

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0707**

In re the Marriage of: Ajay K. Israni, petitioner,
Respondent,

vs.

Sonal A. Sidhwani,
Appellant.

**Filed March 22, 2021
Affirmed in part, reversed in part, and remanded; motion granted
Hooten, Judge**

Hennepin County District Court
File No. 27-FA-17-7994

Gary A. Debele, Messerli & Kramer P.A., Minneapolis, Minnesota (for respondent)

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Minnesota (for appellant)

Considered and decided by Johnson, Presiding Judge; Hooten, Judge; and Slieter,
Judge.

NONPRECEDENTIAL OPINION

HOOTEN, Judge

In this marital dissolution appeal, appellant argues that the district court (1) erred as a matter of law in awarding her temporary spousal maintenance and only reserving the possibility of awarding permanent spousal maintenance in the future, (2) abused its discretion by awarding her an inadequate amount of spousal maintenance, and (3) erred as

a matter of law and abused its discretion in declining to award her need- and conduct-based attorney fees. While this appeal was pending, appellant filed a motion to strike certain portions of respondent's brief. We affirm in part, reverse in part, remand, and grant appellant's motion.

FACTS

The parties were married in 2004. In January of 2017, appellant wife Sonal A. Sidhwani, a physician, suffered a debilitating medical episode in India. This episode left her oxygen-deprived long enough to cause brain damage and significant loss of ability. She has since regained a significant amount of pre-incident brain function, but she was not fully recovered at the time of trial. Appellant remained in India after her medical episode. On February 2, 2018, she was adjudicated disabled by the Social Security Administration of the United States.

In late 2017, respondent husband Ajay K. Israni, who is also a physician, petitioned the district court, Hennepin County, for a dissolution of marriage, joint legal and sole physical custody of the parties' child, and other relief. Appellant answered and counterpetitioned for joint legal and joint physical custody, temporary and permanent spousal maintenance, and other relief. Before trial, the parties reached an agreement under which they would have joint legal custody of their child and respondent would have sole physical custody, subject to appellant's parenting time. The parties submitted evidence regarding their other issues at trial, which was held over three days in May of 2019.

Following trial, the district court issued its judgment and decree of dissolution. The district court ordered appellant to pay child support of \$421 and medical support of \$82 to

respondent. The district court also ordered respondent to pay appellant temporary spousal maintenance of \$3,870 per month for 24 months and reserved the issue of permanent spousal maintenance. The district court declined to award attorney fees to either party.

Following entry of the judgment and decree, appellant filed a motion to amend the findings of fact and a motion for a new trial. The district court denied both of appellant's motions. This appeal follows. While this appeal was pending, appellant filed a motion to strike portions of respondent's brief.

DECISION

Appellant's brief raises three claims of error. First, appellant argues that the district court erred as a matter of law in awarding temporary spousal maintenance to appellant and reserving the issue of permanent spousal maintenance. Second, appellant argues that the district court abused its discretion in determining the amount of her spousal maintenance award. Third, appellant argues that the district court erred as a matter of law and abused its discretion in declining to award her need- and conduct-based attorney fees. Additionally, appellant has moved to strike and bar from consideration certain portions of respondent's brief.

I. Appellant's motion is granted.

"The documents filed in the trial court, the exhibits, and the transcript of the proceedings, if any, shall constitute the record on appeal in all cases." Minn. R. Civ. App. P. 110.01. "Th[is] court will strike documents included in a party's brief that are not part of the appellate record." *Fabio v. Bellomo*, 489 N.W.2d 241, 246 (Minn. App. 1992), *aff'd*, 504 N.W.2d 758 (Minn. 1993). Relatedly, this court "must generally consider only those

issues that the record shows were presented and considered by the trial court in deciding the matter before it.” *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (quotation omitted). And this court “may not base its decision on matters outside the record on appeal” or “consider matters not produced and received in evidence below.” *Id.* at 582–83.

Here, respondent’s brief presented as fact several assertions. First, respondent asserted that appellant had criticized him for producing the report of a psychiatric expert witness “late in the process,” while also “neglecting to inform this [c]ourt that the [delay] . . . was a direct result of [appellant]’s . . . absolute refusal to cooperate with this expert in the time before she returned to India to live.” Second, respondent asserted that appellant had failed to cooperate with his expert and thereby caused him “to incur cancellation fees when she failed to appear for the scheduled and noticed medical evaluation.” Third, respondent asserted that the neurologist who conducted an adverse examination of appellant in India “was reluctant to conduct the adverse medical examination since it is not customary to do such examinations in India,” and it is “considered unethical in India to get a second opinion,” both of which would lead to difficulties in obtaining another adverse examination in the future. Fourth, and finally, respondent asserted that “forensic psychiatry is in its infancy in India and other developing countries.”

Respondent attempted to support these assertions with citations to several documents in the record. These documents include respondent’s motion asking the district court to order appellant to submit to an adverse medical examination, respondent’s affidavit accompanying that motion, several documents attached to that affidavit as exhibits, a

second affidavit he later made in connection with that motion, the district court's order requiring appellant to submit to an adverse medical examination, and the district court's order for trial.

While this appeal was pending, appellant brought a motion requesting that this court “strike from the record and exclude from consideration all references and discussion of hearsay testimony and discussions from pre-trial affidavits not marked and introduced as evidence at trial.” In bringing this motion, appellant argues that “[r]espondent has improperly incorporated throughout his brief discussion and references to ‘facts,’ some of which [are] hearsay, derived not from trial testimony or trial exhibits, but rather from pre-trial affidavits, which affidavits were not introduced as trial exhibits.” Appellant contends that respondent “strayed outside of the record in claiming [appellant] missed an appointment causing a cancelation fee,” and that respondent’s “citations to Docs 45, 46, 47 and 57 as evidence in support of any substantive argument . . . must be stricken.” Finally, appellant asserts that respondent’s “lengthy hearsay discussion of what [he] reportedly was told by [the neurologist who examined appellant in India], as well as references to an Indian Journal of Medicine, contained at pages 16 through 18 and 22[,]23 and 25 of his brief[,] must be disregarded and stricken.”

We grant appellant’s motion to strike from the record and bar from consideration those factual assertions contained in respondent’s brief and identified above. The documents that respondent cites as support for these assertions were filed with the district court and are thus properly part of the appellate record. Minn. R. Civ. App. P. 110.01. The documents were not, however, admitted into evidence, with the exception of Exhibit C, the

findings of appellant's adverse examination in India, which was attached to respondent's first affidavit and later admitted at trial. As such, these documents cannot serve as support for the district court's findings of fact. And importantly, the district court did not make findings of fact mirroring the factual assertions that respondent includes in his brief. Accordingly, respondent's assertions will not be treated as fact by this court and will be stricken from the record.

II. The district court abused its discretion in failing to award permanent spousal maintenance.

The district court may award spousal maintenance in a dissolution proceeding if it finds that the spouse seeking maintenance “is unable to provide adequate self-support, after considering the standard of living established during the marriage and all relevant circumstances, through appropriate employment.” Minn. Stat. § 518.552, subd. 1(b) (2020). “An award of temporary maintenance is based on the assumption that the party receiving the award not only should strive to obtain suitable employment and become self-supporting but that he or she will attain that goal.” *Nardini v. Nardini*, 414 N.W.2d 184, 198 (Minn. 1987). On the other hand, “an award of permanent spousal maintenance is more appropriate if it is uncertain that the spouse seeking maintenance can ever become self-supporting.” *Madden v. Madden*, 923 N.W.2d 688, 695–96 (Minn. App. 2019) (quotation omitted).

Here, the district court awarded temporary spousal maintenance to appellant in the amount of \$3,870 per month for 24 months. The district court also concluded, however, that it should award only temporary maintenance and reserve the issue of permanent

maintenance. This decision was based on the district court’s finding that, while appellant was unable to provide adequate self-support at the time of trial, she had “improved markedly since her medical incident.” The district court also stated that it did “not have sufficient information to predict the nature and extent of [appellant]’s recovery in the future.” Noting that appellant was “still young, and has the potential of continuing her improvement and finding a second career (assuming she is unable to return to working as a physician),” the district court declared that it was “not convinced that [appellant would] have a need for permanent spousal maintenance.”

In explaining the rationale behind its decision to reserve the issue of permanent maintenance, the district court also stated that “[i]f the Court were to award permanent spousal maintenance at the same rate as the temporary order, and assuming that [appellant] lives for at least another 30 years, [respondent]’s spousal maintenance obligation over that duration would be approximately \$1.39 million (without accounting for Cost of Living Adjustments, etc.),” and that it was thus “more appropriate for the Court to take a ‘wait and see’ approach on that issue.”¹ The district court acknowledged that its decision to reserve the issue of permanent spousal maintenance amounted to a decision to postpone a potential evidentiary hearing on the matter that “could cost the parties a significant amount of

¹ We have noted that the term “permanent maintenance” is a “term of art” that does not refer to the duration of the maintenance obligation but to the fact that, in later proceedings to reduce or terminate the award, the burden of proof is on the payor of the award. *Poehls v. Poehls*, 502 N.W.2d 217, 218 (Minn. App. 1993); see *Kemp v. Kemp*, 608 N.W.2d 916, 921 (Minn. App. 2000) (addressing this aspect of *Poehls*). Thus, to the extent the district court’s analysis assumed that wife would receive maintenance for the rest of her life, that analysis was inconsistent with caselaw.

attorneys' fees, expert witness fees, and time.” Nevertheless, the district court decided to reserve the issue of permanent spousal maintenance.

We review the district court's award of spousal maintenance for an abuse of discretion. *Curtis v. Curtis*, 887 N.W.2d 249, 252 (Minn. 2016). Decisions as to the duration of a maintenance award are likewise reviewed for an abuse of discretion. See *Gales v. Gales*, 553 N.W.2d 416, 420 (Minn. 1996). The district court abuses its discretion in awarding spousal maintenance if its findings of fact are unsupported by the record, if it improperly applies the law, or if it resolves the question in a manner that is contrary to logic and the facts on record. *Dobrin v. Dobrin*, 569 N.W.2d 199, 202, n.3 (Minn. 1997).

The district court abused its discretion in awarding only temporary spousal maintenance and reserving the issue of permanent maintenance. The district court found that appellant was unable to provide adequate self-support at the time of trial. The district court also found that it did “not have sufficient information to predict the nature and extent of [appellant]'s recovery in the future.” But the district court did not find, and could not logically have found, that it was more likely than not that appellant would regain the ability to provide adequate self-support.

It follows from this that there was uncertainty, at the time of trial, as to the necessity of a permanent award of spousal maintenance: if appellant did not continue to improve, she would remain unable to provide adequate self-support, but if her improvement continued, she might be able to provide adequate self-support at some point in the future. Under Minnesota law, “[w]here there is some uncertainty as to the necessity of a permanent award, the court shall order a permanent award[,] leaving its order open for later

modification.” Minn. Stat. § 518.552, subd. 3 (2020); *see Frandsen v. Ford Motor Co.*, 801 N.W.2d 177, 181 (Minn. 2011) (noting that “shall” is mandatory). The district court’s order of a temporary award in this case ran counter to this plain statutory language. As such, the district court’s decision to award only temporary spousal maintenance and to reserve the issue of permanent maintenance was an improper application of law and an abuse of its discretion.

Respondent argues that because any future inability to provide adequate self-support would likely be due in part to appellant’s failure to seek and receive adequate treatment, appellant failed to prove that she would require permanent maintenance in the future. The district court did find that “[n]o expert or party at trial was able to testify with certainty about [appellant]’s future recovery.” And the district court also stated that it was “not convinced that [appellant] will have a need for permanent spousal maintenance.” The district court did not, however, make any finding that appellant was failing to seek out or cooperate with treatment. In fact, the district court explicitly stated that it expected appellant would “be able to document her ongoing best efforts to maximize her rehabilitation and find gainful employment over the next 24 months.” In the absence of any finding by the district court that appellant was malingering, and in the face of uncertainty over appellant’s need for permanent maintenance, the district court should have ordered an award of permanent maintenance. Minn. Stat. § 518.552, subd. 3.

Respondent also argues that because appellant may not have been cooperating fully in her treatment, temporary maintenance was appropriate to ensure both that she would continue to do so and that she would make efforts to reenter the workforce. Respondent

claims that the district court “found that in order to ensure that [appellant] participates in adequate psychiatric care . . . any temporary maintenance should be tied to” appellant’s participation in and cooperation with her treatment. The district court made no such finding. And in fact, the district court questioned “whether a failure to use best efforts to rehabilitate her condition may be considered . . . when deciding a permanent maintenance award.” One factor to be considered in deciding whether to award maintenance is “the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment.” Minn. Stat. § 518.552, subd. 2(b) (2020). And an award of permanent maintenance might to some extent discourage an obligee from attempting to regain self-sufficiency. Nevertheless, there is uncertainty here as to whether appellant can ever regain the ability to provide adequate self-support, even with full participation in treatment and attempts to reenter the workforce.

Respondent also argues that an award of permanent maintenance would have improperly placed the burden of proving a future change in circumstances on him, thereby imposing logistical challenges given that appellant now lives in India. It is true that ordering permanent maintenance would place on respondent the burden of proving a substantial change in circumstances warranting termination or modification of maintenance. Minn. Stat. § 518A.39 (2020); *Hecker v. Hecker*, 568 N.W.2d 705, 709 (Minn. 1997). It does not follow from that fact, however, that an award of permanent maintenance would have been inappropriate. Furthermore, the fact that proving a substantial change in circumstances might impose logistical challenges on respondent also does not support a denial of permanent maintenance; every motion to modify or terminate

a maintenance award will impose some logistical challenges, and the difference between the average case and this one is a difference of degree, not of kind.

Respondent also cites several cases that he argues support the district court's decision to award only temporary maintenance. The caselaw respondent cites is distinguishable. In *Dobrin*, for example, the Minnesota Supreme Court took the view that any uncertainty as to the obligee's future ability to provide adequate self-support was due to the obligee's failure to attempt to provide adequate self-support. See 569 N.W.2d at 203. Here, the district court made no finding that appellant's failure to provide adequate self-support was due to malingering.

Finally, respondent draws attention several times in his brief to the fact that appellant has apparently been volunteering with the Parkinson's Society in Mumbai, India. The district court made no finding of fact to that effect. The district court did, however, find that appellant was "unable to provide adequate self-support," and that it did "not have sufficient information to predict the nature and extent of [appellant]'s recovery in the future." Taken together, these findings should have led the district court to order an award of permanent maintenance.

In sum, the district court improperly applied Minn. Stat. § 518.552, subd. 3, and abused its discretion when it ordered temporary spousal maintenance and reserved the issue of permanent maintenance.

III. The district court did not abuse its discretion in determining the amount of appellant's spousal maintenance award.

Awards of spousal maintenance “shall be in amounts and for periods of time, either temporary or permanent, as the court deems just.” Minn. Stat. § 518.552, subd. 2 (2020). Minnesota law also supplies a non-exhaustive list of factors to be considered in determining the amount of a maintenance award. Included in this list is “the standard of living established during the marriage.” *Id.*, subd. 2(c) (2020). “The purpose of a maintenance award is to allow the recipient and the obligor to have a standard of living that approximates the marital standard of living, as closely as is equitable under the circumstances.” *Peterka v. Peterka*, 675 N.W.2d 353, 358 (Minn. App. 2004).

The district court awarded appellant temporary spousal maintenance in the amount of \$3,870 per month for 24 months. The amount of the award was determined by finding that appellant had reasonable monthly expenses of \$6,440 and monthly Social Security income of \$2,570, leaving her with a monthly income deficiency of \$3,870. The district court then found that respondent had the ability to pay the reasonable monthly maintenance award of \$3,870. In calculating appellant's reasonable monthly expenses, the district court considered the standard of living established by the parties during their marriage, a proposed budget submitted by appellant that listed her monthly expenses as \$7,688, and a cost-of-living assessment prepared by appellant's experts in support of her budget, which listed the total cost of all of the items from appellant's budget, when purchased in Mumbai, as \$6,680. The district court found the cost-of-living assessment to be highly credible and helpful, reduced the amount it provided for car payments by \$200, removed the \$40 it

provided for a country/health club membership, and thereby arrived at a monthly budget of \$6,440.

Appellant argues that the district court abused its discretion in calculating the amount of her spousal maintenance award by improperly relying on and making adjustments to her cost-of-living assessment and not her proposed budget, reducing the amount for car payments, declining to award her money for furniture, miscalculating the cost of retaining a chauffeur, and miscalculating the amount of her maintenance award from her expenses and income. This court reviews the district court's identification of the amount of a spousal maintenance award for an abuse of discretion. *Curtis*, 887 N.W.2d at 252. The district court abuses its discretion in awarding spousal maintenance if its findings of fact are unsupported by the record or if it improperly applies the law or if it resolves the question in a manner that is contrary to logic and the facts on record. *Dobrin*, 569 N.W.2d at 202, n.3. "A district court's determination of income for maintenance purposes is a finding of fact and is not set aside unless clearly erroneous." *Peterka*, 675 N.W.2d at 357.

The district court did not abuse its discretion in calculating the amount of appellant's spousal maintenance award. As to the district court's reliance on appellant's cost-of-living assessment and not her proposed budget, appellant cites no authority as support for the proposition that the district court must base its determination of a maintenance obligee's need on the obligee's proposed budget. The district court found the cost-of-living assessment to be highly credible, in part because its drafters testified credibly at trial. Importantly, this court must defer to such credibility determinations, *see* Minn. R. Civ. P. 52.01, and nothing about the experts' testimony would call their credibility into question.

Also, it was appellant who offered the cost-of-living assessment as support for the award of spousal maintenance she sought. Finally, the assessment was 32 pages while appellant's budget was only a single page, the assessment included calculations of the costs of all items included in appellant's budget, and the assessment provided detailed background as to how those costs were calculated. On this record, the district court did not abuse its discretion in relying on appellant's cost-of-living assessment to determine the amount of her maintenance need.

As to the district court's reduction in the amount awarded for car payments, appellant appears to have based her inclusion of \$500 per month for a car payment on the payments her brother made for his Audi. The district court reduced this amount by \$200 after finding that the parties drove a Honda Accord and a Subaru Legacy during the marriage and not luxury cars such as an Audi. Appellant admits that her most recent vehicle was a Subaru Legacy, which had a base price of approximately \$22,000. On this record, the district court's decision to reduce the amount included in appellant's budget for monthly car payments by \$200 was not an abuse of discretion.

As to the district court's exclusion of an amount for furniture from appellant's monthly expenses, appellant's own cost-of-living assessment calculated appellant's rent payment on the basis of the price of a furnished apartment in Mumbai, and it did not include an amount for furniture. The district court likewise indicated that it was basing its calculation of appellant's likely rent expense on the price of a furnished apartment, making a monthly expenditure on furniture unnecessary. An addendum to appellant's cost-of-living assessment includes photographs of sample apartments that appear to be furnished.

Finally, appellant's monthly budget includes \$250 for miscellaneous expenses—funds that could be used to purchase any additional furniture that appellant requires. On this record, the district court's exclusion of a separate line item for furniture from appellant's budget was not an abuse of discretion.

As to the district court's calculation of the amount for a chauffeur, the district court appears to have adopted the rounded monthly cost for a chauffeur—\$210—that was included in the cost-of-living assessment that appellant submitted. Appellant included an amount of \$350 for a chauffeur in her proposed budget, and she argues that the figure included in her cost-of-living assessment is too low because she needs an experienced driver that, presumably, would charge a monthly rate of \$350 and not \$210. As noted above, the district court did not abuse its discretion in relying on appellant's cost-of-living assessment—completed by valuation experts and found by the district court to be highly credible—in assessing appellant's monthly maintenance need. As such, the district court's calculation of the amount for a chauffeur was not an abuse of discretion.

As to the district court's alleged error in determining the final amount of her maintenance award, appellant argues that it is unclear how the district court determined that she should receive an award of \$3,870. The calculations the district court performed to determine the amount of appellant's maintenance award are clear. It is easy to discern—though the district court did not make an explicit finding to this effect—that the district court started with appellant's cost-of-living assessment total of \$6,680, subtracted \$200 for a car payment that the district court found to be excessive, and subtracted \$40 for a country/health club membership that the district court found to be unreasonable, thereby

arriving at a monthly budget of \$6,440. The district court then explicitly found that appellant's monthly income from Social Security was \$2,570 and explicitly found that appellant thus had a monthly income deficiency, and need for maintenance, of \$3,870. There is no discernible error in these calculations and findings.

In sum, the district court did not abuse its discretion in calculating the amount of appellant's spousal maintenance award.

III. The district court did not abuse its discretion in denying appellant's requests for need- and conduct-based attorney fees.

Minn. Stat. § 518.14 (2020) governs awards of attorney fees in dissolution matters. Under section 518.14, subdivision 1, "the court shall award attorney fees, costs, and disbursements in an amount necessary to enable a party to carry on or contest the proceeding," if it finds:

- (1) that the fees are necessary for the good faith assertion of the party's rights in the proceeding and will not contribute unnecessarily to the length and expense of the proceeding;
- (2) that the party from whom fees, costs, and disbursements are sought has the means to pay them; and
- (3) that the party to whom fees, costs, and disbursements are awarded does not have the means to pay them.

The district court also is not precluded "from awarding, in its discretion, additional fees, costs, and disbursements against a party who unreasonably contributes to the length or expense of the proceeding." Minn. Stat. § 518.14, subd. 1. The party requesting such conduct-based attorney fees bears the burden of establishing that the other party's conduct

unreasonably contributed to the length or expense of the proceeding. *Geske v. Marcolina*, 624 N.W.2d 813, 818 (Minn. App. 2001).

Appellant requested both need- and conduct-based attorney fees. The district court found that respondent had not unreasonably contributed to the length or cost of the proceedings, and it therefore denied appellant's request for conduct-based attorney fees. The district court also found that appellant had the means to pay her attorney fees because she was being awarded nearly one million dollars of marital property, and it therefore denied her request for need-based attorney fees.

Appellant argues that the district court abused its discretion in failing to award her need- and conduct-based attorney fees. Specifically, appellant contends that, because she has a limited income when compared to respondent, the district court clearly erred in finding that she had the means to pay her own attorney fees and therefore abused its discretion in denying her motion for need-based attorney fees. Appellant also asserts that, because the district court clearly erred in finding that respondent had not unnecessarily contributed to the length and expense of the proceeding, the district court abused its discretion in denying her request for conduct-based attorney fees. We review the district court's decision not to award need- and conduct-based attorney fees for an abuse of discretion. *See Gully v. Gully*, 599 N.W.2d 814, 825 (Minn. 1999); *Brodsky v. Brodsky*, 733 N.W.2d 471, 476 (Minn. App. 2007).

The district court did not abuse its discretion in denying appellant's requests for need- and conduct-based attorney fees. As to need-based attorney fees, appellant was awarded \$813,371.35 in marital property following the dissolution. The attorney fees she

incurred in the proceedings totaled \$127,059.27. Appellant thus had ample financial resources to pay her attorney fees, and the district court's finding that appellant had the means to pay her own fees is not clearly erroneous.

Appellant cites several decisions of this court as support for the proposition that the district court should have ordered an award of need-based attorney fees even though she received a relatively large property award. The authorities appellant cites are inapposite. In the cases appellant cites, the spouses seeking need-based fees or spousal maintenance had been homemakers and caregivers during the marriage and were without prospects for significant future income. *See Lyon v. Lyon*, 439 N.W.2d 18, 19, 21 (Minn. 1989); *Bury v. Bury*, 416 N.W.2d 133, 134 (Minn. App. 1987); *Nemitz v. Nemitz*, 376 N.W.2d 243, 249 (Minn. App. 1985), *review denied* (Minn. Dec. 30, 1985). By contrast, appellant is trained as a physician and medical educator, and while it is uncertain whether she will continue to recover to the point that she can again practice medicine, her situation is distinguishable from that of the former spouses in the cases she cites. Furthermore, appellant cites no authority as support for the argument that, because much of the \$813,371.35 in marital property that she was awarded is real estate and not liquid funds, she does not truly have the ability to pay her attorney fees. On this record, the district court did not abuse its discretion in denying appellant's request for need-based attorney fees.

As to conduct-based fees, appellant argues that respondent maintained unfounded and unreasonable legal and factual positions throughout the dissolution proceedings and that the district court's finding that respondent had not unreasonably contributed to the length or cost of the proceedings is therefore clearly erroneous. But we conclude that

respondent's arguments were not so clearly unreasonable or unfounded as to render the district court's finding clearly erroneous. Appellant had previously worked as a physician and had made significant progress in her medical recovery. It was not unreasonable for respondent to assert that because she was continuing to obtain treatment and was making progress, appellant could eventually return to her work as a physician or in some other capacity. Respondent reasonably disputed appellant's claimed living expenses, noting that appellant was able to maintain her marital standard of living in Mumbai at a cost much lower than if she were living in Minnesota. Respondent reasonably highlighted the relative purchasing powers of the dollar and rupee, the differing price levels of goods and services in Minnesota and Mumbai, variance in the availability and suitability of certain goods and services, and other differences. It was also not unreasonable for respondent to dispute whether the parties' jewelry was marital property or to argue that the district court should account for several pieces of jewelry allegedly missing from the parties' safety deposit box. Finally, based upon documents submitted to the district court, respondent had a colorable argument that appellant had a personal interest in several family owned businesses in India and thus had not fully declared her assets.

In sum, because its findings that appellant had sufficient funds to pay her own attorney fees and that respondent had not unreasonably contributed to the length or cost of the proceedings are not clearly erroneous, the district court did not abuse its discretion in denying appellant's requests for need- and conduct-based attorney fees.

Affirmed in part, reversed in part, and remanded; motion granted.