STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0860

Richard Langree,
Appellant,

Charles Michael Hopper,
Petitioner,

vs.

Sarah Jane Keaveny,
Respondent.

Filed December 12, 2022
Affirmed
Connolly, Judge

Hennepin County District Court
File No. 27-FA-10-8298

Richard S. Langree, Minneapolis, Minnesota (attorney pro se)

Cathleen A. Sykes, Sykes Family Law, St. Paul, Minnesota (for respondent)

Considered and decided by Johnson, Presiding Judge; Connolly, Judge; and Jesson, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant-attorney challenges the district court's award of rule 11 sanctions against him for frivolous filings in district court related to appellant's representation of petitioner-

father in proceedings against respondent-mother. Because the district court did not abuse its discretion, we affirm.

FACTS

In December 2010, the marriage between petitioner Charles Hopper (father) and respondent Sarah Keaveny (mother) was dissolved.[1] The parties had one child during the marriage, born in February 2007. Pursuant to the stipulated judgment and decree, mother would have sole physical custody of the child, subject to father's parenting time, and that the parties would share joint legal custody.

In April 2018, appellant Richard Langree certified that he was retained to represent father. At about the same time, father—via Langree—filed a motion to change custody of the parties' minor child. Father requested the following relief: (1) joint physical custody; (2) modification of parenting time; (3) appointment of a parenting-time expeditor to resolve parenting-time and legal-custody disputes and restriction of mother's parenting time if the child feels unsafe with mother; (4) elimination of father's child-support obligation; (5) an order requiring mother to attend anger-management classes; and (6) continued therapy for the child until a parenting-time expeditor is appointed. Father also alleged that mother was abusing the child.

After mother responded to father's motion, father served mother with notice of a subpoena duces tecum. Further litigation ensued, and in June 2018, the district court

[1] This matter was heard by a referee, who made recommendations adopted by the district court. We treat a referee's recommendations, as adopted by the district court, as the district court's order. Minn. R. Civ. P. 52.01.

appointed a guardian ad litem (GAL) for the child. Mother later moved to modify custody, requesting sole legal custody of the child and a modified parenting-time schedule.

Over the next two-and-a-half years, father filed several motions related to the proceedings against mother, causing various hearings to be rescheduled, and prolonging the proceedings. Father's motions included, but were not limited to, motions (1) for an emergency hearing to remove the GAL; (2) for an emergency order prohibiting mother from taking the child out of the country on a vacation, and warning mother that continued interference with the child's therapy would result in immediate reduction in parenting time; (3) to disqualify the district court judge for cause; (4) to restore father's in-person visitation with the child; (5) for an emergency order rescinding a prior order for therapeutic sessions with the child; and (6) to disqualify the family court referee for cause.

Father also sought various forms of relief in the appellate courts between September 2019, and June 2021. For example, in September 2019, father filed a "Petition for Writ of Mandate and Prohibition"[2] seeking, among other things: (1) revocation of prior temporary orders depriving father of temporary legal custody and restricting his parenting time; (2) prohibition of prior orders renewing the appointment of the GAL; (3) removal of the GAL; (4) reinstatement of an affidavit of the paternal grandmother that had previously been stricken as irrelevant; and (5) rescission of the "illegal representation of the GAL by legal counsel." After this court dismissed the petition, father filed a revised "Petition for Writ of Mandate and Prohibition," seeking much of the same relief he sought in his previous

[2] We assume that father meant a petition for writ of mandamus or prohibition.

petition to this court, as well as an order prohibiting the district court judge from participating in the proceedings due to disqualification, and mandating that a new judge be assigned immediately and that the chief judge not participate in the assignment process. This court denied father's revised petition in December 2019. *Hopper v. Keaveny*, No. A19-1857 (Minn. App. Dec. 31, 2019) (order).

In October 2020, father appealed an order granting mother attorney's fees, which was dismissed as premature. *Hopper v. Keaveny*, No. A20-1306 (Minn. App. Nov. 3, 2020) (order). Father then appealed a district court order denying his motion to modify custody, scheduling an evidentiary hearing regarding mother's motion to modify custody, and reserving the issue of child-support modification. That appeal was also dismissed as premature. *Hopper v. Keaveny*, No. A20-1601 (Minn. App. Dec. 22, 2020) (order). And father filed a request for reconsideration, which was rejected. Father later petitioned the Minnesota Supreme Court for further review, which was denied. *Hopper v. Keaveny*, No. A20-1601 (Minn. Mar. 16, 2021) (order).

On June 2, 2021, father filed, in district court, a motion to "Reestablish Original Dissolution Decree," in which he sought (1) rescission of a previous order prohibiting all contact for father with the child until completion of a family reunification program and reestablishment of the original dissolution decree's custody and parenting-time requirements pending an evidentiary hearing; (2) an order cautioning mother and the GAL that continued obstruction of visitation between the child and father would be treated as contempt of court; and (3) expedition of hearings on motions filed in companion with father's present motion. That same day, father filed a motion entitled: "Request For

Shortened Time For Filing Related Motions." Two weeks later, on June 17, 2021, father filed 12 separate motions requesting the same or similar relief as that requested in his motion to "Reestablish Original Dissolution Decree."

On June 23, 2021, mother moved to declare father a frivolous litigant under rule 9 of the Minnesota Rules of General Practice. Mother also filed a separate rule 11 motion seeking sanctions against Langree under Minn. R. Civ. P. 11.02.

The district court granted mother's motions on June 25, 2021, concluding that father "is a frivolous litigant within the meaning of Minn. R. Gen. Prac. 9.06," and that Langree violated rule 11. The district court then determined that "sanctions are appropriate and necessary to deter . . . Langree from engaging in ongoing violations of rule 11." The district court, therefore, sanctioned Langree as follows: (1) prohibiting Langree from filing "any motions in this case unless he" (a) posts a $5,000 surety bond for the benefit of mother to assure payment of mother's reasonable expenses and attorney's fees if the district court orders father to pay those costs, and (b) receives preapproval from the district court to proceed with the motion; (2) requiring Langree to "pay sanctions in the form of attorney's fees and court costs to [mother] for the filing of [father's] motions filed on June 2, 2021 and on June 17, 2021"; (3) requiring Langree to pay a civil penalty of $500 to the county court administrator; and (4) formally admonishing Langree "for his filings in this case and his repeated violations of Rule 11." Langree now appeals the district court's award of rule 11 sanctions against him.

DECISION

This court reviews an award of sanctions under rule 11 for an abuse of discretion. *Collins v. Waconia Dodge, Inc.*, 793 N.W.2d 142, 145 (Minn. App. 2011), *rev. denied* (Minn. Mar. 15, 2011). A district court abuses its discretion if a sanctions award is based on an erroneous view of the law or if no reasonable person would agree that sanctions were appropriate. *Miller v. Lankow*, 801 N.W.2d 120, 127 (Minn. 2011).

Under rule 11, an attorney must certify that submissions to the district court are "not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation," that existing law or a nonfrivolous argument for a change in the law supports the claims made, and that evidence supports the factual allegations. Minn. R. Civ. P. 11.02. The district court may impose sanctions on parties or their attorneys for conduct that violates any of these criteria. *Id.* "The purpose of sanctions is deterrence rather than punishment or cost-shifting." *Wolf v. Oestreich*, 956 N.W.2d 248, 256 (Minn. App. 2021), *rev. denied* (Minn. May 18, 2021). As a result, we "construe rule 11 narrowly." *Id.*; *see also Radloff v. First Am. Nat'l Bank*, 470 N.W.2d 154, 157 (Minn. App. 1991) (providing that sanctions are not appropriate simply because a party does not prevail on the merits), *rev. denied* (Minn. July 24, 1991).

Here, the district court found that Langree violated rule 11 "by filing duplicative pleadings throughout this litigation, including his motions filed on June 2, 2021, and June 17, 2021, which are frivolous, not warranted by existing law or any reasonable extension of existing law, and without evidentiary support." Langree appears to challenge this finding, claiming that the "true issue is whether the findings by the District Court are

warranted." He asserts that he filed 12 "detailed specific motions with supporting documents referenced, legal authority offered, and a factual basis given for the claims." According to Langree, the "first of the motions explains in detail all the ways the [district court] has harmed . . . father and the child," and the "other motions address means to correct the harm." Thus, Langree contends that the district court's finding that "none of the motions have any merit and that they all have been litigated before is plainly untrue and calls into question the motive for the sanctions against [Langree]."

We disagree. A review of the extensive record in this case demonstrates that Langree, on behalf of father, filed 13 separate motions in district court between April 2018 and June 2, 2021. Each of these motions included numerous and varying requests for relief. And the record reflects that, between June 2, 2021, and June 23, 2021, Langree filed an additional twelve separate motions on behalf of father, requesting various forms of relief, all of which included requests that have already been made by father and denied by the court. As the district court summarized, father "has repeatedly filed motions requesting various forms of relief which are either the same or substantially similar to requests that he has previously filed and the Court has denied."

In addition to the district court filings, Langree sought relief on behalf of father several times before this court and once before the Minnesota Supreme Court. Most of the matters before this court were dismissed as premature. And the requests for reconsideration before this court were rejected. *See* Minn. R. Civ. App. P. 140.01 (stating that "[n]o petition for rehearing shall be allowed in the Court of Appeals"). In fact, despite filing approximately 25 motions in district court, and seeking relief from the appellate

courts several times, Langree has not prevailed once on behalf of father. Although Langree's failure to prevail on any of his motions does not in and of itself mean that sanctions are warranted, it is indicative of the frivolousness of his motions, especially when considered in connection with the duplicative nature of those motions, and the fact that, between the filing of those duplicative motions, there had been little or no change in the underlying factual circumstances.

Langree's conduct related to his representation of father, both in district court and before the appellate courts, demonstrates his violation of rule 11. As the district court found, father continually raises "claims that are not well grounded in fact and not warranted by existing law or a good faith argument for the extension, modification or reversal of existing law." Moreover, the district court found that Langree's filings "have caused significant delays in this case," and that the delays are "due entirely to [father's] constant and repeated filings of motions and other documents without regard to filing deadlines" established in the Minnesota Rules of General Practice. And the district court further explained that father

> files his pleadings merely days prior to the scheduled motion hearings, requesting extensive relief which deprives [mother] of any opportunity to properly review or submit a response. These filings have the effect of curtailing the scheduled oral arguments, distracting the Court from the pending issues by adding duplicative and voluminous requests mere days before the parties are scheduled to make progress on the pending motions.

The district court made meticulous findings related to the procedural history of this case, which detail Langree's conduct in his representation of father. These findings are

well supported by the record and reflect the frivolous and duplicative nature of his motions. And after finding that Langree's conduct in his representation of father violated rule 11, the district court then ordered sanctions to "deter . . . Langree from engaging in ongoing violations of rule 11." We conclude that the district court did not abuse its discretion in sanctioning Langree.

Affirmed.