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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-2027
A25-0341**

Daniel Engebretson,
Respondent,

vs.

Northern Tool and Equipment Company, Inc.,
Appellant.

**Filed September 15, 2025
Affirmed
Smith, Tracy M., Judge**

Dakota County District Court
File No. 19HA-CV-20-3022

David E. Schlesinger, Schlesinger PLLC, Minneapolis, Minnesota; and

Riley Palmer, Nichols Kaster, PLLP, Minneapolis, Minnesota (for respondent)

Jeremy D. Sosna, Susan K. Fitzke, Grace Jacobson, Littler Mendelson, P.C., Minneapolis,
Minnesota (for appellant)

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

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Following a trial, a jury found that appellant Northern Tool and Equipment (NTE) discriminated against its employee, respondent Daniel Engebretson, on the basis of disability, in violation of the Minnesota Human Rights Act, Minn. Stat. §§ 363A.01-.50

(2024). These consolidated appeals are taken from the judgment on the merits and from the judgment for attorney fees, prejudgment interest, and civil penalty associated with Engebretson's discrimination claim. NTE argues that the district court (1) erred by denying NTE's request for judgment as a matter of law (JMOL) because there was insufficient evidence that Engebretson's disability was a motivating factor in NTE's decision to discharge him from employment, (2) abused its discretion by denying NTE's alternative request for a new trial after erroneously excluding evidence related to Engebretson's application for and receipt of Social Security Disability Insurance benefits and erroneously admitting prejudicial hearsay statements, and (3) abused its discretion by awarding excessive attorney fees. Because we discern no error or abuse of discretion by the district court, we affirm.

FACTS

The following factual summary is drawn from the evidence and testimony at trial, considered in the light most favorable to Engebretson as the prevailing party.

Employment and Termination

In April 2015, NTE hired Engebretson as director of real estate. Engebretson's job responsibilities included negotiating leases and purchase agreements for NTE's retail stores, supervising NTE's property-management team, overseeing retail-store remodels, managing the aviation entity that managed NTE's corporate jet, and working on NTE's real-estate portfolio.

In his role as director of real estate, Engebretson worked at NTE's corporate headquarters and reported to John Rose, the senior vice president of real estate and

facilities. Engebretson initially had a strong working relationship with Rose, whom he met with on at least a weekly, and often daily, basis. In addition to Engebretson, two other directors, Bob Buss and Duane Boris, directly reported to Rose. In late 2016, Rose began to discuss with Engebretson succession plans related to Rose's eventual retirement. Rose told Engebretson that Engebretson was the only director supervised by Rose with the background and experience necessary to be a viable internal candidate for Rose's position.

In 2018, Engebretson began to experience cardiovascular issues, which required him to undergo multiple hospital procedures and miss several weeks of work. When Engebretson returned to work, he requested and was approved for intermittent leave under the Family and Medical Leave Act (FMLA). Engebretson informed Rose of his need to take FMLA leave. Rose responded by questioning Engebretson about his health. Rose asked him whether or not he was healthy and told Engebretson, "Either you're healthy enough to be here or you're not healthy enough to be here." In a later conversation between Rose and Engebretson about the FMLA leave, Rose told Engebretson something to the effect of, "I guess you're calling the shots. You get to make your schedule." Rose then began to closely monitor Engebretson's use of FMLA leave, inputting Engebretson's leave time at least once without Engebretson having requested that he do so. Rose had never input Engebretson's leave time for him before that. Around this time, their succession-planning discussions stopped.

Additionally, according to Engebretson and Buss, Rose "boasted" at work meetings that he was proud that he had never taken a sick day in over 30 years of working for NTE. After a meeting at some point in 2019, Engebretson overheard a conversation between

Rose and Boris in which Boris told Rose that Boris thought that he was “a more valuable employee” to NTE because he did not use the company’s healthcare plan. Rose replied that Boris “might have a point there.”

In March 2019, Engebretson began to experience difficulty breathing. He was diagnosed with chronic obstructive pulmonary disease, pulmonary fibrosis, and probable rheumatoid lung disease. In April, Engebretson disclosed these medical conditions to NTE’s human-resources (HR) department and to Rose.

After disclosing the medical conditions to Rose, Engebretson noticed changes in how Rose treated him. For example, their informal and formal meetings became less frequent. Rose began to bypass Engebretson by communicating directly with the employees who reported to Engebretson. Rose cut Engebretson out of processes that were within his job responsibilities and with which Engebretson had previously been involved, such as budgeting and real-estate strategy around new stores and remodels. Rose also directed Engebretson to have Boris join Engebretson in training meetings with an employee who was starting to support Engebretson in the aviation work, which did not make sense to Engebretson.

In August 2019, Rose conducted what would be Engebretson’s final annual performance review. Rose rated Engebretson as a 3.2 overall on a scale of 5 points, dropping his score 1.4 points from the previous year. Engebretson’s scores dropped in all but one of the core-competency categories listed in the performance review. Rose noted in the review that, “[d]ue to some health issues,” Engebretson “was unable to do his self development.”

In March 2020, Engebretson asked to work remotely due to the COVID-19 pandemic and provided NTE a note from his doctor stating that he should be allowed to work remotely for 90 days because of his increased risk of death from COVID-19. NTE allowed Engebretson to work from home, but Rose began “shadowing” Engebretson as he performed certain job duties, including asking to be invited to all team meetings that Engebretson led. At some point after Engebretson began to work remotely, Rose told Engebretson that there was possibly going to be a reduction in force (RIF) that might affect directors.

The possible RIF was the result of a company-wide effort to reduce costs. Rose had discretion on how to reduce costs in his department. He decided to do so through a RIF. He did not consult with anyone and was given no direction by NTE’s HR department. Rose did not maintain any documents demonstrating the specific factors that he considered in reducing the force within his department. Rose decided to eliminate Engebretson’s position and thus terminate his employment.

Engebretson eventually became aware that Rose had reassigned some of his duties to Boris, which he believed was a sign that his position would be terminated as part of the RIF. At one point, Engebretson expressed confusion after Boris presented Engebretson’s real-estate deals at a real-estate committee meeting because Engebretson had previously presented his own deals at those meetings. In May 2020, Boris sent an email after regular work hours to Engebretson, Rose, and others at NTE stating that he noticed a two-dollar discrepancy in NTE’s budget for fiscal year 2021. Engebretson, who, along with one of his direct reports, was responsible for reconciling the error, responded the next morning,

stating that he was “taken [a]back” and “disappointed” by Boris’s motives. Engebretson noted that he and his direct report were on schedule with the budget and planned to finish reviewing it that morning but it appeared that Boris was “trying to be the man in charge.”

On May 27, 2020, members of HR exchanged emails among themselves discussing the initial reasons that Rose had provided for the individuals he had selected for the impending RIF. In one email, an HR employee wrote that there could be an issue with why Rose chose to eliminate a particular director over another, stating, “Usually, leaders make these decisions because there is a performance component (hopefully documented [smile emoji]) or the employee staying might have longer tenure than the person being eliminated, they may be more versatile, more skilled, etc.” Two days later, an HR representative indicated that he had discussed with Rose that HR would like “additional supporting details on some of the selections” for separation, which would be useful if there were “questions down the road.” Rose explained that he had selected Engebretson to be part of the company-wide RIF because, of the directors in his department, Engebretson was “not . . . as versatile,” lacked the “skill set” for the department’s needs, and had “the least tenure.”

On June 2, 2020, Engebretson attended a virtual meeting with Rose and a member of the HR department. During the meeting, Rose informed Engebretson that his employment was being terminated as part of the RIF, citing NTE’s financial performance and the COVID-19 pandemic as reasons for the termination. Engebretson received a separation letter from NTE that day, terminating his employment effective June 3, 2020. Attached to the letter was a document explaining that his termination was part of the RIF.

Events Preceding Trial

In September 2020, Engebretson filed a complaint asserting two causes of action against NTE under the MHRA: disability discrimination and reprisal. The parties litigated extensively before the matter ultimately went to a jury trial in April 2024. The parties were granted several continuances and a discovery extension. They filed at least three rounds of motions in limine. One of the motions, filed by Engebretson, sought to have the district court exclude all evidence related to Engebretson's application to the Social Security Administration (SSA) for Social Security Disability Insurance (SSDI) benefits. NTE opposed the motion. Ultimately, the district court allowed into evidence statements by Engebretson in connection with his SSDI application regarding his inability to work and permitted NTE to cross-examine Engebretson as to whether he had received SSDI benefits and whether the amount he received was substantial, but the district court excluded as irrelevant and overly prejudicial evidence of the SSA's decision-making and the amount of SSDI benefits awarded.

Jury Trial

The district court held a seven-day jury trial beginning April 22, 2024. Engebretson called the following witnesses: two of his treating doctors, the other two directors supervised by Rose—Buss and Boris—Rose, Engebretson's daughters, a member of NTE's HR department, and a damages expert witness. Engebretson also testified.

At the close of Engebretson's case, NTE moved for a directed verdict in its favor of on both claims. The district court denied the motion, determining that Engebretson had presented sufficient evidence to create questions of fact for the jury on both claims. NTE

then presented one final witness: the director of talent management in NTE's HR department at the time that Engebretson's employment was terminated.

The jury found that NTE discriminated against Engebretson based on his disability by terminating his employment. The jury awarded Engebretson damages for lost past wages in the amount of \$375,000. The jury also determined that NTE had not retaliated against Engebretson, thus finding for NTE on the reprisal claim. The district court filed an order adopting the jury verdict and entered judgment on the order.

Posttrial Motion and Attorney Fees

NTE filed a motion for JMOL or, in the alternative, a new trial. Engebretson filed a motion for attorney fees, prejudgment interest, and assessment of a civil penalty. In one order, the district court denied NTE's motion for JMOL or a new trial. In a second order, it granted Engebretson's motion in part and denied it in part, awarding attorney fees in the amount of \$1,093,033.06, adding prejudgment interest, and imposing a civil penalty of \$5,000 on NTE. In awarding the fees, the district court, in addition to denying Engebretson's request to enhance the fees by a 1.5 multiplier, reduced the amount requested by Engebretson by 15% due to its concerns, after reviewing counsel's time entries, that there were some vague entries and some overbilling, overpreparation, and over-lawyering.

On November 18, 2024, Engebretson filed a motion for additional attorney fees incurred in litigating the posttrial motions. Three months later, the district court granted the motion in part, awarding Engebretson additional attorney fees in the amount of \$22,405.50.

NTE appeals.

DECISION

We begin by considering NTE's argument that the district court erred by denying its request for JMOL. We then turn to NTE's challenges to the denial of its alternative request for a new trial. Finally, we consider NTE's arguments regarding attorney fees.

I. The district court did not err by denying NTE's request for JMOL.

NTE argues that Engebretson provided insufficient evidence to prove that his disability was a motivating factor for termination of his employment.¹ On that basis, NTE requests that we reverse the denial of its request for JMOL and direct entry of judgment in favor of NTE.

If “there is no legally sufficient basis for a reasonable jury to find for [a] party on [an] issue” on which the party has fully presented their case, “the court may decide the issue against that party and may grant a motion for judgment as a matter of law.” Minn. R. Civ. P. 50.01(a). JMOL may be granted only if “the evidence is so overwhelming on one side that reasonable minds cannot differ as to the proper outcome.” *Kedrowski v. Lycoming Engines*, 933 N.W.2d 45, 55 (Minn. 2019) (quotation omitted). Appellate courts review a district court's denial of a motion for JMOL de novo, applying the same standard as the district court. *Bahr v. Boise Cascade Corp.*, 766 N.W.2d 910, 919 (Minn. 2009). Under

¹ Within this argument, NTE also contends that Engebretson failed to prove that the reasons proffered by NTE for Engebretson's discharge from employment were pretextual. Because we determine that the evidence was sufficient for a reasonable jury to find that Engebretson's disability was a motivating factor for the termination, we do not reach NTE's argument about pretext.

that standard, all evidence must be considered, though “the court may not weigh the evidence or judge the credibility of the witnesses.” *Kedrowski*, 933 N.W.2d at 55 (quotation omitted). Denial of a motion for JMOL must be affirmed “if, in considering the evidence in the record in the light most favorable to the prevailing party, there is any competent evidence reasonably tending to sustain the verdict.” *Langeslag v. KYMN Inc.*, 664 N.W.2d 860, 864 (Minn. 2003) (quotations omitted).²

The MHRA provides that an employer’s decision to discharge an employee is an unfair employment practice if the decision is because of the employee’s disability. Minn. Stat. § 363A.08, subd. 2(2). To prevail on a disability-discrimination discharge claim under the MHRA, a plaintiff must prove that their protected status—in Engebretson’s case, his disability—“actually motivated” the defendant’s decision to discharge the employee. *Cf. LaPoint v. Fam. Orthodontics, P.A.*, 892 N.W.2d 506, 512-13 (Minn. 2017) (analyzing sex-based pregnancy-discrimination claim under MHRA in context of decision not to hire); *Anderson v. Aitkin Pharm. Servs., LLC*, 5 N.W.3d 123, 133-35 (Minn. App. 2024) (analyzing MHRA disparate-treatment claim in business-discrimination context). A plaintiff’s protected status “actually motivated” the defendant’s employment decision if the protected status was “a substantial causative factor” in the decision. *LaPoint*, 892 N.W.2d at 513.

² In *Langeslag*, the supreme court reviewed a district court’s denial of a motion for judgment notwithstanding the verdict (JNOV). *Id.* A motion for JNOV is treated as a motion for JMOL. *See Bahr*, 766 N.W.2d at 919 n.10 (“Under Minn. R. Civ. P. 50, there are no longer motions for . . . judgment notwithstanding the verdict. [Such] motions are now called motion[s] for ‘judgment as a matter of law.’”).

NTE contends that Engebretson provided evidence of only “his subjective beliefs” that his disability was a motivating factor in NTE’s decision to terminate his employment, which is an insufficient basis to support the verdict. The argument is unconvincing.

In its posttrial order denying JMOL, the district court identified four categories of evidence on which a reasonable jury could have determined that Engebretson’s disability actually motivated the decision to discharge him from employment: Rose’s comments related to health and employment, Rose’s conduct after Engebretson disclosed his health conditions, Rose’s rationale for terminating Engebretson’s employment, and the HR emails regarding the decision to terminate Engebretson’s employment. The district court reasoned that “any combination of facts within these broad categories of evidence were sufficient for the verdict to be upheld on any reasonable theory of the evidence.”

Viewing the evidence in the light most favorable to Engebretson, we agree with the district court that competent evidence reasonably tends to sustain the verdict. *See Langeslag*, 664 N.W.2d at 864. The evidence includes more than Engebretson’s “subjective beliefs” that he experienced discrimination based on his disability. The record includes Engebretson’s testimony that Rose commented on Engebretson’s health during their meetings, testimony by Engebretson and Buss that Rose frequently boasted that he had never taken a sick day, the comment on Engebretson’s annual review that Engebretson was unable to complete self-development due to health issues, and Engebretson’s testimony about the conversation that he overheard between Rose and Boris regarding Boris’s greater value to NTE as someone who did not use NTE’s healthcare plan. Also supporting the verdict is the evidence of changes that Engebretson observed in Rose’s

treatment of him following disclosure of his medical issues, ranging from a decrease in the frequency of their meetings, the stopping of succession-planning conversations, and the shifting of some of Engebretson's responsibilities to others. Finally, the verdict is also supported by the emails exchanged by NTE's HR department in which HR suggested reasons to select a director as part of a RIF, followed closely in time by Rose providing the exact reasons suggested by HR as the basis of including Engebretson in the RIF, without further documentation of Rose's reasoning.

Because Engebretson presented evidence that reasonably tends to sustain the verdict on his disability-discrimination claim, including that his disability was a motivating factor for his discharge, we discern no error in the district court's denial of NTE's request for JMOL.

II. The district court did not abuse its discretion by denying NTE's request for a new trial.

NTE next argues that the district court abused its discretion by denying NTE's alternative request for a new trial because it made two prejudicial evidentiary rulings: first, limiting the evidence related to Engebretson's SSDI application and receipt of benefits; and, second, allowing Engebretson to testify about the conversation that he overheard between Rose and Boris, which NTE contends is inadmissible hearsay.³

³ We note that, in its appellate brief, NTE seeks to "incorporate by reference" its 44-page memorandum of law submitted to the district court in support of its motion for JMOL or a new trial. That memorandum addressed the SSDI-evidence and hearsay issues that NTE addresses in its appellate brief, but it also asserted that there was misconduct by Engebretson's trial counsel and at least four additional trial errors that necessitate a new trial. We decline to consider these additional asserted bases for a new trial. NTE's attempt to incorporate by reference its district court memorandum contradicts the brief-length

Appellate courts review a district court’s decision to grant or deny a motion for a new trial for abuse of discretion. *Moorhead Econ. Dev. Auth. v. Anda*, 789 N.W.2d 860, 892 (Minn. 2010). An abuse of discretion results from the district court making findings of fact that are not supported by the evidence, misapplying the law, or rendering a decision that is contrary to logic and the facts. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022).

A new trial may be granted based on errors of law that occurred, and were objected to, at trial. Minn. R. Civ. P. 59.01(f). These include an improper evidentiary ruling if the error was prejudicial. *Kedrowski*, 933 N.W.2d at 62. A district court has broad discretion when making evidentiary rulings. *Doe 136 v. Liebsch*, 872 N.W.2d 875, 879 (Minn. 2015).

A. Exclusion of Some SSDI Evidence

NTE argues that the district court erred by precluding it from introducing “the entirety of the documents related to Engebretson’s application for SSDI benefits and the representations he made to SSA.” NTE contends that the district court deprived it of the opportunity to impeach Engebretson related to the element of his disability-discrimination claim that he was a “qualified individual” who could perform his job with reasonable accommodation.

limits imposed by Minnesota Rule of Civil Appellate Procedure 132.01, subdivision 3. It is also inconsistent with our previous order consolidating these appeals, in which we rejected NTE’s request for enlarged briefing. As a result, we do not address the arguments for a new trial that NTE fails to make in its appellate brief. *See Peterson v. BASF Corp.*, 711 N.W.2d 470, 482 (Minn. 2006) (explaining that failure to address an issue in an appellate brief constitutes waiver of that issue).

As background, in March 2023, about three years after termination of his employment at NTE, Engebretson applied for SSDI benefits. His application was approved in August 2023. After disclosing this information to NTE, Engebretson obtained records from the SSA regarding his application. Those records include a “Summary” containing a section titled “Ability To Work,” which states, “Now able to work: No.” The records also include a document that contains a section called “Allegations of Impairments,” which contains the statement, “The individual alleges inability to function and/or work as of: 03/10/2023.”

Through a series of rulings, the district court ultimately admitted both of those documents into evidence. It also permitted NTE to ask Engebretson on cross-examination whether he had received SSDI benefits and whether the amount he received was “substantial.” But the district court excluded documents or testimony related to the SSA’s deliberative process and did not permit NTE to elicit the exact dollar amount of benefits that Engebretson received. The district court decided that the excluded evidence was irrelevant and that, even if it was relevant, its probative value was substantially outweighed by the danger of confusing or misleading the jury. *See* Minn. R. Evid. 401-403.

We discern no abuse of discretion. Engebretson argues that the district court’s evidentiary ruling on the SSDI evidence accords with the rule set forth in the federal case *Voeltz v. Arctic Cat, Inc.*, 406 F.3d 1047 (8th Cir. 2005), which pertains to testimony about SSDI benefits in the context of a disability-discrimination claim under the Americans with Disabilities Act (ADA). In *Voeltz*, the employer sought judgment as a matter of law on the employee’s ADA claim, arguing that the employee’s testimony that he was able to perform

his job with accommodations was inconsistent with his representation in his application for SSDI benefits that he was unable to work. 406 F.3d at 1050. The Eighth Circuit explained that pursuing and receiving SSDI benefits does not automatically preclude an employee from pursuing an ADA claim. *Id.* The court concluded that any discrepancy between the employee's ADA claim and his statement to the SSA was for the jury to consider and that "[r]easonable jurors could conclude from the evidence both that [the employee] had a good-faith belief in his SSDI statement that he was unable to work and that he could nonetheless perform the essential functions of his job, with or without reasonable accommodation." *Id.* at 1051 (quotations omitted).

Although *Voeltz* did not involve a challenge to an evidentiary ruling on the SSDI evidence, it is nevertheless instructive here. See *Widner v. Ace Auto Parts & Salvage Co.*, 21 N.W.3d 274, 284 (Minn. App. 2025) ("This court is bound by Minnesota Supreme Court and United States Supreme Court precedential decisions but may consider federal caselaw as persuasive."). Here, the district court permitted the introduction of evidence of Engebretson's statements to the SSA that he was unable to work, reasoning that those statements arguably conflicted with Engebretson's disability-discrimination claim and claim for wage loss. The district court decided that "it is up to the jury to determine" whether Engebretson's representation to the SSA about his ability to work could be reconciled with his claims. The district court also permitted NTE to ask Engebretson whether he had received SSDI benefits and whether the amount he received was "substantial."

The district court's rulings were consistent with the law and the result of careful consideration and weighing of the probative value of the evidence against the danger it

would result in unfair prejudice or confuse the jury. By excluding evidence about the SSDI process and the precise of amount of benefits received, the district court did not deprive NTE of the ability to challenge Engebretson's credibility regarding his ability to work. We conclude that the district court did not abuse its discretion.

B. Conversation Between Rose and Boris

NTE argues that the district court abused its discretion by admitting hearsay in the form of Engebretson's testimony about an out-of-court conversation between Rose and Boris. Engebretson responds that the out-of-court statements were not hearsay.

Hearsay is generally inadmissible. Minn. R. Evid. 802. "Hearsay" is "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." Minn. R. Evid. 801(c). This definition does not include an out-of-court statement offered for a purpose other than proving the truth of the matter that the statement asserts. *See id.*

In the challenged testimony, Engebretson stated that, in 2019 after a quarterly meeting, he overheard a conversation between Rose and Boris during which Boris said to Rose, "Well, I don't use [NTE's] healthcare so I guess that makes me a more valuable employee." Engebretson heard Rose respond, "Well, you might have a point there." Before trial, the district court denied NTE's motion in limine to exclude testimony about the conversation, concluding that Boris's statement was not offered for the truth of the matter asserted but, instead, for the purpose of showing Rose's reaction to it.⁴

⁴ The district court also determined that the statements were admissible under the party-opponent rule. *See* Minn. R. Evid. 801(d)(2)(D). Because we conclude that the statements

We agree with Engebretson that the district court did not abuse its discretion by determining that these out-of-court statements were not hearsay because they were not offered to prove the truth of the matter asserted. Engebretson did not offer Boris's statement to prove that Boris was not using the company's healthcare plan or that Boris was a more valuable employee to NTE for that reason. And Engebretson did not offer Rose's statement that Boris "might have a point" to prove that Boris in fact had a point. Rather, Engebretson offered both statements to show Rose's reaction to Boris's statement as indirect evidence that Rose looked favorably upon employees who—unlike Engebretson—did not rely on NTE's healthcare plan. Accordingly, the district court did not abuse its discretion by allowing Engebretson to testify to Rose's and Boris's statements.

In sum, because the district court did not abuse its discretion in its evidentiary rulings regarding Engebretson's SSDI application or the overheard conversation, the district court acted within its discretion in denying NTE's request for a new trial.

III. The district court did not abuse its discretion in awarding attorney fees.

Lastly, NTE argues that the district court abused its discretion by awarding Engebretson \$1,093,033.06 in attorney fees. NTE makes several arguments challenging the award, including that the district court erred in determining the lodestar amount; that the award includes fees based on excessive, redundant, unnecessary, and vague time entries, and that the award is disproportionate to the damages award.

were not offered for the truth of the matter asserted, we do not further address this alternative basis for admissibility.

The MHRA permits a prevailing party to be awarded reasonable attorney fees as part of its costs. Minn. Stat. § 363A.33, subd. 7. To determine attorney fees in MHRA cases, courts apply the lodestar method from *Hensley v. Eckerhart*, 461 U.S. 424 (1983). E.g., *Anderson v. Hunter, Keith, Marshall & Co.*, 417 N.W.2d 619, 621, 628-30 (Minn. 1988). Under this method, the district court determines the lodestar amount by multiplying “the number of hours reasonably expended on the litigation” “by a reasonable hourly rate.” *Green v. BMW of N. Am., LLC*, 826 N.W.2d 530, 536 (Minn. 2013). But the analysis does not end with the lodestar amount; other considerations may warrant adjusting the fees awarded upward or downward. *Hensley*, 461 U.S. at 434. To determine a reasonable award, the district court looks at “all relevant circumstances,” which include “the time and labor required; the nature and difficulty of the responsibility assumed; the amount involved and the results obtained; the fees customarily charged for similar legal services; the experience, reputation, and ability of counsel; and the fee arrangement existing between counsel and the client.” *Green*, 826 N.W.2d at 536 (quotations omitted). Hours that are “excessive, redundant, or otherwise unnecessary” should not be included in the fees awarded. *Id.* at 539 (quotation omitted). Appellate courts review an attorney-fee award for an abuse of discretion. *Id.* at 534.

With these principles in mind, we turn to NTE’s specific challenges to the district court’s award of attorney fees.

A. Degree of Success Obtained

NTE suggests that the district court erred by including hours that were spent on Engebretson’s unsuccessful reprisal claim, citing *Milner v. Farmers Bank Insurance*

Exchange, 748 N.W.2d 608 (Minn. 2008). In that case, the defendant in a class action under the Minnesota Fair Labor Standards Act challenged the award of attorney fees when the plaintiffs obtained the assessment of a civil penalty and injunctive relief but failed to obtain any monetary relief for class members despite their claim for millions of dollars in overtime compensation. *Milner*, 748 N.W.2d at 610, 623. The supreme court concluded that it was “not clear” whether the district court had considered the plaintiffs’ failure to obtain compensatory relief, *id.* at 623, and it remanded for the district court to review the attorney fees and limit the award to an amount that was “reasonable in relation to the results obtained,” *id.* at 624 (quotation omitted).

Here, unlike in *Milner*, the district court in its order explicitly considered NTE’s argument on the degree of success obtained in light of the jury’s rejection of the reprisal claim. It concluded that reduction of Engebretson’s attorney fees was not appropriate because “it would be nearly impossible to differentiate whether an attorney was working on the discrimination claim or retaliation claim throughout litigation.” The district court relied on our decision in *650 North Main Ass’n v. Frauenshuh, Inc.*, 885 N.W.2d 478 (Minn. App. 2016), *rev. denied* (Minn. Nov. 23, 2016). In that case, we concluded that the district court acted within its discretion “by declining to divide the hours expended” on work representing five distinct claims although the respondent-plaintiff ultimately prevailed on only one of the claims that it asserted. *650 North Main*, 885 N.W.2d at 497. We explained that, when successful and unsuccessful claims “involve a common core of facts or are based on related legal theories, much of counsel’s time will be devoted generally to the litigation as a whole, making it difficult to divide hours expended on a

claim-by-claim basis.” *Id.* (quotations omitted). Under such circumstances, we stated, “the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit.” *Id.* (quotation omitted). We concluded that, because multiple aspects of the case could not be reasonably severed into two separate sets of claims and because the discovery, litigation, and trial all addressed common elements, the district court had not abused its discretion by not dividing the hours expended on each of the claims when calculating attorney fees. *Id.* The same reasoning applies to Engebretson’s two claims under the MHRA, and we conclude that the district court acted within its discretion in declining to reduce Engebretson’s fees based on lack of success on the reprisal claim.

B. Delays

NTE also argues that it was error for the district court to include in the lodestar calculation billing entries from periods of time stemming from delays caused solely by Engebretson and his counsel, including a continuance caused by a medical emergency and the dispute regarding the SSDI evidence. Again, we discern no abuse of discretion. The district court addressed NTE’s argument in its order and determined that each party was “attempt[ing] to assign blame” to the other for continuances and “extensive pretrial litigation.” Rather than side with one of the parties, the district court determined that it did “not see either party solely at fault for the length of [the] litigation.” The record supports the district court’s determination. NTE acknowledges that both it and Engebretson caused continuances. Based on evidence of the continuances in the record, the district court’s determination that both parties share responsibility for the delays is reasonable and its decision not to reduce the lodestar amount due to delays was not an abuse of discretion.

C. Excessive, Redundant, Unnecessary, or Vague Time Entries

NTE argues that the district court awarded an unreasonable amount of attorney fees because the district court identified vague time entries as well as trends of overbilling and over-preparation by Engebretson's attorneys, including full preparation for trial on five separate occasions. On these bases, NTE challenges both the fees awarded through trial as well as the separate attorney fees awarded for the posttrial motions.

NTE is correct that district courts should not award attorney fees for "excessive, redundant, or otherwise unnecessary" hours. *Green*, 826 N.W.2d at 539 (quotation omitted). NTE also accurately notes that, in its order on attorney fees, the district court determined that Engebretson's counsel had overbilled because, "on the whole, [counsel] spent an excessive amount of time preparing motion pleadings, preparing for hearings, and generally overbilling." The district court detailed six specific instances of such practices, including excessive hours on hearing preparation and research. The district court also found that some of the time entries were too vague to identify the work performed or to assess whether "it was duplicative or excessive." The district court then determined, based on its "extensive review of all the time entries submitted," that a reduction of 15% of the requested attorney fees would "omit[] the impermissible billing, overbilling, and vague entries" that it identified "while still acknowledging that this was a lengthy case of moderate difficulty that was litigated intensely from start to finish." NTE challenges the district court's decision to reduce the attorney fees by a flat rate of 15%, calling that percentage "seemingly arbitrary." We disagree.

In describing the task of determining a reasonable fee award, the United States Supreme Court has stated, “[T]rial courts need not, and indeed should not, become green-eyeshade accountants. The essential goal in shifting fees (to either party) is to do rough justice, not to achieve auditing perfection.” *Fox v. Vice*, 563 U.S. 826, 838 (2011). Here, the district court made a thoughtful analysis of the excessive, redundant, unnecessary, and vague time entries claimed by Engebretson’s counsel in his request for attorney fees. Though the district court did not subtract every single problematic time entry, it was not an abuse of discretion for the district court to determine that a reasonable attorney-fee amount could be reached by applying a flat 15% reduction from the lodestar amount rather than by cutting every individual time entry that was excessive, redundant, or unnecessary. We thus conclude that the district court did not abuse its discretion.

D. Difference Between Attorney Fees and Damages Award

NTE argues that the attorney-fee award is “grossly disproportionate” to the damages awarded by the jury and thus unreasonable. Engebretson counters that the large amount of attorney fees is justified by the length of the litigation and the degree of advocacy required of his attorneys due to NTE’s aggressive litigation style.

We have stated that, “[i]n light of the complexity of [MHRA] cases, often involving modest damages, it is not surprising nor particularly material that the attorney fees . . . exceed the amount of damages awarded.” *Giuliani v. Stuart Corp.*, 512 N.W.2d 589, 596 (Minn. App. 1994). NTE acknowledges that statement but takes issue with the district court’s failure to mention that fee awards—quoting a footnote from *Hensley*—should “not produce windfalls to attorneys.” 461 U.S. at 430 n.4. NTE contends that the fees award

here is a windfall because of the difference between the fees award and the damages award. We disagree.

The district court directly addressed NTE's proportionality argument in its order. It correctly observed that the dollar amount of the fees is one factor among many considered when determining a reasonable award of attorney fees. *See Green*, 826 N.W.2d at 538 (stating that the need to consider the amount involved in litigation and the results obtained "does not amount to a 'dollar value proportionality rule'"). The district court carefully weighed all relevant circumstances when determining the reasonable amount of attorney fees in this case. *See id.* at 536. It expressly considered the time and labor required; the nature and difficulty of the litigation; the amount of damages involved and the results obtained; fees customarily charged for similar legal services; the experience, reputation, and ability of Engebretson's counsel; and the fee arrangement between Engebretson and his counsel. The district court also noted that it "conducted a thorough review of [Engebretson's counsel's] time entries submitted in support of the attorney fees request." We therefore conclude that the asserted disproportionality between the damages and the attorney-fee awards did not render the award an abuse of discretion.

In sum, the district court did not abuse its discretion in awarding Engebretson attorney fees.

Affirmed.