

*This opinion is nonprecedential except as provided by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
A24-1718**

In Re the Marriage of:

Erica Leigh Riehm, petitioner,
Respondent,

vs.

Harold Andrew Riehm,
Appellant.

**Filed January 26, 2026
Affirmed
Halbrooks, Judge***

Ramsey County District Court
File No. 62-FA-23-301

Mark Z. Hanno, Oakdale, Minnesota (for respondent)

Harold Andrew Riehm, West Saint Paul, Minnesota (self-represented appellant)

Considered and decided by Larkin, Presiding Judge; Wheelock, Judge; and
Halbrooks, Judge.

NONPRECEDENTIAL OPINION

HALBROOKS, Judge

On appeal from the judgment dissolving the parties' marriage, appellant-father
Harold Andrew Riehm challenges many of the district court's procedural and evidentiary

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

rulings, findings of fact, and discretionary decisions. He also asserts the district court was biased against him and deprived him of a fair trial and due process of law. We affirm.

FACTS

Respondent-mother Erica Leigh Riehm’s petition to dissolve the parties’ marriage sought sole physical custody of the parties’ two children. Father’s answer and counterpetition sought joint physical custody and equal parenting time. When trial commenced, both parties sought an award of joint legal custody and joint physical custody of their children.

The district court’s December 2023 order for temporary relief allocated parenting time, divided assets, and set father’s monthly “temporary family support” obligation at \$1,500. Later, mother moved to hold father in contempt for not paying temporary family support. In May 2024, father filed five motions (the May motions). They included a 100-page combined motion (the combined motion) asking the district court to make admissions, establish facts, exclude evidence, and grant sanctions and attorney fees. Before trial, the district court ruled on neither mother’s contempt motion nor father’s May motions.

Also in May 2024, the parties hired James Street as a neutral evaluator to interview their 12-year-old son regarding his custodial preferences. The evaluator filed a report documenting his interview and resulting findings.

At trial, mother argued that the district court should not consider father’s May motions because they were procedurally defective. Because there were several motions pending, including father’s combined motion, the district court clarified: “So the record is

clear, anything that runs afoul of the General Rule [303.03(a)¹] with regard to timing of motions, the Court is declining to hear those motions.” Regarding father’s evidentiary requests or the part of the combined motion regarding “motions in limine,” the district court declined to grant any request. But it encouraged the parties to make objections during trial so that the record would be “fully robust.”

At the end of the trial, the district court heard mother’s contempt motion and found father in contempt of court for not paying temporary family support. It directed father to purge the contempt within 30 days. At a later review hearing, the district court found father had not purged the contempt. The parties, however, agreed that if father had not paid within one additional day, father could be confined for contempt.

Shortly afterward, the district court entered a judgment dissolving the marriage. The judgment ruled, among other things, that the parties would share joint physical custody and joint legal custody of the children and have equal parenting time. Father appeals the judgment after making neither a motion for a new trial nor a motion for amended findings of fact.

DECISION

I. Preliminary matters

A. Record on appeal: The litigation of this case in district court continued after father took this appeal. The materials the Central Appeals Unit (CAU) provided us for this appeal include material associated with some of that post-judgment litigation. But the

¹ The district court referred to “General Rule 303.035(a).” The Minnesota Rules of General Practice lack a rule “303.035(a).” It appears the district court meant rule 303.03(a).

record for an appeal is limited to the documents and exhibits that were before the district court when it made the ruling(s) at issue on appeal and any transcript of proceedings. Minn. R. Civ. App. P. 110.01; *see In re Nelson*, 495 N.W.2d 200, 204 (Minn. 1993) (ruling we should not have considered a letter sent to district court after that court made the ruling at issue on appeal). We do not base our decisions on matters outside the record on appeal and do “not consider matters not produced and received in evidence below.” *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988); *see also In re Block*, 727 N.W.2d 166, 177 (Minn. App. 2007) (granting a motion to strike documents not considered by decision-maker who made the decision being reviewed). To the extent the CAU provided us with material beyond the record for this appeal, we do not consider that extraneous material.

B. Scope of review: Generally, “matters such as trial procedure, evidentiary rulings and jury instructions are subject to appellate review only if there has been a motion for a new trial in which such matters have been assigned as error.” *Sauter v. Wasemiller*, 389 N.W.2d 200, 201 (Minn. 1986). Here, father did not move the district court for a new trial or amended findings of fact. Thus, our scope of review is limited to the substantive legal issues properly raised to and considered by the district court, whether the evidence supports the findings of fact, and whether those findings support the conclusions of law and the judgment. *See Alpha Real Est. Co. of Rochester v. Delta Dental Plan of Minn.*, 664 N.W.2d 303, 309-10 (Minn. 2003) (stating that new trial motion is not prerequisite to appellate review of substantive legal issues properly raised and considered in district court); *Gruenhagen v. Larson*, 246 N.W.2d 565, 569 (Minn. 1976) (stating that absent motion for

new trial, appellate courts may review whether evidence supports findings of fact and whether findings support conclusions of law and judgment). Accordingly, the district court's rulings regarding trial procedure, as well as its evidentiary rulings, are not properly before us, and we need not review them.

Relatedly, appellate courts address only those questions previously presented to and considered by the district court. *Thiele*, 425 N.W.2d at 582. Thus, to the extent father raises questions on appeal that were not previously presented to or considered by the district court (*e.g.*, assertions of defamation and perjury), those questions are not properly before us, and we need not address them. We note that if father believed the district court failed to adequately address a question otherwise properly before it, he could have filed a posttrial motion asking the district court to address the question(s). He did not do so.

C. Father's arguments: In district court, father sought joint physical custody with “approximately 50/50” parenting time. The district court granted the parties joint physical custody with equal parenting time. Thus, why father makes certain arguments related to custody and parenting time is unclear.

Generally, to obtain relief on appeal, an appellant must (a) identify a particular ruling of the district court appellant believes is incorrect; (b) explain why—given the relevant standard of review—that ruling is incorrect; (c) identify prejudice to the appellant arising from that allegedly incorrect ruling; and (d) show that the prejudice that arises from the ruling is substantial. *See, e.g., Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (stating appellate courts do not assume district court error); *Luthen v. Luthen*, 596 N.W.2d 278, 283 (Minn. App. 1999) (applying *Loth*); Minn. R. Civ. P. 61 (requiring harmless error to be

ignored); *Hesse v. Hesse*, 778 N.W.2d 98, 105 (Minn. App. 2009) (noting that appellate courts ignore prejudicial error when prejudice is de minimis). An appellant's failure to do one or more of these things can render the appellant's briefing of the question inadequate. And appellate courts need not address inadequately briefed questions. *See State, Dep't of Lab. & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to review question that was not adequately briefed); *Brodsky v. Brodsky*, 733 N.W.2d 471, 479 (Minn. App. 2007) (applying *Wintz* in a family-law appeal). As set out below, father failed to adequately brief certain questions.

D. Findings of fact: Father challenges certain of the district court's findings of fact. The crux of those challenges seems to be that the record could be read to allow the district court to make findings other than the findings the district court actually made or that the district court made erroneous credibility determinations or both. Neither argument is an effective way to challenge a district court's findings of fact.

A district court's findings of fact are not set aside unless clearly erroneous. Minn. R. Civ. P. 52.01.

When addressing whether a district court's findings of fact are clearly erroneous, appellate courts (1) view the evidence in the light most favorable to the findings, (2) do not find their own facts, (3) do not reweigh the evidence, and (4) do not reconcile conflicting evidence. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021). Thus,

an appellate court need not go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the court. Rather, because the factfinder has the primary responsibility of determining the fact issues and the advantage of observing the

witnesses in view of all the circumstances surrounding the entire proceeding, an appellate court's duty is fully performed after it has fairly considered all the evidence and has determined that the evidence reasonably supports the decision.

Id. (quotations and citation omitted)[.] In other words, when an appellate court reviews findings of fact, the review is not to determine whether the record could support findings other than those made by the district court—it almost always can. Instead, our task is to review the record “to confirm that evidence exists to support the decision.” *Kenney*, 963 N.W.2d at 222. As such, an appellant who simply marshals record evidence pointing to alternative findings has not demonstrated clear error. The appellant must show that the record lacks the evidence necessary to support the findings the district court actually made.

In re Welfare of Child(ren) of L.A.B., ___ N.W.3d ___, ___, 2025 WL 3510842, at *3-4 (Minn. App. Dec. 8, 2025) (emphasis added) (other citations omitted).

We have reviewed the record. Father has not shown that it lacks the evidence needed to support the findings that he challenges. Therefore, we need not further address the district court's findings of fact. *See Cook v. Arimitsu*, 907 N.W.2d 233, 240 n.3 (Minn. App. 2018) (summarily affirming findings of fact in a family appeal), *rev. denied* (Minn. Apr. 17, 2018); *Peterka v. Peterka*, 675 N.W.2d 353, 357-58 (Minn. App. 2004) (same); *see also Engquist v. Wirtjes*, 68 N.W.2d 412, 414 (Minn. 1955) (stating that “[t]he function of an appellate court is that of review. It does not exist for the purpose of demonstrating to the litigants through a detailed statement of the evidence that its decision is right. If the length of judicial opinions is to be kept within reasonable bounds, appellate courts must more closely adhere to the purpose for which they exist”); *Wilson v. Moline*, 47 N.W.2d

865, 870 (Minn. 1951) (stating that the function of an appellate court “does not require [it] to discuss and review in detail the evidence for the purpose of demonstrating that it supports the trial court’s findings,” and that an appellate court’s “duty is performed when [it] consider[s] all the evidence, as we have done here, and determine[s] that it reasonably supports the findings”).

E. Discretionary decisions: Father challenges various decisions committed to the district court’s discretion. The crux of his challenges often seems to be that the record or the findings, or both, would allow the district court to resolve the discretionary question in a manner other than the way the district court resolved that question. Neither argument is an effective way to challenge a decision committed to the district court’s discretion. “A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

That a certain set of facts found by a district court can generate more than one affirmable result is inherent in the combination of (a) the nature of district court’s discretionary decisions and (b) appellate deference to a district court’s exercise of its discretion. Alternatively stated: The nature of appellate review of a district court’s discretionary decisions allows an appellate court to affirm *different* decisions based on the same or similar facts. Thus, unless an appellant shows a district court’s discretionary decision is based on findings that are not supported by the record or a misapplication of the law, to obtain relief, the appellant must show the district court’s discretionary decision is *contrary to logic and the facts found by the district court* (not that another result could be

reached, and not that the result reached by the district court in the case on appeal is dissimilar that reached in an allegedly similar case). *See id.* Here, as noted above, the record supports the findings made by the district court.

II. Discovery, motions in limine, and evidentiary matters

Focusing on the impact that they allegedly had on his ability to assert his parental fitness, father challenges the district court's discovery-related rulings. He asserts that mother refused to provide discovery in bad faith and that the district court should have deemed mother to have admitted that father is a fit parent. Father makes related arguments regarding both the district court's denial of what he asserts were his motions in limine and its exclusion of evidence he wanted to present at trial.

Even if these questions are properly before us, despite father's failure to bring a posttrial motion, the district court awarded the parties joint physical custody and equal parenting time. As a result, exactly what custody- or parenting-time-related prejudice father suffered is unclear.² To the extent that father asserts that mother's conduct unnecessarily contributed to the length or expense of the case, that assertion goes to the district court's decision regarding attorney fees, rather than its discovery and evidentiary decisions. *See* Minn. Stat. § 518.14, subds. 1, 1a (2024) (addressing fee awards).³

² Because father failed to show substantial prejudice from these rulings, we need not address his related argument that the district court erred by ruling that his motions were not actually motions in limine. *See* Minn. R. Civ. P. 61; *Hesse*, 778 N.W.2d at 105.

³ In 2024, the Minnesota Legislature amended this section. 2024 Minn. Laws ch. 101, art. 1, § 5, at 862-63. The amendments are not material to this case. Thus, we cite the current version of the statute. *See Interstate Power Co. v. Nobles Cnty. Bd. of Comm'rs*, 617 N.W.2d 566, 575 (Minn. 2000).

III. Custody & support

Father asserts: “The court erred, as a matter of law, in failing to consider whether [son] had the ability to express his reasonable preference and failing to make findings as to [that child’s] preference.” We disagree. Referring to the Street report, the judgment notes son “indicated that he would like more time with his father.” Thus, the district court considered son’s preferences.

Noting that he alleged abuse by mother, father asserts the district court clearly erred in finding that there was no domestic abuse alleged in the case. Despite what father asserts he submitted before trial, there was no testimony of abuse at trial. Further, the parties’ treatment of each other and the children is a focus of the ongoing post-judgment litigation. The district court knows the parties, the children, and the current state of these matters better than we do. For these reasons, we will not grant relief on this point.⁴

Nor, given the clear-error standard of review discussed above, will we grant relief regarding father’s challenge to the district court’s findings that address the impact of the proposed custodial arrangement on the children’s relationships. A similar analysis addresses father’s challenge to the district court’s ruling that father was not credible when he asserted that he could not work. *See Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988) (noting that appellate courts defer to district court credibility determinations).

⁴ We express no opinion on how the district court should resolve any matter before it.

IV. Attorney fees

1. Rule 37: A court “shall” award attorney fees in certain discovery disputes. Minn. R. Civ. P. 37.03(b); 37.04. Each rule also lists circumstances which, if found to exist by the district court, excuse it from awarding fees. Father notes that the district court did not specifically find the relevant circumstances excusing a fee award and argues that the district court should have granted his motions for fees under these rules. We assume—without deciding—both that fees might have been available here under rules 37.03 and 37.04 and that the district court did not specifically find the relevant circumstances. But we decline to grant relief.

The list of circumstances that excuse a district court from awarding fees under rule 37.03(b) includes a catchall provision that “there was other good reason for the failure to [make the requested admission].” Similarly, the list in rule 37.04 includes the catchall provision that “other circumstances make an award of expenses unjust.”

The judgment states: “The Court finds that [father’s] late and voluminous filings resulted in unnecessary attorney costs of \$1,000.00[,]” and awarded mother \$1,000 in conduct-based attorney fees. Under these circumstances, and having reviewed this record, we conclude that remanding for the district court to specifically address whether the circumstances listed in rules 37.03(b) or rule 37.04 exist will not change its denial of father’s motion for discovery-related attorney fees. *See Grein v. Grein*, 364 N.W.2d 383, 387 (Minn. 1985) (affirming district court when, from the files, record, and the findings the district court did make, the appellate court discerned that the district court, on remand, “would undoubtedly” reach the same result).

2. Conduct-based fees: Father argues the district court abused its discretion by denying his motion for \$109,400 in conduct-based attorney fees when he provided evidence that allegedly supported his motion. Under Minn. Stat. § 518.14, subd. 1a, a court “may” award conduct-based fees against someone who unreasonably increases the length or expense of the proceeding. “May” is permissive. Minn. Stat. § 645.44, subd. 15 (2024). Thus, improper conduct by a party allows, but does not require, the court to award fees against that party. Here, the district court awarded conduct-based fees *against* father based on *his* conduct. This record supports the district court’s disapproval of father’s conduct. We decline to remand for further findings on father’s motion.

Father also challenges the district court’s award to mother of \$1,000 in conduct-based attorney fees. He argues that mother failed to adequately document her request, and that the district court failed to make required findings of fact. For three reasons, we decline relief here. First, a motion and associated documentation are required for fee awards of \$1,000 or more. Minn. R. Gen. Prac. 119.01; *see* Minn. R. Gen. Prac. 119.02. The district court’s fee award exceeds the \$999 limit on award for which documentation is not required by only a de minimis amount. *See Hesse*, 778 N.W.2d at 105. Second, as noted, the district court found father’s filings were “voluminous,” which we understand to mean unnecessary in length and frequency. The record supports these determinations. Third, while a district court should support its fee-related decisions with the relevant findings of fact, a lack of findings is not necessarily fatal to the award if, as here, the district court is familiar with the relevant circumstances. *See Gully v. Gully*, 599 N.W.2d 814, 826 (Minn. 1999) (affirming an award of need-based attorney fees despite a lack of findings when the record

showed the judge “was familiar with the history of this case and that, in [awarding the] fees, the judge had access to the [relevant information]”).

V. Bias

Father argues that the district court was biased against him. *See* Minn. Code Jud. Conduct Rule 2.3 (bias, prejudice, and harassment); 2.4 (external influences). Appellate courts presume a district court discharges its duties “properly,” *Hannon v. State*, 752 N.W.2d 518, 522 (Minn. 2008), and we do not infer bias from adverse rulings, *Olson v. Olson*, 392 N.W.2d 338, 341 (Minn. App. 1986). Instead, we review the record for indicia of favoritism or antagonism. *Hannon*, 752 N.W.2d at 522. “Even if a court’s comments are not always appropriate, appellate courts will not intervene unless the comments were prejudicial, biased or deprived plaintiffs of their right to a fair trial.” *In re Welfare of D.J.N.*, 568 N.W.2d 170, 176 (Minn. App. 1997) (quotation omitted). Here, for two reasons, we deny relief.

First, the indicia of bias alleged by father include the district court’s evidentiary rulings and credibility determinations and its statements cautioning father to abide by court rules. The former are rulings by the district court. By themselves, they do not show bias. *Olson*, 392 N.W.2d at 341. And how directing a party to comply with the rules shows bias is neither clear nor explained. To the extent that father also asserts that the district court articulated an opinion on how his counsel could have better spent her time and showed confusion about the role of father’s attorney-girlfriend in representing him, father did not show how these statements deprived him of a fair trial. *D.J.N.*, 568 N.W.2d at 176. While father generically alleged certain actions of the district court showed bias, he did not

specifically state *why* those actions showed bias, nor did he cite authority for the idea those actions were inherently biased. Absent more, father's argument on the issue of bias is inadequate. See *Wintz Parcel Drivers, Inc.*, 558 N.W.2d at 480; *Brodsky*, 733 N.W.2d at 479; see also *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (stating that inadequately briefed issues are forfeited and "will not be considered on appeal unless prejudicial error is obvious on mere inspection").

Second, and more importantly, a careful review of this record shows that there was, in fact, no bias. When addressing alleged bias, appellate courts consider whether the district court considered arguments and motions from each side, ruled in favor of a complaining party on any issue, and took actions to minimize prejudice to the complaining party. *Hannon*, 752 N.W.2d at 522. Here, the district court overruled and sustained objections from both parties. While the district court ruled that one of father's assertions was not credible, it did so based on a finding that the assertion contradicted the record and father's own testimony. The district court also expressed concern about the impact of father's romantic relationship with one of his attorneys, encouraged father's counsel to move on from irrelevant issues to save time, and patiently corrected father's courtroom conduct despite father's repeated interruptions and improper attempts to speak directly to the judge. When the district court later cautioned father to abide by the parenting schedule, the district court explained that a violation could lead to limits on his parenting that it

“would hate to [impose.]” This was an explanation of the legal consequences of father’s potential actions, not bias.⁵

In general, the district court was patient and respectful with both parties throughout the proceedings. Because the record does not suggest bias, partiality, or favoritism by the district court, we deny father’s judicial-bias claim.⁶

Affirmed.

⁵ Father asserts that a reference by the judge to his girlfriend-attorney as his lead attorney’s “junior associate or friend” shows bias. Father does not, however, explain—nor is it otherwise clear—how this prejudiced him. If this reference was inappropriate, it was an inappropriate comment about someone who, by that point, had withdrawn from the case. The comment does not merit relief from the judgment.

⁶ Father’s assertions that he was deprived of due process of law and of a fair trial are derivative of his bias claims. Thus, we do not separately address those assertions. But we note that our review of the record supports neither argument.