

WEDNESDAY, FEBRUARY 18, 2009
9:00 A.M.

NO. 1

#24970

JEANIE WEEKLEY,
Plaintiff and Appellant,

vs.

JERRY PROSTROLLO and
ROBERT J. WAGNER,
Defendants and Appellees.

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(FOR APPELLEE PROSTROLLO)

The Honorable Jon R. Erickson
Third Judicial Circuit
Codington County

(CIV 06-0629)

20-20-10

#24970

STATEMENT OF LEGAL ISSUE

WHETHER THE CIRCUIT COURT ERRED IN DETERMINING THAT NEITHER WAGNER NOR PROSTROLLO BREACHED THEIR FIDUCIARY DUTY TO WEEKLEY AND CAUSED HER DAMAGE?

The circuit court determined that Wagner's and Prostrollo's breach of fiduciary duties did not cause Weekley to be damaged.

Wagner v. Brownlee, 2006 SD 38, 713 NW2d 592.

Christie v. Dold, 524 NW2d 866 (SD 1994).

SDCL 29A-3-808(b).

SDCL 29A-3-703(a).

SDCL 29A-3-704.

SDCL 29A-3-712.