

*This opinion is nonprecedential except as provided by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
A24-0686**

Aaron Olson,
Appellant,

vs.

Community Action Partnership of Hennepin County (CAPSH),
Respondent,

State of Minnesota,
Respondent.

**Filed January 27, 2025
Affirmed
Ede, Judge**

Hennepin County District Court
File No. 27-CV-23-12568

Aaron Olson, Minneapolis, Minnesota (pro se appellant)

Jennifer L. M. Jacobs, Lockridge Grindal Nauen PLLP, Minneapolis, Minnesota (for
respondent Community Action Partnership of Hennepin County)

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Considered and decided by Larkin, Presiding Judge; Connolly, Judge; and Ede,
Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

This appeal follows the summary-judgment dismissal with prejudice of the claims alleged in appellant Aaron Olson’s complaint. Olson challenges the district court’s order granting summary judgment for respondent Community Action Partnership of Hennepin County (CAPHC)¹ and denying his motion to amend the complaint and to join respondent State of Minnesota as a party. In addition, Olson seeks review of the district court’s order denying his request to move for reconsideration. We conclude (1) that the district court did not err in granting summary judgment and dismissing Olson’s claims with prejudice, (2) that the court did not abuse its discretion in denying Olson’s motion to amend the complaint and to join the state as a party, and (3) that the court’s order denying Olson’s request to move for reconsideration is not appealable. We therefore affirm.

FACTS

Complaint and Answer

In August 2023, Olson commenced a disability-discrimination lawsuit against CAPHC under the Minnesota Human Rights Act (MHRA), Minn. Stat. §§ 363A.01-.50 (2024).² Olson alleged that, in the summer of 2023, CAPHC refused to process his

¹ The case caption in the district court identified CAPHC by the acronym, “CAPSH.” But CAPHC is identified in its appellate brief by the acronym, “CAPHC.” The caption of this opinion conforms to the caption used in the district court. *See* Minn. R. Civ. App. P. 143.01. But we use CAPHC’s preferred acronym throughout the body of the opinion.

² Because those sections have not been amended in relevant part for purposes of our analysis, we cite the most recent version of Minnesota Statutes sections 363A.01-.50. *See Interstate Power Co. v. Nobles Cnty. Bd. of Comm’rs*, 617 N.W.2d 566, 575 (Minn. 2000)

application for energy assistance “in the manner [in] which it had previously done”—via email—and therefore failed to provide a reasonable accommodation for his disability. According to Olson’s complaint, CAPHC caused him “unacceptable ‘barriers to access’ with [CAPHC’s] needs-based services.” Olson maintained that he was facing “imminent and full electricity shut-off in his apartment because he [was] unable to comply with [CAPHC’s] demands for application processing, which disregard[ed] [his] disability.” The complaint prayed for injunctive relief and damages.

In its answer, CAPHC explained that it is “a state and federally certified Community Action nonprofit organization that contracts with the Minnesota Department of Commerce to provide low-income home energy assistance services” to Hennepin County residents. CAPHC denied being a “place of public accommodation.” Moreover, CAPHC asserted that it was “without knowledge or information sufficient to form a belief as to the truth of [Olson’s] allegation regarding his disability and therefore denie[d] the allegation.” CAPHC also denied the allegation that it had failed to provide Olson with reasonable accommodations.

According to CAPHC’s answer, the Minnesota Energy Assistance Program (EAP) application period opens each September and closes the following May 31. The EAP policy manual requires households receiving Supplemental Security Income as their sole source of income to submit a household signature and income documentation for the three months

(stating that, generally, “appellate courts apply the law as it exists at the time they rule on a case”). For the same reason, we also cite the current versions of other statutes cited in this opinion.

before execution of an application for energy assistance. CAPHC admitted in its answer that, prior to 2022, its staff members had disregarded the EAP policy manual and had instead “agree[d] to use information that [Olson] provided via email to fill out an application on his behalf and [to] submit” that information “without the required household signature.”

But CAPHC’s answer further maintains that it offered Olson reasonable accommodations several times in September 2022 to assist him with completing an EAP application for the 2023 EAP year. These accommodations included providing Olson with a fillable PDF application, requesting Olson’s “phone number to assist him with a telephone application,” offering “to conduct a home visit to complete the application and collect his signature,” and informing Olson that a signed application is required each year. Olson refused each of the available application methods and accommodations that CAPHC offered and did not timely apply for the 2023 EAP year. CAPHC also attached several exhibits to its answer, including the EAP policy manual—which states that “[t]he application must be signed by the applicant to be effective”—and correspondence from CAPHC to Olson detailing the accommodations CAPHC offered Olson to facilitate processing of his 2023 EAP application. And CAPHC contended that it provided Olson with full and equal access to its services and benefits in compliance with the MHRA, as well as other applicable state and federal law.

Relevant Pretrial Motions

In November 2023, Olson moved to amend the complaint and to join the state as a party. CAPHC opposed the motion, arguing that Olson’s “sole legal conclusion that the

state . . . is liable for the conduct alleged in the complaint is insufficient to put the state . . . on notice of the claims against it and entirely fails to state a cognizable claim against the state.” The state also opposed the motion, asserting (1) that it was not a proper party and (2) that the motion to amend the complaint and to join the state as a party was futile because CAPHC had since approved Olson for benefits under the program, such that his discrimination claim had become moot.

In December 2023, CAPHC moved for summary judgment on two grounds: (1) that, because Olson’s electricity was never shut off and he was no longer facing any risk of shut off, he “suffered no injury in fact” and his claims were also moot; and (2) that Olson could not “establish a prima facie case of disability discrimination because he [could not] show that he was denied meaningful access to CAPHC’s services.” Olson opposed CAPHC’s summary-judgment motion, contending that he “continue[d] to face risk of injury” and that his claim for injunctive relief remained viable.

After the district court heard oral arguments on the parties’ motions, the court took the matters under advisement.

March 2024 Order

In March 2024, the district court filed an order denying Olson’s motion to amend the complaint and to join the state as a party, granting CAPHC’s summary-judgment motion, and dismissing Olson’s claims with prejudice (March 2024 order).

The district court determined that Olson’s claims did not require joining the state as a party, reasoning that “[s]imply because the state has the power to compel CAPHC to make a policy change to accommodate Olson does not mean that the state is a necessary or

proper party to bring the action against or that Olson could not succeed without the involvement of the state.” And the district court ruled that there was no reason to join the state as a party given that the state could provide no greater relief than CAPHC and that Olson’s “claims [were] only applicable to a state actor, not the state.” The district court also decided that, because Olson “ha[d] not challenged the validity or []constitutionality of any law, and [had] only [sought] redressability for injuries under the current law,” the court would not extend existing caselaw by granting Olson leave to join the state as a party. Moreover, based on its grant of summary judgment for CAPHC, the district court determined that Olson’s motion to amend the complaint and to add the state as a party was futile.

In considering CAPHC’s summary-judgment motion, the district court “construe[d] Olson’s claims for injuries and lack of assistance/accommodation as a claim for disability discrimination under state and federal law.” The district court determined that Olson’s claim for injunctive relief was moot and that Olson’s claims for damages lacked sufficient legal and evidentiary support. Citing *Cummings v. Premier Rehab Keller, P.L.L.C.*, 596 U.S. 212, 230 (2022), the district court ruled that Olson has no claim for emotional distress damages under the Rehabilitation Act, 29 U.S.C. § 794(a) (2018), because the United States Supreme Court has held “that private claims to enforce the antidiscrimination provisions of the Rehabilitation Act do not allow for recovery of emotional distress based damages.” The district court also decided that “there [was] no evidence produced as to the nature of any claimed disability, or evidence that such disability precluded Olson from using the on-line portal or using any of the other methods offered by CAPHC to submit the

[2023 EAP] application.” Thus, the district court determined that Olson had not produced sufficient evidence to proceed on his MHRA claim and that “[t]he record [did] not support a genuine issue of material fact as to an act of discrimination by CAPHC or failure of access to the program based on Olson’s disability.”

April 2024 Order

After the district court had taken the parties’ motions under advisement, but prior to the filing of the March 2024 order, Olson filed a letter with the district court requesting a “hearing for leave to further amend his complaint to add that ‘communication disabilities’ and visual impairment are [his] MHRA qualifying disabilities.” In his letter, Olson stated that these disabilities were “clearly inferred from the operative complaint.”

Following the filing of the March 2024 order, Olson emailed the district court “seeking a ruling on his second Motion to Amend request.” In response, the district court filed an order that “deni[ed] leave to amend for a second time,” construed Olson’s letter as a request to move for reconsideration under Minnesota General Rule of Practice 115.11, and allowed the parties to submit additional letter briefing on Olson’s request.

Olson filed a letter arguing that compelling circumstances supported his request to move for reconsideration because the district court had overlooked evidence “proffered for summary judgment that [was] critical to this case’s disposition.” According to his letter, Olson “clearly swore in his complaints that he was receiving Supplemental Security Income . . . , which . . . requires a finding of at least [one] condition that ‘substantially limits a major life activity,’ qualifying him as a disabled person pursuant to the [MHRA].” Olson also asserted that his qualifying disability was visual impairment.

In April 2024, the district court filed an order denying Olson’s request to move for reconsideration (April 2024 order). In that order, the district court explained its determination that “Olson has not presented grounds for reconsideration.”

Olson appeals.

DECISION

Olson challenges the district court’s decisions to (1) grant summary judgment for CAPHC, (2) deny his motion to amend the complaint and to join the state as a party, and (3) deny his request to move for reconsideration. We address each issue in turn.

I. The district court did not err in granting CAPHC’s summary-judgment motion.

Olson maintains that the district court’s March 2024 order granting summary judgment for CAPHC was erroneous, contending that he “made a valid MHRA claim, satisfying all the elements necessary to maintain a prima facie case and withstand summary judgment with substantiating proofs.” CAPHC responds that the district court correctly determined that Olson’s claim for injunctive relief was moot, that Olson did not produce sufficient evidence to support his MHRA claim, and that it was entitled to judgment as a matter of law. Olson’s arguments do not persuade us to reverse.

“The [district] court shall grant summary judgment if the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” Minn. R. Civ. P. 56.01. “A genuine issue of material fact exists if a rational trier of fact, considering the record as a whole, could find for the nonmoving party.” *Aromashodu v. Swarovski N. Am. Ltd.*, 981 N.W.2d 791, 795 (Minn. App. 2022) (quotation

omitted). This court “review[s] a grant of summary judgment de novo, viewing the evidence in the light most favorable to the nonmoving party and resolving all doubts and factual inferences against the moving party.” *Id.* (quotation omitted).

We next review the district court’s determinations (A) that Olson’s claim for injunctive relief is moot and (B) that Olson did not establish a prima facie case of a MHRA claim.

A. The district court did not err in determining that Olson’s claim for injunctive relief is moot.

“A moot case is nonjusticiable.” *Snell v. Walz*, 985 N.W.2d 277, 283 (Minn. 2023). Justiciability is an issue of law that we review de novo. *See Dean v. City of Winona*, 868 N.W.2d 1, 4 (Minn. 2015). “Issues which have no existence other than in the realm of future possibility are purely hypothetical and are not justiciable.” *Lee v. Delmont*, 36 N.W.2d 530, 537 (Minn. 1949). We will dismiss an issue or claim on appeal as moot “when a decision on the merits is no longer necessary or an award of effective relief is no longer possible.” *Dean*, 868 N.W.2d at 5. “But mootness is not a mechanical rule that is automatically invoked whenever the underlying dispute between the parties is settled or otherwise resolved; it is a flexible discretionary doctrine.” *Snell*, 985 N.W.2d at 284 (quotation omitted).

There are four exceptions to the mootness doctrine. *See Winkowski v. Winkowski*, 989 N.W.2d 302, 308–10 (Minn. 2023). The exceptions are: (1) for “issues that are capable of repetition, yet likely to evade review,” *id.* at 308 (quotation omitted); (2) in cases “[w]here an appellant produces evidence that collateral consequences actually resulted

from a judgment” or where “a party demonstrates that real and substantial disabilities attach to a judgment,” *id.* (quotation omitted); (3) “when the case is functionally justiciable and presents an important question of statewide significance that should be decided immediately,” *id.* at 309 (quotation omitted); and (4) “for instances when a party moots a case by voluntarily ceasing the allegedly wrongful action,” *id.* at 310 n.10.

We conclude that the district court did not err in determining that Olson’s claim for injunctive relief is moot. CAPHC’s summary-judgment motion included several exhibits: a copy of Olson’s 2024 EAP application; correspondence from CAPHC to Olson confirming approval of his 2024 EAP application and the resulting funds administered; and a copy of Olson’s energy assistance portal with Xcel Energy “showing continuation of electricity service and payment of energy assistance.” This evidence shows that, after Olson did not properly submit a 2023 EAP application because he refused to provide a household signature, he later correctly completed and signed a 2024 EAP application, which was then approved. The funds that CAPHC administered based on that application allowed Olson to avoid any energy shut-off.

In other words, viewing the evidence in the light most favorable to Olson and resolving all doubts and factual inferences against CAPHC, the undisputed summary-judgment record reflects that, although Olson might have at first faced a possible energy shut-off, such a shut-off never occurred. His injunctive-relief claim is therefore moot. Olson does not argue that any exception to the mootness doctrine applies. Instead, he insists that the “[e]xceptions to the mootness doctrine are irrelevant because none of [his] averments are moot.” As explained above, we disagree. And “[a] party’s failure to brief

and argue an issue on appeal results in forfeiture of that issue” *Jundt v. Jundt*, 12 N.W.3d 201, 204 (Minn. App. 2024), *rev. denied* (Minn. Dec. 31, 2024).

But we would still affirm despite Olson’s forfeiture of the mootness-exceptions issue. While we are mindful that the risk of interruption in electricity service to Olson’s private residence is perhaps consequential for Olson, he has not carried his burden of showing that any purported injury is capable of repetition, yet likely to evade review. *See Winkowski*, 989 N.W.2d at 308. Olson has neither produced evidence that collateral consequences actually resulted from the district court’s grant of summary judgment against him, nor has he demonstrated that real and substantial disabilities attach to that judgment. *See id.* We also cannot say that this case is functionally justiciable and presents an important question of statewide significance that should be decided immediately. *See id.* at 309. And, as in *Winkowski*, “[t]he voluntary cessation doctrine does not apply here . . . because there is no challenged activity that was voluntarily ceased.” *Id.* at 310 n.10. The inapplicability of the four exceptions to the mootness doctrine is particularly underscored by Olson’s successful 2024 EAP application. Thus, the district court did not err in determining that Olson’s claim for injunctive relief is moot.

Even if we did not conclude that Olson’s injunctive-relief claim is moot, we would still reject it on the merits. The district court determined that “the record produced on summary judgment and allegations in the complaint [fell] short of describing issues and claims that meet the elements for issuance of a permanent injunction for future harm.” Reviewing *de novo*, we would conclude that this determination was not erroneous. *See Brown v. Lee*, 859 N.W.2d 836, 839–40 (Minn. App. 2015) (observing that “a more

deferential standard of review than de novo may be applicable when the district court has balanced the equities and determined not to award equitable relief,” but concluding that “a more deferential standard of review is not applicable” when the district court concludes that a “claim fails as a matter of law”), *rev. denied* (Minn. May 19, 2015). “[T]o be granted a permanent injunction, a party must show that any remedy at law would be inadequate and that an injunction is necessary to prevent great and irreparable injury.” *St. Jude Med., Inc. v. Carter*, 913 N.W.2d 678, 683 (Minn. 2018) (quotation omitted). Viewing the evidence in the light most favorable to Olson and resolving all doubts and factual inferences against CAPHC, Olson cannot make the required showing because the risk of harm—an interruption of electricity service—no longer existed at the time of the March 2024 order. The undisputed summary-judgment record establishes that no injunction is necessary to prevent a great and irreparable injury, even assuming without deciding that any remedy at law might somehow be inadequate.

We therefore conclude that the district court did not err in determining that CAPHC had shown that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law. *See* Minn. R. Civ. P. 56.01.

B. The district court correctly determined that Olson did not establish a prima facie case under the MHRA.

The MHRA provides that “discriminat[ion] against any person in the access to, admission to, full utilization of or benefit from any public service because of . . . disability, . . . or [the] fail[ure] to ensure physical and program access for disabled persons,” is “an unfair discriminatory practice . . . unless the public service can demonstrate that providing

the access would impose an undue hardship on its operation.” Minn. Stat. § 363A.12, subd. 1. A public service is “any public facility, department, agency, board or commission, owned, operated or managed by or on behalf of the state of Minnesota, or any subdivision thereof, including any county, city, town, township, or independent district in the state.” Minn. Stat. § 363A.03, subd. 35.

“[A] person may bring a civil action seeking redress for an unfair discriminatory practice directly to [the] district court.” Minn. Stat. § 363A.33, subd. 1. “If the [district] court . . . finds that the respondent has engaged in an unfair discriminatory practice, it shall issue an order or verdict directing appropriate relief as provided by this section.” *Id.*, subd. 6. The district court shall order the respondent to “pay an aggrieved party, who has suffered discrimination, compensatory damages in an amount up to three times the actual damages sustained,” if it finds that the respondent has engaged in an unfair discriminatory practice. Minn. Stat. § 363A.29, subd. 4(a).

“To prevail on a disability discrimination claim [under the MHRA], a plaintiff must show that: (1) he is a qualified individual with a disability; (2) he was excluded from participation in a public entity’s services, programs or activities; and (3) such treatment was because of his disability.” *Sonkowsky ex rel. Sonkowsky v. Bd. of Educ. for Indep. Sch. Dist. No. 721*, 327 F.3d 675, 678 (8th Cir. 2003) (concluding that the plaintiff failed to establish a disability discrimination claim under the MHRA because he presented no evidence that his exclusion from a field trip “was based on [his] disability rather than on

his documented misconduct in the weeks preceding the trip”);³ *see also Banks v. Dakota Cnty. Bd. of Comm’rs*, No. A22-1818, 2023 WL 8178145, at *1, *3 (Minn. App. Nov. 27, 2023) (nonprecedential opinion applying the elements set forth in *Sonkowsky* to a MHRA claim).⁴

In the March 2024 order, the district court determined that Olson had not produced sufficient evidence to support the necessary elements of his claim. The district court ruled that Olson had presented no evidence about the nature of his claimed disability and that he had not shown “that such disability precluded [him] from using the on-line portal or using any of the other methods offered by CAPHC to submit the [2023 EAP] application.” Thus, the district court decided that “[t]he record [did] not support a genuine issue of material fact as to an act of discrimination by CAPHC or failure of access to the program based on Olson’s disability.”

Viewing the evidence in the light most favorable to Olson and resolving all doubts and factual inferences against CAPHC, we conclude that the district court did not err in its summary-judgment determination. CAPHC demonstrated that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law because Olson did

³ “Although we are not bound to follow precedent from other states or federal courts, these authorities can be persuasive.” *N.H. v. Anoka-Hennepin Sch. Dist. No. 11*, 950 N.W.2d 553, 563 (Minn. App. 2020) (quotation omitted). We cite *Sonkowsky* only as persuasive authority.

⁴ We cite nonprecedential opinions herein as persuasive authority. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c) (“Nonprecedential opinions . . . are not binding authority except as law of the case, res judicata or collateral estoppel, but nonprecedential opinions may be cited as persuasive authority.”).

not establish a prima facie case of disability discrimination. *See* Minn. R. Civ. P. 56.01. Olson’s initial complaint never specified his disability. Olson neither established in the summary-judgment record that CAPHC refused to process his application because of such a disability nor that he could not access the EAP application because of it. The exhibits accompanying CAPHC’s answer reveal that CAPHC offered Olson several methods to provide a signature for his 2023 EAP application. The email exhibits that Olson included with his memorandum opposing summary judgment do not create a genuine issue of material fact about whether a disability prevented him from accessing the EAP application. Even considering Olson’s exhibits in the light most favorable to his case, the exhibits show only that his unspecified disability precluded him from “follow[ing] the standard online application process,” not that any of the several accommodations CAPHC offered were inaccessible to him. Indeed, Olson’s ability to send multiple emails to CAPHC about the application process directly contradict such a claim.

Thus, the district court did not err in determining that Olson could not establish any of the three elements of a prima facie case of a disability discrimination claim under the MHRA. *See Sonkowsky*, 327 F.3d at 678; *see also Banks*, 2023 WL 8178145, at *1, *3.⁵

⁵ Although Olson’s complaint and subsequent motion to amend the complaint and to join the state as a party do not explicitly cite any basis for recovery under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12132 (2018) and the Rehabilitation Act, we nonetheless discern no error in the district court’s summary-judgment dismissal of Olson’s damages claims to the extent that he seeks relief based on those federal statutes. This is because the same reasoning set forth above defeats such claims. “The ADA, the Rehabilitation Act, and the MHRA prohibit discrimination *because of a disability* against ‘qualified’ disabled persons.” *Tori v. Univ. of Minn.*, No. A06-0205, 2006 WL 3772316, at *4 (Minn. App. Dec. 26, 2006) (citing 42 U.S.C. §§ 12112(a), 12132 (2000); 29 U.S.C. § 794(a) (2000); Minn. Stat. § 363A.08, subd. 2, 6 (2004)). As explained above, there is

II. The district court did not abuse its discretion in denying Olson’s motion to amend the complaint and to join the state as a party.

Olson contends that the district court abused its discretion by not granting him leave to amend the complaint and to join the state as a party. According to Olson, “CAPHC, the state . . . , and the Minnesota Commissioner of Commerce are all responsible for maintaining a partial barrier for [him] to access their energy assistance services.” The state counters that the district court did not abuse its discretion because it was not a necessary party under Minnesota Rule of Civil Procedure 19.01 and because permissive joinder per Minnesota Rule of Civil Procedure 20.01 was unwarranted.

After a responsive pleading is served, a party may amend a pleading only “by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.” Minn. R. Civ. P. 15.01. “The district court has broad discretion to grant or deny leave to amend a complaint, and its ruling will not be reversed absent a clear abuse of that discretion.” *Metro Bldg. Companies, Inc. v. Ram Bldgs., Inc.*, 783 N.W.2d 204, 210 (Minn. App. 2010) (quotation omitted), *rev. denied* (Minn. Aug. 10, 2010).

Below, we analyze the district court’s determinations to deny Olson’s motion to amend the complaint and to join the state as a party on (A) necessary joinder, (B) permissive joinder, and (C) futility grounds.

no genuine issue of material fact because Olson did not present evidence of his alleged disability. We likewise conclude that the district court did not err in determining that CAPHC was entitled to summary judgment on a claim for damages grounded in the Rehabilitation Act because the United States Supreme Court has held “that emotional distress damages are not recoverable under” that law. *See Cummings*, 596 U.S. at 230.

A. The district court did not abuse its discretion in denying joinder of the state under Minnesota Rule of Civil Procedure 19.01.

“A person who is subject to service of process shall be joined as a party in the action if . . . in the person’s absence complete relief cannot be accorded among those already parties.” Minn. R. Civ. P. 19.01. Necessary joinder is also required if “the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person’s absence” would either: “(1) as a practical matter impair or impede the person’s ability to protect that interest”; or “(2) leave any one already a party subject to a substantial risk or incurring double, multiple, or otherwise inconsistent obligations by reason of the person’s claimed interest.” *Id.* “If the person has not been so joined, the court shall order that the person be made a party.” *Id.*

We have therefore explained that “[a]n indispensable party is a party without whom the action could not proceed in equity and good conscience.” *Hoyt Props., Inc. v. Prod. Res. Grp., L.L.C.*, 716 N.W.2d 366, 377 (Minn. App. 2006) (quotation omitted), *aff’d*, 736 N.W.2d 313 (Minn. 2007). If a district court “can render an adequate judgment without the absent party” and “relief can be crafted” without prejudice to the absent party’s rights, then the court is unlikely to find the party to be indispensable. *Id.*

In his motion to amend the complaint and to join the state as a party, Olson argued that the state was an indispensable party to the action. But the district court determined that Olson’s claims did not require joining the state as a necessary party because both of his prayers for relief—an injunction to stop the energy shut-off in his home and money damages for his pain and suffering—could be “fully remediated by CAPHC.” The district

court further reasoned: “Simply because the State has the power to compel CAPHC to make a policy change to accommodate Olson does not mean that the State is a necessary or proper party to bring action against or that Olson could not succeed without the involvement of the State.”

We conclude that this determination was not an abuse of discretion. The record reflects that CAPHC prevented any interruption in electricity service to Olson’s residence by administering energy assistance funds to Olson after he completed and signed a 2024 EAP application. Thus, the state’s absence from the lawsuit did not impede complete relief from being accorded among those already parties. *See* Minn. R. Civ. P. 19.01. Nor did Olson establish that proceeding in the state’s absence would impair or impede an interest claimed by the state or leave CAPHC subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations. *See id.* As a result, the district court could render an adequate judgment without the state and could craft relief without prejudice to the state’s rights. *See Hoyt Props., Inc.*, 716 N.W.2d at 377. And Olson cannot convincingly claim that the state “is a party without whom the action could not proceed in equity and good conscience.” *Id.*

Because Olson has not shown that the state is a necessary or indispensable party, the district court did not abuse its discretion in denying his motion to amend the complaint and to add the state as a party under Minnesota Rule of Civil Procedure 19.01.

B. The district court did not abuse its discretion in denying joinder of the state under Minnesota Rule of Civil Procedure 20.01.

“All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief” arising out of the same transaction or occurrence “and if any question of law or fact common to all defendants will arise in the action.” Minn. R. Civ. P. 20.01.

Because the district court determined that the state could provide no greater relief than CAPHC, it ruled that there was no reason to join the state as a party “when the claims [were] only applicable to a state actor, not the state.” The district court also distinguished the caselaw cited by Olson and declined to join the state as a party because Olson had not challenged the validity or constitutionality of any statute and was only seeking redress for his alleged injuries under applicable law.

For two reasons, we conclude that the district court’s decision was not an abuse of discretion.

First, the district court correctly determined that both cases on which Olson relied in seeking permissive joinder of the state—*Minnesota Min. & Mfg. Co. v. State*, 289 N.W.2d 396 (Minn. 1979), and *Continental Can Co. v. State*, 297 N.W.2d 241 (Minn. 1980)⁶—are distinguishable from this matter. One of the issues presented in *Minnesota Mining* was whether “the Federal Employee Retirement Income Security Act (ERISA) preempt[ed] application of the Minnesota Human Rights Act.” 289 N.W.2d at 397. But the

⁶ In *Frieler v. Carlson Mktg. Grp., Inc.*, 751 N.W.2d 558, 564–65 (Minn. 2008), the Minnesota Supreme Court recognized that *Continental Can Co.* was superseded by statute. See 1982 Minn. Laws ch. 619, §§ 2, at 1511; 3, at 1511.

state's joinder was not a contested issue on appeal. *See id.* And for good reason, as the district court appropriately observed here: in general, the state is a proper party when the validity of a statute is in question, which was the case in *Minnesota Mining*. *See, e.g.,* Minn. R. Civ. P. 5A (requiring notice to the Minnesota Attorney General if a state statute is challenged). As the district court correctly noted, that is not the case in the present matter. *Continental Can Co.* likewise did not involve an appellate challenge to the state's joinder as a party but rather similarly confronted an issue of statutory interpretation that involved the state: whether certain acts of sexual harassment constitute sex discrimination in employment conditions and, if so, whether the MHRA imposes a duty on an employer. 297 N.W.2d at 245. The district court did not abuse its discretion in determining that these two cases are distinguishable because Olson has not raised any analogous claims about the validity, scope, and interpretation of the MHRA.

Second, “if the state can provide no relief, and [Olson] do[es] not indicate that it can, it is questionable whether the joinder of the state as a party is proper under Minn. R. Civ. P. 20.01.” *Meriwether Minn. Land & Timber, LLC v. State*, 818 N.W.2d 557, 573 (Minn. App. 2012). Olson has not explained how the state could have provided him with relief, other than paying him damages for the purported physical and emotional distress caused by an energy shut-off that never occurred.

Permissive joinder under Minnesota Rule of Civil Procedure 20.01 is discretionary—the district court was not required to add the state as a party to the action. *See* Minn. R. Civ. P. 20.01. We conclude that the district court did not abuse its discretion in deciding not to join the state as a party under rule 20.01.

C. The district court did not abuse its discretion in determining that joinder of the state was futile.

“Leave to amend ‘should be freely granted, except where to do so would result in prejudice to the other party.’” *Hunter v. Anchor Bank, N.A.*, 842 N.W.2d 10, 17–18 (Minn. App. 2013) (quoting *Fabio v. Bellomo*, 504 N.W.2d 758, 761 (Minn. 1993)), *rev. denied* (Minn. Mar. 18, 2014). But “[e]ven in the absence of prejudice, a district court may deny a motion to amend a pleading if the amendment would serve no useful purpose, such as if an amended claim is not viable or would not withstand a motion for summary judgment.” *Id.* at 18 (quotation and citations omitted).

Along with the foregoing bases, the district court denied Olson’s motion to amend the complaint and to join the state as a party on the ground that joinder would be futile. This decision was not an abuse of discretion. Adding the state as a party to the action does not bolster the merits of Olson’s MHRA claim. For the reasons discussed above, Olson’s proposed amended complaint still fails to make a *prima facie* showing of an MHRA violation. Accordingly, the district court did not abuse its discretion in determining that the amendment Olson sought would serve no useful purpose because his amended claims were not viable and would not withstand a motion for summary judgment. *Id.*

We therefore conclude that the district court’s denial of Olson’s motion to amend the complaint and to join the state as a party was not an abuse of discretion.

III. The April 2024 order denying Olson’s request to move for reconsideration is not appealable.

Finally, Olson seeks appellate review of the April 2024 order denying his request to move for reconsideration. CAPHC asserts that the April 2024 order is not appealable under Minnesota Rule of Civil Appellate Procedure 103.03. We agree with CAPHC.

Whether the April 2024 order is appealable is a question of law that this court reviews de novo. *See Kastner v. Star Trails Ass’n*, 646 N.W.2d 235, 238 (Minn. 2002) (“Whether the district court’s May 11 order denying respondent’s immunity-based summary judgment motion is immediately appealable requires construction of a procedural rule and is therefore a question of law subject to de novo review.” (citation omitted)). But “[w]e review a district court’s decision to allow a motion for reconsideration for an abuse of discretion.” *Goerke Fam. P’ship v. Lac qui Parle-Yellow Bank Watershed Dist.*, 857 N.W.2d 50, 52–53 (Minn. App. 2014).

“Motions to reconsider are prohibited except by express permission of the court, which will be granted only upon a showing of compelling circumstances.” Minn. R. Gen. Prac. 115.11. The Minnesota Supreme Court has explained that “courts will ‘rarely’ exercise their power to reconsider decisions, and ‘are likely to do so only where intervening legal developments have occurred . . . or where the earlier decision is palpably wrong in some respect.’” *Stern 1011 First St. South, LLC v. Gere*, 979 N.W.2d 216, 220 (Minn. 2022) (quoting Minn. R. Gen. Prac. 115.11 1997 advisory comm. cmt.); *see also 1300 Nicollet, LLC v. Cnty. of Hennepin*, 990 N.W.2d 422, 434 n.9 (Minn. 2023) (quoting this aspect of *Gere*).

We conclude that a denial of a request to move for reconsideration is not an appealable judgment or order under Minnesota Rule of Civil Appellate Procedure 103.03.⁷ Indeed, the April 2024 order denying Olson’s request to move for reconsideration is not appealable under rule 103.03(b) because it is not “an order which grants, refuses, dissolves or refuses to dissolve, an injunction.” Minn. R. Civ. App. P. 103.03(b). The April 2024 order also did not grant or deny a new trial. *See* Minn. R. Civ. App. P. 103.03(d). Nor did the April 2024 order determine the action and prevent a judgment from which an appeal might be taken. *See* Minn. R. Civ. App. P. 103.03(e).

Thus, we conclude that the April 2024 order is not appealable.⁸

Affirmed.

⁷ While we acknowledge that we may review the denial of a request to move for reconsideration “as the interest of justice may require,” we are not persuaded that the interests of justice require us to do so here. Minn. R. Civ. App. P. 103.04.

⁸ Even if the April 2024 order were appealable, we would still affirm. This is because we discern no abuse of discretion in the district court’s decision to deny Olson’s request to move for reconsideration, given that Olson claimed no intervening legal developments and did not persuasively articulate how the March 2024 order was palpably wrong in some respect. *See Gere*, 979 N.W.2d at 220; *see also Goerke*, 857 N.W.2d at 52–53.