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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A19-2097**

Discover Bank,  
Respondent,

vs.

Troy K. Scheffler,  
Appellant.

**Filed April 27, 2020  
Affirmed  
Bjorkman, Judge**

Anoka County District Court  
File No. 02-CV-09-2127

Norman I. Taple, Gurstel Law Firm, P.C., Golden Valley, Minnesota (respondent)

Troy Scheffler, Merrifield, Minnesota (pro se appellant)

Considered and decided by Slieter, Presiding Judge; Bjorkman, Judge; and Jesson,  
Judge.

**UNPUBLISHED OPINION**

**BJORKMAN**, Judge

Appellant challenges the denial of his petition to expunge this civil case record, arguing that the district court has inherent authority to expunge any judicial record. Because appellant's expungement petition fails as a matter of law, we affirm.

## FACTS

In late 2008, respondent Discover Bank commenced a collection action against appellant Troy Scheffler. Discover subsequently moved for summary judgment, serving Scheffler by mail with the motion, a supporting memorandum, and notice of a hearing on July 29, 2009. Scheffler filed an opposing memorandum but did not appear at the hearing. The district court granted Discover's motion and entered judgment against Scheffler in the amount of \$9,832.25, plus costs and disbursements. There is no record of any posttrial motions, and Scheffler did not appeal.

Discover did not renew the judgment, and it expired on July 31, 2019. Minn. Stat. §§ 541.04, 548.09, subd. 1 (2018) (establishing ten-year limitations period for judgments to recover the value of personal property); *see Dahlin v. Kroening*, 796 N.W.2d 503, 505 (Minn. 2011) (recognizing renewal option).

In October 2019, Scheffler filed a petition asking the district court to expunge this “case file and accompanying judgment” under its inherent judicial authority. In his petition, Scheffler principally argues that he was denied due process because Discover failed to serve him with notice of the summary-judgment hearing, and asserts that he attempted to raise this issue to the district court in August 2009 and August 2016.<sup>1</sup> Scheffler also asserts that he is entitled to expungement because the expired judgment “no

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<sup>1</sup> Scheffler claims he raised the service issue in an August 2009 motion that the district court refused to file and then denied in a handwritten order; the record does not contain the claimed motion, a deficiency notice, or the claimed handwritten order. In August 2016, Scheffler submitted an unidentified document to the district court, which it returned with the explanation that he did not pay a filing fee. The deficiency notice also advised Scheffler: “Notices were mailed out in 2009 and are available for viewing in the court file.”

longer serves any purpose” and unfairly diminishes him in the view of potential lenders and “potential significant others.” Discover did not respond. After a hearing, the district court denied the petition, reasoning that existing authority permits expungement of judicial records in criminal cases but Scheffler “did not provide authority for this Court to expunge a civil judgment.” Scheffler appeals.

## D E C I S I O N

We generally review a district court’s decision whether to expunge records for an abuse of discretion. *State v. M.D.T.*, 831 N.W.2d 276, 279 (Minn. 2013). But the scope of a court’s inherent authority to expunge records is a question of law, which we review de novo. *Id.*

The judiciary has inherent power by virtue of its role as an independent branch of government, charged under the constitution with the unique function of deciding cases and administering justice. *In re Clerk of Lyon Cty. Court’s Compensation*, 241 N.W.2d 781, 784 (Minn. 1976); see Minn. Const. art. 6, § 1. “The judiciary’s inherent power governs that which is essential to the existence, dignity, and function of a court because it is a court.” *M.D.T.*, 831 N.W.2d at 280 (quotation omitted). In determining whether a court has inherent authority to grant particular relief, we consider “whether the relief requested . . . is necessary to the performance of the judicial function as contemplated in our state constitution.” *Clerk of Lyon Cty.*, 241 N.W.2d at 786.

Part of the judiciary’s unique function is to “control court records and agents of the court in order to reduce or eliminate unfairness to individuals.” *State v. C.A.*, 304 N.W.2d 353, 358 (Minn. 1981); see also *Minneapolis Star & Tribune Co. v. Schumacher*, 392

N.W.2d 197, 202 (Minn. 1986) (stating that a court “has supervisory power over its own records and files” (quotation omitted)). The authority to control court records includes, under “appropriate circumstances,” the authority to issue “expungement orders affecting court records and agents of the court.” C.A., 304 N.W.2d at 358 (citing *Clerk of Lyon Cty.*, 241 N.W.2d at 784, 786).

Our supreme court has identified two circumstances in which Minnesota courts have the inherent power to expunge records. *Id.* Expungement is warranted when “the petitioner’s constitutional rights may be seriously infringed by retention of his records.” *In re R. L. F.*, 256 N.W.2d 803, 808 (Minn. 1977). When constitutional rights are not at stake, expungement may be appropriate if it “will yield a benefit to the petitioner commensurate with the disadvantages to the public from the elimination of the record and the burden on the court in issuing, enforcing and monitoring an expungement order.” C.A., 304 N.W.2d at 358. In either case, the petitioner has the burden of proving the circumstances that justify the court’s exercise of its equitable power to expunge court records. *See State v. Ambaye*, 616 N.W.2d 256, 261 (Minn. 2000) (recognizing that “a court’s inherent power to expunge is a matter of equity”); *see also St. Jude Med., Inc. v. Carter*, 913 N.W.2d 678, 683 (Minn. 2018) (stating that the party seeking relief must “demonstrate a right to invoke the aid of a court’s equitable powers”).

Scheffler argues that the district court erred by denying his expungement petition because inherent authority to control judicial records is not limited to criminal cases. We are not persuaded. It is well established that Minnesota courts “have the inherent power to expunge *criminal* records.” *Ambaye*, 616 N.W.2d at 258 (emphasis added). But no

precedent has sanctioned the exercise of inherent authority to expunge records in a civil case. To do so now would materially expand the law. Because that role is the province of the supreme court, *Dukowitz v. Hannon Sec. Servs.*, 815 N.W.2d 848, 851 (Minn. App. 2012), *aff'd*, 841 N.W.2d 147 (Minn. 2014), we discern no error in the district court's decision not to do so here.

Moreover, any error in the district court's denial of Scheffler's petition without substantively addressing his claims does not warrant reversal because they fail as a matter of law. *See State v. Poehler*, 921 N.W.2d 577, 582 (Minn. App. 2018) (stating that a correct result will not be reversed solely because the court's stated reason was incorrect), *aff'd*, 935 N.W.2d 729 (Minn. 2019); *State v. A.S.E.*, 835 N.W.2d 513, 517-18 (Minn. App. 2013) (independently weighing and rejecting constitutional claims for expungement). As discussed above, a party seeking to expunge records must demonstrate either (1) that retention of his records infringes on his constitutional rights or (2) that expungement will yield a benefit to him commensurate with the disadvantages to the public and the burden on the court. *See C.A.*, 304 N.W.2d at 358. Scheffler has demonstrated neither.

Scheffler first claims the retention of this case record infringes on his constitutional rights because Discover did not serve notice of the summary-judgment hearing, depriving him of the due-process right to be heard. The record defeats this claim. An affidavit of service shows that Discover served Scheffler by mail with the motion, supporting memorandum, and notice of the hearing. Scheffler acknowledges receipt of the memorandum and does not contend the affidavit of service is fraudulent or erroneous. He had and exercised his opportunity to be heard on the motion by submitting a written

memorandum. And he does not dispute that the summary judgment in Discover's favor is factually and legally correct. Consequently, retention of the judgment does not infringe on Scheffler's constitutional rights.

Scheffler next claims the balance of benefits entitles him to expungement. He contends the public has no interest in the case because Discover cannot execute the judgment and credit-reporting agencies cannot include it in reports, and he will benefit from its removal because it only serves to harm his position in society. But simply because current statutory provisions limit use of the record does not diminish the public's substantial interest in preserving accurate records of debt collections and resulting civil judgments. *See* 15 U.S.C. §§ 1601-1693 (2016) (establishing consumer credit protections); Minn. Stat. §§ 332.31-.44 (regulating collection agencies), 334.01-.21 (regulating interest rates) (2018); *Randall v. Paul*, 897 N.W.2d 842, 845 (Minn. App. 2017) (discussing public interest in fair debt-collection practices). Scheffler's assertion in his petition that his case record unfairly diminishes him in the eyes of potential creditors and "significant others" is similarly infirm. Protecting judgment debtors from others' negative opinions is no more a core judicial function than "helping individuals achieve employment goals." *State v. S.L.H.*, 755 N.W.2d 271, 277-78 (Minn. 2008); *see Clerk of Lyon Cty.*, 241 N.W.2d at 786 (stating that the exercise of inherent judicial authority must be "necessary to the performance of the judicial function as contemplated in our state constitution").

On this record, Scheffler has not demonstrated reversible error by the district court in denying his petition to expunge this civil record.

**Affirmed.**