

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

FILED
United States Court of Appeals
Tenth Circuit

FEB 26 1992

ROBERT L. HOECKER
Clerk

MARIAN E. LOVELACE,

Plaintiff-Appellant,

vs.

FATHER DANIEL C. KEOHANE,
Individually and as Agent and
Employee of The Roman Catholic
Archdiocese of Oklahoma City
and The Roman Catholic Diocese
of Tulsa, THE ROMAN CATHOLIC
ARCHDIOCESE OF OKLAHOMA CITY,
and THE ROMAN CATHOLIC DIOCESE
OF TULSA,

Defendants-Appellees.

No. 88-2488

Appeal from the United States District Court
for the Northern District of Oklahoma
(D.C. No. 88-C-436-C)

Before BALDOCK and McWILLIAMS, Circuit Judges and KANE, District
Judge.*

ORDER AND JUDGMENT**

Plaintiff-appellant, Marian Lovelace, filed this Oklahoma
diversity action on May 17, 1988, under 28 U.S.C. § 1332 seeking

* Honorable John L. Kane, Jr., Senior United States District
Judge for the District of Colorado, sitting by designation.

** This order and judgment has no precedential value and shall
not be cited, or used by any court within the Tenth Circuit,
except for purposes of establishing the doctrines of the law of
the case, res judicata, or collateral estoppel. 10th Cir. R.
36.3.

damages for personal injury arising out of the alleged clerical negligence of defendant-appellant, Father Daniel Keohane, and his principals, the Roman Catholic Archdiocese of Oklahoma City and the Roman Catholic Diocese of Tulsa. Pursuant to 20 Okla. Stat. §§ 1602-05, we certified the following question to the Oklahoma Supreme Court:

Whether a "legal disability" or "discovery rule" tolls the Oklahoma two-year statute of limitations applicable to personal injury actions, in a suit based on a defendant's alleged sexual molestations of the plaintiff during the years 1967 through 1970, but not commenced until May 17, 1988, because, due to a multiple personality disorder, plaintiff's dominant "host" personality had no knowledge of the molestations until plaintiff underwent psychotherapy treatment on May 18, 1987?

The supreme court answered the certified question in the negative; therefore, plaintiff's complaint is time-barred. See Lovelace v. Keohane, No. 74,848, slip op. at 14, 1992 WL 21444 (Okla. Feb. 11, 1992). Accordingly, we affirm the federal district court's dismissal of Lovelace's complaint under Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. The mandate shall issue forthwith.

Entered for the Court

Bobby R. Baldock
Circuit Judge