

MONDAY, MARCH 21, 2011  
11:00 A.M.

NO. 3

#25634

ROGER RODRIGUEZ a/k/a  
ROGER HICKEY,  
Plaintiff and Appellant,

vs.

BROTHER MATTHEW MILES, JOHN  
DONADIO and (The) CONGREGATION  
OF THE PRIESTS OF THE SACRED  
HEART, INC.,  
Defendants and Appellees.

Mr. William G. Taylor  
Mr. Justin Smith  
Woods, Fuller, Shultz & Smith  
Attorneys at Law  
PO Box 5027  
Sioux Falls SD 57117-5027  
Ph: 336-3890

(FOR APPELLANT)

Mr. James E. McMahon  
Ms. Rochelle R. Sweetman  
Murphy, Goldammer & Prendergast  
PO Box 1535  
Sioux Falls SD 57101-1535  
Ph: 331-2975

(FOR APPELLEE MILES)

Mr. Robert B. Anderson  
May, Adam, Gerdes and Thompson  
Attorneys at Law  
PO Box 160  
Pierre SD 57501-0160  
Ph: 224-8803

(FOR APPELLEE DONADIO)

Mr. Rick W. Orr  
Mr. Timothy M. Gebhart  
Davenport, Evans, Hurwitz and Smith  
Attorneys at Law  
PO Box 1030  
Sioux Falls SD 57101-1030  
Ph: 336-2880

(FOR APPELLEE CONGREG.)

Mr. Steven R. Smith  
Andera & Smith Law Offices  
Attorneys at Law  
PO Box 286  
Chamberlain SD 57325-0286  
Ph: 734-5581

(FOR APPELLEE CONGREG.)

The Honorable Bruce V. Anderson  
First Judicial Circuit  
Brule County

(CIV 09-37)

Statement of Issues

1. Whether the circuit court erred in applying the statute of limitations found in SDCL § 26-10-25 to this action.

The trial court granted summary judgment in favor of Defendants, applying the statute of limitations in SDCL § 26-10-25 to this case.

SDCL § 26-10-25

*One Star v. Sisters of St. Francis, Denver, Colo.*, 2008 SD 55, 725 N.W.2d 668

*Zephier v. Catholic Diocese of Sioux Falls*, 2008 SD 56, 752 N.W.2d 658

*Frideres v. Schiltz*, 113 F.3d 897 (8th Cir. 1997)

2. Whether the circuit court erred in applying the statute of limitations found in SDCL § 15-2-14(3) to this action.

The trial court granted summary judgment in favor of Defendants, holding, in part, that Rodriguez's claims are barred by the limitations period in SDCL § 15-2-14(3).

SDCL § 15-2-14(3)

SDCL § 15-2-22

*Holland v. City of Geddes*, 2000 SD 71, 610 N.W.2d 816

*Koenig v. Lambert*, 527 N.W.2d 903 (S.D. 1995)

3. Whether the circuit court erred in applying the statute of limitations found in SDCL § 15-2-15(1) to this action.

The trial court granted summary judgment in favor of Defendants, holding, in part, that Rodriguez's claims are barred by the limitations period in SDCL § 15-2-15(1).

SDCL § 15-2-15(1)

SDCL § 15-2-22

*Holland v. City of Geddes*, 2000 SD 71, 610 N.W.2d 816

*Koenig v. Lambert*, 527 N.W.2d 903 (S.D. 1995)