This opinion is nonprecedential except as provided by Minn.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
A25-0683

Nona Chubboy,
Respondent,

vs.

Brian Chubboy,
Appellant.

Filed January 26, 2026
Affirmed
Segal, Judge*

Hennepin County District Court
File No. 27-CV-25-2060

Benjamin J. Hamborg, Dylan J. Wallace, Henson & Efron, P.A., Minneapolis, Minnesota (for respondent)

Brian Chubboy, Eden Prairie, Minnesota (pro se appellant)

Considered and decided by Schmidt, Presiding Judge; Bentley, Judge; and Segal, Judge.

NONPRECEDENTIAL OPINION

SEGAL, Judge

Appellant challenges the district court's denial of his motion to stay docketing of a Florida judgment. Because we conclude that the district court did not err in its

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

determination that the Florida judgment is entitled to docketing and enforcement in Minnesota under the Full Faith and Credit Clause of the United States Constitution, we affirm.

FACTS

Appellant Brian Chubboy is the son of respondent Nona Chubboy, who is in her 90s and resides in Florida.[1] In 2024, Nona filed a petition in a Florida circuit court, seeking an injunction against Brian for protection against exploitation of a vulnerable adult under the Florida statutes. The background facts are taken from the record in the Florida proceedings.

After suffering a stroke in 2022, Nona executed a power of attorney, appointing Brian as her attorney-in-fact. She later revoked Brian's power of attorney and filed the petition for protection against him. Nona alleged, as relevant here, that Brian had flown down to Florida while Nona was hospitalized and withdrew from her accounts a total of $310,726.95. He then deposited the money "into accounts held in his personal name" and refused to return the funds.

The Florida circuit court issued a temporary injunction for protection and a notice for a virtual hearing on the petition. Brian, who was in Minnesota at the time, appeared remotely and represented himself at the hearing. At the outset of the hearing, Brian argued that service of process was defective, stating:

> I was served a nine-page document six working days ago. Your order is unsigned, no attachments. It's nine pages. I can

[1] Because the parties share the same surname, we refer to the appellant and respondent by their first names.

> show you the document if you'd like. I (unintelligible) [Nona's] attorney and provide the Court a phony affidavit of service and now has a three-month advantage in this case. I believe it's actually violated the due-process doctrine. [Nona's] attorney has an oath of candor, the attorney refused to provide evidence and now provided ineffective service of process.

Brian acknowledged the existence of an affidavit of service that stated he was "served on March 20th at 6:02 p.m. [with] the temporary injunction" at his address in Eden Prairie. But he asserted that he "received a blank, unsigned copy" and did not receive a copy of the petition.

On cross-examination, Brian invoked his Fifth Amendment right not to testify. The Florida court warned Brian that "in a civil proceeding," it could "infer that [Brian] did in fact take wrongfully the $310,726.95," based on his refusal to testify. Brian responded, "I don't wish to participate anymore. I don't have any evidence to take to an attorney. I've been asking for it for three months and received nothing." The Florida court told Brian that he "may want to get a Florida lawyer so that they know about this particular law, which is a civil remedy as opposed to a criminal remedy." When the Florida court said, "You're free to stay or you're free to go," Brian responded "I'll be leaving. Thank you, Your Honor," and disconnected from the hearing.

After Brian left the hearing, the Florida court heard testimony from Nona and another witness. Based on the evidence presented, the Florida court found that "exploitation ha[d] occurred" and ordered Brian to, among other things, "return [to Nona] the assets of $310,726.95," plus interest and costs. As to Brian's challenge to service of process, the Florida court determined that Brian was timely served with a copy of the petition and temporary injunction, and that he "was afforded reasonable notice and an opportunity to be heard in a manner that protected [his] right to due process."

Brian appealed the Florida judgment to a Florida court of appeals. Brian raised five issues in his brief to the Florida appellate court, including a challenge to the adequacy of service and notice, an argument that the findings of the circuit court were not supported by the record, and that his civil rights and constitutional rights to due process and equal protection were violated. The Florida appellate court issued a per curiam decision affirming the Florida judgment without opinion. *See Chubboy v. Chubboy*, 401 So.3d 1213 (Fla. Dist. Ct. App. 2025). Brian did not seek review of this decision by the Florida Supreme Court.

After completion of the Florida appellate proceeding, Nona filed an affidavit requesting entry and docketing of the Florida judgment against Brian in Hennepin County District Court. The district court administrator issued a notice on February 4, 2025, informing Brian that docketing of the Florida judgment "[would] occur on February 24, 2025, unless [Brian presented] proof to the district court on or before February 24, 2025, any ground upon which docketing of the judgment should be stayed." The court administrator filed a notice of docketing of the Florida judgment on the morning of February 24. Later that same day, Brian filed a motion to stay docketing of the Florida judgment and submitted an affidavit and memorandum in support of his motion. About three weeks later, Brian filed a motion to dismiss and strike the notice of docketing of judgment, arguing that the district court did not comply with its own filing deadline. In response, the district court issued an order temporarily staying enforcement of the Florida judgment until Brian's motion could be heard and decided.

In his motion papers, Brian argued that the district court should "deny the recognition and stay" docketing of the Florida judgment because, among other things, the Florida court (1) lacked subject-matter jurisdiction to impose the judgment; (2) violated his due-process rights; and (3) "fabricated evidence." At the hearing on his motion, Brian also argued that he was entitled to relief from the Florida judgment under Minnesota Rule of Civil Procedure 60.02(c) and (d). In her opposition to Brian's motion to stay, Nona contended, among other things, that the Florida judgment is entitled to full faith and credit and that Brian is precluded from relitigating these issues in Minnesota.

The district court denied Brian's challenge to the docketing of the Florida judgment. The district court determined that the "arguments raised by [Brian] in the present Motion concerning Florida's jurisdiction, the adequacy of notice and service, due[-]process violations, and alleged fraud are substantively identical to the arguments that [Brian] raised during the Florida circuit court and appellate proceedings." The district court concluded that, because Brian's arguments "are substantively identical to those arguments that were raised, or that could have been raised, in the Florida proceedings," they are "barred from relitigation" under the Full Faith and Credit Clause of the United States Constitution and under the doctrine of res judicata. The district court added that, "even if [Brian] could relitigate these issues (which he cannot), he has failed to satisfy his burden of establishing a ground for non-recognition of the Florida judgment."

DECISION

On appeal, Brian asserts a variety of theories why the district court erred in granting full faith and credit to the Florida judgment.[2] Generally, "Full Faith and Credit shall be given in each state to the public acts, records, and judicial proceedings of every other state." U.S. Const. art. IV, § 1; *see also* Minn. Stat. § 548.27 (2024) ("A certified copy of any foreign judgment may be filed in . . . any district court of this state" and, once "so filed, has the same effect . . . as a judgment of any district court or the supreme court of this state and may be enforced or satisfied in like manner.").

There are, however, exceptions to the grant of full faith and credit to a foreign judgment, including cases involving: (1) "lack of personal or subject matter jurisdiction of the rendering court"; (2) "fraud in procurement (extrinsic)"; (3) "satisfaction"; (4) "lack of due process"; or (5) "other grounds that ma[k]e a judgment invalid or unenforceable." *Matson*, 333 N.W.2d at 867. But these exceptions are narrow and do not allow a party opposing the docketing and enforcement of a foreign judgment to relitigate the merits. *See id.* at 868 (noting that the mere "existence of an error or irregularity in the law or facts of the foreign judgment, . . . does not constitute grounds on which a court of the enforcing

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[2] In his brief, Brian maintains that he is entitled to relief from the Florida judgment under Minnesota Rule of Civil Procedure 60.02(c) and (d). Rule 60.02 allows a court to relieve a party from a final judgment if there is "[f]raud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party," or if the "judgment is void." Minn. R. Civ. P. 60.02(c)-(d).

But the "power of a state to reopen or vacate a foreign judgment" under rule 60.02 is limited by the Full Faith and Credit Clause. *Matson v. Matson*, 333 N.W.2d 862, 867 (Minn. 1983) (rejecting application of rule 60.02 "to foreign judgments in the same manner it is applied to judgments of the courts of this state"). Our analysis is thus focused on the arguments available under the Full Faith and Credit Clause and not rule 60.02.

state may reopen and modify [a] foreign judgment"). Moreover, "a judgment is entitled to full faith and credit—even as to questions of jurisdiction—when the second court's inquiry discloses that those questions [were] fully and fairly litigated and finally decided in the court which rendered the original judgment." *Durfee v. Duke*, 375 U.S. 106, 111 (1963).

A jurisdictional question is fully and fairly litigated if the record shows that there was substantive discussion of the issue in the foreign court. *Cf. Lyon Fin Servs., Inc. v. Waddill*, 625 N.W.2d 155, 159-60 (Minn. App. 2001) (concluding that a California judgment was not entitled to full faith and credit, despite a conclusory ruling on personal jurisdiction, because the record revealed "no substantive discussion" of the jurisdictional issue in the California proceeding), *rev. denied* (Minn. June 19, 2001); *In re Welfare of S.R.S.*, 756 N.W.2d 123, 128 (Minn. App. 2008) (concluding that an issue of subject-matter jurisdiction was not fully and fairly litigated because it "was summarily addressed by the Colorado court in response to respondent's request for a status conference" on the issue), *rev. denied* (Minn. Dec. 16, 2008).

"Whether the Full Faith and Credit Clause requires Minnesota courts to enforce" a foreign judgment "involves a question of law which we review de novo." *Blume Law Firm PC v. Pierce*, 741 N.W.2d 921, 925 (Minn. App. 2007), *rev. denied* (Minn. Feb. 19, 2008).

A. Merits of the Florida Judgment

For his first argument, Brian maintains that he "did not exploit or abuse" Nona, that his "actions were executed lawfully" pursuant to a power of attorney governed by Minnesota law, and that, because "Florida adopted the Uniform Power of Attorney Act," the Florida court erred by failing to recognize his right to be "reimbursed with the $310,726.95 in funds by [Nona]" under Minnesota law. *See* Fla. Stat. §§ 709.2101-2402 (2025) (the Florida power-of-attorney act).

But as already stated, "a foreign judgment cannot be collaterally attacked on the merits" in Minnesota. *Matson*, 333 N.W.2d at 867; *see also Fauntleroy v. Lum*, 210 U.S. 230, 237 (1908) (noting that a judgment "cannot be impeached either in or out of the state by showing that it was based on a mistake of law"). Because Brian's arguments go to the merits of the Florida judgment—and not procedural defects—his arguments fail to offer a valid basis under the Full Faith and Credit Clause to challenge enforcement of the judgment.

B. The Florida Court's Jurisdiction

Brian next argues that the Florida judgment should not be enforced because of jurisdictional defects. He asserts a lack of personal, in rem, and subject-matter jurisdiction. We discuss each ground below.

Personal Jurisdiction

Brian challenges the Florida court's personal jurisdiction in two ways. First, Brian argues that the Florida court lacked "in personam jurisdiction over [his] execution of the Minnesota Power of Attorney," including "real estate transactions, financing, and payments" and "banking transactions" in Minnesota. (Emphasis omitted.) Second, he argues lack of personal jurisdiction based on insufficient service of process. We are not persuaded by either argument.

As to his first argument—that the Florida courts lacked personal jurisdiction over his actions in Minnesota under the power of attorney—Brian never asserted this argument before the Florida courts. Thus, regardless of whether the issue was "fully and fairly litigated" in the Florida courts, it appears that Brian waived this challenge to personal jurisdiction by failing to assert it. *See Blume*, 741 N.W.2d at 925 (stating that "personal jurisdiction—unlike subject matter jurisdiction—can be waived," thereby barring relitigation under the Full Faith and Credit Clause).

"The law of the forum determines whether an action constitutes a waiver of personal jurisdiction." *Id.* Under Florida law, a defense based on lack of personal jurisdiction is waived if "a party does not challenge personal jurisdiction until after a general appearance in the case." *Horton v. Horton*, 179 So.3d 459, 462 (Fla. Dist. Ct. App. 2015). This defense is also waived if the defendant does not assert it on appeal. *See City of Miami v. Steckloff*, 111 So.2d 446, 447 (Fla. 1959) ("An assigned error will be deemed to have been abandoned when it is completely omitted from the briefs.").

At the petition hearing, which was his first general appearance, Brian did not assert the power-of-attorney argument. Instead, Brian argued that the Florida court lacked jurisdiction due to defects in service and notice. And in the Florida appeal, Brian's jurisdictional arguments were similarly confined to defects in service and notice. Because Brian did not argue in the Florida proceedings a lack of personal jurisdiction based on the Minnesota power of attorney, we conclude that this argument was waived.

Turning to Brian's argument concerning insufficient service-of-process, this issue was fully and fairly litigated in the Florida proceedings. Brian made the same insufficient-service argument to both the Florida circuit and appellate courts. At the petition hearing, Brian testified that he was served a "blank, unsigned copy" of the temporary injunction and denied receiving "any petition or anything else." The Florida circuit court, however, rejected this argument and found that proper service was made. Brian also extensively briefed the service issue to the Florida appellate court. And that court affirmed the circuit court's judgment.

Because the record shows that there was "substantive discussion" about service of process in the Florida proceedings, the insufficient-service issue was "fully and fairly litigated." *Blume*, 741 N.W.2d at 925. Thus, Brian cannot relitigate it in Minnesota.

In Rem Jurisdiction

Brian argues that the Florida court lacks in rem jurisdiction based on his allegation that the Florida action concerns "real-estate transactions" related to real property located in Eden Prairie, Minnesota.

In rem jurisdiction is "jurisdiction over a thing or a piece of property" rather than a person. *Fradera v. Fradera*, 350 So.3d 796, 798 (Fla. Dist. Ct. App. 2022) (quotation omitted). But the record shows that the Florida action centered around Brian's *actions*—withdrawing funds from Nona's accounts and depositing them into his personal accounts—*not* real property. Because the Florida action did not implicate in rem jurisdiction, Brian is not entitled to relief on this basis.

Subject-Matter Jurisdiction

Brian argues that the Florida court "lacked subject matter jurisdiction under Minnesota, Florida, and federal Law." Brian makes this argument for the first time in his reply brief. Generally, issues not raised or argued in an appellant's principal brief cannot be raised in a reply brief. *Moorhead Econ. Dev. Auth. v. Anda*, 789 N.W.2d 860, 887 (Minn. 2010). But challenges to subject-matter jurisdiction "may be raised at any time." *Henderson v. Shinseki*, 562 U.S. 425, 434-35 (2011). Therefore, we consider Brian's argument.

"Subject matter jurisdiction—the 'power of the trial court to deal with a class of cases to which a particular case belongs'—is conferred upon a court by constitution or statute." *Strommen v. Strommen*, 927 So.2d 176, 179 (Fla. Dist. Ct. App. 2006) (quoting *Cunningham v. Standard Guar. Ins. Co.*, 630 So.2d 179, 181 (Fla. 1994)).

> An examination of subject matter jurisdiction requires specific focus on the authority of the court over a general class of cases, rather than on the particular facts of an individual case. Stated differently, a challenge to subject matter jurisdiction is proper only when the court lacks authority to hear a class of cases, rather than when it simply lacks authority to grant the relief requested in a particular case.

In re Adoption of D.P.P., 158 So.3d 633, 636-37 (Fla Dist. Ct. App. 2014).

Brian contends that the Florida court lacked subject-matter jurisdiction over the Minnesota power of attorney "and the subsequent reimbursement for expenditures of $310,726.95 related to the Minnesota property transactions by [Nona]." Because this is a full-faith-and-credit challenge to enforcement of the Florida judgment in Minnesota, we look only to the authority of the Florida court to hear the exploitation action itself, not the merits of the court's ruling. *See Blume*, 741 N.W.2d at 925. Here, the Florida statutes grant the Florida courts jurisdiction over injunctions for protection against the exploitation of vulnerable Florida residents. *See* Fla. Stat. § 825.1035(1) (2025) ("There is created a cause of action for an injunction for protection against exploitation of a vulnerable adult."). And the record shows that Nona, a Florida resident, petitioned for relief in the Florida circuit court pursuant to this statute. Thus, the Florida circuit court had subject-matter jurisdiction over the exploitation action.

C. Due Process

Brian appears to argue that the district court's order denying his motion to stay violated his due-process rights. Brian urges that the order "violates the Fourteenth Amendment" and "results in the mistaken or unjustified deprivation of [his] protected property interests." Brian maintains that "the district court ignored and omitted the fact that" (1) Brian's "actions were executed lawfully" pursuant to the power of attorney, and (2) the Florida court "lacks in personam and/or in rem jurisdiction" over the transactions he initiated as Nona's attorney-in-fact.

Brian does not explain how the Minnesota district court violated his right to due process. The Minnesota district court could not decide issues related to the merits of the Florida judgment, including whether Brian acted lawfully under the power of attorney or exploited Nona as a vulnerable adult. *See Matson*, 333 N.W.2d at 867. And as discussed above, Brian either waived or fully litigated his jurisdictional arguments in Florida. We thus discern no deprivation of Brian's due-process rights by the Minnesota district court.

D. Extrinsic Fraud

Finally, Brian contends that the Florida judgment "was procured by extrinsic fraud." In Florida, extrinsic fraud is defined as:

> prevention of an unsuccessful party from presenting his case, by fraud or deception practiced by his adversary; keeping the opponent away from court; falsely promising a compromise; ignorance of the adversary about the existence of the suit or the acts of the plaintiff; fraudulent representation of a party without his consent and connivance in his defeat; and so on.

Parker v. Parker, 950 So.2d 388, 391 (Fla. 2007) (quotation omitted).

Brian appears to argue that insufficient service of the petition and related evidence of exploitation amounted to "extrinsic fraud by [Nona's] Florida attorney." He maintains that Nona and her attorney "willfully prevented" him "from defending against the Florida Court actions . . . by deception."

The record shows, however, that Brian made substantially the same argument before the Florida courts. During the hearing before the Florida circuit court, Brian argued that Nona and her attorney "refused to provide evidence" related to the exploitation action, served him with a "blank, unsigned copy" of relevant documents, and provided the court with "a phony affidavit of service." And in his Florida appellate brief, Brian maintained that Nona's attorney "willfully violated" his due-process rights by failing to provide him with the "petition or any evidence submitted in the case." Brian argued that Nona's attorney "violated the oath of candor to the court" and "hid the ineffective service of process" by submitting a fraudulent affidavit of service to the Florida court.

Because Brian asserted the elements of his extrinsic-fraud argument to the Florida courts, we conclude that the question was "fully and fairly litigated and finally decided in the court which rendered the original judgment." *Durfee*, 375 U.S. at 111. Thus, Brian cannot relitigate the issue in Minnesota.[3]

We therefore conclude that the district court did not err in denying Brian's motion to stay docketing of the Florida judgment in Minnesota.

Affirmed.

[3] Brian separately argues that the district court erred by finding that the Florida judgment was final because Nona filed a verified petition to enforce the judgment in a Florida circuit court on March 27, 2025. Brian maintains that the enforcement petition "effectively reopened the case to contest" Brian's status as Nona's attorney-in-fact and, thus, the "Florida case is not final, and all issues have not been resolved."

Appellate courts generally will not consider matters not argued to and considered by the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). Brian did not make this final-judgment argument to the district court. Therefore, we conclude that this argument is forfeited on appeal.