

STATEMENT OF LEGAL ISSUES PRESENTED FOR REVIEW

VI. Whether The Trial Court Erred In Finding Insufficient Minimum Contacts When Pipestone Plumbing & Heating Had An Ongoing Business Relationship with Master Blaster.

The trial court held in the negative.

Daktronics, Inc. v. LBW Tech Co., 2007 SD 80, 737 NW2d 413

Denver Truck and Trailer Sales Inc. v. Design & Bldg. Services, Inc., 2002 SD 127, 653 NW2d 88

Burger King Corp. v. Rudzewicz, 471 US 462, 105 SCt 2174, 85 LEd2d 528 (1985)

Asahi Metal Industry Co., Ltd. v. Superior Court of California, 480 US 102, 107 SCt 1026, 94 LEd2d 92 (1987)

VII. The Trial Court Erred When It Failed To Give the Jury Instructions On The Issue of Agency.

The trial court held in the negative.

Ossenfort v. Associated Milk Producers, Inc., 254 NW2d 672 (Minn 1977)

Boland v. Morrill, 270 Minn 86, 132 NW2d 711 (Minn 1965)

Guhlke v. Roberts Truck Lines, 128 NW2d 324, 326 (Minn 1964)

VIII. Whether the Trial Court Erred When It Admitted Previously Undisclosed Testimony from Plaintiff's Expert Witnesses.

The trial court held in the negative.

Kaiser v. University Physicians, 2006 SD 95, 724 NW2d 186

Papke v. Harbert, 2007 SD 87, 738 NW2d 510

Burley v. Kytac Innovative Sports Equipment, Inc., 2007 SD 82, ¶12, 737 NW2d 397

SDCL § 15-6-26(e)

IX. Whether The Trial Court Erred When It Admitted Irrelevant and Prejudicial Testimony of Prior Bad Acts, Character Evidence.

The trial court held in the negative.

SDCL § 19-12-3

SDCL § 19-12-5

State v. Madsen, 2005 SD 71, ¶ 18, 698 NW2d 538

Sander v. Geib, Elston, Frost Professional Ass'n, 506 NW2d 107 (SD 1993)

V. **Whether The Trial Court Erred When it Admitted Unreliable Expert Testimony That Failed to Meet the *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, Standard**

The trial court held in the negative

SDCL § 19-15-2

Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 US 579, 113 SCt 2786, 125 LEd2d 469 (1993)

Truck Ins. Exchange v. MagneTek, Inc., 360 F3d 1206 (10th Cir 2004)

State v. Moeller, 2000 SD 122, 616 NW2d 424