

SUPREME COURT OF SOUTH DAKOTA

Bridgewater Quality Meats, L.L.C. v. Heim

729 N.W.2d 387 (S.D. 2007) · No. No. 24060 · Decided March 7, 2007

SUMMARY

The Supreme Court of South Dakota affirmed a jury verdict for Bridgewater Quality Meats and against Leonard Heim on Heim's counterclaim concerning payment for buffalo delivered for slaughter and processing. The court held that the trial court's failure to rule within the statutory period operated as a denial of Heim's motion for a new trial but did not preclude appellate review. It further held that the Animal Industry Board delivery record was not sufficient to warrant a new trial because Heim lacked reasonable diligence in discovering it and did not show that it would probably produce a different verdict.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Meierhenry, Justice; Gilbertson, Chief Justice; Sabers, Justice; Konenkamp, Justice; Zinter, Justice
JURISDICTION	South Dakota
DECIDED	March 7, 2007
DOCKET	No. 24060
DISPOSITION	affirmed
PROCEDURAL POSTURE	Heim appealed from a circuit court order determining that the time for deciding his motion for a new trial had lapsed by operation of SDCL 15-6-59(b), thereby deeming the motion denied.
STANDARD OF REVIEW	Abuse of discretion applies to a motion for a new trial denied by operation of law under SDCL 15-6-59(b), just as it applies to an express denial.
PRECEDENTIAL VALUE	published
PARTIES	Leonard Heim, Jeannie Heim, d/b/a J & L Bison Ranch v. Bridgewater Quality Meats, L.L.C.

TOPICS

- motion for new trial
- appellate procedure
- standard of review
- commercial litigation

PRACTICE AREAS

civil procedure

appellate procedure

evidence

contracts

commercial litigation

QUESTIONS PRESENTED

1. Whether the statutory denial of Heim's motion for a new trial under SDCL 15-6-59(b) was subject to appellate review.
2. Whether the abuse-of-discretion standard applies when a motion for a new trial is deemed denied because the circuit court failed to rule within the statutory period.
3. Whether records discovered after trial concerning a February 2000 buffalo delivery constituted newly discovered evidence warranting a new trial.

HOLDINGS

1. A motion for a new trial that is deemed denied under SDCL 15-6-59(b) remains subject to appellate review; the circuit court's failure to act within the statutory period does not eliminate appellate jurisdiction or reviewability.
2. The abuse-of-discretion standard applies when a motion for a new trial is automatically denied by operation of law because the circuit court failed to rule within twenty days.
3. The circuit court did not abuse its discretion in denying a new trial because Heim failed to show both that the evidence could not have been discovered through reasonable diligence before trial and that it probably would have produced a different result.

KEY QUOTATIONS

“Thus, according to the plain meaning of the statute, the trial court is presumed to have exercised its discretion by letting the time-lapse serve as a denial of the motion just as if the trial court had affirmatively granted the motion.” (392)

“New trial motions based on newly discovered evidence request extraordinary relief; they should be granted only in exceptional circumstances and then only if the requirements are strictly met.” (395)

FACTUAL BACKGROUND

Heim operated a buffalo ranch and delivered buffalo to Bridgewater for slaughter under agreements involving Jason Sparling and Bridgewater. Heim claimed that he delivered sixteen buffalo to Bridgewater in February 2000 under an agreement that obligated Bridgewater to pay him, while Bridgewater disputed the date and contractual basis of the delivery. After the jury rejected Heim's counterclaim, Heim obtained records from the South Dakota Animal Industry Board that appeared to document a February 2000 delivery, but the records did not establish which agreement governed the delivery or that Bridgewater owed Heim payment.

PROCEDURAL HISTORY

Bridgewater filed a small claims action seeking \$7,986.58 for meat products received by Heim. Heim removed the action to circuit court and counterclaimed for more than \$42,000 for buffalo delivered to Bridgewater. After a

jury returned a verdict for Bridgewater on its claim and against Heim on the counterclaim, Heim moved for a new trial based on newly discovered livestock-delivery records. The circuit court did not rule within the statutory twenty-day period and entered an order stating that the motion had lapsed statutorily. The Supreme Court reviewed the deemed denial and affirmed.

DISPOSITION

affirmed

CASES CITED

- Schmidt v. Royer, 1998 SD 5, 574 N.W.2d 618, 621
- In re Shepard's Estate, 221 Cal. App. 2d 70, 34 Cal. Rptr. 212, 214 (1963)
- Strauch v. Bieloh, 16 Cal. App. 2d 278, 60 P.2d 582, 584 (1936)
- Bon Homme Co. Comm'n v. AFSCME, 2005 SD 76, 699 N.W.2d 441, 452
- City of Sioux Falls v. Missouri Basin Municipal Power Agency, 2004 SD 14, 675 N.W.2d 739, 744
- State v. Gehm, 1999 SD 82, 600 N.W.2d 535, 540-42
- United States v. Bransen, 142 F.2d 232, 235 (9th Cir. 1944)
- George v. Estate of Baker, 724 N.W.2d 1, 12 n. 8 (Minn. 2006)
- State v. Steele, 510 N.W.2d 661, 664 (S.D. 1994)
- State v. Willis, 396 N.W.2d 152, 154 (S.D. 1986)