

*This opinion is nonprecedential except as provided by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
A25-0506**

In re the Matter of:

Bamidele Adetifa, petitioner,
Appellant,

vs.

Nehplainseh Pay-Bayee,
Respondent.

**Filed May 11, 2026
Affirmed
Bentley, Judge**

Hennepin County District Court
File No. 27-FA-20-6312

Bamidele Adetifa, Minneapolis, Minnesota (self-represented appellant)

Amy L. Helsene, Larkin Hoffman, Minneapolis, Minnesota (for respondent)

Considered and decided by Ede, Presiding Judge; Frisch, Chief Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

In this parenting-time dispute, appellant-father argues that the district court abused its discretion when it (1) denied father's motion for relief from respondent-mother's alleged interference with father's parenting time, which the court construed as a motion for compensatory parenting time, and (2) granted in part mother's motion for various forms of

relief, including an amendment to the parenting-time exchange protocol and conduct-based attorney fees. Because we discern no abuse of discretion, we affirm.

FACTS

Appellant Bamidele Adetifa (father) and respondent Nehplainseh Pay-Bayee (mother) had a child together in December 2019 and have been engaged in contentious custody, parenting-time, and child-support proceedings since October 2020. The controlling order on these issues establishes that the parents share joint legal custody and that mother has sole physical custody. The order also sets forth a parenting-time schedule. Father appealed the controlling order, and this court affirmed. *See Adetifa v. Pay-Bayee*, No. A22-1546, 2023 WL 5185629 (Minn. App. Aug. 14, 2023).

Relevant to this appeal, the parenting-time schedule includes special provisions for holidays and vacations. The order states that

each parent is awarded 10 days of vacation each year, not to be taken in increments greater than five days, provided they give the other parent a minimum of 30 days' notice. When on vacation, each parent shall provide the other parent with an itinerary and contact information and allow the other parent one daily check-in with the Child.

Under a “holiday schedule” in the order, each parent is entitled to time with the child on their respective birthdays. The order also provides, “[t]he Holiday Schedule takes precedence over the Regular Schedule and Vacations. Vacations take precedence over the Regular Schedule.”

The present controversy arose when father sought to use some of his allotted vacation time with the child to go on a cruise from October 10 through October 14, 2024.

He alerted mother to those vacation dates on August 14, and mother informed him that her birthday holiday time fell during that date range, on October 11, and that she was “not willing to give it up.” The following day, father responded, “The vacation days are 10th and the 14th. Those aren’t your birthday and those aren’t requests. So I will be proceeding as planned and you’re welcome to your birthday or making different arrangements.” Mother replied that father was “welcome to use Oct 10th and 14th as [his] vacation days but [she] will be picking up [their daughter] from either daycare or [his] place on Oct 11th and she’ll be ready for [him] to pick her up on the 12th to resume [his] weekend plans.” Ending that conversation, father said, “Just an FYI. Your time would be actually from 4pm to 7pm on 11th. You are welcome to use it as you wish.”

On October 9, father emailed mother information about the cruise itinerary, explaining, “We’re flying out 6 p.m. Thursday 10th. We’re flying back Monday 14th, should arrive at 5:30 p.m. The cruise departs 10 a.m. Friday 11th. No cellular service, so more than likely, there will be no means of communication until we dock Monday morning.” In response, mother reminded father that she did not agree to give up her birthday under the “holiday schedule” set by the district court, said that the child could not go on the cruise with him, and threatened to contact the cruise line, the police, and her lawyer if father did take the child. Father responded, “if you want to reschedule your 3 hours, let me know.”

That same day, mother picked the child up from daycare, despite that it was father’s scheduled parenting time. In a follow-up message to father, mother informed him that the child was not in daycare and explained that under the parenting-time order, her holiday

time “trumps vacation times.” She also took issue with the fact that his chosen vacation, a cruise, did not comply with a requirement that she be able to speak with the child once a day during any vacation. Mother stated that she picked up the child “to prevent [father from] taking her against court order,” but that she would drop the child off with father on Friday to start his weekend parenting time unless he was not there. After the parties messaged back and forth, father contacted the police to report mother’s violation of court ordered parenting time.

Later that month, father moved for mother to be held in contempt of court and filed a proposed order to show cause, citing mother’s interference with his vacation and parenting time. In his motion, father requested reimbursement for travel expenses and emotional damages, as well as “a change in custody” based on mother’s “pattern of putting her emotions above the best interest” of their child. The district court denied the request for an order to show cause and set the matter for a contempt hearing in January 2025. Mother filed a motion requesting the district court (1) deny father’s motion, (2) order “that parenting time exchanges on non-school days or when the child is not in child care occur at 8:00 a.m. at [her] home following [father’s] overnight parenting time,” (3) modify the parenting-time schedule by removing father’s allotted Monday evening parenting time, (4) order father to cooperate in getting the child a passport, (5) clarify “Christian Days of Obligation” mentioned in the holiday schedule, and (6) award her conduct-based attorney fees and costs in the amount of \$900. She also filed an affidavit in which she explained that she picked up the child from daycare because her holiday time takes precedence over

vacation time under the parenting-time order and she was preventing father from violating that order.

At the January hearing, father expressed that he was denied parenting time on October 9, 11, 12, and 13, plus vacation time for October 10 and 14. When asked by the court to address the holiday versus vacation parenting-time issue, father acknowledged that mother's birthday was the 11th, "which [he] didn't know about," but that he offered her the option to reschedule her time "because it was only three hours." He explained that mother rejected that option and "[s]he disagreed saying, no, it is a holiday. And . . . that was the part she disagreed on. But the preventing of [his] parenting time started from the 9th."

When the hearing concluded, the court stated that it was taking the matter under advisement, noting that it would not be exercising the discretionary remedy of contempt, but that it may "modify parenting time" or "do some compensatory work." Then, in its subsequent order, the district court denied father's motion in its entirety, granted mother's parenting-time exchange and passport requests, denied mother's request to otherwise modify parenting time and to define Christian Days of Obligation, and granted mother's request for conduct-based attorney fees. Explaining its decisions, the district court cited the holiday-time schedule and order of priority in the controlling order. Then, it stated:

Here, Father did not understand the basic language of these two provisions. The vacation days "interfered with" *included Mother's birthday*, which is clearly included in the holiday schedule of the Controlling Order.

Accordingly, as the "Holiday Schedule takes precedence over the Regular Schedule *and Vacations*,"

(emphasis added) the Court finds that Mother *did not* interfere with Father's vacation parenting time, as her birthday fell in the middle of Father's proposed vacation, when she was entitled to parenting time per the schedule.

As Father's proposed vacation was to take place *on a cruise ship*, accommodating Mother's holiday parenting (which had priority under the Controlling Order) time would be impossible.

At the hearing, Father exclaimed, "How am I supposed to know when her birthday is?" The answer is simple: the plain language of the Controlling Order says "Mother's Birthday (10/11)."

On the issue of conduct-based attorney fees, the district court concluded that father had "unreasonably contributed [to] the length and expense of litigation," by filing a motion that was "defeated with a simple reading of the parenting time schedule itself." In a subsequent order, the district court entered judgment awarding mother \$990 in attorney fees.

Father appeals.¹

DECISION

Father challenges the district court's order on multiple grounds. First, he argues that the district court abused its discretion in declining to order compensatory parenting time for the period when mother prevented him from taking the child on a cruise and that it relied on an erroneous finding of fact. Second, father argues that the district court abused its discretion and "disregarded fairness, logistics, and child-focused exchange practices"

¹ Father initially appealed only the court's order denying his motion, but we filed an order in March 2025 construing his appeal as including the judgment for attorney fees as well.

by ordering parenting-time exchanges on nonschool or daycare days to take place at 8:00 a.m. at mother's home. Third, father seeks reversal of the district court's conduct-based attorney fees award, claiming that the district court did not make the requisite statutory findings and relied on the same erroneous factual finding mentioned above. Mother did not file a responsive brief.² We address each issue in turn.

I

We begin with father's challenge to the district court's denial of compensatory parenting time. We note that father did not move for compensatory parenting time in the district court. His motion requested that mother be held in contempt, that he be reimbursed for his daughter's trip costs, that mother pay a fine for the emotional damages that he and his family experienced, and that the court change the overarching custody arrangement. Nevertheless, the district court appears to have construed his motion as one for compensatory parenting time, so we do as well.

"If the court finds that a person has been deprived of court-ordered parenting time . . . , the court shall order the parent who has interfered to allow compensatory parenting time to the other parent." Minn. Stat. § 518.175, subd. 6(d) (2024). The district court has broad discretion in resolving such parenting-time disputes and, as an appellate court, we will not reverse the district court's decision absent an abuse of discretion. *Shearer v. Shearer*, 891 N.W.2d 72, 75 (Minn. App. 2017). "A district court abuses its discretion

² We ordered that the appeal proceed under Minn. R. Civ. App. P. 142.03 (directing that, when a respondent fails or neglects to file a brief, the matter is to be decided on the merits).

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). With respect to findings of fact, appellate courts will “set aside a district court’s findings of fact only if clearly erroneous, giving deference to the district court’s opportunity to evaluate witness credibility.” *Goldman v. Greenwood*, 748 N.W.2d 279, 284 (Minn. 2008). “Findings of fact are clearly erroneous where an appellate court is left with the definite and firm conviction that a mistake has been made.” *Id.* (quotation omitted). We “view[] the record in the light most favorable to the [district] court’s findings.” *Vangsness v. Vangsness*, 607 N.W.2d 468, 472 (Minn. App. 2000).

We understand father to be challenging two aspects of the district court’s compensatory parenting-time determination on appeal.

First, father argues that the district court erred as a matter of law because it considered the dispute to be about “parenting time priority,” and not about parenting-time “interference,” which should have resulted in an award of compensatory parenting time under Minnesota Statutes section 518.175, subdivision 6(d). We are not persuaded that the district court applied the wrong legal framework. The district court considered father’s argument that mother interfered with his parenting time and rejected it. Rather than finding that mother interfered with father’s parenting time, the district court found that father’s vacation days “interfered with” mother’s court-ordered holiday parenting time based on the order of priority set by the controlling order. Absent a finding that mother interfered

with father's parenting time, father was not entitled to compensatory parenting time under the statute. *See* Minn. Stat. § 518.175, subd. 6(d).

Second, father asserts that the district court clearly erred by finding that he stated, "How am I supposed to know when her birthday is?" To father's point, that exact quote does not exist in the transcript of the hearing, and it appears that the district court inaccurately quoted a different statement father made. The record shows that father mentioned mother's birthday was on October 11 and then said, "which I didn't know about."

Despite the inaccurate quote, we are not persuaded that the district court abused its discretion in denying compensatory parenting time. The thrust of the district court's reasoning appears to be that father attempted to excuse his behavior by saying that he did not know when mother's birthday was. That is reflected in father's statement that he "didn't know about" mother's birthday. The district court was unpersuaded by father's excuse, noting that the plain language of the order provided the date of mother's birthday. The record also shows that mother alerted father of her birthday and the holiday schedule well in advance of his scheduled vacation—nearly two months. And ultimately, the district court's decision turned on the language of the controlling order: "the Court finds that Mother *did not* interfere with Father's vacation parenting time, as her birthday fell in the middle of Father's proposed vacation, when she was entitled to parenting time per the schedule." We understand the district court to have determined that father was more at-fault than mother for the disruptions to the parenting-time schedule. We defer to the district court's credibility finding. *Goldman*, 748 N.W.2d at 284.

Considering the whole record, it is evident that the district court could and would have reached the same conclusion without the quote mistakenly attributed to father. And because that mistake was immaterial to the district court's determination, it was harmless and is not grounds for relief. *See* Minn. R. Civ. P. 61 ("The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties."); *Hanka v. Pogatchnik*, 276 N.W.2d 633, 636 (Minn. 1979) ("Where a decisive finding of fact is supported by sufficient evidence and is adequate to sustain the conclusions of law, it is immaterial whether some other findings are not so sustained.").

In sum, we discern no basis to conclude that the district court abused its discretion in denying compensatory parenting time.

II

Next, father asks this court to vacate and remand the district court's decision amending the parenting-time exchange schedule so that it may be replaced by a "neutral, child-focused exchange protocol (e.g., school transitions where feasible; neutral sites or balanced pick-up/drop-off assignments on non-school days) that is clearly defined and equitable."

The district court's order directs that "parenting time exchanges on non-school days or when the child is not in childcare occur at 8:00 a.m. at mother's home following mother's overnight parenting time." In reaching that decision, the district court stated that it found "that it is in the best interests of the Child to have a clear schedule with no wiggle-room."

Again, we review the district court's rulings on parenting-time issues for an abuse of discretion. *Shearer*, 891 N.W.2d at 75.

Father argues that the district court's order was an abuse of discretion because it was made "without apparent consideration of [father's] logistical concerns or a balanced arrangement." He does not argue that the district court made or relied on any erroneous findings of fact, and he does not dispute the court's reasoning that it is in the child's best interests to have a clear schedule for parenting-time exchanges. He also did not provide the district court or this court with his preferred alternative parenting-time-exchange protocol. Essentially, father is asking this court to reweigh the available evidence and second-guess the district court's judgment, which we cannot do. *See Lenz v. Lenz*, 430 N.W.2d 168 (Minn. 1988) (holding that it was error for an appellate court to substitute its judgment for that of the trial court in a child-custody case). The district court's determinations are supported by the record, reasonable, and not contrary to the law. We therefore conclude that the district court did not abuse its discretion on this issue. *See Shearer*, 891 N.W.2d at 75 ("Reversible abuses of discretion include misapplying the law or relying on findings of fact that are not supported by the record." (quotation omitted)).

III

As a final matter, father challenges the district court's award of \$990 in conduct-based attorney fees to mother. Father argues that the award should be reversed because it was based on the erroneously attributed statement discussed in section I and because the district court did not make requisite "record-based findings of unreasonable conduct."

Conduct-based fee awards “are discretionary with the district court.” *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 295 (Minn. App. 2007). In the context of reviewing a conduct-based award of attorney fees, “[a]mong other ways, a district court abuses its discretion if it acts against logic and the facts on record, or if it enters fact findings that are unsupported by the record, or if it misapplies the law.” *In re Adoption of T.A.M.*, 791 N.W.2d 573, 578 (Minn. App. 2010) (quotation and citation omitted).

In explaining its grant of conduct-based attorney fees, the district court stated:

Father’s Motion fails with a simple reading of the plain language of the Controlling Order. Minn. Stat. 518.14 . . . allows the Court to impose conduct-based attorney fees “against a party who unreasonably contributes to the length or expense of the proceeding.” While the Court acknowledges Father is self-represented, the crux of Father’s contempt motion is defeated with a simple reading of the parenting time schedule itself. Father’s defense of “how am I supposed to know when her birthday is?” beggars belief because the Controlling Order itself clearly states the date. Father’s conduct has unreasonably contributed [to] the length and expense of litigation.

We acknowledge that the district court misquoted father again, but we are not convinced that the award of conduct-based attorney fees constituted an abuse of discretion. The district court’s reasoning on this issue centered around the fact that father brought a motion and made an argument that was defeated by a plain reading of the controlling order. As discussed in section I above, the record supports that determination, and the district court’s reasoning holds regardless of the accuracy of the quote.

The district court also properly applied the law in determining that father “unreasonably contribute[d] to the length or expense of the proceeding.” Minn. Stat.

§ 518.14, subd. 1a (2024). And its decision is not against logic or the facts in the record. *See T.A.M.*, 791 N.W.2d at 578. The award therefore does not constitute an abuse of discretion.

Affirmed.