

SUPREME COURT  
IN THE SUPREME COURT STATE OF SOUTH DAKOTA  
FILED

OF THE

FEB 21 2023

STATE OF SOUTH DAKOTA

\* \* \* \*

*Shirley A. Johnson-Lopez*  
Clerk

TIMOTHY JOHN EVENS,  
Plaintiff and Appellee,

vs.

RACHEL JOANNA EVENS,  
Defendant and Appellant.

) ORDER DIRECTING ISSUANCE OF  
) JUDGMENT OF AFFIRMANCE  
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The Court considered all of the briefs filed in the above-entitled matter, together with the appeal record, and concluded pursuant to SDCL 15-26A-87.1(A), that it is manifest on the face of the briefs and the record that the appeal is without merit on the following grounds: 1. that the issues on appeal are clearly controlled by settled South Dakota law or federal law binding upon the states, and 2. that the issues on appeal are ones of judicial discretion and there clearly was not an abuse of discretion (SDCL 15-26A-87.1(A)(1) and (3)), now, therefore, it is

ORDERED that a judgment affirming the Orders of the lower court be entered forthwith.

IT IS FURTHER ORDERED that Appellee have and recover from Appellant attorney fees on this appeal, allowed at Eight-thousand, Four-hundred, Ninety-three and 38/100 Dollars.

DATED at Pierre, South Dakota, this 21st day of February 2023.

BY THE COURT:

ATTEST:

*[Signature]*  
Clerk of the Supreme Court  
(SEAL)

*[Signature]*  
Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.