

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

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<p>CHRISTOPHER ROLLER,</p> <p>Plaintiff,</p> <p>vs.</p> <p>SIOUX VALLEY HOSPITAL,</p> <p>Defendant.</p>	<p>CIV. 05-1420-RHK-AJB</p> <p><b>MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S MOTION TO STRIKE AMENDED COMPLAINT (DOCKET NO. 24) AND RENEWED MOTION TO DISMISS</b></p>
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Defendant Sioux Valley Hospital submits this Memorandum of Law in Support of Defendant’s Motion to Strike Amended Complaint (Docket No. 24) and Renewed Motion to Dismiss.

**ARGUMENT**

**I. Motion to Strike**

Defendant Sioux Valley Hospital moves to strike Plaintiff’s Amended Complaint (Docket No. 24) on the grounds that the Amended Complaint fails to comply with the Court’s November 16, 2005, Order (Docket No. 22). In that Order, the Court granted Plaintiff’s Motion for Leave to Amend Complaint (Docket No. 20) which was a request simply that Defendant Sioux Valley Hospitals and Health System be renamed Sioux Valley Hospital for any further proceedings. (*See* Am. Compl. – Def. Renamed (Docket No. 15).) The Court’s Order stated, “Roller is instructed to file an amended complaint that correctly identifies the defendant as Sioux Valley Hospital. No additional amendments are authorized by the court at this time.” (Order on Pl.’s Mot. to Am. the Compl. (Docket

No. 22).) In response to this Order, Plaintiff filed an entirely new Amended Complaint (Docket No. 24). Because Plaintiff's Amended Complaint went beyond what was requested in his Motion for Leave to Amend Complaint (Docket No. 20) and beyond that which was allowed by the Court's November 16, 2005, Order (Docket No. 22), Defendant requests that the Amended Complaint be stricken.

**II. Motion to Dismiss**

Defendant Sioux Valley Hospital also moves the Court to dismiss Plaintiff's claims against Sioux Valley Hospital. Defendant relies upon the arguments set forth in Sioux Valley Hospitals and Health System's Memorandum of Law in Support of Defendant's Motion to Dismiss (Docket No. 10) and Reply Memorandum of Law in Support of Defendant's Motion to Dismiss (Docket No. 19).

Respectfully submitted.

Dated: 11/21/05

s/ Mark W. Haigh  
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