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November 9, 2009

VIA FACSIMILE AND U.S. MAIL

Court Administrator
Attn: Civil Filing
Hennepin County Government Center
300 South 6th Street
Minneapolis, MN 55487

Re: *Christopher Roller v. Wagner, Falconer & Judd, Ltd.*
Court File No. 27-CV-09-22812
Our File No. 1-671-0001

Dear Court Administrator:

Enclosed for filing in the above referenced matter, please find:

1. Notice of Motion for Sanctions Under Rule 11.03 and Minn. Stat. § 549.211;
2. Defendant's Motion for Sanctions Under Rule 11.03 and Minn. Stat. § 549.211 (also attached as Exhibit A to the Affidavit of Mark A. Solheim);
3. Affidavit of Mark A. Solheim in Support of Defendant's Motion for Sanctions;
4. Proposed Order Granting Defendant Wagner, Falconer & Judd, Ltd.'s Motion for Sanctions; and
5. Affidavit of Service.

Court Administrator

November 9, 2009

Page 2

By copy of this letter, we are serving *pro se* Plaintiff and counsel for Defendants Bosley, Inc. and Alexander Gese with a copy of the same and are providing a courtesy copy to Judge Burke, along with the proposed Order. Our check in the amount of \$125.00 for the motion and fax filing fee will follow via hard copy of this letter.

Very truly yours,

LARSON • KING, LLP

Mark A. Solheim

MAS:pkp 1268434

Enclosures

cc: Hon. Susan N. Burke (w/ enc)
Christopher Roller (via email and U.S. mail) (w/ enc)
Richard B. Allyn, Esq. (via fax and U.S. mail) (w/ enc)

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Christopher Roller,

Court File No. 27-CV-09-22812

Plaintiff,

v.

**NOTICE OF MOTION FOR SANCTIONS
UNDER RULE 11.03 AND MINN. STAT. §
549.211**

Wagner, Falconer & Judd, Ltd.,

Defendant.

TO: Plaintiff *pro se*, Christopher Roller, 14806 Quentin Avenue South, Savage, MN 55378:

NOTICE OF MOTION

PLEASE TAKE NOTICE that on Monday, November 23, 2009 at 1:30 p.m., or as soon thereafter as the matter can be heard, before the Honorable Susan Burke, Hennepin County Courthouse, Courtroom 757, Defendant Wagner, Falconer & Judd, Ltd. will move the Court for an Order imposing sanctions against plaintiff pursuant to Rule 11.03 and Minn. Stat. § 549.211.

Dated: November 9, 2009

LARSON • KING, LLP

By

Mark A. Solheim (213226)
Anthony J. Novak (351106)
2800 Wells Fargo Place
30 East Seventh Street
St. Paul, MN 55101
(651) 312-6500

*Attorneys for Defendant Wagner, Falconer &
Judd, Ltd.*

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Christopher Roller,

Court File No. 27-CV-09-22812

Plaintiff,

v.

**DEFENDANT'S MOTION FOR
SANCTIONS UNDER RULE 11.03 AND
MINN. STAT. § 549.211**

Wagner, Falconer & Judd, Ltd.,

Defendant.

TO: Plaintiff *pro se*, Christopher Roller, 14806 Quentin Avenue South, Savage, MN 55378:

Pursuant to Rule 11.03 of the Minnesota Rules of Civil Procedure and Minnesota Statute Section 549.211, subdivision 3, defendant Wagner, Falconer & Judd, Ltd. ("WFJ") seeks an order imposing sanctions against Plaintiff. The basis for this request is as follows:

1. Plaintiff's claims for "conflict of interest" and based on WFJ's refusal to represent Plaintiff are not recognized claims under Minnesota law.

2. Plaintiff is prohibited from asserting claims for "fraud" or "discrimination" without a sufficient factual basis.

3. Plaintiff cannot identify any actual damages causally related to his purported claims.

4. Plaintiff has not properly served WFJ.

5. Plaintiff failed to certify the allegations made in the Complaint as required by Minn. Stat. § 549.211.

6. Defendant WFJ asserts that the present Complaint was brought for an improper purpose and the claims and other legal contentions in the Complaint are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of

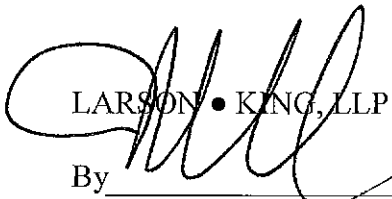
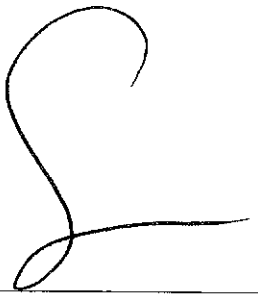
existing law or the establishment of new law.

7. The Court should impose a sanction on plaintiff under Rule 11.03 and Minn. Stat. § 549.211, subd. 3. Plaintiff's claims against WFJ are unsupportable as a matter of law and Defendant has incurred and will continue to incur costs and attorneys' fees defending against Plaintiff's defective and frivolous claims. Plaintiff should bear those costs and attorneys' fees. As a result, the Court should order Plaintiff to reimburse WFJ for the costs and attorneys' fees incurred in defending against Plaintiff's defective claims.

8. The Court should also award monetary sanctions against Plaintiff to deter repetition of this conduct or comparable conduct by him and others similarly situated.

9. Finally, given Plaintiff's extensive history of frivolous claims and abusive litigation in both Federal and State Court, the Court should also follow the Federal Court's lead in forbidding Plaintiff from initiating any further litigation against any party without first receiving the approval of the Court.

Dated: October 13, 2009

 
LARSON • KING, LLP

By

Mark A. Solheim (213226)
Anthony J. Novak (351106)
2800 Wells Fargo Place
30 East Seventh Street
St. Paul, MN 55101
(651) 312-6500

Mark A. Solheim

Mark A. Solheim

Subscribed and sworn to before me this
9th day of November, 2009.

Raquel Sommers



EXHIBIT A

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Christopher Roller,

Court File No. 27-CV-09-22812

Plaintiff,

v.

**DEFENDANT'S MOTION FOR
SANCTIONS UNDER RULE 11.03 AND
MINN. STAT. § 549.211**

Wagner, Falconer & Judd, Ltd.,

Defendant.

TO: Plaintiff *pro se*, Christopher Roller, 14806 Quentin Avenue South, Savage, MN 55378:

Pursuant to Rule 11.03 of the Minnesota Rules of Civil Procedure and Minnesota Statute Section 549.211, subdivision 3, defendant Wagner, Falconer & Judd, Ltd. ("WFJ") seeks an order imposing sanctions against Plaintiff. The basis for this request is as follows:

1. Plaintiff's claims for "conflict of interest" and based on WFJ's refusal to represent Plaintiff are not recognized claims under Minnesota law.
2. Plaintiff is prohibited from asserting claims for "fraud" or "discrimination" without a sufficient factual basis.
3. Plaintiff cannot identify any actual damages causally related to his purported claims.
4. Plaintiff has not properly served WFJ.
5. Plaintiff failed to certify the allegations made in the Complaint as required by Minn. Stat. § 549.211.
6. Defendant WFJ asserts that the present Complaint was brought for an improper purpose and the claims and other legal contentions in the Complaint are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of

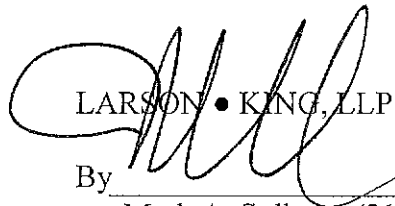
existing law or the establishment of new law.

7. The Court should impose a sanction on plaintiff under Rule 11.03 and Minn. Stat. § 549.211, subd. 3. Plaintiff's claims against WFJ are unsupportable as a matter of law and Defendant has incurred and will continue to incur costs and attorneys' fees defending against Plaintiff's defective and frivolous claims. Plaintiff should bear those costs and attorneys' fees. As a result, the Court should order Plaintiff to reimburse WFJ for the costs and attorneys' fees incurred in defending against Plaintiff's defective claims.

8. The Court should also award monetary sanctions against Plaintiff to deter repetition of this conduct or comparable conduct by him and others similarly situated.

9. Finally, given Plaintiff's extensive history of frivolous claims and abusive litigation in both Federal and State Court, the Court should also follow the Federal Court's lead in forbidding Plaintiff from initiating any further litigation against any party without first receiving the approval of the Court.

Dated: October 13, 2009

LARSON • KING, LLP
By 
Mark A. Solheim (213226)
Anthony J. Novak (351106)
2800 Wells Fargo Place
30 East Seventh Street
St. Paul, MN 55101
(651) 312-6500

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

Lori Bechdolt, being first duly sworn, deposes and states that on October 14, 2009 she served:

DEFENDANT'S MOTION FOR SANCTIONS UNDER RULE 11.03 AND MINN. STAT. § 549.211

upon:

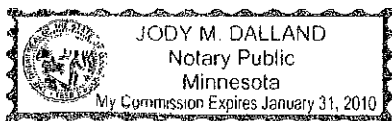
Christopher Roller
14086 Quentin Avenue South
Savage, MN 55378

by depositing a true and correct copy thereof in the United States Mail with postage prepaid thereon.

Lori Bechdolt
Lori Bechdolt

Subscribed and sworn to before me
on October 14, 2009

Jody M. Dalland
Notary Public



STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Christopher Roller,

Court File No. 27-CV-09-22812

Plaintiff,

v.

**ORDER GRANTING DEFENDANT
WAGNER, FALCONER & JUDD, LTD.'S
MOTION FOR SANCTIONS**

Wagner, Falconer & Judd, Ltd.,

Defendant.

The above-entitled matter came on for hearing before the undersigned on November 23, 2009, on Defendant Wagner, Falconer & Judd, Ltd.'s Motion to Dismiss under Rule 11 of the Minnesota Rules of Civil Procedure and Minn. Stat. § 549.211. Plaintiff appeared *pro se*. Defendants were represented by counsel. The Court, having heard the arguments of the parties, and upon the files, records and pleadings herein:

IT IS HEREBY ORDERED:

1. Because Plaintiff's Complaint and Amended Complaint are not sustainable under existing law or by a nonfrivolous argument for the modification of existing law and are not warranted on the evidence, Defendant Wagner, Falconer & Judd, Ltd.'s Motion for Sanctions is hereby **GRANTED**;

2. Plaintiff is ordered to pay Defendant Wagner, Falconer & Judd, Ltd.'s attorneys' fees and costs in connection with defending this matter; and

3. Given Plaintiff's history of frivolous litigation, Plaintiff is forbidden from initiating civil litigation in this jurisdiction without first presenting any proposed Complaint to the Clerk of Courts for approval.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT

Dated: _____

Honorable Susan N. Burke
Judge of District Court

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

Paula K. Porath, being first duly sworn, deposes and states that on November 9, 2009 she served:


1. Notice of Motion for Sanctions Under Rule 11.03 and Minn. Stat. § 549.211;
2. Defendant’s Motion for Sanctions Under Rule 11.03 and Minn. Stat. § 549.211 (also attached as Exhibit A to the Affidavit of Mark A. Solheim);
3. Affidavit of Mark A. Solheim in Support of Defendant’s Motion for Sanctions;
4. Proposed Order Granting Defendant Wagner, Falconer & Judd, Ltd.’s Motion for Sanctions

upon:

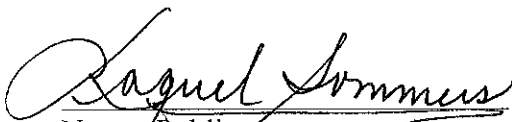
By E-Mail and U.S. Mail
Christopher Roller
14086 Quentin Avenue South
Savage, MN 55378

By Fax and U.S. Mail
Richard B. Allyn, Esq.
Robins, Kaplan, Miller & Ciresi L.L.P.
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402

by emailing or faxing as noted and then depositing a true and correct copy thereof in the United States Mail with postage prepaid thereon.


Paula K. Porath

Subscribed and sworn to before me
on November 9, 2009


Notary Public

