

IN THE SUPREME COURT

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OF THE

MAY 01 2023

STATE OF SOUTH DAKOTA

Shirley A. Johnson Lepp
Clerk

* * * *

BRET HEALY,)	ORDER DIRECTING ISSUANCE OF
Plaintiff and Appellant,)	JUDGMENT OF AFFIRMANCE
)	
vs.)	#30134
)	
HEALY RANCH, INC.,)	
Defendant and Appellee.)	
)	

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, 2. that the issues on appeal are factual and there clearly is sufficient evidence to support the findings of fact and conclusions of law and 3. 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), (2) and (3)), now, therefore, it is

ORDERED that a judgment affirming the Judgment of the circuit court be entered forthwith.

IT IS FURTHER EORDERED that pursuant to SDCL 15-6-26(c) and SDCL 15-26A-87.3 costs and/or attorney fees shall be taxed and allowed at Five-thousand, Nine and 60/100 Dollars in favor of Appellee against Appellant.

DATED at Pierre, South Dakota, this 1st day of May, 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.