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

**STATE OF MINNESOTA
IN COURT OF APPEALS**

A25-0793

A25-1790

A25-1809

Raymond Kvalvog, et al.,
Appellants (A25-0793),

vs.

Josh Lee,
Respondent,

Park Christian School,
Respondent,

FCA, UC LLC,
Defendant,

Raymond Kvalvog, et al.,
Appellants (A25-1790),

vs.

Josh Lee,
Respondent,

Park Christian School,
Respondent,

FCA UC LLC,
Defendant,

Raymond Kvalvog, et al.,
Plaintiffs,

vs.

Josh Lee,
Respondent,

Park Christian School,
Respondent,

FCA UC LLC,
Defendant,

David Chapman, et al.,
Appellants (A25-1809).

Filed August 3, 2026
Affirmed
Beane, Judge

Clay County District Court
File No. 14-CV-24-3445

Stephen F. Buterin, Coleman & Erickson, LLC, Eden Prairie, Minnesota (for appellants Raymond Kvalvog and Katherine Kvalvog)

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Considered and decided by Schmidt, Presiding Judge; Smith, Tracy M., Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

BEANE, Judge

In these consolidated appeals, appellants Raymond and Katherine Kvalvog (collectively, the Kvalvogs) challenge the district court's dismissal of their complaint

brought under Minnesota Statutes section 548.14 (2024). The Kvalvogs argue that the district court erred in concluding that their claim is barred by collateral estoppel and that they failed to plead with particularity the facts necessary to sustain a claim under section 548.14. They also contend that the district court abused its discretion by designating them as frivolous litigants and awarding monetary sanctions against them. Appellant David Chapman, the Kvalvogs' former lawyer, separately challenges the imposition of sanctions against him.¹ We affirm.

FACTS

In June 2015, the Kvalvogs' two sons, Zachary and Connor, were tragically killed in a motor-vehicle crash while driving to compete in an out-of-state high school summer basketball tournament. The boys played for the basketball team at respondent Park Christian School; respondent Josh Lee was the team's coach. Zachary—with passengers Connor, M.S., and J.M.—drove third in a caravan of three vehicles. Park Christian's football coach drove the lead vehicle, and Lee drove the second vehicle in the caravan. Shortly after entering the highway, the caravan approached a semi-truck. The first two vehicles passed the semi in the left lane. Zachary followed, but as he passed the semi, it moved into his lane, causing him to take evasive action and lose control of his vehicle. Zachary's vehicle entered the median and rolled, killing both Zachary and Connor. M.S. and J.M. survived. The semi driver did not stop and was not identified.

¹ Chapman's solo practice law firm DJ Chapman Law, P.C. is also named as an appellant from the sanctions award against Chapman.

The Kvalvogs sued Park Christian and Lee, alleging that they “were in violation as coach and school by allowing operation of a vehicle by athletes as individuals to a school athletic tournament” and that Lee “failed to maintain a reasonable means of transportation to a school athletic event acting in a negligent and unlawful manner.” They also alleged that “by operation of the doctrine of respondeat superior” Park Christian was vicariously liable for any negligent act of Lee “performed in the course and scope of his employment at” Park Christian.

That case proceeded to trial, during which the jury heard conflicting expert testimony about the cause of the crash. Relevant here, the Kvalvogs called a sergeant from the Minnesota State Patrol (the sergeant) to testify. He testified that speed was not a factor in causing the crash but that the semi encroaching into the left traffic lane caused Zachary to veer. Another expert testified that the caravan’s speed and Zachary’s position within it contributed to the crash. And a third expert testified that neither speed nor the position of Zachary’s vehicle within the caravan played a role in the crash. M.S. and J.M. testified that they thought the semi moved within arm’s reach of Zachary’s vehicle. At the end of trial, the jury determined that the trip was a school activity, that neither Lee nor Zachary was negligent, and that the semi driver was negligent and the sole cause of the crash. The Kvalvogs moved for judgment notwithstanding the verdict or a new trial, which the district court denied. They then appealed, seeking review of the judgment and the order denying a new trial.

While that appeal was pending, the Kvalvogs learned that the sergeant had pre-existing personal connections to some of the leaders at Park Christian. The Kvalvogs

argued that the sergeant's connections to those leaders created a conflict of interest that affected the investigation. The Kvalvogs alleged that new evidence showed that the sergeant improperly communicated with Park Christian about the investigation and recommended that Park Christian seek legal advice. They also alleged that Park Christian leadership—including Lee, the school's principal, the school's former president, and another leader—"actively participated in the cover-up of the conflict" by pressuring J.M. and T.R., another student who was a passenger in the football coach's vehicle, not to share information about the crash with law enforcement. And the Kvalvogs claimed that the sergeant's investigation of the crash favored Park Christian because he focused on Lee's statements to the exclusion of all others, ignored contrary information shared by M.S. and J.M., and failed to follow up with other witnesses. The Kvalvogs successfully moved to stay their posttrial appeal so they could seek relief from the judgment in district court.

After the appeal was stayed, the Kvalvogs moved for relief under Minnesota Rule of Civil Procedure 60.02 on three grounds. *See* Minn. R. Civ. P. 60.02(b), (c), (f). First, they argued the newly discovered evidence of the relationship between leaders of Park Christian and the sergeant warranted a new trial because that evidence could not have been discovered before trial and likely affected the trial. Second, they contended that the relationship between Park Christian and the sergeant, and the nondisclosure of that relationship, constituted fraud. They alleged that the sergeant and Park Christian leadership concealed the relationship between the sergeant and various school leaders; Park Christian "undertook intentional efforts to silence witnesses and those questioning the events" of the crash; Park Christian "repeatedly claimed to have friends in law enforcement who would

take care of it”; and the sergeant “took active steps to hide information adverse to the statement by Lee and the theory of the accident being all Zachary Kvalvog’s fault.” Finally, the Kvalvogs asserted that all of the above separately constituted a fraud on the court, requiring a new trial.

The district court denied the motion. First, the district court rejected the Kvalvogs’ contention that newly discovered evidence of the sergeant’s connections to Park Christian’s leaders warranted a new trial. The district court determined that the Kvalvogs’ characterizations of the sergeant’s investigation were inaccurate and that the allegations that Park Christian leadership relied on friends in law enforcement to steer the investigation were not credible. Because the lengthy pretrial discovery period allowed for extensive fact discovery, including depositions of the sergeant and Park Christian’s leaders, the district court concluded that the Kvalvogs were not diligent in uncovering the connections between the sergeant and Park Christian. The district court further concluded that the relationship between the sergeant and Park Christian’s leaders was not significant enough to meet the mandatory disclosure requirement under state patrol policies. The district court also determined that none of the Kvalvogs’ purported new evidence would have materially affected the trial because its sole purpose would have been to impeach the sergeant, but he was only one of several experts who testified about the cause of the crash.

Second, the district court saw “no merit” in the Kvalvogs’ assertion that the sergeant “deliberately withheld the information as part of a conspiracy to rob [the Kvalvogs] of a fair trial” and concluded that the Kvalvogs failed to produce clear and convincing evidence of fraud. Finally, the district court determined that the Kvalvogs identified no conduct

amounting to fraud on the court because the evidence regarding the sergeant's relationship with Park Christian leadership was neither significant nor useful for impeachment. The Kvalvogs filed a second appeal challenging the denial of their rule 60.02 motion. We lifted the stay of the posttrial appeal, consolidated the Kvalvogs' two appeals, and affirmed the district court in all respects. *Kvalvog v. Lee*, No. A20-0693, 2021 WL 3027269, at *1 (Minn. App. July 19, 2021), *rev. denied* (Minn. Sept. 29, 2021). The supreme court denied the Kvalvogs' petition for review.

Meanwhile, the Kvalvogs filed a complaint in federal district court asserting violations of their federal civil rights under 42 U.S.C. §§ 1983 and 1985 (2018). In that lawsuit, the Kvalvogs claimed that the sergeant, Park Christian and its leaders, Lee, and various other parties conspired to "impede, hinder, obstruct, or defeat the due course of justice" in the wrongful-death action. To support that claim, the Kvalvogs alleged that Lee and Park Christian conspired to cover up Lee's involvement in the crash; the sergeant ignored or rejected evidence supporting Lee's responsibility for the crash, interfered with the investigation, and had a close relationship with Park Christian leadership, including the school's principal and former president; Park Christian threatened various witnesses, like J.M. and T.R., to stay quiet; and, in general, the sergeant "provided a deliberately false narrative . . . intentionally crafted to absolve his friends at Park Christian School of all liability." The federal court held that collateral estoppel barred the Kvalvogs' section 1983 and 1985 claims because they raised the same issues about the sergeant's relationship with Park Christian leadership that had been decided against the Kvalvogs in the rule 60.02 motion after the wrongful-death action. *Kvalvog v. Park Christian Sch., Inc.*, No. 21-cv-

1569 (ECT/LIB), 2022 WL 119010, at *5-6 (D. Minn. Jan. 12, 2022), *aff'd*, 66 F.4th 1147 (8th Cir. 2023). The Eighth Circuit affirmed in all respects. *Kvalvog v. Park Christian Sch., Inc.*, 66 F.4th 1147, 1152-53 (8th Cir. 2023).

The Kvalvogs, represented at the time by Chapman, then commenced the instant lawsuit against Park Christian and Lee, asserting a claim under Minnesota Statutes section 548.14, which states, in relevant part:

Any judgment obtained in a court of record by means of perjury, subornation of perjury, or any fraudulent act, practice, or representation of the prevailing party, may be set aside in an action brought for that purpose by the aggrieved party in the same judicial district within three years after the discovery by the aggrieved party of such perjury or fraud.

In support of their claim, the Kvalvogs identified 15 pieces of evidence that they allege are newly discovered and, taken alone or together with other allegations, support a claim that the judgment in the wrongful-death action was obtained by Park Christian's and Lee's fraud. The Kvalvogs generally allege that the sergeant's inadequate and biased investigation was conducted to favor Lee and Park Christian to prevent the Kvalvogs from identifying the semi driver, who the Kvalvogs assert would have testified that Lee caused him to swerve and cause the crash, and that the sergeant and Park Christian employees conspired to direct liability away from Park Christian.²

² The Kvalvogs' complaint also included a second count, stating that they are "entitled to relief under the common law due to fraud and newly discovered evidence, as well as other common law bases." Neither the district court nor either party addressed this count at the motion to dismiss stage, and the Kvalvogs do not address it here. We consider the Kvalvogs to have abandoned that count.

Park Christian and Lee moved to dismiss the complaint. They also served safe-harbor letters on the Kvalvogs and Chapman, outlining the grounds on which they intended to seek sanctions. When the Kvalvogs did not withdraw their complaint, Park Christian and Lee moved for sanctions against the Kvalvogs and Chapman under Minnesota Rule of Civil Procedure 11 and Minnesota Statutes section 549.211 (2024) and moved to designate the Kvalvogs as frivolous litigants under Minnesota General Rule of Practice 9.

The district court granted the motions to dismiss, dismissed the complaint with prejudice, awarded sanctions against the Kvalvogs and Chapman, and designated the Kvalvogs as frivolous litigants. The district court concluded that relief under Minnesota Statutes section 548.14 was unavailable because the Kvalvogs failed to allege with particularity the date when they discovered the new evidence, why the evidence was not discoverable before trial, and how Park Christian or Lee prevented them from presenting this information to the jury. Moreover, the district court determined that most of the allegations were not “new” and involved the conduct of individuals who were not parties to the wrongful-death action and whose conduct is therefore not covered by section 548.14. The district court also determined that the Kvalvogs’ section 548.14 claim is barred by collateral estoppel because they unsuccessfully levied the same allegations against Park Christian and Lee in both their rule 60.02 motion and their federal-court complaint. As for sanctions, the district court concluded that the Kvalvogs’ allegations were not warranted by law, lacked evidentiary support, and were filed with an improper purpose, so it awarded sanctions against both the Kvalvogs and Chapman. Finally, the district court designated the

Kvalvogs as frivolous litigants after reviewing the seven factors enumerated in Minnesota General Rule of Practice 9.02(b).

The Kvalvogs and Chapman appeal.

DECISION

I.

The Kvalvogs first challenge the district court’s dismissal of their section 548.14 fraud-on-the-court claim. We review de novo an order dismissing a complaint for failure to state a claim. *Abel v. Abbott Nw. Hosp.*, 947 N.W.2d 58, 68 (Minn. 2020). In doing so, we “accept the facts alleged in the complaint as true and construe all reasonable inferences in favor of the nonmoving party.” *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014). The complaint should be dismissed “only if it appears to a certainty that no facts, which could be introduced consistent with the pleading, exist which would support granting the relief demanded.” *Bahr v. Capella Univ.*, 788 N.W.2d 76, 80 (Minn. 2010) (quotation omitted). All allegations of fraud must be pleaded with particularity. Minn. R. Civ. P. 9.02; *Hardin Cnty. Sav. Bank v. Hous. & Redevelopment Auth. of Brainerd*, 821 N.W.2d 184, 191-92 (Minn. 2012). “A party pleads the ‘ultimate facts’ of a fraud claim when it pleads facts underlying each element of the fraud claim.” *Hardin*, 821 N.W.2d at 191.

In evaluating a motion to dismiss, we may consider documents embraced by the complaint without converting the motion into one for summary judgment. *Hoskin v. Krsnak*, 25 N.W.3d 398, 409-10 (Minn. 2025); *see also Martens v. Minn. Mining & Mfg. Co.*, 616 N.W.2d 732, 739 n.7 (Minn. 2000). And we may take judicial notice of filings in related court proceedings. *See* Minn. R. Evid. 201; *In re Calm Waters Cannabis Co.*, 24

N.W.3d 507, 515 n.8 (Minn. App. 2025) (stating that we may “take judicial notice of the filings” in a related action); *see also Rohricht v. O’Hare*, 586 N.W.2d 587, 589 (Minn. App. 1998) (stating that a district court “may take judicial notice of adjudicated findings in a prior proceeding”), *rev. denied* (Minn. Feb. 24, 1999).³

We conclude that the Kvalvogs’ complaint fails to state a legally viable claim for relief for at least two reasons: (1) many of the ostensibly “new” facts were known to the Kvalvogs more than three years before they commenced this action, and (2) many of the fraud allegations in the complaint pertain to conduct by individuals who are not “prevailing” parties in the wrongful-death action. We address each of those issues in turn.

A.

The Kvalvogs’ complaint fails to state a viable claim for relief under section 548.14 because it is predicated on allegations of fraud that were largely known to them more than three years before they commenced this lawsuit. Minnesota Statutes section 548.14 permits an aggrieved party to set aside a judgment procured by the prevailing party’s fraud, when evidence of that fraud is newly discovered, and a claim is brought “within three years after the discovery by the aggrieved party.” Minn. Stat. § 548.14. That three-year “period fixed by [section 548.14] makes actions within the time fixed a condition precedent to relief.”

³ We note that the record presented to the district court on the motion to dismiss was voluminous. Lee submitted 28 exhibits in support of his motion to dismiss, Park Christian submitted 6 exhibits in support of its motion, and the Kvalvogs submitted 58 exhibits in opposition to the motions. The district court could have converted this to a motion for summary judgment, but it was not required to do so because the documents provided to the court were fairly embraced by the complaint or were part of the court files from the extensive litigation history involving these parties. *See* Minn. R. Civ. P. 12.02.

Murray v. Calkins, 254 N.W. 605, 608 (Minn. 1934) (discussing precursor statute). Because section 548.14 authorizes the extraordinary remedy of setting aside a judgment, an action under the statute must be based on “tangible and substantial” misrepresentations and cannot be used to “excuse a party from exercising proper diligence in preparing for trial.” *Wann v. Nw. Tr. Co.*, 139 N.W. 1061, 1063 (Minn. 1913) (addressing precursor statute).

The Kvalvogs’ fraud-on-the-court theory focuses on an alleged scheme by the sergeant and Park Christian to prevent Lee from being blamed for the crash. They claim that Lee was absolved of liability in the wrongful-death action because the sergeant, Park Christian, and Lee conspired to conceal evidence of the true cause of the crash. Much of the alleged new evidence of fraud identified in the Kvalvogs’ complaint concerns the sergeant’s biases and personal relationships with Park Christian employees, as well as the inadequacy of the sergeant’s investigation into the cause of the crash. But many of these same allegations appear in the Kvalvogs’ court filings dated more than three years before they commenced this lawsuit.

The sergeant’s relationship with various Park Christian employees, for example, has been raised repeatedly in proceedings involving these parties. The Kvalvogs alleged in their rule 60.02 motion and the federal district court lawsuit—both filed more than three years before this lawsuit was commenced—that the sergeant and several Park Christian employees, including the school’s principal and its former president, were close family friends and that this undisclosed relationship tainted the sergeant’s investigation in favor of Lee and Park Christian. The Kvalvogs allege nearly identical facts in their complaint

here, so the relationship between the sergeant and Park Christian employees cannot constitute newly discovered fraud.

The sergeant's failure to identify the semi driver as part of his investigation also is a long-contested issue. Back in September 2020, in support of their rule 60.02 motion, the Kvalvogs argued that the sergeant's failure to "diligently look for the semi" during his investigation indicated that he was biased in favor of Park Christian. And in July 2021, in their federal lawsuit, the Kvalvogs alleged that the sergeant included false statements in his report, withheld information about the semi driver, and failed to talk to material witnesses about the cause of the crash. They allege much of the same in their complaint here, now supported by an affidavit from a witness who avers that she is the semi driver's sister. The sister stated that the semi driver is her brother, that Lee cut him off, and that she tried to share this information with the sergeant. But the Kvalvogs have previously alleged that the sergeant failed to speak with witnesses following the crash. The fact that the Kvalvogs obtained a new affidavit from a person claiming to be the semi driver's sister cannot transform their long-standing theory that the sergeant ignored evidence that the semi driver caused the crash into newly discovered fraud.

The Kvalvogs also generally allege that the sergeant ignored information from various eyewitnesses. The Kvalvogs alleged in their federal court complaint that the sergeant included Lee's description of the crash in his report, but excluded J.M.'s description, and that the sergeant ignored a diagram of the crash prepared by T.R. and M.S. They also asserted in their rule 60.02 motion that the sergeant did not disclose statements he took from M.S. and J.M. following the crash. Similarly here, they allege that the sergeant

ignored a diagram of the crash prepared by J.M.'s cousin, based on information provided by J.M. All these witnesses were available for the Kvalvogs to subpoena and depose during pretrial discovery and call to testify during trial, so none of the information they have is new. Indeed, J.M., T.R., and M.S. testified at trial. That the sergeant may not have pursued information from some witnesses or included their statements in his report does not constitute newly discovered fraud.

The Kvalvogs also contend that Lee bribed J.M.'s cousin not to testify and that Park Christian's counsel intimidated two individuals, one of whom was listed on the Kvalvogs' witness list and testified at trial. The complaint includes no information showing whether evidence of Lee's alleged bribery is new or was discovered in the three years before the Kvalvogs filed this complaint. And as to the alleged intimidation of two other individuals, the complaint alleges that the intimidation occurred before or during trial in 2020, but notably does not allege that the Kvalvogs discovered this information in the three years before commencing this lawsuit.

The remaining allegations fare no better. The Kvalvogs allege that defense counsel in the underlying action "were fully aware" of the relationship between Park Christian employees and the sergeant, and Lee's counsel "knew all along" that Lee was responsible for the crash; the sergeant hated Raymond Kvalvog and, if asked, would refuse to help him; a law firm representing Raymond Kvalvog also represented the Minnesota State Patrol; a previously undisclosed letter distributed to families following the crash included details provided by Lee; a Park Christian employee consulted with the school's insurance agent following the crash; Lee pressured players to attend the tournament; the sergeant and Park

Christian employees harbored racial bias; and Park Christian did not secure waivers for the tournament. The Kvalvogs do not allege when they discovered this information, but documents from other legal proceedings involving these parties establish that many of these alleged facts were known to the Kvalvogs at trial or shortly thereafter. And even if a few of the facts the Kvalvogs allege in support of their section 548.14 claim have not been raised in other legal proceedings, the gravamen of their claim—that the sergeant and Park Christian conspired to cover up the cause of the crash to deflect blame away from Park Christian and toward the semi driver or Zachary—has been previously addressed in their rule 60.02 motion and their federal lawsuit. We are not persuaded that the addition of a few details somehow transforms these long-standing allegations of a cover-up into a newly discovered fraud that warrants the extraordinary remedy of setting aside a judgment.

To convince us otherwise, the Kvalvogs contend that Minnesota Statutes section 548.14 does not require them to affirmatively plead the date on which they discovered each of the facts constituting fraud. Even assuming that is true, it does not change our conclusion. To have a viable claim under section 548.14, the Kvalvogs needed to discover fraud and serve the complaint within three years of that discovery. Minn. Stat. § 548.14. Signed pleadings relating to the rule 60.02 motion in the wrongful-death action and in the federal lawsuit establish that the Kvalvogs discovered most of the information they now claim is “new” more than three years before commencing this case. Because the Kvalvogs filed and served the complaint on September 5, 2024, only evidence they discovered on or after September 5, 2021, can support their section 548.14 claim. The Kvalvogs filed their rule 60.02 motion in September 2020 and the federal-court complaint in July 2021, alleging

many of the same facts they rely on here, so none of the information is new under section 548.14. And the overarching allegation in their complaint here, the federal lawsuit, and the rule 60.02 motion remains the same: the sergeant conspired with Park Christian to cover up the cause of the crash and divert attention away from Park Christian. Under these circumstances, we conclude that no set of facts the Kvalvogs could prove consistent with their pleading would entitle them to relief. *See Bahr*, 788 N.W.2d at 80.

B.

The Kvalvogs' section 548.14 claim suffers from yet another fatal defect: it relies largely on allegations of fraudulent conduct by individuals who were not prevailing parties in the underlying lawsuit. Section 548.14 permits an "aggrieved party" to seek relief from a judgment obtained by fraudulent conduct "of the prevailing party." Minn. Stat. § 548.14. Cases addressing section 548.14 and its precursor statute have explained that only a party to the prior action that resulted in the challenged judgment may bring an action under this section. *See, e.g., Lenhart v. Lenhart Wagon Co.*, 298 N.W. 37, 39 (Minn. 1941) (stating that "aggrieved" party is only one who participated as a party); *Stewart v. Duncan*, 42 N.W. 89, 90 (Minn. 1889) (stating that the phrase "the party aggrieved" is an "undoubted reference to a party to the action"). By the same logic, the "prevailing party" for purposes of a section 548.14 claim is the party that prevailed in the prior action, not other individuals who may benefit from the litigation or who were witnesses in the prior action.

Many individuals whose conduct the complaint characterizes as part of the alleged fraud on the court were not parties to the wrongful-death action at all and therefore could not have been "prevailing" parties with respect to the resulting judgment. For example,

much of the alleged fraudulent conduct relates to the sergeant's investigation. The Kvalvogs claim that he failed to interview material witnesses or investigate the true cause of the crash because he wanted to protect Park Christian and Lee. They also claim he harbored animosity toward Raymond Kvalvog and racial bias against Park Christian students the Kvalvogs supported, which contributed to his faulty investigation. But the sergeant was not a prevailing party in the wrongful-death action, so even assuming the Kvalvogs' allegations about his conduct and motivations are true, his actions cannot be the basis of their section 548.14 claim as a matter of law.

The same is true of other individuals mentioned in the complaint. Park Christian's principal, its former president, M.S., Park Christian's football coach, various attorneys, the pastor of a member church, Park Christian's insurance agent, and others were not parties to the wrongful-death action. Thus, their conduct also cannot support the Kvalvogs' section 548.14 claim.

Of all the individuals identified in the complaint, only Lee was a prevailing party in the wrongful-death action, and the allegations against him are sparse. The Kvalvogs allege that Lee gave J.M.'s cousin \$500 "to say nothing further" and that Lee insisted that players attend the out-of-state summer basketball tournament, placing especially heavy pressure on the captains, including Zachary, to organize transportation. But the Kvalvogs do not allege that Lee prevented J.M.'s cousin from testifying or that they subpoenaed him to testify and he refused. Even if they had, the only information J.M.'s cousin had about the crash was what he had been told by J.M. and T.R.—J.M.'s cousin's son—and both J.M. and T.R. testified at trial. So any information J.M.'s cousin could have provided about

Lee's involvement in causing the crash was known to and relied upon by the Kvalvogs at trial. In fact, the Kvalvogs' counsel emphasized Lee's involvement in causing the crash in his closing argument, so the jury heard and rejected the theory supported by these witnesses' testimony. In other words, even if all these allegations were proved true, they could not amount to fraudulent conduct perpetrated by a prevailing party.

Because we conclude that the Kvalvogs' complaint was properly dismissed because it fails to state a legally viable claim for relief under section 548.14, we need not address the parties' alternative arguments as to whether the complaint should have been dismissed. *See Lubbers v. Anderson*, 539 N.W.2d 398, 402 n.3 (Minn. 1995) (deeming it "unnecessary" to address alternative arguments in light of determination that summary judgment was appropriate).

II.

The Kvalvogs next contend that the district court abused its discretion by designating them as frivolous litigants. We review a party's frivolous-litigant designation for an abuse of discretion. *See Szarzynski v. Szarzynski*, 732 N.W.2d 285, 290, 294-95 (Minn. App. 2007). A district court abuses its discretion if its findings of fact are unsupported by the record or if it misapplies the law. *Honke v. Honke*, 960 N.W.2d 261, 265 (Minn. 2021).

A frivolous litigant is a party who repeatedly relitigates a final determination, repeatedly serves or files frivolous documents, or "institutes and maintains a claim that is not well grounded in fact and not warranted by existing law." Minn. Gen. R. Prac. 9.06(b). After notice and a hearing on a motion to have a person declared a frivolous litigant, a

district court may, if it determines the person to be a frivolous litigant, require the frivolous litigant to post security or impose preconditions that the frivolous litigant must meet before serving or filing any new claims, motions, or requests. Minn. Gen. R. Prac. 9.01. The district court must consider seven factors in making its frivolous-litigant determination: (1) the number of claims pursued with an adverse result; (2) whether the party has a “reasonable probability” of prevailing on the claim; (3) whether the claim “was made for purposes of harassment, delay, or vexatiousness, or otherwise in bad faith”; (4) “injury incurred by other litigants” and “to the efficient administration of justice as a result of the claim”; (5) the “effectiveness of prior sanctions in deterring” the conduct; (6) whether “imposing sanctions will ensure adequate safeguards”; and (7) “whether less severe sanctions will sufficiently protect the rights of other litigants, the public, or the courts.” Minn. Gen. R. Prac. 9.02(b).

The district court considered each of the seven factors and made the following findings: (1) the Kvalvogs have litigated the same issues, with adverse results, in state and federal courts several times; (2) the Kvalvogs will not prevail on their claim because they failed to plead the elements needed to sustain a claim under section 548.14 and their claims are barred by collateral estoppel; (3) because the Kvalvogs have repeatedly made (and lost) these claims, “it is difficult to conclude this action was brought in good faith, and for purposes other than to harass [Lee and Park Christian]”; (4) the Kvalvogs’ claims form the basis of nearly ten years’ worth of litigation against Lee and Park Christian, forcing Lee and Park Christian to endure “emotional, expensive, and time-consuming litigation, as well as attacks to their reputations on social media and through the press”; (5) while no court

has yet sanctioned the Kvalvogs, they have been warned by several courts that they need to stop litigating the same claims; (6) motions for sanctions are pending in other open cases, and some precedent supports that a party may be designated a frivolous litigant even without a prior sanction; and (7) monetary sanctions alone are unlikely to deter the Kvalvogs because of their demonstrated history of raising identical issues and claims in other lawsuits.

We discern no abuse of discretion in the district court's decision to designate the Kvalvogs as frivolous litigants. The district court's findings as to the first three factors are supported by the record. The Kvalvogs have litigated the same issue of the sergeant's alleged bias and relationship with Park Christian leadership since 2020, with adverse results in both state and federal courts, and they cannot now prevail on their claim because it was dismissed under rule 12.02(e). The Kvalvogs' repeated attempts to litigate the same issues, especially after the federal court dismissed nearly identical claims, support a conclusion that this case was brought for an improper purpose. *See Liedtke v. Fillenworth*, 372 N.W.2d 50, 52 (Minn. App. 1985) (affirming award of attorney fees against appellant because of her "frivolous, vexatious claims"), *rev. denied* (Minn. Sept. 13, 1985).

The record also supports the district court's findings as to the remaining factors. The Kvalvogs' repeated lawsuits alleging the same or substantially the same conduct have harmed Lee and Park Christian, as they have had to defend against those claims in other lawsuits. *See Schwandt v. Park Christian Sch.*, No. A23-0052, 2023 WL 6054270, at *2 (Minn. App. Sept. 18, 2023); *Kvalvog*, 2021 WL 3027269, at *1. We note that, contrary to the district court's conclusion, Park Christian and Lee have not been directly involved in

all the litigation stemming from the crash since the wrongful-death action. But that fact does not undermine the district court's conclusion that Lee and Park Christian have been harmed by having to defend repeated lawsuits involving the same claims by the Kvalvogs. As to the fifth factor, a motion seeking sanctions under Minnesota Rule of Civil Procedure 11.03 and Minnesota Statutes section 549.211 against Raymond Kvalvog, and seeking to designate him as a frivolous litigant as to the school's principal, was pending in district court during the pendency of this case. *See Kvalvog v. Nellerhoe*, No. 14-CV-23-2707, slip op. at 1-22 (Minn. Dist. Ct. Dec. 2, 2025). And as to the sixth and seventh factors, the Kvalvogs have continued to file lawsuits and litigate issues arising from the crash and have been unsuccessful, despite the threat of pending sanctions motions in some of those cases, so monetary sanctions alone are likely insufficient to deter them from continuing to do so. On this record, we cannot conclude that the district court abused its discretion by designating the Kvalvogs as frivolous litigants.

III.

Finally, the Kvalvogs and Chapman each contend that the district court abused its discretion by imposing sanctions. We review a district court's award of sanctions under Minnesota Rule of Civil Procedure 11 and Minnesota Statutes section 549.211 for an abuse of discretion. *In re Est. of Flatgard*, 14 N.W.3d 305, 313 (Minn. App. 2024), *rev. denied* (Minn. Mar. 18, 2025). "A [district] court abuses its discretion if it makes findings of fact that are not supported by the record, misapplies the law, or resolves the matter in a manner that is contrary to logic and the facts on record." *Sinda v. Sinda*, 949 N.W.2d 170, 175 (Minn. App. 2020) (quotation omitted). Under rule 11, an attorney must certify that

submissions to the district court are “not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation,” that existing law or a nonfrivolous argument for a change in a law supports the claims made, and that evidence supports or is likely to support the factual allegations. Minn. R. Civ. P. 11.02(a)-(c). “A district court may impose sanctions against an attorney or a party who violates these requirements.” *Collins v. Waconia Dodge, Inc.*, 793 N.W.2d 142, 145 (Minn. App. 2011), *rev. denied* (Minn. Mar. 15, 2011).

Here, the district court determined that sanctions were appropriate because the Kvalvogs’ claims were not warranted by law, lacked evidentiary support, and were brought with an improper purpose. And the district court determined that the Kvalvogs and Chapman maintained these claims beyond the safe-harbor period. We discern no abuse of discretion in the district court’s award of sanctions against the Kvalvogs or Chapman.

The district court determined that the Kvalvogs’ claims were not warranted by law because Minnesota Statutes section 548.14 requires a claimant to show new evidence that the prevailing party in the underlying action engaged in fraud and that this new evidence was discovered in the three years preceding the filing of the complaint, but the Kvalvogs failed to allege facts as to any element. The district court determined that most of the allegations concern conduct by non-parties to the underlying action, none of the allegations interfered with the Kvalvogs’ access to the court, none of the allegations materially impacted the outcome of the trial, and the Kvalvogs failed to plead that new evidence was discovered in the three years before the complaint was filed.

The record supports the district court's findings. As we have already explained, nearly all the allegations in the complaint relate to conduct by individuals who were not prevailing parties in the wrongful-death action, and none of the allegations against Lee show that he deprived the Kvalvogs of their access to the court. None of the allegations include new information, and other legal proceedings involving these parties clearly establish that most of the purported new evidence was known to the Kvalvogs more than three years before they commenced this lawsuit. We therefore conclude that the district court's determination that the Kvalvogs' claims were not warranted by law is supported by the record.

The record also supports the district court's conclusion that the Kvalvogs' claims lack evidentiary support. Most of the ostensibly new evidence was presented in the rule 60.02 motion and the federal lawsuit, which establishes that it is not newly discovered. Allegations concerning Lee's involvement in the crash, witness intimidation, the sergeant's personal relationship with Park Christian employees, Lee's pressure on players, Park Christians' violation of policies, and various other claims against the sergeant were discussed in either the rule 60.02 motion or the federal case, or both. The overarching allegation that the sergeant and Park Christian conspired to divert attention away from Lee and Park Christian was presented in both the rule 60.02 motion and the federal case. Evidence on these issues has been developed and addressed—and ultimately, rejected—in other cases.

The district court found that this action was filed with an improper purpose: to relitigate the original wrongful-death action. The main allegation here, of a conspiracy

between Park Christian employees and law enforcement to deprive the Kvalvogs of a fair trial, has been heard and decided by the district court. Most of the “new evidence” was available and presented during the trial in the wrongful-death action and allegations based on that evidence were heard and decided by the district court during posttrial motions. And years ago, the federal court dismissed the Kvalvogs’ claim predicated on many of these same allegations because it concluded then that they had already been litigated. Given the extensive litigation history between these parties, and the Kvalvogs’ history of filing other unsuccessful lawsuits asserting these same conspiracy claims, we see no basis to disturb the district court’s finding that the Kvalvogs brought this lawsuit for an improper purpose.

The Kvalvogs argue that we should reverse the sanctions award because the amount of the award is excessive and “only serves to punish” them for bringing this claim. We are not persuaded. The district court has “wide discretion to award the type of sanctions it deems necessary.” *Gibson v. Coldwell Banker Burnet*, 659 N.W.2d 782, 790 (Minn. App. 2003) (quotation omitted). The district court determined that Park Christian and Lee “had to review, evaluate, and organize thousands of pages of pleadings, depositions, affidavits, and trial transcripts, in almost a dozen separate actions,” to prove that the allegations in the complaint were barred by collateral estoppel and did not satisfy the requirements of section 548.14. The district court observed that some of the work was likely completed before this action since Park Christian and Lee retained similar counsel in other actions. But the district court nonetheless found that Park Christian and Lee “devoted hundreds of hours of their time, successfully defending this action, and that the time spent was reasonable under the circumstances.” And while Lee and Park Christian sought nearly \$200,000 in attorney fees,

the district court awarded them only \$30,000 each. The district court's determinations are supported by the record, and we see no abuse of the district court's wide discretion.

For their part, Chapman and his law firm argue that sanctions should not have been awarded against them because Chapman had an objectively reasonable basis for bringing this claim and acted in good faith. Rule 11 places "an affirmative duty on counsel to investigate the factual and legal underpinnings of a pleading." *Flatgard*, 14 N.W.3d at 313 (quotation omitted); *see also* Minn. Stat. § 549.211; Minn. R. Civ. P. 11.02. The violation of these requirements supports an award of sanctions. *Flatgard*, 14 N.W.3d at 313. "But sanctions should not be imposed when an attorney has an objectively reasonable basis for pursuing a factual or legal claim or when a competent attorney could form a reasonable belief that a pleading is well-grounded in fact and law." *Id.* (quotation omitted).

The district court determined that Chapman "made an informed decision to represent" the Kvalvogs in this case and, despite concerns about the case, he "willingly authored, signed, and filed the Complaint and Amended Complaint, attesting that the claims were warranted by existing law." And Chapman persisted in pursuing the claims even after being presented with a motion for sanctions and given the opportunity to withdraw them. The record supports the district court's conclusions. In his response to Park Christian's and Lee's safe-harbor letters, Chapman defended the basis for the claims and declined to withdraw the complaint. While Chapman contends that he conducted a thorough investigation, which included consulting with other attorneys and independently reviewing the claims and allegations, we remain unconvinced that the complaint was "well-grounded in fact and law." *See id.* (quotation omitted).

In sum, the district court's conclusions as to the basis for awarding sanctions are supported by law and its determinations as to the appropriate amount of those sanctions are supported by the record. We therefore discern no abuse of discretion in the district court's decisions to award sanctions against the Kvalvogs and Chapman.

Affirmed.