

MONDAY, SEPTEMBER 29, 2008
11:00 A.M.

NO. 3

#24860

SAMINA GUL, M.D.,
Plaintiff and Appellant,

vs.

CENTER FOR FAMILY MEDICINE
and DR. EARL KEMP,
Defendants and Appellees.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable William J. Srstka, Jr.
Second Judicial Circuit
Minnehaha County

(CIV 07-4997)

20-20-10

STATEMENT OF THE ISSUES¹

- I. Did the trial court improperly grant CFM's Motion for Summary Judgment, and simultaneously deny Dr. Gul's Motion for Summary Judgment against the plain language of the contract the Court relied upon in ruling on both dispositive motions?**

The trial court granted CFM's motion for summary judgment and denied Dr. Gul's cross-motion for summary judgment, even though CFM failed to give the contractually required notice and opportunity to be heard before terminating Dr. Gul's contract.

Relevant Cases:

State Farm Mut. Auto Ins. Co. v. Vostad, 520 NW2d, 273 (1994)

Butterfield v. Citibank of South Dakota, 437 NW2d, 857, 859 (SD 1989)

Richardson v. East River Electric Power Cooperative, 531 NW2d, 23 (SD 1995)

¹ Dr. Gul is not seeking review of the trial court's decision to dismiss her defamation claim.

- II. Does a paid resident of a government subsidized medical program, have a sufficient property interest in such employment to be entitled to a pre-deprivation hearing before such a property right can be taken?**

The trial court determined that Dr. Gul was entitled to only the bare minimum due process.

Relevant Cases:

Boston Medical Center Corp., 330 NLRB No. 30, Case 1-RC-2074 (November 26, 1999)

Cleveland Board of Education v. Loudermill, 470 US 532 (1985)