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October 26, 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 Defendant Wagner, Falconer & Judd, Ltd.'s *Supplemental* Memorandum in Support of its Motion to Dismiss. We are also enclosing an updated Proposed Order and the fax filing fee.

We are serving *pro se* Plaintiff and counsel for Defendants Bosley, Inc. and Alexander Gese with the same by copy and are providing a courtesy copy to Judge Burke. Thank you.

Very truly yours,

LARSON • KING, LLP



Mark A. Solheim

MAS:cb 1266827

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.

**SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF WAGNER, FALCONER &
JUDD'S MOTION TO DISMISS**

Wagner, Falconer & Judd, Ltd.,

Defendant.

Based on Plaintiff's recent attempts to amend his Complaint, as well as Plaintiff's "Memo in opposition" to the pending Motion to Dismiss, Defendant Wagner, Falconer & Judd, Ltd. ("WFJ") hereby submits this memorandum in further support of its Motion to Dismiss. WFJ incorporates by reference its initial memorandum of law filed on October 5, 2009. WFJ also incorporates by reference the arguments of Defendants Alexander Gese and Bosley, Inc., as outlined in their Motion to Dismiss filed on October 23, 2009.

ARGUMENT

Plaintiff's "Amended Complaint" alleges a "conspiracy on the darkest level" and brings claims against WFJ, as well as the Honorable Judge Mark Boris, Bosley, the State of Minnesota and Attorney Alexander Gese. (*See* Amended Complaint.) As is the case with Plaintiff's initial Complaint, Plaintiff's Amended Complaint does not contain facts sufficient to support his claims, does not state a legally cognizable claim and appears to be nothing more than a series of unfounded and libelous allegations meant to harass the Defendants and waste the time and resources of both the Defendants and this Court.

In his Amended Complaint, Plaintiff now makes claims for "conflict of interest, attempted murder, and molestation, cases all against the defendants." Amended Complaint at 1.

Plaintiff, who describes himself as “Jesus/God/Holy Spirit,” seems to base his claims on a prior lost Conciliation Court claim and a botched Appeal. *Id.* at 2. Plaintiff engages in a series of unfounded and irresponsible criminal allegations aimed at Defendants, including claims of assassination attempts and his “impression” that certain of the Defendants “molested” his daughter. *Id.* at 4. Plaintiff confirms his lack of factual basis for his claims when he states that he is using his “legal endeavors” to determine if the alleged activity “is actually happening.” *Id.* at 4.¹

Plaintiff has also filed an “Opposition” memorandum, in which he argues that he has a “valid lawsuit with valid claims” because WFJ refused to provide him with a “statement” denying the existence of a “conflict of interest” and a “statement” of “no discrimination.” (Opposition Memo at 1.) Plaintiff then summarizes his opposition to the present motion, stating that “there was a conflict of interest due to the discrimination of who I am – God.” (*Id.* at 2.) As is patently obvious, none of Plaintiff’s “arguments” in opposition to this motion correct the deficiencies in his pleadings nor do they provide a basis for allowing his claims to proceed.

As outlined in WFJ’s initial memorandum, Plaintiff’s claims should be dismissed under Rule 12.02(e) of the Minnesota Rules of Civil Procedure for failure to state a claim upon which relief can be granted. *See Terwilliger v. Hennepin County*, 542 N.W.2d 675, 676-77 (A motion to dismiss under Rule 12.02(e) for failure to state a claim should be granted if the complaint fails to set forth “a legally sufficient claim for relief.”)²

Plaintiff’s own allegations also confirm a complete lack of factual support for his claims

¹ Plaintiff’s reference to his “legal endeavors” appears to refer to his serial filing of specious and frivolous lawsuits in both federal and state court (against a host of Defendants), as outlined in WFJ’s initial memorandum and Defendants Bosley, Inc. and Alexander Gese’s memorandum in support of their Motion to Dismiss.

² Dismissal is also appropriate based on Plaintiff’s failure to identify actual damages or to identify a causal connection between the alleged conduct and any damages.

and reveal the absence of a “plausible claim for relief.” *See Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009). Further, Plaintiff’s conclusory allegations (couched as “statement of facts, under penalty of perjury”) do not salvage the Amended Complaint. *See id* at 1949 (a complaint does not suffice if it tenders “naked assertions devoid of further factual enhancement.”) WFJ asks this Court to draw on its “experience and common sense” in finding that Plaintiff is not entitled to relief as a matter of law. *See id*.

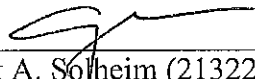
CONCLUSION

For all of the reasons outlined above, as well as those outlined in WFJ’s initial memorandum of law, WFJ respectfully requests that Plaintiff’s Complaint and Amended Complaint be dismissed, with prejudice, in their entirety.

Dated: October 26, 2009

LARSON • KING, LLP

By



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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 TO DISMISS**

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 12 of the Minnesota Rules of Civil Procedure. 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. Defendant Wagner, Falconer & Judd, Ltd.'s Rule 12 Motion to Dismiss is hereby

GRANTED;

2. That Plaintiff's Complaint and Amended Complaint are dismissed with prejudice;

and

3. That Defendant Wagner, Falconer & Judd, Ltd. is awarded its costs and

disbursements.

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 VIA FAX AND U.S. MAIL

Carol Barker, being first duly sworn, deposes and states that on October 26, 2009 she served:

1. *Supplemental* Memorandum in Support of Wagner, Falconer & Judd's Motion to Dismiss; and
2. [proposed] Order Granting Defendant Wagner, Falconer & Judd, Ltd.'s Motion to Dismiss

upon:

By E-Mail and U.S. Mail

Christopher Roller
14086 Quentin Avenue South
Savage, MN 55378

By Fax and U.S. Mail

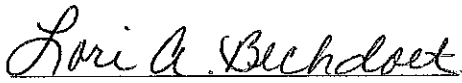
Richard B. Allyn, Esq.
Robins, Kaplan, Miller & Ciresi L.L.P.
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402

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



Carol Barker

Subscribed and sworn to before me
on October 26, 2009


Notary Public

