

TUESDAY, OCTOBER 4, 2011
10:00 A.M.

NO. 2

#25729

D.Z. IRON WING,
Plaintiff and Appellant,

vs.

CATHOLIC DIOCESE OF SIOUX FALLS;
BLUE CLOUD ABBEY; FR. FRANCIS
SUTMUELLER; OBLATE SISTERS OF
THE BLESSED SACRAMENT; and
SR. M. FRANCES,
Defendants and Appellees.

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The Honorable Bradley G. Zell (CIV 08-4802)
Second Judicial Circuit
Minnehaha County Clerk of Courts

LEGAL ISSUES

1. Whether anger or hatred is an injury for the purposes of the childhood sexual abuse statute of limitations found in SDCL 26-10-25.

Trial Court's Ruling: The trial court held that anger is an injury for the purposes of SDCL 26-10-25.

Relevant Authority

- *One Star v. Sisters of St. Francis*, 2008 SD 55, ¶13, 752 NW 2d 668.
 - *Stratmeyer v. Stratmeyer*, 1997 SD 97, ¶8, 567 NW 2d 220.
 - *Lent v. Doe*, 40 Cal.App.4th 1177 (1995).
 - *Hildebrand v. Hildebrand*, 736 F. Supp. 1512 (S.D. Ind. 1990).
 - SDCL 26-10-25 (1991).
2. Whether there is a genuine issue of material fact as to when a reasonable person should have discovered the causal connection between an injury and the abuse under the circumstances of D.Z. Iron Wing's case where he remembered the abuse he suffered and had a generalized hatred for the Catholic Church and its agents all of his life.

Trial Court's Ruling: The trial court found that a reasonably prudent person with memory of sexual abuse and anger or hatred from the time of the abuse, would have made the causal connection between an injury and the abuse at the time the abuse was suffered.

Relevant Authority

- *Strassburg v. Citizens State Bank*, 1998 SD 72, 581 NW 2d 510.
- *Zephier v. Catholic Diocese of Sioux Falls*, 2008 SD 56, ¶9, 752 NW 2d 658.
- *Lent v. Doe*, 40 Cal.App.4th 1177 (1995).
- *Hildebrand v. Hildebrand*, 736 F. Supp. 1512 (S.D. Ind. 1990).
- SDCL 26-10-25 (1991).