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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0729**

Dametria White, et al., as co-trustees for
the next-of-kin of Helayne Bass, deceased,
Appellants,

vs.

Park Nicollet Clinic,
Respondent.

**Filed February 9, 2026
Affirmed
Bratvold, Judge**

Hennepin County District Court
File No. 27-CV-23-16901

Oliver E. Nelson III, Magna Law Firm, Minneapolis, Minnesota (for appellants)

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

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellants seek to overturn the district court's order granting respondent's motion for judgment on the pleadings and dismissing appellants' wrongful-death complaint. Appellants argue that the district court erred by determining that they were not appointed as wrongful-death trustees before the statute of limitations expired and by concluding that

the wrongful-death action was untimely under Minnesota Statutes section 573.02, subdivision 1 (2024). Appellants contend that the district court made filing a trustee’s oath a jurisdictional requirement, which contravenes caselaw. Alternatively, appellants argue that they are entitled to relief under Minnesota Rule of Civil Procedure 60.02. We conclude that the wrongful-death action was not timely commenced by a court-appointed trustee and that appellants are not entitled to rule 60.02 relief. Thus, we affirm.

FACTS

Helayne Bass died from heart disease on or about December 3, 2021.¹ On April 7, 2023, Helayne’s daughters—appellants Dametria White and Dashauna Bass—petitioned to be appointed as “co-trustees” to bring a wrongful-death action on behalf of Helayne’s next of kin. Appellants submitted a proposed order with the petition.

On May 10, 2023, after a hearing, the district court filed an appointment order that was identical to appellants’ proposed order and stated: “The foregoing petition having been duly considered, IT IS ORDERED that, *upon the filing of oath* pursuant to [Minnesota Statutes section] 358.06, that [appellants] be appointed co-trustees to maintain the action described in said petition.” (Emphasis added.)²

¹ We refer to the decedent as “Helayne” to avoid any confusion with appellant Dashauna Bass.

² The oath mentioned in the appointment order is required by Minnesota Statutes chapter 358, which sets out seals, oaths, and acknowledgments. Minnesota Statutes section 358.06 (2024) provides:

Unless otherwise provided by law, *every* executor, administrator, guardian, *trustee*, referee, arbitrator, viewer, assessor, appraiser, and other person appointed by or made

Appellants served respondent Park Nicollet Clinic with a wrongful-death complaint dated August 20, 2023. The complaint alleged that Park Nicollet negligently diagnosed Helayne shortly before her death and that appellants were “appointed as co-trustees for next-of-kin of Helayne.”

On October 4, 2023, Park Nicollet answered the complaint. Along with denying medical negligence, Park Nicollet admitted “that an Order related to the appointment of [appellants] was filed on May 10, 2023.” But Park Nicollet also alleged that appellants had “not fully complied with the directives of that Order” or the wrongful-death statute.

On December 3, 2024, the three-year limitations period expired for an action based on Helayne’s wrongful death. *See* Minn. Stat. § 573.02, subd. 1 (providing that a wrongful-death action “shall be commenced within three years of the date of death”). In February 2025, appellants filed executed trustee’s oaths with the district court.

In March 2025, Park Nicollet moved for judgment on the pleadings under Minnesota Rule of Civil Procedure 12.03. Park Nicollet argued that the complaint should be dismissed as untimely because the “trustee appointment was contingent upon filing statutory oaths, and those oaths were not filed before the statute of limitations expired.”

responsible to the court in any action or proceeding, *before entering upon duties as such, shall take and subscribe the following oath:*

“I, A.B., do swear that I will faithfully and justly perform all the duties of the office and trust which I now assume as (insert brief description of office), to the best of my ability. So help me God.”

(Emphasis added.)

Appellants opposed the motion, maintaining that Minnesota caselaw has “expressly held that a party’s filing of the sworn oath before the statute of limitations expires is not a condition precedent to the trustee timely filing a wrongful-death lawsuit.”

In April 2025, the district court heard arguments on Park Nicollet’s motion. Along with advancing their position on the merits, appellants’ attorney stated, “[M]aybe the appropriate remedy here is to grant [appellants] the opportunity to seek relief from [the appointment] order, if Your Honor is of the mind that the order does make the trustee appointment contingent on the filing of the oath.” Appellants’ attorney added that “perhaps the best thing here to do would be for [appellants] . . . to seek relief from the express language of” the appointment order under Minnesota Rule of Civil Procedure 60.02. After the hearing, appellants did not move for relief under rule 60.02.

On May 5, 2025, the district court filed an order granting Park Nicollet’s motion and dismissing the complaint, setting out its decision in two steps. First, the district court determined that filing trustee’s oaths was a condition precedent to appellants’ appointment as co-trustees under the terms of the appointment order. Second, the district court determined that appellants did not file their oaths before the three-year limitations period expired. As a result, they “did not have legal standing to bring the wrongful-death action, and the present action is a ‘legal nullity.’” The district court did not address whether appellants were entitled to relief under rule 60.02.

This appeal follows.

DECISION

Appellants seek reversal of the district court's order granting Park Nicollet's rule 12.03 motion for judgment on the pleadings and dismissing appellants' wrongful-death complaint. Generally, appellate courts review de novo the grant of a rule 12.03 motion "to determine whether the pleadings set forth a legally sufficient claim for relief." *Abel v. Abbott Nw. Hosp.*, 947 N.W.2d 58, 68 (Minn. 2020). Under rule 12.03, a claim is legally sufficient "if it is possible on any evidence which might be produced, consistent with the pleader's theory, to grant the relief demanded." *Id.* (quotation omitted).

Both parties state that we should review the district court's order under rule 12.03. While we agree that de novo review applies, we disagree that the district court limited its inquiry as required under rule 12.03. In deciding a motion under rule 12.03, the district court may rely *only* on pleadings. Minn. R. Civ. P. 12.03; *see also* Minn. R. Civ. P. 7.01 (explaining that pleadings include a complaint and an answer, a reply to a counterclaim, and an answer to a cross-claim); *Black's Law Dictionary* 1394 (12th ed. 2024) (defining "pleading" as a "formal document" that "sets forth or responds to allegations, claims, denials, or defenses"). Based on the parties' submissions, the district court considered matters outside the complaint and answer in reaching its decision. For example, the district court considered appellants' proposed order filed with their petition to be appointed as wrongful-death trustees, the appointment order, and the trustee's oaths executed and filed by appellants.

If, in deciding a motion under rule 12.03, "matters outside the pleadings are presented to and not excluded by the court, the motion shall be treated as one for summary

judgment and disposed of as provided for in” Minnesota Rule of Civil Procedure 56. Minn. R. Civ. P. 12.03; *see also Expose v. Thad Wilderson & Assocs., P.A.*, 889 N.W.2d 279, 284 & n.3 (Minn. 2016) (reviewing an order granting a rule 12.03 motion as one for summary judgment “because the district court relied on documents that were not part of the pleadings”). We therefore treat the order on appeal as one granting summary judgment.

Appellate courts “review the grant of summary judgment de novo to determine whether there are genuine issues of material fact and whether the district court erred in its application of the law.” *Montemayor v. Sebright Prods., Inc.*, 898 N.W.2d 623, 628 (Minn. 2017) (quotation omitted). In doing so, appellate courts “view the evidence in the light most favorable to the nonmoving party.” *Kenneh v. Homeward Bound, Inc.*, 944 N.W.2d 222, 228 (Minn. 2020). Thus, the record is reviewed differently under rule 56 than it is under rule 12. In this case, the relevant facts are undisputed as to appellants’ appointment as wrongful-death trustees, the commencement of the wrongful-death action, and the filing of trustee’s oaths by appellants.

On review, appellants raise two issues: (1) whether the district court erred by dismissing their wrongful-death action as untimely and (2) whether relief is appropriate under rule 60.02.³ We address each issue in turn.

³ The first issue we identify slightly combines and restates the issues presented in appellants’ brief. Appellants’ brief presents two issues seeking to overturn the dismissal order: (1) whether the appointment process requires the filing of a sworn oath and (2) whether the district court erred by ruling that the oath requirement is jurisdictional. Both issues support appellants’ underlying position that they timely commenced a wrongful-death action.

I. Appellants' wrongful-death action was untimely.

Wrongful-death claims are “purely statutory, as common law recognized no such actions on the theory that a claim for personal injuries died with the victim.” *Ortiz v. Gavenda*, 590 N.W.2d 119, 121 (Minn. 1999). Because wrongful-death actions contravene the common law and are statutorily created, the three-year limitations period is “jurisdictional, requiring dismissal for failure to comply”; in other words, a wrongful-death action does “not have flexible parameters” that allow the limitations provision “to be ignored if [its] application is too technical.” *Id.* at 122 (quotation marks omitted); *see also Berghuis v. Korthuis*, 37 N.W.2d 809, 810 (Minn. 1949) (“This period fixing the time within which the right of action for wrongful death may be exercised is not an ordinary statute of limitations. It is considered a condition precedent to the right to maintain the action, and the lapse of such period is an absolute bar.”).

A. The statute of limitations expired before appellants were appointed as wrongful-death trustees.

A wrongful-death action “shall be commenced within three years of the date of death.” Minn. Stat. § 573.02, subd. 1. Only a trustee may commence a wrongful-death action:

When death is caused by [a] wrongful act or omission . . . , *the trustee appointed as provided in subdivision 3 may maintain an action therefor* if the decedent might have maintained an action, had the decedent lived, for an injury caused by the wrongful act or omission.

Id. (emphasis added). The wrongful-death statute also authorizes the filing of a petition to be appointed as a wrongful-death trustee:

Upon written petition by the surviving spouse or one of the next of kin, the court having jurisdiction of an action falling within the provisions of subdivisions 1 or 2, shall appoint a suitable and competent person as trustee to commence or continue such action and obtain recovery of damages therein. *The trustee, before commencing duties shall file a consent and oath.*

Id., subd. 3 (2024) (emphasis added); *see also* Minn. R. Gen. Prac. 144 (providing a comprehensive procedure for appointment of a trustee under Minn. Stat. § 573.02 (2024)). While section 573.02 does not offer further details on the oath, the legislature has set out the appropriate oath in a separate chapter. *See* Minn. Stat. § 358.06 (providing trustee’s oath).

This court has described a court-appointed trustee as having “the exclusive right to maintain the [wrongful-death] action or to negotiate a settlement for the benefit of the next of kin.” *Kolles v. Ross*, 418 N.W.2d 733, 738 (Minn. App. 1988), *rev. denied* (Minn. Mar. 30, 1988); *see also Regie de l’assurance Auto. du Quebec v. Jensen*, 399 N.W.2d 85, 88-89 (Minn. 1987) (concluding that a surviving spouse, “not having been appointed trustee, had no right . . . to bring an action to recover his damages” under the wrongful-death statute).

The Minnesota Supreme Court has set out some important parameters in *Ortiz*, holding that Ortiz’s “failure to commence a wrongful death action as a court-appointed trustee for the next of kin of the decedent within the statutory time limit precludes her from maintaining the action.” 590 N.W.2d at 120 (syllabus). There, Ortiz attempted to

commence a wrongful-death action relating to her spouse's death without having been appointed as a wrongful-death trustee. *Id.* at 120-21. After the three-year limitations period expired, the district court appointed Ortiz as trustee but denied Ortiz's motion to amend the complaint to relate back to the original date of commencement. *Id.* at 121. The court of appeals reversed. *Id.*

On review, the supreme court reversed the court of appeals, holding that the statutory limitations period for wrongful-death actions is jurisdictional and that there are "no exceptions to the time limit for bringing a wrongful death action." *Id.* at 122. It relied on caselaw dating to 1883 and stated that it has "emphasized the high standard of strict compliance with the statute." *Id.* (first citing *Rugland v. Anderson*, 15 N.W. 676 (Minn. 1883); and then citing *Bonhiver v. Fugelso, Porter, Simich, & Whiteman, Inc.*, 355 N.W.2d 138, 141 (Minn. 1984)).

The supreme court also emphasized *Jensen*'s holding that "appointment of a trustee was a condition precedent to bringing a wrongful death action under Minn. Stat. § 573.02, [and] an action filed without it was a 'legal nullity.'" *Id.* (quoting *Jensen*, 399 N.W.2d at 92). Given this precedent, the supreme court rejected Ortiz's argument that her appointment as trustee after the limitations period expired could "relate back" to the date of the original filing of the complaint. *Id.* at 122-24. The supreme court concluded that "sound legal and policy reasons" support "requiring the commencement of a wrongful death action by a court-appointed trustee." *Id.* at 123.

This case is analogous to *Ortiz*. The three-year statute of limitations to bring a wrongful-death action for Helayne's next of kin expired on December 3, 2024. While

appellants attempted to commence a wrongful-death action before the limitations period expired—as did Ortiz—the district court appointed appellants as wrongful-death trustees “upon the filing of oath pursuant to [Minnesota Statutes section] 358.06.” And appellants filed their trustee oaths on February 14, 2025—more than two months after the statute of limitations expired. Like Ortiz, appellants were not appointed as trustees within the limitations period. Thus, appellants’ wrongful-death action was untimely under supreme court caselaw. *See id.* at 120; *Jensen*, 399 N.W.2d at 88-89.

We note that the supreme court has pending before it the related question of whether section 573.02 makes trustee appointment a condition precedent to the commencement of a wrongful-death action. *See Hagfors v. Fairview Health Servs.*, No. A24-1539 (Minn. App. Aug. 18, 2025) (affirming the dismissal of a wrongful-death action in which appellant was appointed as trustee after he attempted to commence suit but before the statute of limitations expired), *rev. granted* (Minn. Oct. 29, 2025). Briefs filed in the supreme court address whether *Ortiz* should be overturned. At the same time, we are required to decide this case based on existing supreme court precedent. *See State v. Curtis*, 921 N.W.2d 342, 343 (Minn. 2018) (“The court of appeals is bound by supreme court precedent.”).

B. This court’s decision in *Ariola* does not affect our analysis.

Appellants maintain that filing a trustee’s oath “is not a condition that a party must satisfy before timely filing a wrongful death lawsuit,” citing *Ariola v. City of Stillwater*. 889 N.W.2d 340 (Minn. App. 2017), *rev. denied* (Minn. Apr. 18, 2017). Appellants urge that their late compliance with the oath-filing requirement did not render the action untimely. Park Nicollet argues that *Ariola* is not on point because the district court’s

dismissal here “was based on [appellants’] failure to obtain a timely trustee appointment,” not on an “isolated failure to file the oaths.”

In *Ariola*, this court considered whether a district court erred when it determined that a wrongful-death action was untimely. *Id.* at 351. Ariola was “properly appointed” as a trustee before he served a wrongful-death action on behalf of his deceased son’s next of kin. *Id.* at 349. And Ariola served the wrongful-death complaint within the three-year limitations period. *Id.* at 343, 346. But Ariola “did not comply with the oath requirement” under section 573.02, subdivision 3. *Id.* at 350-51. “The district court concluded that the oath requirement was jurisdictional, relying on caselaw holding that the appointment requirement is jurisdictional.” *Id.* at 351. It reasoned that “the absence of the oath is like the absence of an appointment order, therefore, Ariola’s complaint has a fatal defect and the wrongful-death claim is jurisdictionally barred.” *Id.*

Ariola appealed, and this court concluded that, “[b]ased on the plain language of section 573.02 and its statutory framework, in which the limitations period for wrongful-death actions is separated from and does not refer to the oath requirement in subdivision 3,” the oath requirement “is not jurisdictional.” *Id.* at 352. “Thus, when a wrongful-death trustee has been properly and timely appointed, leaving no doubt of his ‘exclusive right’ to bring and maintain a wrongful-death action, the trustee’s failure to file the required oath does not render a timely filed complaint fatally defective or null.” *Id.* This court concluded that “the oath requirement in Minn. Stat. § 573.02, subd. 3, is mandatory, but not jurisdictional, and noncompliance can be cured” after the limitations period expires.

Id. at 353. While this court reversed the district court on the timeliness issue, it affirmed the district court’s grant of summary judgment on other grounds. *Id.* at 353, 360.

We conclude that *Ariola*’s analysis of the oath requirement for wrongful-death trustees does not answer the question before us. Unlike *Ariola*, who was properly appointed as a trustee and commenced suit before the three-year limitations period expired, appellants were not appointed as wrongful-death trustees within the limitations period. In *Ariola*, the issue was whether the district court “lacked subject-matter jurisdiction because *Ariola* failed to file a trustee’s oath within the three-year statute-of-limitations period for bringing a wrongful-death action.” *Id.* at 347. In contrast, we consider whether appellants’ wrongful-death action was untimely because appellants were not appointed as trustees until after the limitations period expired. In *Ariola*, this court underscored supreme court precedent holding that the limitations period is jurisdictional and held that the oath requirement is not jurisdictional. *Id.* at 352. *Ariola*’s conclusion about the oath requirement does not affect our analysis here because appellants filed a wrongful-death action before they were appointed as trustees and failed to be appointed before the limitations period expired.

C. The appointment order is unambiguous.

Appellants appear to contend that the district court erred in its construction of the appointment order—specifically, the court’s determination that the order “included an explicit condition precedent that the appointment only became operative upon the filing of the oath.” Appellants urge that “construing the [appointment] order in the manner” applied by the district court “would require this Court to effectively overrule the precedent it

established in *Ariola*.” As discussed above, we conclude that *Ariola* does not guide our analysis on appeal. To be complete, we review appellants’ challenge to the district court’s interpretation of the appointment order.

The interpretation of a district court’s order and whether an order is ambiguous are questions of law that appellate courts review de novo. *Anderson v. Archer*, 510 N.W.2d 1, 3 (Minn. App. 1993) (interpretation of an order); *Halverson v. Halverson*, 381 N.W.2d 69, 71 (Minn. App. 1986) (ambiguity in an order). If the language in an order is clear and unambiguous, it is not subject to interpretation, and we apply its plain meaning. *Wolf v. Oestreich*, 956 N.W.2d 248, 253 (Minn. App. 2021), *rev. denied* (Minn. May 18, 2021).

Appellants appear to argue that the appointment order should not be interpreted to include the oath requirement as a condition precedent to their appointment as trustees. Appellants urge that they were appointed trustees at the time the appointment order was filed and not when they filed trustee’s oaths. Apart from *Ariola*, appellants do not cite caselaw in support of their interpretation.

Generally, appellate courts interpret a court order just like a contract or other written instrument. *See id.* (“We treat a stipulated order as a contract for purposes of construction.”). In caselaw addressing contract interpretation, a “condition precedent” is a condition “which is to be performed before the agreement of the parties becomes operative.” *Crossroads Church of Prior Lake v. County of Dakota*, 800 N.W.2d 608, 615 (Minn. 2011) (quotation omitted). In contract law, no special words or phrases are needed to create a condition precedent, but there must be some “clear and unequivocal” language that indicates the agreement or its terms are conditioned upon an event. *Carl Bolander &*

Sons Inc. v. United Stockyards Corp., 215 N.W.2d 473, 476 (Minn. 1974); *see also Mrozik Constr., Inc. v. Lovering Assocs.*, 461 N.W.2d 49, 52 (Minn. App. 1990) (stating that “a condition precedent will not be found absent unequivocal language”).

The appointment order states: “IT IS ORDERED that, *upon the filing of oath* pursuant to [Minnesota Statutes section] 358.06, that [appellants] be appointed co-trustees to maintain the action described in said petition.” (Emphasis added.) We conclude that this language is unambiguous, and so we apply its plain meaning. The term “upon” clearly and unequivocally conditions appellants’ appointment as co-trustees on the filing of their trustee’s oaths under section 358.06. *See Aslakson v. Home Sav. Ass’n*, 416 N.W.2d 786, 789 (Minn. App. 1987) (determining that a contractual provision included a condition precedent when it used the terms “contingent upon”). Thus, we conclude that the district court did not err in its interpretation of the appointment order and that appellants are not entitled to relief on this basis.⁴

II. Appellants cannot demonstrate prejudice from the district court’s implicit denial of relief under rule 60.02.

Appellants argue that the district court erred by failing to decide appellants’ rule 60.02 request for relief from the condition precedent in the appointment order.

⁴ After discussing invited error during oral argument, we directed the parties to submit supplemental briefing on whether appellants invited error in the district court’s appointment order, noting that the appointment order matches the language of the proposed order filed by appellants. *See In re Hibbing Taconite Mine & Stockpile Progression*, 888 N.W.2d 336, 344 (Minn. App. 2016) (stating that the doctrine of invited error “precludes a party from asserting error on appeal which [they] invited or could have prevented in the court below” (quotation omitted)). While we appreciate the parties’ thorough supplemental briefs, we need not decide whether appellants invited error because we conclude that appellants are not entitled to relief on other grounds.

Appellants maintain that the “proposed trustee order language was submitted by [appellants’] counsel and was counsel’s mistake alone.”⁵ Park Nicollet counters that the district court did not err because, among other things, “no motion was made” for rule 60.02 relief during district court proceedings and “inconclusive statements made at the hearing do not give rise to the level of an oral motion.”

We assume without deciding that appellants’ attorney requested rule 60.02 relief at the hearing on Park Nicollet’s motion to dismiss and that the district court implicitly denied that motion when it dismissed appellants’ complaint. But we ultimately conclude that any error by the district court in denying relief under rule 60.02 was harmless and cannot be the basis for reversal.

“On motion and upon such terms as are just,” a district court may relieve a party from a final judgment, order, or proceeding for “[m]istake, inadvertence, surprise, or excusable neglect.” Minn. R. Civ. P. 60.02(a). Relief under rule 60.02 is warranted when the movant satisfies four *Finden* factors: “(1) a debatably meritorious claim; (2) a

⁵ Appellants also request that this court grant rule 60.02 relief from the appointment order, relying on *Watson v. United Services Automobile Association*. 566 N.W.2d 683 (Minn. 1997). Under *Watson*, appellate courts can decide an issue that was not presented to and considered by the district court if the issue “is plainly decisive of the entire controversy on its merits” and the lack of a district court ruling causes “no possible advantage or disadvantage to either party.” *Id.* at 687 (emphasis omitted) (quotation omitted).

Appellants assert that their “rule 60 issue” satisfies “all of these requirements.” But they offer no analysis or authority to support this contention. Appellate courts decline to reach issues that are inadequately briefed. *State Dep’t of Labor & Indus. by the Special Comp. Fund v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997); *see also Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (stating that an assignment of error in a brief “based on mere assertion” and not supported by argument or authority is waived “unless prejudicial error is obvious on mere inspection”). We therefore decline to address appellants’ argument on this point.

reasonable excuse for the movant’s failure or neglect to act; (3) the movant acted with due diligence after learning of the error or omission; and (4) no substantial prejudice will result to the other party if relief is granted.” *Gams v. Houghton*, 884 N.W.2d 611, 619-20 (Minn. 2016) (quotations omitted); *see also Finden by Finden v. Klaas*, 128 N.W.2d 748, 750 (Minn. 1964) (summarizing the factors to consider when deciding a rule 60.02 motion). Appellate courts review a district court’s denial of rule 60.02 relief for abuse of discretion. *Gams*, 884 N.W.2d at 620.

In their brief to this court, appellants argue the *Finden* factors for the first time. 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). But we need not address the parties’ arguments on the *Finden* factors. Even if we assume, without deciding, that the district court erred by implicitly denying appellants’ request for rule 60.02 relief, we conclude that any error was harmless. *See* Minn. R. Civ. P. 61 (requiring courts to disregard harmless error); *Kallio v. Ford Motor Co.*, 407 N.W.2d 92, 98 (Minn. 1987) (“Although error may exist, unless the error is prejudicial, no grounds exist for reversal.”).

Rule 60.02 relief is unavailable to appellants for the appointment order. A motion under rule 60.02(a) for relief from an order “shall be made within a reasonable time, and . . . not more than one year after” the order “was entered or taken.” Minn. R. Civ. P. 60.02; *see also* Minn. R. Civ. P. 6.02 (stating that a district court “may not extend the time for taking any action” under rule 60.02 “except to the extent and under the conditions stated” therein). This “one-year limit runs from the date the trial court enters its order.” *Chapman v. Special Sch. Dist. No. 1*, 454 N.W.2d 921, 923 (Minn. 1990).

The district court filed the appointment order on May 10, 2023.⁶ Appellants' attorney raised rule 60.02 relief for the first time almost two years later, at the motion hearing on April 4, 2025. Thus, appellants' request for rule 60.02 relief from the appointment order was untimely. Because their request was untimely, appellants were not prejudiced by the denial of rule 60.02 relief. Thus, we cannot reverse the district court based on any error in denying appellants rule 60.02 relief.

Affirmed.

⁶ In their reply brief, appellants maintain that “the date the judge signed the [appointment] order” was not “the trigger date for Rule 60.02(a)’s one year limitation period.” Instead, appellants urge that they had one year from May 9, 2025, the date the district court dismissed appellants’ complaint. But appellants’ principal brief unequivocally refers to rule 60.02 relief from the appointment order, so we disregard this new argument in appellants’ reply brief. *See Rochester City Lines Co. v. City of Rochester*, 913 N.W.2d 443, 448 (Minn. 2018) (refusing to consider new issue raised in a reply brief and stating that “litigants cannot raise new arguments in reply briefs”).