

STATE OF SOUTH DAKOTA
in the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 7 day of June, 2019

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

JUN - 7 2019

* * * *

Shirley A. Jameson-Fergel
Clerk

[Signature]
Clerk of Supreme Court
Deputy

JOSEPH SAPIENZA and SARAH) ORDER ACCEPTING CERTIFICATION
JONES SAPIENZA, M.D.,)
Plaintiffs,) #29000
vs.)
LIBERTY MUTUAL FIRE INSURANCE)
COMPANY,)
Defendant.)

The United States District Court, District of South Dakota, Central Division having pursuant to the provisions of SDCL Ch. 15-24A, certified questions of South Dakota law, sua sponte, to this Court for determination, said question being set out as follows:

Do the costs incurred by the Sapienzas to comply with the injunction constitute covered "damages" under the Policies such that Liberty Mutual must indemnify the Sapienzas for these costs?

and the Court having considered the certification order of said Federal Court, now therefore,

IT IS ORDERED that the Court will accept such certification.

IT IS FURTHER ORDERED that the order for transcript, if any, be made upon receipt of this order and the schedule for briefing follow the schedule set forth in SDCL 15-24A-7. The Court designates Plaintiffs to file the first brief.

IT IS FURTHER ORDERED that the original or copies of the record before the certifying court be filed with this Court pursuant to SDCL 15-24A-5.

DATED at Pierre, South Dakota this 7th day of June, 2019.

BY THE COURT:

David Gilbertson
David Gilbertson, Chief Justice

ATTEST:
[Signature]
Clerk of the Supreme Court
(SEAL)

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