

**STATE OF MINNESOTA
IN COURT OF APPEALS
A23-1338**

Jane Doe 271,
Respondent,

vs.

Adam Michael Pyfferoen,
Appellant,

Jeremy Michael Olson,
Third-Party Defendant.

Filed July 15, 2024
Affirmed in part, reversed in part and remanded.
Larkin, Judge

Olmsted County District Court
File No. 55-CV-19-1555

David L. Liebow, James A. Godwin, Godwin Dold, Rochester, Minnesota (for respondent)

Christopher W. Bowman, Madigan, Dahl & Harlan, P.A., Minneapolis, Minnesota; and

David W. VanDerHeyden, VanDerHeyden Law Office, P.A., Rochester, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Bratvold, Judge; and Frisch, Judge.

SYLLABUS

Application of the six-year statute of limitations under Minn. Stat. § 541.073, subd. 2(a) (2022), for “[a]n action for damages based on sexual abuse” does not depend on the elements of the particular claims asserted in that action.

OPINION

LARKIN, Judge

In this action arising out of appellant’s sexual assault of respondent, the district court ruled that the two-year statute of limitations of Minn. Stat. § 541.07 (2022), for “tort[s] resulting in personal injury,” applied to respondent’s claim for false imprisonment but that the six-year limitations period of Minn. Stat. § 541.073, subd. 2(a)(1), for claims “based on sexual abuse,” applied to her claim for intentional infliction of emotional distress (IIED). The district court thus dismissed the false-imprisonment claim as time-barred but allowed the IIED claim to proceed to a jury trial. On appeal from judgment entered after a jury verdict in favor of respondent, appellant challenges the district court’s statute-of-limitations ruling on the IIED claim. By notice of related appeal, respondent challenges the statute-of-limitations ruling on the false-imprisonment claim. Because we conclude that the six-year limitations period of Minn. Stat. § 541.073, subd. 2(a)(1), applies to both claims, we affirm in part, reverse in part, and remand for further proceedings.

FACTS

On the evening of September 6, 2013, respondent Jane Doe 271 was forcibly sexually assaulted by respondent Adam Michael Pyfferoen and third-party defendant Jeremy Michael Olson. Both men subsequently pleaded guilty to third-degree criminal sexual conduct in relation to the incident.

On July 24, 2018—nearly five years after the incident—Doe served Pyfferoen with the summons and complaint in this action, alleging claims for sexual assault, sexual battery,

false imprisonment, and IIED.¹ Pyfferoen moved for summary judgment, arguing in part that Doe’s claims for false imprisonment and IIED were barred by the two-year statute of limitations for certain torts in Minn. Stat. § 541.07. Doe opposed the motion, asserting that the claims were subject to the six-year statute of limitations for claims “based on sexual abuse” in Minn. Stat. § 541.073, subd. 2(a)(1). And Doe moved for partial summary judgment as to liability.

The district court held a hearing and ruled from the bench on the competing summary-judgment motions. The district court granted Pyfferoen’s motion as to Doe’s false-imprisonment claim and denied it as to her IIED claim. The district court granted Doe’s motion as to liability, but only as to her claims for sexual assault, sexual battery, and IIED.

The case proceeded to a jury trial limited to the issue of damages on Doe’s claims for sexual assault, sexual battery, and IIED. The jury awarded damages of \$102,000 on the sexual-assault claim, \$181,000 on the sexual battery claim, and \$106,000 on the IIED claim. The district court entered judgment in favor of Doe for \$389,000.

Pyfferoen appeals, arguing that the district court erred by denying his motion for summary judgment on Doe’s IIED claim. Doe cross-appeals, arguing that the district court erred by granting Pyfferoen’s motion for summary judgment on the false-imprisonment claim.

¹ Initially, Doe asserted claims against Olson. Later, Doe voluntarily dismissed her claims against Olson, and Pyfferoen brought third-party claims against him. Olson’s liability is not at issue in this appeal.

ISSUE

Did the district court err by denying summary judgment on Doe’s IIED claim or granting summary judgment on Doe’s false-imprisonment claim?

ANALYSIS

The parties challenge the district court’s rulings on summary judgment regarding the interpretation and application of statutes of limitations. We apply a de novo standard of review. *See City Bella Com., L.L.C. v. City Bella on Lyndale*, 994 N.W.2d 27, 30 (Minn. 2023) (applying de novo review to summary-judgment ruling on “construction and applicability of statutes of limitations”). Summary judgment is appropriate only if “there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” Minn. R. Civ. P. 56.01.

“A statute of limitations applies to bar a certain kind of claim or cause of action from being asserted after a certain designated time period.” *City Bella*, 994 N.W.2d at 30. “Because it is created by the legislature, the meaning and scope of a statute of limitations is a question of statutory interpretation, dictated in the first instance by its plain language.” *Id.* at 31; *see also 328 Barry Ave., LLC v. Nolan Props. Grp., LLC*, 871 N.W.2d 745, 749 (Minn. 2015) (“If the meaning of the statute is clear, the plain language of the statute controls.”). “[T]he overarching goal” of statutory interpretation is to “effectuate the Legislature’s intent in enacting the statute.” *328 Barry*, 871 N.W.2d at 749 (citing Minn. Stat. § 645.16 (2014)). And a statute should be interpreted “as a whole so as to harmonize and give effect to all its parts, and where possible, no word, phrase, or sentence will be held superfluous, void, or insignificant.” *Id.* (quotation omitted). We apply statutory terms in

accord with their common usage, and we may consult dictionary definitions in the absence of statutory definitions. *Great N. Ins. Co. v. Honeywell Int’l, Inc.*, 911 N.W.2d 510, 516 (Minn. 2018).

The dispute here centers on which of two statutes of limitations applies to Doe’s claims for false imprisonment and IIED. The first statute of limitations, found in Minn. Stat. § 541.07, generally provides that actions “for libel, slander, assault, battery, false imprisonment, or other tort resulting in personal injury” must be “commenced within two years.” But this general statute of limitations does not apply if an enumerated statutory provisions “otherwise prescribes.” Minn. Stat. § 541.07. One of the enumerated statutory provisions is the second statute of limitations at issue in this case, Minn. Stat. § 541.073 (2022). *See id.* Thus, if the statute of limitations in Minn. Stat. § 541.073 applies to a claim, the two-year limitation in Minn. Stat. § 541.07 does not apply.

Under Minn. Stat. § 541.073, “[a]n action for damages based on sexual abuse . . . must be commenced within six years of the alleged sexual abuse in the case of alleged sexual abuse of an individual 18 years or older.”² Minn. Stat. § 541.073, subd. 2(a). The statute defines “sexual abuse” as “conduct described in sections 609.342 to 609.3451 and 609.3458.” Minn. Stat. § 541.073, subd. 1(1). As relevant here, Minn. Stat. § 609.344, subd. 1 (2022), describes conduct constituting third-degree criminal sexual conduct: a person (1) engaged in sexual penetration of another person and (2) as relevant here, used

² Section 541.073 also provides statutes of limitation for claims based on sexual abuse of a minor. *See* Minn. Stat. § 541.073, subds. 2(2)-(3), 5.

coercion or force. Minn. Stat. § 609.344, subd. 1.³ Because Pyfferoen pleaded guilty to third-degree criminal sexual conduct, it is not disputed that he engaged in sexual abuse within the meaning of Minn. Stat. § 541.073, subd. 1(1). The issue is whether Doe’s claims for false imprisonment and IIED are “based on” that sexual abuse within the meaning of section 541.073, subdivision 2(a).

Neither party asserts that section 541.073, subdivision 2(a) is ambiguous, and the parties agree that the same statute of limitations should apply to both claims. But they disagree regarding which statute of limitations applies. Pyfferoen asserts that the two-year statute of limitations in section 541.07(1) applies because neither the false-imprisonment claim nor the IIED claim are “based on sexual abuse.” In so arguing he compares the elements of claims for false imprisonment and IIED to the definition of sexual abuse in Minn. Stat. § 541.073, subd. 1(1). *See* Minn. Stat. § 541.073, subd. 1(1) (defining “sexual abuse” to include third-degree criminal sexual conduct under Minn. Stat. § 609.344). And because those claims are “not equated to sexual assault under the statute,” he argues that “the exception to the general two-year [statute of] limitations period does not apply.” Effectively, Pyfferoen proposes an elements-based approach, arguing that because Doe could prove claims for IIED and false imprisonment without proving sexual abuse, her claims are not based on sexual abuse.

³ Although we cite the current definition of third-degree criminal sexual conduct, we note that Pyfferoen committed the crime, for which he pleaded guilty, in 2013 under a version of the same statute not substantively different from the one in effect today. *See* Minn. Stat. § 609.344, subd. 1(c) (2012) (criminalizing third-degree criminal sexual conduct accomplished by force or coercion).

Doe argues that the statute applies not just to claims requiring proof of sexual abuse or to claims with elements that constitute “sexual abuse,” but more broadly to any claim that arises from a set of facts that constitutes “sexual abuse.” Minn. Stat. § 541.073, subd. 2(a). Doe reasons that her claims are based on Pyfferoen “having brutally raped her,” conduct that undisputedly constituted criminal sexual conduct under Minn. Stat. § 609.344, and that “[n]othing in [Minn. Stat. § 541.073] requires or even implies that the cause of action arising from th[e] rape be limited to sexual assault, sexual battery, or whatever other causes of action would be allowed by the vague elements-matching test” advocated by Pyfferoen. Doe urges that section 541.073 is “agnostic as to the specific claims raised when the action is ‘based on sexual abuse.’”

The plain language of Minn. Stat. § 541.073, subd. 2(a), provides a six-year statute of limitations for “[a]n action for damages based on sexual abuse” when the sexual abuse is of an individual 18 years or older. In this context, we understand an action to be “based on” sexual abuse when the sexual abuse serves as the foundation or provides the basis for the action. *See Black’s Law Dictionary* 184 (11th ed. 2019) (defining “base”); *The American Heritage Dictionary* 148 (5th ed. 2018) (same). Because section 541.073, subdivision 2(a), broadly refers to “action[s] for damages based on sexual abuse,” we discern no textual support for Pyfferoen’s position that the elements of a claim must match the elements of a criminal offense constituting sexual abuse.⁴ Instead, we conclude that

⁴ As Doe points out, none of the torts that she alleges could meet this test. As the supreme court explained in *Lickteig v. Kolar*, 782 N.W.2d 810, 814 (Minn. 2010), there is no separate cause of action under Minnesota law for “sexual abuse.” And, although Doe has labeled her claims as sexual assault and sexual battery, the common-law torts for assault

the proper focus is on the conduct underlying a particular action, rather than the specific claims alleged. Thus, we hold that application of the six-year statute of limitations under Minn. Stat. § 541.073, subd. 2(a), for “[a]n action for damages based on sexual abuse” does not depend on the elements of the particular claims asserted in that action.

Although not necessary to our plain-language analysis, we observe that our holding is consistent with both the legislative history of section 541.073 and the caselaw addressing it. In *Blackowiak v. Kemp*, the supreme court “view[ed] the language” of a previous version of the statute as “simply a legislative pronouncement that ‘personal injury caused by sexual abuse,’ as opposed to personal injury caused by any other activity, is entitled to a different limitation period because of its uniqueness and because of the difficulties attendant on the victim’s often repressed recollections.” 546 N.W.2d 1, 3 (Minn. 1996). And in *W.J.L. v. Bugge*, the supreme court explained that the “underlying rationale for the limitations period contained in Minn. Stat. § 541.073 is that many sexual abuse victims . . . are psychologically and emotionally unable to recognize that they have been abused” and “incapable of bringing their claims within the limitations period of Minn. Stat. §[] 541.07.” 573 N.W.2d 677, 680 (Minn. 1998). The supreme court explained in *W.J.L.* that, “[u]nder a plain reading of [section 541.073], for the statute to come into play, the complained of

and battery do not require *sexual* contact or apprehension thereof. See *id.* at 815 n.3 (reciting elements of battery claim as “an intentional, unpermitted offensive contact with another” (quotation omitted)); *Johnson v. Sampson*, 208 N.W. 814, 815 (Minn. 1926) (defining assault as “inchoate battery”). Thus, even Doe’s claims for sexual assault and sexual battery—which Pyfferoen does not dispute are subject to the six-year statute of limitations in section 541.073, subd. 2(a)—could be proved without any proof of sexual abuse.

conduct must constitute sexual abuse.” *Id.* at 681. Most recently, in *Lickteig*, the supreme court recognized that “[t]he statute simply provides additional time for plaintiffs to bring tort claims that involve sexual abuse.” 782 N.W.2d at 815. In sum, nothing in the legislative history or caselaw suggests a rigid claim-by-claim elements-based approach to determining the application of section 541.073.

We also observe that adopting Pyfferoen’s approach would result in Doe’s claims, which all arose out of the same sexual abuse, being subject to different statutes of limitations. And because a party is precluded from splitting claims arising out of the same factual circumstances, such an approach would effectively deprive Doe of the longer statute of limitations for any of her claims. *See, e.g., Loo v. Loo*, 520 N.W.2d 740, 744 n.1 (Minn. 1994) (“Res judicata, or claim preclusion, prevents parties from splitting claims into more than one lawsuit and precludes further litigation of the same claim.”).

Applying our holding to the facts of this case, we have no trouble concluding that Doe’s action is based on sexual abuse. The foundation, or basis, for Doe’s action is Pyfferoen’s sexual assault, and each of her claims stems from that operative fact. For this reason, we conclude that the district court did not err when it denied Pyfferoen’s motion for summary judgment on Doe’s IIED claim, and we affirm that ruling. Conversely, we conclude that the district court erred when it granted summary judgment in favor of Pyfferoen on Doe’s false-imprisonment claim, and we reverse that ruling.

Doe asserts that if this court reverses the dismissal of the false-imprisonment claim, as we now do, the matter should be remanded for a new trial on that claim. Pyfferoen responds that any damages awarded on the false-imprisonment claim will likely be

duplicative of the damages already awarded on Doe's claims for sexual assault, sexual battery, and IIED. Under these circumstances, it is appropriate to remand the matter to the district court to determine what, if any, additional proceedings are warranted.

DECISION

Because Doe's claims stem from conduct by Pyfferoen constituting sexual abuse, the claims are based on sexual abuse and subject to a six-year statute of limitations under Minn. Stat. § 541.073, subd. 2(a). The district court therefore did not err by denying summary judgment on Doe's IIED claim, but it did err by granting summary judgment on her false-imprisonment claim. Thus, we affirm in part, reverse in part, and remand. The propriety of any additional proceedings is left for the district court to determine on remand.

Affirmed in part, reversed in part, and remanded.