

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAR 17 2006

*Miss A. Johnson Long*  
Clerk

IN THE MATTER OF THE AMENDMENT)  
SDCL 15-6-56(c) )

RULE 06-55

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A hearing was held on February 16, 2006, at Pierre, South Dakota, relating to the amendment of SDCL 15-6-56(c), and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-56(c) be and it is hereby amended to read in its entirety as follows:

**SDCL 15-6-56(c). Motion for summary judgment and proceedings thereon.**

The motion shall be served at least ten days before the time fixed for the hearing. Any briefing must comply with § 15-6-6(d). The adverse party prior to the day of hearing may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2006

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

BY THE COURT

*David Gilbertson*

David Gilbertson, Chief Justice

ATTEST

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