

**United States District Court  
District of Minnesota**

Christopher Roller

(Plaintiff)

vs.

Sioux Valley Hospital

(Defendant)

Civil Action No. 05-1420

**AMENDMENT TO  
MEMORANDUM OF LAW IN  
OPPOSITION TO MOTION TO  
DISMISS**

**FACTUAL STATEMENTS AND ARGUMENTS**

I have been enlightened to a South Dakota Statute 15-2-22

**SD § 15-2-22.** Tolling of statute during disability--Maximum period of extension--  
Actions excepted. If a person entitled to bring an action other than for the  
recovery of real property, except for a penalty or forfeiture, or against a sheriff or  
other officer for an escape, was at the time the cause of action accrued, either:

(2) Mentally ill;

the time of the person's disability is not a part of the time limited for the  
commencement of the action.

The period within which the action shall be brought cannot be extended more  
than five years by any disability except infancy, nor can it be extended in any case  
longer than one year after the disability ceases.

The provisions of this section do not apply to actions for the foreclosure of any  
real estate mortgage, either by action or by advertisement.

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This is nearly identical to statute MN § 541.15 and the all arguments I was stating in MN, but more pronounced since it's South Dakota where the incident occurred, and it says "mentally ill" instead of the more confusing term "insanity".

## CONCLUSION

SD 15-2-22 provides a 5 year extension to the statute of limitations in South Dakota (filed/served before 5 year limitation when the incident occurred - 24Aug2000), and the reason why this case can proceed and not be dismissed.

Respectfully submitted,

Date: \_\_\_\_6 Dec 2005\_\_\_\_

\_\_\_\_s/\_Christopher A. Roller\_\_\_\_  
Christopher Roller (pro se)  
13150 Harriet Ave. S #273  
Burnsville, MN 55337  
952.239.6410