

*This opinion is nonprecedential except as provided by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
A25-0078**

In the Marriage of:

Stacy Ann Bednar, petitioner,
Respondent,

vs.

Craig Richard Bednar,
Appellant.

**Filed July 21, 2025
Affirmed; motion denied
Schmidt, Judge**

Hennepin County District Court
File No. 27-FA-19-6160

Linda S.S. de Beer, de Beer & Associates, P.A., Lake Elmo, Minnesota (for respondent)

Matthew J. Gilbert, Patrick A. McDonald, Gilbert Alden Barbosa PLLC, Burnsville,
Minnesota (for appellant)

Considered and decided by Schmidt, Presiding Judge; Reyes, Judge; and Cochran,
Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant-husband Craig Richard Bednar argues that the district court (1) failed to abide by this court's remand directives by not vacating prior orders, and (2) abused its discretion when it denied his request for a temporary restraining order. We affirm.

FACTS

Respondent-wife Stacy Ann Bednar petitioned for dissolution in 2019, and the district court entered its judgment and decree in 2023. Husband appealed.

We affirmed the district court's judgment and decree as to custody and parenting time but reversed the district court's determination that the parties' antenuptial agreement was invalid and unenforceable. *Bednar v. Bednar*, A24-0080, 2024 WL 4025789, at *1 (Minn. App. Sept. 3, 2024). We remanded for the district court to reconsider several issues "under the terms of the antenuptial agreement[.]" including: identification of nonmarital and marital property, net valuation of nonmarital property, dissipation of marital assets, and attorney fees. *Id.* at *16. We also remanded the issues of imputation of income to husband and the related spousal-maintenance and child-support determinations "for reconsideration consistent with [this court's] opinion." *Id.*

On remand, husband filed a letter brief arguing the district court must vacate its judgment and decree and all subsequent orders. Husband also filed a motion for a temporary restraining order (TRO) seeking to enjoin wife from enforcing the judgment and decree. Husband's motion also requested wife (1) repay \$802,915 awarded to her in the now-reversed judgment and decree, (2) repay \$20,738 awarded to her as a sanction against husband, and (3) place \$823,653 in a trust "until further agreement of the parties or order of the Court." Wife opposed husband's requests.

The district court issued one order declining to vacate its prior orders and denying husband's motion for a TRO and other requested relief. Husband appeals.

DECISION

I. Husband's arguments about the district court denying the request to vacate prior orders is outside the scope of our review.

Husband argues the district court should have vacated all prior orders. Husband contends that we have jurisdiction over the order and should address the issue.¹

The district court's order denying husband's TRO is immediately appealable. *See* Minn. R. Civ. App. P. 103.03(b) (authorizing appeal over an injunction). But the district court's order declining to vacate its prior orders is not appealable as of right. *See* Minn. R. Civ. App. P. 103.03 (listing appealable judgments and orders). The appellate rules, however, empower us to extend our scope of review to "any order affecting the order from which appeal is taken" (Minn. R. Civ. App. P. 103.04), which, here, could include the district court's order that declined to vacate its prior orders. We decline to do so.

The proceedings in the district court are ongoing. Final judgment has not been entered on any of the issues that we remanded in the first appeal. The district court's order resolving those issues—upon which final judgment will eventually be entered—will supersede any prior orders. Consequently, husband's arguments regarding the district court's denial of his request to vacate the prior orders is outside the scope of our current review and we decline to extend the scope of review to include issues currently pending before the district court. Husband can obtain appellate review after the district court enters a final judgment.

¹ After oral argument before this court, husband submitted supplemental authorities on this issue, which wife moved to strike. We deny wife's motion to strike as moot because we decline to address husband's arguments related to his request to vacate.

II. The district court did not abuse its discretion by denying husband a TRO.

Husband argues the district court abused its discretion by denying his motion for a TRO. “A decision on whether to grant a temporary injunction is left to the discretion of the [district] court and will not be overturned on review absent a clear abuse of that discretion.” *Carl Bolander & Sons Co. v. City of Minneapolis*, 502 N.W.2d 203, 209 (Minn. 1993). Temporary injunctive relief “is an extraordinary equitable remedy.” *Miller v. Foley*, 317 N.W.2d 710, 712 (Minn. 1982). “The party seeking the injunction must demonstrate that there is an inadequate legal remedy and that the injunction is necessary to prevent great and irreparable injury.” *U.S. Bank Nat’l Ass’n v. Angeion Corp.*, 615 N.W.2d 425, 434 (Minn. App. 2000), *rev. denied* (Minn. Oct. 25, 2000).

In considering whether a TRO is appropriate, courts consider five factors:

(1) The nature and background of the relationship between the parties preexisting the dispute giving rise to the request for relief.

(2) The harm to be suffered by [the moving party] if the temporary restraint is denied as compared to that inflicted on [the nonmoving party] if the injunction issues

(3) The likelihood that one party or the other will prevail on the merits when the fact situation is viewed in light of established precedents fixing the limits of equitable relief.

(4) The aspects of the fact situation, if any, which permit or require consideration of public policy expressed in the statutes, State and Federal.

(5) The administrative burdens involved in judicial supervision and enforcement of the temporary decree.

Dahlberg Bros. v. Ford Motor Co., 137 N.W.2d 314, 321-22 (Minn. 1965).

Husband argues the district court did not analyze the *Dahlberg* factors. But there is no requirement that the district court must make findings on all five *Dahlberg* factors. *See Minneapolis Fed’n of Tchrs., AFL-CIO, Loc. 59 v. Minneapolis Pub. Schs., Special Sch. Dist. No. 1*, 512 N.W.2d 107, 110 (Minn. App. 1994) (holding the district court did not err in focusing on the three *Dahlberg* factors relied on most in parties’ arguments), *rev. denied* (Minn. Mar. 31, 1994). Although the district court did not expressly state each factor, the analysis in the order demonstrates that the court gave appropriate consideration to the factors in exercising its decision and denying husband’s request for a TRO.²

For purposes of our decision, we address each factor in turn.

A. The analysis for each *Dahlberg* factor.

1. The nature of the relationship between the parties.

The district court has presided over the disputes of these parties throughout their long and difficult dissolution proceedings. The court was well-aware of husband’s litigation tactics, which included not participating in discovery, refusing to be forthcoming about finances, and concealing and dissipating assets. The district court held husband in contempt for his failure to abide by its orders. Given husband’s conduct that preexisted the dispute giving rise to his request for a TRO, the district court did not abuse its discretion in its implicit finding that the relationship between the parties weighed against granting husband’s motion for a TRO.

² When feasible, best practice would be for a district court to expressly state and analyze each *Dahlberg* factor. But, again, that is not a requirement mandated by caselaw.

2. The harm suffered by husband if the TRO is denied, compared to the harm inflicted on wife if the TRO is granted.

In analyzing whether a TRO is warranted, a district court must balance the harm to husband if a TRO were to be denied and compares it to the harm inflicted on wife if the TRO were to be granted. *Dahlberg*, 137 N.W.2d at 321. As the district court implicitly recognized, the remaining disputes between the parties are about money. As our supreme court has held, “[m]ere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough. The possibility that adequate compensatory or other corrective relief will be available at a later date . . . weighs heavily against a claim of irreparable harm.” *Miller*, 317 N.W.2d at 713 (quoting *Sampson v. Murray*, 415 U.S. 61, 90 (1974)). As such, the district court was within its discretion in implicitly determining that this factor weighs against a TRO.

3. The likelihood that husband or wife will prevail on the merits.

The district court appropriately did not address which party is likely to prevail on the merits as the proceedings are ongoing. The court will issue a decision in due course, which will resolve the remaining issues in this protracted dissolution.

4. Any facts that permit or require consideration of public policy expressed by state or federal statute.

Husband’s request for a TRO sought to have wife return money to husband while the proceedings continued. But the purpose of a TRO is to “preserve the status quo pending an adjudication on the merits.” *In re Civ. Commitment of Hand*, 878 N.W.2d 503, 509 (Minn. App. 2016), *rev. denied* (Minn. June 21, 2016). “Status quo” means “[t]he situation that currently exists.” *See Black’s Law Dictionary* (11th ed. 2019).

The district court implicitly considered the purpose of a TRO, namely, to maintain the status quo. As the court recognized, the status quo required maintaining the current state of the parties' possession of money until the proceedings are complete. *See Hand*, 878 N.W.2d at 509 (noting appellant was currently confined and determining that “[p]reserving the status quo in appellant’s case is achieved by maintaining his continued confinement”). The district court did not abuse its discretion by weighing this factor against husband’s request for a TRO.

5. The administrative burdens of enforcing the requested TRO.

The district court, being familiar with the proceedings and the parties, found that husband refused to be forthcoming about his finances, dissipated assets during litigation, and failed to abide by court orders. Implicit in those findings is the increase in the administrative burdens if a TRO were to be granted. The district court did not abuse its discretion by implicitly finding that this factor weighs against husband’s motion for a TRO.

B. The district court did not abuse its discretion in implicitly weighing the five *Dahlberg* factors.

Temporary injunctive relief “is an extraordinary equitable remedy.” *Miller*, 317 N.W.2d at 712. Husband needed to demonstrate that “there is an inadequate legal remedy and that the injunction is necessary to prevent” irreparable injury. *U.S. Bank*, 615 N.W.2d at 434. Husband did not meet this burden.

Although it did not expressly articulate and specifically weigh each factor, the district court implicitly found several of the *Dahlberg* factors weigh against granting husband a TRO. The district court did expressly note it is “extremely concerned that

[husband] will continue to conceal and/or dissipate the assets.” The court also warned wife “that there is a possibility that some or all of the property awarded to her may ultimately be awarded to” husband. The court analyzed the existing status quo, considered husband’s request for a TRO, and, within its discretion, denied husband’s motion.

Affirmed; motion denied.