

LEGAL ISSUES

Whether the Trial Court erred by not considering exhibits attached to Affidavits in Opposition to Summary Judgment?

The Trial Court did not consider the exhibits.

*Compton-Richmond Company v. Briggs*, 560 F2d 1195 (CA5 1977)

*Rosario v. Garment Cutter's Union*, 605 F2d 1228 (CA2 1979)

*US v. Consolidated Edison Co.*, 580 F2d 1122 (CA2 1978)

*US v. Pezzint*, 703 F2d 420 (CA9 1983)

Whether material facts were in dispute that required resolution by the fact finder?

The trial court held there were not.

*Braun v. New Hope Township*, 2002 SD 67, 646 NW2d 737

*Cwik, Sr. v. Zylstra*, 155 A2d 277 (NJ 1959)

*Kuehl V. Horner Lumber Co.*, 2004 SD 48, 678 NW2d 809

*Schipper v. Levitt & Sons, Inc.*, 207 A2d 314 (NJ 1965)