL ISSUES

II. Whether Appellant should have been allowed to present expert economic evidence? The Trial Court denied Appellant's Motion to Present Expert Economic Evidence.

LEGAL AUTHORITIES:

SDCL 21-5-7.

SDCL 21-5-8.

A-G-E Corp. v. State, 2006 SD 66, 719 NW 2nd 780.

Corder v. Corder, 2007 WL 4480122 (Cal. APP. 4 District. DEC 21, 2007).

II. Whether the Court's allocation of wrongful death proceeds was clearly erroneous and/or an abuse of discretion? The Court's judgment allocated the vast majority of the proceeds to Appellee.

LEGAL AUTHORITIES:

SDCL 21-5-8.

Zoss v. Dakota Truck Underwriters, 1999 SD 37, 590 NW 2nd 911.

Sander v. Geib, Elston, Frost Professional Association, 506 NW 2nd 107 (SD 1993).

In re: Estate of Howe, 2004 SD 118, 689 NW 2nd 22.