

TUESDAY, SEPTEMBER 30, 2008
10:00 A.M.

NO. 2

#24822

DISCOVER BANK,
Plaintiff and Appellee,

vs.

JOSEPH STANLEY,
Defendant and Appellant.

Mr. Casey N. Bridgman
Bridgman and Adel
Attorneys at Law
PO Box R
Wessington Springs SD 57382-0356
Ph 539-1066
(FOR APPELLANT)

Mr. Robert A. Martin
Robert A. Martin, PC
Attorney at Law
PO Box 484
Rapid City SD 57709-0484
Ph 348-0784
(FOR APPELLEE)

The Honorable Tony Portra
Fifth Judicial Circuit
Spink County
(CIV 05-13)

20-20-10

STATEMENT OF LEGAL ISSUES

1. Is a moving party in a motion for summary judgment required to provide a statement of material facts?

The circuit court answered this question in the negative.

Most relevant statute: SDCL 15-6-56(c)(1)

2. Does a genuine issue of material fact exist where there is no proof that Stanley had ever charged anything to the Discover credit card?

The circuit court answered this question in the negative.

Most relevant case: Owens v. F.E.M. Electric Association, Inc., 2005 SD 35, 694 N.W. 2d 274.

Most relevant statute: SDCL 15-6-56(c)

3. Does a genuine issue of material fact exist where Stanley had paid over \$8,600 on the account and the account was shown to be paid?

The circuit court answered this question in the negative.

Most relevant case: Owens v. F.E.M. Electric Association, Inc., 2005 SD 35, 694 N.W. 2d 274.

Most relevant statutes: SDCL 15-6-56(c)