

*This opinion is nonprecedential except as provided by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
A22-0739**

Roger Dean Olson,
Respondent,

vs.

Michael J. Jackson,
Appellant.

**Filed April 10, 2023
Affirmed
Smith, Tracy M., Judge**

Dakota County District Court
File No. 19AV-CV-18-2197

Ross M. Hussey, Timothy D. Johnson, Brian C. Leopold, Smith Jadin Johnson, PLLC,
Bloomington, Minnesota (for respondent)

Aaron D. Sampsel, Robert J. Kouba, Christensen Law Office PLLC, Minneapolis,
Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Smith, Tracy M., Judge; and
Cochran, Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this appeal from a judgment following a court trial, appellant Michael J. Jackson challenges the district court's judgment recognizing respondent Roger Dean Olson's right to unimpeded use of an implied easement that runs across a corner of Jackson's property and the district court's award of damages to Olson for Jackson's conduct. We affirm.

FACTS

This case concerns an escalating dispute between neighbors about Olson's use of a dirt road (the Road) that crosses a corner of Jackson's property and Jackson's efforts to impede Olson's use of the Road to access the property leased by Olson.

Background

The Properties

The Road provides access to two adjacent properties, one in Scott County and one in Dakota County. Both properties are located on Linch Path. The first property is XX550 Linch Path in Scott County (the XX550 property). Since 2010, the XX550 property has been owned by an LLC, whose principal owner is R.L. R.L. frequently visits to check on the property. Olson is a tenant at the XX550 property. He began leasing the property in 2014. He also sublet the property to S.H., who resided there from 2014 or 2015 to July 2020.

Jackson is the owner and resident of the neighboring property to the east, located at XX562 Linch Path in Dakota County (Jackson's property). Jackson has lived on this property with his wife, K.J., since March 1999, and they own the property as joint tenants.

The Road

At issue in this case is the Road—an unpaved portion of Linch Path. The paved portion of Linch Path ends in a paved cul-de-sac to the south of Jackson's property. The Road then extends northwesterly from the paved cul-de-sac and provides access to Jackson's property. Near the southwestern corner of Jackson's property, the Road deviates from the platted road of Linch Path and crosses the southwest corner of Jackson's property.

From there, the Road exits Jackson's property and continues northwesterly through the southeastern corner of the XX550 property.

History of the Properties and the Road

At trial, both parties testified and provided evidence about the history of the Road. Olson testified that Linch Path and the Road provide the only means of ingress and egress to the XX550 property. Olson added that he remembered using the Road when he was 15 years old, in 1975. Jackson claimed that the Road is private. Jackson testified that he purchased his property in 1999 and that, at that time, he knew that the Road traversed his property and that the previous owner had permitted the residents of the XX550 property to use the Road to access their property. Jackson testified that he had previously granted other residents of the XX550 property and the City of Lakeville oral permission to use the Road, but he provided no other evidence to support his claim that their use was by permission.

The parties stipulated to admission of an original plat map from 1913. That map showed that the XX550 property and Jackson's property had been divided into lots by the then-owners of the land, the Van Valkenbergs, as part of a development. The Van Valkenbergs specifically indicated that they wanted the roads serving the development to be designated for public use, stating on the plat map: "[W]e do hereby donate and dedicate to the public use forever the streets, avenues and roads as shown on the annexed plat." There were several roads platted on the 1913 map that were never built due to difficult land conditions. Linch Path was platted on the map, but the platted portion of Linch Path that would have provided direct access to the XX550 property was never built.

R.L. testified that the XX550 property was sold to the original owner in 1926, who built a house and used the Road to access it. R.L. confirmed that the Road provides the only means of ingress and egress to the XX550 property. He stated that when he purchased the property in 2010, the Road was 30-feet wide, but it has since been reduced in size by Jackson, so it no longer accommodates large vehicles. Olson and R.L. also had a survey done of the Road, with representatives from both counties present, which confirmed that the width of the Road should be 30 feet.

Interference with Olson's Use of the Road

Olson used the Road unimpeded until December 2015. At that time, Jackson's daughter's dog attacked goats on the XX550 property, which led to Olson's son shooting and killing the dog. S.H., who was subletting from Olson at the time, owned the goats and a few other small animals as part of a petting zoo for her grandchildren.

That day, R.L. saw Jackson standing in Jackson's driveway with a shotgun, which he pointed at the truck R.L. was driving. S.H. testified that, that evening, she witnessed Jackson come to the driveway of the XX550 property, shoot a gun in the air, and threaten to slit the throats of Olson's son and S.H.

After this incident, Jackson began to interfere with Olson's, R.L.'s, and S.H.'s use of the Road. He (1) placed nails on the road, which punctured three of R.L.'s tires and four of his brother-in-law's tires; (2) put ruts in the road annually; (3) put dirt and grass seed on the Road; (4) put logs and rocks on the Road; (5) removed R.L.'s "No Trespassing" signs and hung them on his own fence with derogatory comments about Olson and Olson's recently deceased son; (6) placed large tires in the middle of the road; (7) poured water

down the middle of the Road on an incline so the water would freeze and cars could not make it up the hill; (8) used a hose to make ruts in the road; (9) removed balloons and signs for a baby shower S.H. hosted at the XX550 property and put boulders in the Road to prevent guests from attending; (10) plowed snow to block the Road; (11) dug up the Road, which made it impassible and damaged Olson's truck; and (12) Jackson cut cable lines that ran across the Road to the XX550 property on multiple occasions.

Due to Jackson's threats and interference with the Road, Olson was forced to use different service providers for the XX550 property. Olson testified that Jackson threatened a cable-service repairman with a shotgun, which caused the cable-service provider and other service providers to cease service to the XX550 property. Jackson admitted to having an interaction with a cable-service repairman, that law enforcement was involved, and that he was criminally charged. Jackson denied intentionally cutting the lines and said it was done inadvertently with his lawnmower. The district court did not find Jackson's testimony credible. After the altercation between Jackson and the cable-service repairman, Olson had to switch to more expensive internet, phone, and cable-TV providers. He had to change the phone number he had used for his business for 35 years and had to reprint various marketing and informational materials for his business. And, because Jackson narrowed the Road to be only 11-feet wide, the XX550 property no longer received garbage services and Olson began paying for dumpsters.

Since the shooting, there have also been various altercations between Jackson and the residents and the owner of the XX550 property. On April 8, 2016, S.H. obtained an ex parte harassment restraining order (HRO) against Jackson, and in June 2016, S.H. obtained

an HRO. In August 2017, Olson and his son obtained ex parte HROs against Jackson based on verbal threats.

Legal Proceedings

Olson brought suit in conciliation court alleging that Jackson interfered with his right to access the Road and intentionally damaged his property. The conciliation court found in favor of Olson. Jackson removed the case to district court, and the conciliation court judgment was vacated.

Olson's complaint alleged four causes of action: Count I, injunction or restraining order to abate interference with easement; Count II, trespass and abatement of trespass; Count III, damage to property and theft; and Count IV, assault and violations of harassment restraining orders.

Jackson moved for summary judgment and sanctions, and Olson moved for leave to amend his complaint. The district court denied both parties' motions, reasoning that (1) Olson had provided sufficient facts to raise a genuine issue of material fact about the existence of an implied easement; (2) because Jackson's claim for sanctions rested upon the assumption that the district court would determine that no implied easement existed and the court did not do so, Olson's litigation was not factually meritless and did not warrant sanctions; and (3) because Olson's motion to amend the complaint came five months after the court-imposed deadline to amend pleadings, the proposed amendments would prejudice Jackson and cause undue delay. Had the motion to amend been granted, Olson would have amended his complaint to include claims for nuisance, battery,

conversion, and a declaratory judgment that the Road in question is a public road pursuant to Minnesota Statutes section 160.05 (2022).

The district court held a remote court trial on July 15 and 16, 2021, during which the district court heard the testimony from S.H., R.L., Olson, Jackson, and the Lakeville city engineer. Following trial, the district court issued findings of fact, conclusions of law, and an order for judgment in favor of Olson.

On Count I, the district court first determined that “the Road exists as an implied easement” by necessity to allow access to the XX550 property. Specifically, it determined that (1) the Road encroached on Jackson’s property; (2) the properties once existed as a common property; (3) the land owners at the time of severance of the properties designated Linch Path for public use; (4) the use of the Road has been long and continuous, so as to be permanent; and (5) the Road provides the only means of ingress and egress to the XX550 property. Second, the district court concluded “that [Olson] has proved beyond a preponderance of the evidence that [Jackson] willfully and wrongfully interfered with [Olson’s] rights created under the implied easement, and that by doing so, caused damages to [Olson].” Specifically, the district court determined that Jackson interfered with Olson’s cable and utilities, creating increased costs to Olson and his business, and created hazardous conditions resulting in damage to Olson’s truck.

On Counts II and IV, the district court found that Jackson committed trespass and violated the HRO. Additionally, the district court found that Jackson’s actions constituted nuisance.

On Count III, the district court found that Jackson committed the tort of conversion by engaging in conduct that caused the loss of Olson’s previous services and utilities.

Finally, the district court determined that Olson was entitled to entry of judgment against Jackson for damages totaling \$20,172.95.

Olson moved for costs and disbursements, which the district court granted in part and denied in part, ordering Jackson to pay \$1,147. Jackson moved for amended findings or, in the alternative, a new trial, which the district court denied.

This appeal follows.

DECISION

Jackson argues that the judgment against him should be reversed because (1) Olson lacks standing to assert easement rights, (2) the district court misapplied the law of implied easement by necessity, (3) the district court erroneously designated the Road a public road, (4) the district court erred by finding Jackson liable for conversion and nuisance, and (5) the award of damages is not supported by the law or the evidence.

“[Appellate courts] review a district court’s application of the law de novo.” *Harlow v. State, Dep’t of Hum. Servs.*, 883 N.W.2d 561, 568 (Minn. 2016). “Findings of fact, whether based on oral or documentary evidence, shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the [district] court to judge the credibility of the witnesses.” Minn. R. Civ. P. 52.01. In applying the clear-error standard, appellate courts “view the evidence in a light favorable to the findings” and will not conclude that a factfinder clearly erred unless they are “left with a definite and firm conviction that a mistake has been committed.” *In re Commitment of Kenney*, 963 N.W.2d

214, 221 (Minn. 2021). Factual findings are not clearly erroneous when they are reasonably supported by the record. *Id.* at 223.

With those standards of review in mind, we review Jackson’s arguments in turn.

I. Standing

Jackson challenges Olson’s standing to assert easement rights. “The standing doctrine requires only that a party have a sufficient stake in a justiciable controversy to seek relief from a court.” *Minn. Sands, LLC v. County of Winona*, 940 N.W.2d 183, 192 (Minn. 2020) (quotation omitted). Standing exists when the plaintiff has suffered an “injury-in-fact.” *Id.* An injury-in-fact is a “concrete and particularized invasion of a legally protected interest.” *Id.* “Standing is a question of law that we determine de novo.” *Id.*

Jackson argues that Olson cannot demonstrate that he suffered a concrete and particularized invasion of a “legally protected interest” because he was not seeking to enforce an established easement but rather “to create easement rights either for himself or on behalf of the non-party fee owner of his property.” He asserts that Olson, as a tenant, has limited possessory and occupancy rights under his lease and that these rights do not give him a legally protected right to “create” an implied easement. He contends that the title owner of the XX550 property is the “sole party” that can “assert the existence of an implied easement.”

We disagree that Olson lacks standing. It is well established that the right to use property is within the bundle of rights afforded to tenants. *See Cocchiarella v. Driggs*, 884 N.W.2d 621, 626 (Minn. 2016) (stating that “a landlord-tenant relationship involves the transfer of possession and occupation of a leased premises”); *State v. Bowman*, 279 N.W.

214, 215 (Minn. 1938) (stating that “a tenant is one who holds or possesses land or tenements by any kind of right or title”); *Goodwin v. Clover*, 98 N.W. 322, 323 (Minn. 1904) (describing a tenant’s rights as the “right to occupy” and “the superior right of possession of the land”). By interfering with the Road, which Olson relies on to access the XX550 property, Jackson prevented Olson from safely exercising his right to use the property as a tenant. Jackson’s interference with the Road also caused Olson monetary damages. Thus, Olson suffered a concrete and particularized injury to his legally protected interest as a tenant to use the XX550 property that is sufficient to give Olson standing.

Moreover, contrary to Jackson’s assertion, the district court did not *create* an implied easement. Rather, it concluded that an implied easement “exists.” The district court determined that the Road has existed as an implied easement by necessity for the benefit of the XX550 property since the time of the original platting. For this reason, too, Jackson’s challenge to Olson’s standing is unconvincing.¹

Jackson’s argument that only the fee owner of the XX550 property can assert the existence of an implied easement is less a standing argument and more akin to a challenge for failure to join necessary parties under Minnesota Rule of Civil Procedure 19. However,

¹ Jackson cites to cases from other jurisdictions in support of the proposition that tenants lack standing to create easements. *See Spectra Site Comm’s, Inc. v. Lawrence*, 377 P.3d 75, 76 (Idaho 2016); *Rippetoe v. O’Dell*, 276 S.E.2d 793, 795 (W. Va. 1981); *7455, Inc. v. Tuala Northwest, LLC*, 362 P.3d 1179, 1181 (Or. App. 2015). But, again, the district court did not “create” an easement. The cases that Jackson cites are distinguishable factually and legally and are not persuasive on the standing question here. Jackson concedes that Olson would be entitled to enforce rights of an existing easement as a tenant.

any asserted failure by Olson to join a necessary party does not constitute a jurisdictional defect requiring reversal. *See Doerr v. Warner*, 76 N.W.2d 505, 511 (Minn. 1956).

II. Implied Easement

Jackson argues that the district court erred in finding an implied easement by necessity. A claim for an easement by necessity is a claim for equitable relief. *See Magnuson v. Cossette*, 707 N.W.2d 738, 746 (Minn. App. 2006). “Granting equitable relief is within the sound discretion of the [district] court. Only a clear abuse of that discretion will result in reversal.” *Nadeau v. County of Ramsey*, 277 N.W.2d 520, 524 (Minn. 1979); *see Citizens State Bank v. Raven Trading Partners, Inc.*, 786 N.W.2d 274, 277 (Minn. 2010).

An easement by necessity is a type of implied easement. *Lake George Park, L.L.C. v. IBM Mid Am. Emps. Fed. Credit Union*, 576 N.W.2d 463, 465 (Minn. App. 1998), *rev. denied* (Minn. June 17, 1998). The factors for determining the existence of an implied easement on land that was previously united in ownership are (1) “a separation of title,” (2) the use that gives rise to the easement has been “so long continued and apparent as to show that it was intended to be permanent,” and (3) “the easement is necessary to the beneficial enjoyment of the land granted.” *Romanchuk v. Plotkin*, 9 N.W.2d 421, 424 (Minn. 1943). Whether an easement of necessity exists is determined “at the time of severance” of the parcels. *Clark v. Galaxy Apartments*, 427 N.W.2d 723, 726 (Minn. App. 1988). The factors are not exhaustive, and only necessity is essential to establishing a claim. *Olson v. Mullen*, 68 N.W.2d 640, 647 (Minn. 1955).

Jackson argues that the district court erred by not considering the factor of necessity at the time of separation.² Jackson argues that, because the 1913 plat map shows a platted road called Linch Path that did not cross Jackson's property but provided access to both properties, the platted Linch Path was the reasonable access at the time of separation. He contends that, because the Road was not built until, at the earliest, 1923 and the first house was not built on the XX550 property until 1926, the Road cannot have constituted an implied easement at the time of separation.

We disagree. It is true that, as shown on the plat map, Linch Path—if built as platted—would have provided access to both properties. But Linch Path was never built as platted. Instead, the only means of access to the XX550 property that has ever existed has been the Road, which deviates just to the north of the platted road. Importantly, the district court found that R.L. testified credibly that the Road was built in a slightly different position than the platted road due to the difficult land conditions, including wetlands and a very steep hill.³ *Kenney*, 963 N.W.2d at 222 (requiring deference to the district court's credibility findings). Moreover, Jackson does not provide any authority that an easement by necessity cannot exist due to evidence of a platted road that, had it been built, would

² Jackson challenges only the third factor of necessity and, thus, we need not address the first and second factor.

³ Jackson asserts that R.L.'s testimony is insufficient to establish that the land conditions prevented building the platted road. However, because Jackson provided no evidence to the contrary and does not provide legal support or analysis for this argument, we decline to reach it. *See State, Dep't of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (stating that appellate courts decline to reach issues that are inadequately briefed).

have provided direct access. The fact that there may initially have been a different idea about how to provide access to the XX550 property does not destroy the necessity that existed at the time of severance. The platted road indicated a potential for access and the necessity of that access, but the platted, never-built portion of the road did not provide access in 1913 and therefore does not preclude a finding of necessity at the time of severance.

Other evidence supports the district court's finding that the necessity for the Road existed at the time of severance. *See Kenney*, 963 N.W.2d at 221. Though parcels can be landlocked, there is no evidence that, when the Van Valkenbergs subdivided the land, they intended to landlock the parcels. In fact, the note on the plat map dictates the opposite—that they wished for the roads to provide access to the new development. Moreover, there is no evidence that other access in fact existed before 1926, when the first home was built on the XX550 property. And the evidence shows continued use of the Road to access the property: Olson testified that he recalled using the Road as a child in 1975; Jackson testified that, when he purchased his property in 1999, the residents of the XX550 property were using the Road; and the Lakeville city engineer testified that Lakeville has been maintaining the Road for more than six years.

In sum, we discern no error in the district court's determination that there was an implied easement by necessity over the Road to access the XX550 property.

III. Public Road

Jackson argues that the district court erroneously designated the Road a public road under Minnesota Statutes section 160.05 and, in doing so, committed two reversible errors. We disagree.

First, Jackson argues that the district court granted an implied easement for public use, constituting a taking. When a taking of private property by the state occurs, both the state and the federal constitutions require that just compensation be paid. Minn. Const. art. I, § 13; U.S. Const. amend. V. “Whether a taking has occurred is a question of law.” *Fitger Brewing Co. v. State*, 416 N.W.2d 200, 205 (Minn. App. 1987), *rev. denied* (Minn. Feb. 23, 1988).

Second, Jackson argues that the district court erroneously allowed and considered the city engineer’s testimony because it was improper opinion testimony about the legal status of the Road as a public road. In response to Jackson’s motion in limine to prevent the city engineer from testifying, the district court allowed the city engineer to provide factual testimony about how the government entities used and treated the road and observed that the city engineer would not testify as to a legal opinion. “We afford the district court broad discretion when ruling on evidentiary matters, and we will not reverse the district court absent an abuse of that discretion.” *Doe 136 v. Liebsch*, 872 N.W.2d 875, 879 (Minn. 2015).

Both of Jackson’s arguments fail because they rely on a mischaracterization of the district court’s order. Jackson asserts that the district court created a public road, constituting a taking, and relied on the city engineer’s testimony to do so. But the district

court did not create or declare a public road. Rather, it recognized that an implied easement exists on the Road to access the XX550 property. The district court did not consider or make any legal or factual findings for the designation of a public road under Minnesota Statutes section 160.05. In fact, the district court specifically declined to declare a public road.

Jackson asserts that the district court designated the Road a public road when it wrote, in its conclusions of law, that Jackson must allow Olson “and others” access to the XX550 property. We disagree. After concluding that “the Road exists as an implied easement,” the district court ruled that “[Olson] and others seeking to access [XX]550 Linch Path must be allowed to do so without further interference of any type or kind from [Jackson]” and that Jackson must “allow [Olson] and/or others to reasonably maintain the Road so that vehicles may safely and properly traverse the Road to access [XX]550 Linch Path.” By including “others,” the district court ensured that utility services can safely serve the property and that guests can come and go—both of which have been consistent issues in this case—and that the Road can be maintained. An implied easement does not afford unlimited rights, but it does afford use that is “reasonably necessary for the fair enjoyment of the tenement.” *Romanchuk*, 9 N.W.2d at 424. By providing that Olson and “others” can access the property, the district court ensured that residents of the XX550 property would be able to fairly enjoy the property.

IV. Tort Claims

Jackson argues that the district court erred by finding him liable for two tort claims because they were not pleaded in the complaint. On Count III, the district court found

Jackson liable for conversion, instead of “damage to property and theft.” And on Count II, the district court found Jackson liable for nuisance, in addition to “trespass and abatement of trespass.” Jackson argues that he lacked notice of conversion and nuisance claims. He also argues that the conversion claim fails on the merits. We conclude that Jackson had proper notice and that the district court did not err.

A. Notice

Jackson argues that he lacked notice for the claims of conversion and nuisance because they were not stated in the complaint. A district court must base relief only on issues raised in the pleadings or litigated by consent. *Folk v. Home Mut. Ins. Co.*, 336 N.W.2d 265, 267 (Minn. 1983). However, Minnesota is a notice-pleading state, meaning plaintiffs may plead their case “by way of a broad general statement which may express conclusion rather than, as required under code pleading, by a statement of facts sufficient to constitute a cause of action.” *Halva v. Minn. State Colls. & Univs.*, 953 N.W.2d 496, 500 (Minn. 2021) (quoting *N. States Power Co. v. Franklin*, 122 N.W.2d 26, 29 (Minn. 1963)). Thus, a pleading is sufficiently detailed when it gives “fair notice to the adverse party of the incident giving rise to the suit with sufficient clarity to disclose the pleader’s theory upon which his claim for relief is based.” *Franklin*, 122 N.W.2d at 29.

We conclude that the complaint adequately stated claims for conversion and nuisance. As to conversion, Count III was titled “damage to property and theft.” The paragraphs below the title in Count III described Jackson’s conduct and specifically alleged that that conduct “constituted civil and criminal damage to property as well as theft and/or conversion.” Thus, Jackson had sufficient notice of the conversion claim.

As to nuisance, the complaint again provided sufficient notice of the claim. The claim of nuisance originated from the same factual basis asserted in Count II for trespass and abatement of trespass. For Count II, the complaint alleged that Jackson “enter[ed] upon plaintiff’s leased property without permission and/or consent and [did] not leav[e] when asked.” The complaint also specifically alleged that “[Olson] installed trail cameras which have captured [Jackson’s] vehicles trespassing onto [Olson’s] property and appearing to tamper with [Olson’s] mailbox.” The district court found Jackson liable for trespass, violation of an HRO, and nuisance for “enter[ing] the portion of Linch Path beyond his property and [standing] by the mailbox at [XX]550 Linch Path,” based on a photograph of him standing at the end of the driveway next to the mailbox.

The complaint identified and described each incident that gave rise to the suit and requested declaratory relief and monetary damages. The conduct in question, the relief requested, and the evidence relied upon was the same. Thus, the complaint provided adequate notice of both conversion and nuisance under the broad and forgiving pleading standard in Minnesota. *See Franklin*, 122 N.W.2d at 29 (stating that a pleading is sufficiently detailed when it gives “fair notice to the adverse party of the incident giving rise to the suit with sufficient clarity to disclose the pleader’s theory upon which his claim for relief is based”).

Our conclusion does not change because the district court earlier denied Olson’s motion to amend his complaint to add a number of claims, including, specifically, conversion and nuisance. Jackson argues that, in these circumstances, the district court erred by later finding him liable for conversion and nuisance.

But the fact that the district court denied the motion to amend to add claims does not mean that the original complaint on its own failed to provide sufficient notice of the conversion and nuisance claims. Moreover, even if we assumed, in the circumstances of this case, that the district court committed error, we would not reverse unless Jackson has shown that the error caused him prejudice—meaning that it affected his substantial rights. *See* Minn. R. Civ. P. 61 (requiring harmless error be ignored). He has failed to do so. The complaint set out in detail the factual bases for Olson’s requests for relief, and Jackson has not identified any other legal theories, evidence, or explanation he would have called upon in trying this case if he had had more notice. Thus, even if we assume, without deciding, that the district court erred, that error would be harmless.

B. Merits of Conversion Claim

In the alternative, Jackson asserts that the district court erred on the merits by concluding that he was liable for conversion. Conversion “is defined as an act of willful interference with personal property, done without lawful justification by which any person entitled thereto is deprived of use and possession.” *DLH, Inc. v. Russ*, 566 N.W.2d 60, 71 (Minn. 1997) (quotation omitted). Thus, conversion has two elements: (1) the plaintiff holds a property interest, and (2) the defendant deprives the plaintiff of that interest. *Williamson v. Prasciunas*, 661 N.W.2d 645, 649 (Minn. App. 2003).

The complaint specifically alleged that Jackson “cut[] [Olson’s] television/communication cable.” The district court later found Jackson liable for conversion based on “intentional damage to the cable lines.” Jackson contends that the elements of

conversion were not met because (1) he did not intentionally damage the cable lines and (2) Olson had no possessory interest in the cable lines.⁴

As to Jackson's first argument, Jackson relies on his own trial testimony that he destroyed the cable lines accidentally. But the district court did not find this testimony credible, and we defer to its credibility determinations. *See* Minn. R. Civ. P. 52.01. The district court found Jackson's actions intentional.

As to Jackson's second argument, the district court did not err by finding conversion based on the damage to the cable lines. When a third party has knowledge of the contract of another and wrongfully induces a breach of that contract, that conduct constitutes the willful destruction of the property of another. *Sorenson v. Chevrolet Motor Co.*, 214 N.W. 754, 756 (Minn. 1927). Applying this principle, the district court concluded that Jackson's "intentional damage to the cable lines and related actions, which resulted in the loss of previously available services and utilities including internet, television, and waste and garbage disposal, constitute conversion." We discern no error in this reasoning.⁵

⁴ Jackson also argues that the cable lines running atop Jackson's property with no utility easement constituted trespass that he had a right to abate by cutting them. However, because Jackson provides no legal authority or reasoning to support his argument, the issue is not properly before us and we decline to address it. *See Wintz*, 558 N.W.2d at 480 (appellate courts decline to reach issues that are inadequately briefed).

⁵ Jackson also argues that the district court erred by relying on a theory of tortious interference. However, Jackson misconstrues the district court's reasoning. Contrary to Jackson's assertion, the district court concluded that the service contracts themselves, under *Sorenson*, constitute a property interest. Thus, the district court did not rely on tortious interference to establish the conversion claim.

V. Damages

Lastly, Jackson challenges the district court's damages award, arguing that the district court erred by (1) awarding damages to nonparties, (2) awarding damages that were unsupported by the record, and (3) awarding damages based on Jackson's interference with Olson's easement rights and based on conduct that took place after Olson filed his complaint.

Appellate courts review a district court's decision to award damages for an abuse of discretion. *In re Minnwest Bank Litig. Concerning Real Prop.*, 873 N.W.2d 135, 142 (Minn. App. 2015). We review the factual findings underlying the amount and extent of damages for clear error, *id.* at 143, and we review questions of law de novo, *Harlow v. State, Dep't of Hum. Servs.*, 883 N.W.2d 561, 568 (Minn. 2016).

We discern no abuse of discretion in the district court's damages award. First, the district court did not award damages to nonparties. Olson, as the sole owner of his business, suffered direct damage to his business and thus could fairly recover for the money he expended for business operations. And Olson suffered the damages from the destruction of the cable lines even though the replacement services were in S.H.'s name because, as the district court found, S.H. testified credibly that she paid those costs, but that Olson deducted the amount from her subletting rent.

Second, the damages award was supported by the record. The district court found that Olson, S.H., and R.L. all testified credibly, and they provided documents that supported their asserted damages.

Third, Jackson fails to provide authority for the proposition that monetary damages cannot be awarded based on interference with an implied easement or that conduct taking place after the complaint is filed cannot be the basis for damages. *See Wintz*, 558 N.W.2d at 480. We also will not presume error on appeal. *Waters v. Fiebelkorn*, 13 N.W.2d 461, 464-65 (Minn. 1944) (“[O]n appeal error is never presumed. It must be made to appear affirmatively before there can be reversal . . . [and] the burden of showing error rests upon the one who relies upon it.”) Moreover, as a practical matter, we are unpersuaded that the district court abused its discretion by awarding damages for the type of conduct that was clearly alleged in the complaint and continued throughout the case.

Affirmed.