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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0189**

In re the Marriage of: John Richard Strosahl, petitioner,
Respondent,

vs.

Doreen Strosahl,
Appellant.

**Filed September 14, 2020
Reversed and remanded
Reyes, Judge**

Carver County District Court
File No. 10-FA-16-404

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and

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Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Bryan, Judge; and Frisch,
Judge.

UNPUBLISHED OPINION

REYES, Judge

Appellant-wife appeals the district court's denial of her motion to unseal the district court record of her marriage dissolution with respondent-husband. We reverse and remand for proceedings consistent with this opinion.

FACTS

Appellant-wife Doreen Strosahl (wife) and respondent-husband John Richard Strosahl (husband) married in 2010 after working for the same company in Germany and dating for about four years. *Strosahl v. Strosahl*, No. A18-1229, 2019 WL 4409390 at *1 (Minn. App. Sept. 16, 2019). Husband is from the United States, and wife is from Germany. *Id.* The couple moved to Minnesota shortly after getting married and had a daughter in 2012. *Id.* The parties separated in June 2016 and later filed for dissolution of their marriage. *Id.* The dissolution led to a “contentious trial” over the custody of their daughter. *Id.* Wife wanted their daughter to live with her in Germany for 40 weeks out of the year. *Id.* “At trial, [wife] alleged that [husband] had domestically abused her, citing one specific instance of sexual assault in 2014.” *Id.* In its dissolution judgment and decree, the district court did not find sufficient evidence to support the domestic-assault allegations. The district court determined that it is in the daughter's best interests to continue living in Minnesota, awarded sole physical custody to father, and awarded joint legal custody to both parties. *Id.*

At the end of the court trial, husband's attorney stated, “[W]e talked to [wife's attorney] when we were here last week; but just as part of the record, it's my understanding

that [wife] is not objecting to sealing of the court record.” Wife’s attorney did not object, and the district court stated, “Then we will seal the court record. I will produce an order on that.” The district court released a written order in December 2017 sealing the record “[b]ased upon the file and requests of counsel.”

In July 2018, wife appealed the district court’s dissolution judgment, amended findings of facts, and order to seal the record. Before this court decided her appeal, wife also filed a motion with the district court to unseal the district court file. The district court issued an order reserving wife’s motion to unseal the court file “pending completion of the appellate process.” We released our opinion affirming the district court’s dissolution judgment in September 2019. *Strosahl*, 2019 WL 4409390 at *8. We declined to consider the issue of unsealing the records because wife did not raise the issue to the district court before filing the appeal, but rather made a motion to the district court after we accepted the appeal. *Id.* “We express[ed] no opinion on the pending motion, beyond the observation that it is the policy of the judicial branch that case records be accessible to the public, in the absence of a specific exception that limits access.” *Id.* (citing Minn. R. Pub. Access to Recs. of Jud. Branch 2).

On December 17, 2019, the district court filed its order and memorandum denying wife’s request to unseal the record. It explained that it had originally sealed the district court records “in reliance that allowing public access to the file would potentially harm [husband’s] employment, which could have adverse effects on the financial settlement.” The district court concluded by stating, “To unseal the file now would put [husband’s] employment at risk after [wife] agreed to the financial settlement.” This appeal follows.

DECISION

Wife argues that district court abused its discretion by (1) initially sealing the entire record without making the requisite findings, including not articulating “strong countervailing reasons,” and (2) denying her request to unseal the district court file. We address the second issue because it necessarily addresses the first issue.

Appellate courts review a district court’s decision to seal records for an abuse of discretion. *Minneapolis Star & Tribune Co. v. Schumacher*, 392 N.W.2d 197, 206 (Minn. 1986). An appellant bears the burden of showing how the district court abused its discretion. *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949). “A district court abuses its discretion if its decision is against the facts in the record or if its ruling is based on an erroneous view of the law.” *State ex rel. Swan Lake Area Wildlife Ass’n*, 799 N.W.2d 619, 625 (Minn. App. 2011) (quotation omitted).

The Minnesota Rules of Public Access to Records govern access to court files and impose a presumption of public access. Minn. R. Pub. Access to Recs. of Jud. Branch 1-2. Rule 4 governs accessibility and directs courts to consider the common-law factors in *Schumacher*, 392 N.W.2d 197, if restricting access in a civil case. Minn. R. Pub. Access to Recs. of Jud. Branch 4, subds. 1-2. The common law also provides a “right to inspect and copy civil court records” and “a presumption in favor of access.” *Schumacher*, 392 N.W.2d at 202. Courts must balance this presumption of access against any countervailing interests. *Id.* at 203; Minn. R. Pub. Access to Recs Jud. Branch 4, subd. 2.

Schumacher provides the following framework for analyzing a request for access:

When a party seeks to restrict access to settlement documents and transcripts of settlement hearings, *the court must balance the interests favoring access, along with the presumption in favor of access, against those asserted for restricting access. In order to overcome the presumption in favor of access, a party must show strong countervailing reasons why access should be restricted.* Absent such a showing, a court may not restrict access to settlement documents and transcripts that have been filed with the court. It should also be noted that *simply because a party requests that access be restricted does not mean that the court may automatically do so. The court must make its own legal determination in each case.*

392 N.W.2d at 205-06 (emphases added).

Here, the district court cited the correct standard but did not weigh the interests. The district court simply stated that the original district court order sealing the record “at least helped the parties reach their financial settlement, as [husband’s] job was protected and his income remained stable. [Wife] reaped the financial settlement benefit by sealing the file.” First, these findings are not supported by evidence in the record. Second, while we did not provide specific details, our previous opinion states that wife made allegations of abuse against husband that the district court found lacked sufficient evidence. *See Strosahl*, 2019 WL 4409390 at *1. This information is already publicly available. Third, the district court failed to explain, both initially and upon wife’s later request to unseal the district court record, how husband’s request to seal the record in its entirety meets the strong showing required to overcome the presumption favoring public access to the record.

We therefore reverse the district court’s order denying wife’s motion to unseal the record and remand for the district court to weigh the presumption in favor of access against

husband's private interests in sealing the record to determine whether husband can provide "strong countervailing reasons." *See Schumacher*, 392 N.W.2d at 205-06.

Reversed and remanded.