

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAR 17 1997

*Maria J. Bugel*  
Clerk

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IN THE MATTER OF THE AMENDMENT OF SDCL)  
SDCL 15-39-61 )

RULE 97-18

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A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the amendment of SDCL 15-39-61, and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-39-61 be and it is hereby amended to read in its entirety as follows:

**15-39-61. Separation of parties when removal sought as to part -- Copies of papers transmitted in lieu of originals.** In any action brought by or against two or more persons in which separate judgments are authorized by law, the party seeking removal may specify in the petition of jury trial the parties as to whom such trial is claimed, in which case the cause shall be removed as to such parties only as are specified in the petition and the court before whom the case is brought shall retain jurisdiction as to the remainder. In such case the clerk of court shall transmit attested copies of the papers in the action to the clerk of the circuit or magistrate court in lieu of the originals.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1997.

DATED at Pierre, South Dakota, this 17th day of March, 1997.

BY THE COURT:

*Robert A. Miller*

Robert A. Miller, Chief Justice

ATTEST:

*Maria J. Bugel*  
Clerk of the Supreme Court  
(SEAL)