

STATEMENT OF LEGAL ISSUES

1. Is the endorsement, Underinsured Motorist Coverage, PP 03 11, to Policy No. 9177118MN, incompatible with the Financial Responsibility laws and the Underinsured Motorist laws of the State of South Dakota, and may such underinsured motorist coverage be limited to only those claims for uncompensated damages that an insured has for his own bodily injuries?

The trial court held that such endorsement was not incompatible and that an insurer could so restrict UIM coverage.

2. Does the authorities of other states support the position of the Iowa Mutual Insurance Company in this matter?

The trial court held in the affirmative on this issue.

3. Is Scott Gloe the real party in interest, and does he have an individual claim for damages as a result of the wrongful deaths of his parents?

The trial court did not address this issue and in effect denied same.

4. Does the Releases of the Tortfeasor and failure of Scott Gloe and of the Personal Representative of the estates of Larry W. Gloe and Verna Mae Gloe to recover Judgment against the Tortfeasor negate any recovery by Scott Gloe herein?

The trial Court did not address this issue and in effect denied same.