

WEDNESDAY, MARCH 24, 2010  
11:00 A.M.

NO. 3

#25403

A. UNRUH CHIROPRACTIC CLINIC,  
Plaintiff and Appellee,

vs.

DESMET INSURANCE COMPANY OF  
SOUTH DAKOTA,  
Defendant and Appellant,

and

DESMET INSURANCE COMPANY OF  
SOUTH DAKOTA,  
Third-Party Plaintiff and  
Appellant,

vs.

HENRY LENTSCH and DOROTHY  
LENTSCH,  
Third-Party Defendants.

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(FOR APPELLANT)

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(FOR APPELLEE)

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

(CIV 08-1971)

STATEMENT OF THE LEGAL ISSUE

*Whether An Assignment Of The Proceeds Of A Personal Injury Claim Is Enforceable In South Dakota Against An Insurer That Has Settled The Claim With The Injured Party*

The Trial Court held in the affirmative.

Legal Authority:

- A. Quality Chiropractic, P.C. v. Farmers Ins. Co. of Arizona, 51 P.3d 1172 (N.M. App. 2002)
- B. Midtown Chiropractic v. Illinois Farmers Ins. Co., 847 N.E.2d 942 (Ind. 2006)
- C. West Broad Chiropractic v. American Family Ins., 912 N.E.2d 1093 (Ohio 2009)