

THURSDAY, JANUARY 14, 2009
11:00 A.M.

NO. 3

#25233

ALVINE FAMILY LIMITED
PARTNERSHIP,
Plaintiff and Appellant,

vs.

JAMES HAGEMANN, HAGEMANN RED
ANGUS and FLOYD DEMARAY,
Defendants and Appellees.

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(FOR APPELLANT)

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(FOR APPELLEES)

The Honorable Tim D. Tucker
Third Judicial Circuit
Lake County

(CIV 07-146)

20-20-10

STATEMENT OF THE ISSUE

**I. WAS THE PLAINTIFF ENTITLED TO JUDGMENT AS A MATTER OF LAW
ON THE CLAIM FOR INTENTIONAL TRESPASS?**

The trial court denied the plaintiff's motion for directed verdict and judgment notwithstanding the verdict on the civil trespass claim and entered judgment for the defendants.

- *Benson v. State*, 2006 SD 8, 710 N.W.2d 131
- *State v. Rumpca*, 2002 SD 124, 652 N.W.2d 795
- *Bartels v. Anaconda Co.*, 304 N.W.2d 108 (S.D. 1981)
- Restatement (Second) of Torts, § 158