

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Christopher Roller,

Court File No. 27-CV-09-22812

Plaintiff,

v.

**DEFENDANT'S MOTION FOR
SANCTIONS UNDER RULE 11.03 AND
MINN. STAT. § 549.211**

Wagner, Falconer & Judd, Ltd.,

Defendant.

TO: Plaintiff *pro se*, Christopher Roller, 14806 Quentin Avenue South, Savage, MN 55378:

Pursuant to Rule 11.03 of the Minnesota Rules of Civil Procedure and Minnesota Statute Section 549.211, subdivision 3, defendant Wagner, Falconer & Judd, Ltd. ("WFJ") seeks an order imposing sanctions against Plaintiff. The basis for this request is as follows:

1. Plaintiff's claims for "conflict of interest" and based on WFJ's refusal to represent Plaintiff are not recognized claims under Minnesota law.
2. Plaintiff is prohibited from asserting claims for "fraud" or "discrimination" without a sufficient factual basis.
3. Plaintiff cannot identify any actual damages causally related to his purported claims.
4. Plaintiff has not properly served WFJ.
5. Plaintiff failed to certify the allegations made in the Complaint as required by Minn. Stat. § 549.211.
6. Defendant WFJ asserts that the present Complaint was brought for an improper purpose and the claims and other legal contentions in the Complaint are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of

existing law or the establishment of new law.

7. The Court should impose a sanction on plaintiff under Rule 11.03 and Minn. Stat. § 549.211, subd. 3. Plaintiff's claims against WFJ are unsupportable as a matter of law and Defendant has incurred and will continue to incur costs and attorneys' fees defending against Plaintiff's defective and frivolous claims. Plaintiff should bear those costs and attorneys' fees. As a result, the Court should order Plaintiff to reimburse WFJ for the costs and attorneys' fees incurred in defending against Plaintiff's defective claims.

8. The Court should also award monetary sanctions against Plaintiff to deter repetition of this conduct or comparable conduct by him and others similarly situated.

9. Finally, given Plaintiff's extensive history of frivolous claims and abusive litigation in both Federal and State Court, the Court should also follow the Federal Court's lead in forbidding Plaintiff from initiating any further litigation against any party without first receiving the approval of the Court.

Dated: October 13, 2009

LARSON • KING, LLP

By

Mark A. Solheim (213226)
Anthony J. Novak (351106)
2800 Wells Fargo Place
30 East Seventh Street
St. Paul, MN 55101
(651) 312-6500