

ISSUES ON APPEAL

1. When does a claim for childhood sexual abuse accrue under SDCL 26-10-25?

Trial Court's Ruling: The trial court denied Sisters' Motion for Summary Judgment without opinion.

Relevant Authority:

- SDCL 26-10-25
- *Strassburg v. Citizens State Bank*, 1998 SD 72, 581 N.W.2d 510
- *Woodroffe v. Hasenclever*, 540 N.W.2d 45 (Iowa 1995)
- *Pritzlaff v. Archdiocese of Milwaukee*, 535 N.W.2d 780 (Wis. 1995)

2. Did Plaintiff Lloyd One Star timely commence this action against Defendant Sisters of St. Francis, Denver, Colorado?

Trial Court's Ruling: The trial court denied Sisters' Motion for Summary Judgment without opinion.

Relevant Authority:

- SDCL 26-10-25
- *Strassburg v. Citizens State Bank*, 1998 SD 72, 581 N.W.2d 510
- *Woodroffe v. Hasenclever*, 540 N.W.2d 45 (Iowa 1995)
- *Figueroa v. Ferrario*, 1993 U.S. App. LEXIS 17207 (9th Cir. June 18, 1993).

3. Did Plaintiff Marian Sorace timely commence this action against Defendant Sisters of St. Francis, Denver, Colorado?

Trial Court's Ruling: The trial court denied Sisters' Motion for Summary Judgment without opinion.

Relevant Authority:

- SDCL 26-10-25
- *Strassburg v. Citizens State Bank*, 1998 SD 72, 581 N.W.2d 510
- *Woodroffe v. Hasenclever*, 540 N.W.2d 45 (Iowa 1995)
- *Frideres v. Schlitz*, 113 F.3d 897 (8th Cir. 1997).

4. Were the claims of Plaintiffs One Star and Sorace tolled as to Defendant Sisters by fraudulent concealment?

Trial Court's Ruling: The trial court denied Sisters' Motion for Summary Judgment without opinion.

Relevant Authority:

- *Hinkle v. Hargens*, 81 N.W.2d 888 (S.D. 1957)
- *Glad v. Gunderson et al.*, 378 N.W.2d 680 (S.D. 1985)
- *Conway v. Conway*, 487 N.W.2d 31 (S.D. 1992)
- *Koenig v. Lambert*, 527 N.W.2d 903 (S.D. 1995)

5. Were the claims of Plaintiffs One Star and Sorace tolled as to Defendant Sisters by virtue of the class action filed by One Star and others against the United States of America?

Trial Court's Ruling: The trial court denied Sisters' Motion for Summary Judgment without opinion.

Relevant Authority:

- *Peterson v. Hohm*, 2000 SD 27, 607 N.W.2d 8
- *Johnson v. Railway Express Agency*, 421 U.S. 454 (1975)
- *Boone v. Citigroup, Inc.*, 416 F.3d 382 (5th Cir. 2005)
- *Wade v. Danek Medical Inc.*, 5 F.Supp. 2d 379 (E.D. Va. 1998)