



Minnesota Supreme Court Confirms that Minnesota's Statutes of Limitations Govern Out-of-State Claims

*On September 2, 2009, the Minnesota Supreme Court held that Minnesota's statute of limitations would govern all personal injury claims properly brought in Minnesota courts. In *Fleeger v. Wyeth* (A08-2124), the federal district court in Little Rock, Arkansas presiding over the [hormone therapy](#) MDL proceedings certified a question to the Minnesota Supreme Court as to whether Minnesota's statutes of limitations would govern the claims of out-of-state plaintiffs who sued out-of-state defendants for claims that accrued elsewhere. Erik Walker, an attorney at [Hissey Kientz, LLP](#) in Austin, Texas, principally authored the brief and argued the case for the plaintiff.*

(Vocus) September 5, 2009 -- On September 2, 2009, the Minnesota Supreme Court held that Minnesota's statute of limitations would govern all personal injury claims properly brought in Minnesota courts. In *Fleeger v. Wyeth* (A08-2124), the federal district court in Little Rock, Arkansas presiding over the [hormone therapy](#) MDL proceedings certified a question to the Minnesota Supreme Court as to whether Minnesota's statutes of limitations would govern the claims of out-of-state plaintiffs who sued out-of-state defendants for claims that accrued elsewhere.

Minnesota's highest court answered "yes," upholding longstanding state precedent finding that statutes of limitations are procedural in nature, therefore the law of the forum governs all claims in which personal jurisdiction is present in Minnesota. In doing so, the court noted that the state's 2004 Uniform Conflict of Law-Limitations Act already mandated that choice of law principles would determine the applicable law for claims accruing after August 1, 2004. At issue was the law that would apply to claims accruing before that date. Minnesota's highest court confirmed that Minnesota law would govern such claims.

Erik Walker, an attorney at [Hissey Kientz, LLP](#) in Austin, Texas, principally authored the brief and argued the case for the plaintiff. Walker lauded the court's decision: "In 2004, when the legislature abrogated the "law of the forum" doctrine, it decided that the change in law should not apply retroactively, to victims whose claims had already accrued and who may have relied on Minnesota's longstanding precedent."

"The legislature consciously exempted claims accruing before the effective date of the act, and the court in *Fleeger* respected that decision," Walker said. "As a result, thousands women who acquired breast cancer from hormone therapy, along with plaintiffs in many other litigations, may continue to prosecute their claims to justice."

About Hissey Kientz, LLP

Hissey Kientz, LLP represents individuals who contracted mesothelioma or lung cancer as a result of asbestos exposure, and those injured by a [fentanyl or Duragesic](#) overdose, acute phosphate nephropathy as a result of [Fleet Phospho-soda products](#), Digitek, Zicam, the Composix Kugel mesh patch, gadolinium MRI contrast dyes, Reglan, FELA railroad injury lawsuits, Raptiva, the Ortho Evra patch, Fen-Phen or "herbal Fen-Phen" products containing ephedra or ma huang, as well as other defective drugs and devices. To learn more about the firm and other drug cases, visit Hissey Kientz, LLP (www.hkllp.com) or call toll-free at (866) 275-4454.



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