

*This opinion is nonprecedential except as provided by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
A25-0864**

Melissa J Barber,
Respondent,

vs.

Anthony Bellino,
Appellant,

Kevin A Hentges,
Defendant.

**Filed October 27, 2025
Affirmed
Slieter, Judge**

Beltrami County District Court
File No. 04-CV-24-1143

John E. Valen, Valen Law Office, Walker, Minnesota (for respondent)

Anthony Dennis Bellino, Bemidji, Minnesota (*pro se* appellant)

Considered and decided by Slieter, Presiding Judge; Bjorkman, Judge; and
Bratvold, Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

Appellant seeks review of the district court's order granting respondent's motion to voluntarily dismiss both respondent's claims and appellant's counterclaim, arguing that the district court erred by dismissing his counterclaim and, consequently, denying his motion

for default judgment. Appellant also argues that the district court erred by denying his motions for sanctions. Because appellant's counterclaim fails to state a cause of action or give sufficient clarity to disclose his theory of relief, appellant fails to state a claim upon which relief may be granted. Appellant also fails to establish error in the district court's denial of sanctions. We therefore affirm.

FACTS

This case arises from an underlying property dispute between appellant Anthony Bellino and respondent Melissa J. Barber (the Estate).¹ In 2024, the Estate filed a complaint against Bellino. It requested, in part, that the court grant it declaratory judgment that the testator acquired an easement by prescription over a driveway on Bellino's property. The merits of that claim are not before us.

Representing himself, Bellino filed an amended answer on a court-provided form entitled, "Answer or Answer and Counterclaim," in which he pleaded an affirmative defense of fraud and a counterclaim. Bellino described the counterclaim as follows:

The Plaintiff's case is based on half truths at best and as I see it is an attempt to steal land. I have spent over 50 hours researching and responding to this case that should never have been brought forward. The Plaintiff's lawyer incorrectly directed the defendants and did not provide directions with the case as the Minnesota Judicial Branch websites forms clearly direct which may have ended this case before it began. I

¹ We address two matters pertaining to the parties in this case. First, the title of this matter identifies the respondent as Melissa J. Barber individually, and that title is not changed on appeal. *See* Minn. R. Civ. App. P. 143.01. The district court filings and the record in this case suggest that Barber is acting in her capacity as the "Personal Representative of the Estate of Steven Carl Fogelquist." For this reason, this opinion uses "the Estate."

Second, the Estate included Kevin A. Hentges as a codefendant in its complaint. Hentges is not a party on appeal.

reached out to the Plaintiff when I bought my property. After a few months of communication we reached an agreement and if the Plaintiff stuck to the agreement and is honest about our agreement then this case never exists and my time and money would not have been wasted.

He requested that the district court issue an order dismissing the Estate's complaint, awarding him \$12,000 "for his time and expenses in researching and defending this frivolous and fraudulent case," and granting him "any other relief as may be just and equitable."

Bellino moved for default judgment on his counterclaim. The Estate then moved to voluntarily dismiss its complaint. It also moved to dismiss Bellino's counterclaim on the grounds that he failed to state a claim upon which relief could be granted and, consequently, to deny his motion for default judgment.

Bellino then filed two motions for sanctions. He claimed that the Estate had lied in its answer to his counterclaim and that the Estate's attorney wrongfully registered Bellino for the district court's electronic eFile and eServe system (eFS) and "knowingly present[ed] his client's lies to the court." Bellino requested that the court order damages including that the attorney and the Estate's representative "pay \$10,000" to him and "serve 2 days in jail."

Following a hearing on the parties' various motions, the district court issued an order (1) granting the Estate voluntary dismissal of its complaint, (2) granting dismissal of Bellino's counterclaim pursuant to Minn. R. Civ. P. 12.02, (3) denying Bellino's motion for default judgment under Minn. R. Civ. P. 55.01, and (4) denying Bellino's motions for sanctions under Minn. R. Civ. P. 11.

This appeal follows.

DECISION

As a preliminary matter, we note that assignments of error in a brief “based on mere assertion” and not supported by argument or authority are forfeited “unless prejudicial error is obvious on mere inspection.” *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971); *see also Scheffler v. City of Anoka*, 890 N.W.2d 437, 451-52 (Minn. App. 2017) (applying this aspect of *Schoepke*), *rev. denied* (Minn. Apr. 26, 2017). In his appellate brief, Bellino has not articulated a factual or legal basis to demonstrate that the district court erred, and prejudicial error is not obvious upon our inspection of the record. And even when we consider the merits of Bellino’s arguments, they fail for the reasons articulated below.

I. The district court properly granted the Estate’s motion to dismiss Bellino’s counterclaim and, consequently, properly denied Bellino’s motion for default judgment.

When reviewing a district court’s decision to dismiss a pleading for failure to state a claim upon which relief can be granted, appellate courts “review the legal sufficiency of the claim de novo to determine whether the [pleading] sets forth a legally sufficient claim for relief.” *Graphic Commc’ns Loc. 1B Health & Welfare Fund “A” v. CVS Caremark Corp.*, 850 N.W.2d 682, 692 (Minn. 2014). In doing so, “[w]e accept the facts alleged in the [pleading] 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).

Under Minnesota law, a pleading, including a counterclaim, must contain “a short and plain statement of the claim showing that the pleader is entitled to relief and a demand

for judgment for the relief sought.”² Minn. R. Civ. P. 8.01; *see also Fitzke v. Fitzke*, 298 N.W. 712, 713 (Minn. 1941) (“In pleading a counterclaim all the material facts constituting a cause of action must be alleged, with a demand for relief as in a complaint. The general rules governing the statement of a cause of action in a complaint apply to the statement of a counterclaim.”). The district court may, upon motion, dismiss a counterclaim that “fail[s] to state a claim upon which relief can be granted.” Minn. R. Civ. P. 12.02(e). But a claim survives “a motion to dismiss . . . if it is possible on any evidence which might be produced, consistent with the pleader’s theory, to grant the relief demanded.” *Walsh*, 851 N.W.2d at 603.

The district court dismissed Bellino’s counterclaim on the grounds that he failed to set forth “a legally sufficient claim for relief” and thus failed to “state a claim upon which relief can be granted.” In support of this conclusion, the district court noted that “Bellino’s Counterclaim fails to state a cause of action, for affirmative relief.”

Bellino argues that the district court erred when it granted the Estate’s motion to dismiss because he “provided ample evidence to support [his] claim for a judgment due to being trespassed against, having to fight a frivolous and fraudulent case (of which the Plaintiff agreed to on 10-11-2024), defending the Plaintiff’s lies and her [lawyer’s] . . . misconduct,” and suffering “expenses, frustration, loss of sleep, etc.” The

² This standard aligns with Minnesota’s notice-pleading framework, which does not require absolute specificity but does require sufficient information to fairly notify the opposing party of the claim. *See Halva v. Minn. State Colls. & Univs.*, 953 N.W.2d 496, 500 (Minn. 2021).

Estate counters that the district court did not err when it dismissed Bellino's counterclaim for failure to state a claim.

The question before us, then, is whether the counterclaim sets forth a legally sufficient claim for relief such that the district court should not have dismissed it. To survive a motion to dismiss, a counterclaim must state a complete and independent cause of action or sufficiently detail the incident giving rise to the suit and the pleader's theory of relief. *See Fitzke*, 298 N.W. at 713 (affirming district court's grant of judgment on the pleadings and implicit dismissal of a counterclaim for failure to state a cause of action); *see also Halva*, 953 N.W.2d at 503 ("A pleading is sufficiently detailed when it gives fair notice to the adverse party of the incident giving rise to the suit with sufficient clarity to disclose the pleader's theory upon which his claim for relief is based." (quotation omitted)). Bellino's counterclaim does not identify a cause of action nor does it articulate a theory of relief such that the Estate had fair notice of the incident giving rise to the suit. Accordingly, we conclude that the district court properly dismissed Bellino's counterclaim for failure to state a claim upon which relief can be granted. *See Minn. R. Civ. P. 12.02(e)*.

Consequently, the district court acted within its discretion when it denied Bellino's motion for default judgment. *See Laymon v. Minn. Premier Props., LLC*, 903 N.W.2d 6, 18 (Minn. App. 2017), *aff'd*, 913 N.W.2d 449 (Minn. 2018) (stating that appellate courts review a district court's denial of default judgment for an abuse of discretion). Because the district court properly determined that Bellino's counterclaim failed to state a claim upon which relief can be granted, it is axiomatic that it acted within its discretion when it denied his motion for default judgment because default judgment cannot be granted when

a counterclaim fails to state a claim upon which relief can be granted. *See* Minn. R. Civ. P. 55.01 (governing the issuance of default judgment); *cf. Laymon*, 903 N.W. 2d at 18 (“[D]efault judgment may be inappropriate absent sufficient evidence to support an award of damages.”). Accordingly, we conclude that the district court acted within its discretion when it denied Bellino’s motion for default judgment.

II. The district court acted within its discretion when it denied Bellino’s motions for sanctions.

“In its decision to withhold sanctions, the [district] court must be affirmed in the absence of an abuse of discretion.” *Peterson v. Hinz*, 605 N.W.2d 414, 417 (Minn. App. 2000), *rev. denied* (Minn. Apr. 18, 2000). A district court abuses its discretion if its findings of fact are unsupported by the record, if it improperly applies the law, or if it resolves the question in a manner that is contrary to logic and the facts on record. *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022).

The district court denied both of Bellino’s motions for sanctions pursuant to Minnesota Rule of Civil Procedure 11. It determined neither of Bellino’s allegations—registering him for eFS or presenting “lies” to the court—constituted sanctionable activity.

We discern no error in the district court’s denial of the requested sanctions. A request for rule 11 sanctions must: (1) be filed in a motion separate from other motions or requests; (2) contain a description of the specific conduct alleged to violate rule 11; (3) be served in compliance with rule 5; and (4) adhere to the “Safe Harbor” provision, which states that the motion must “not be filed with or presented to the court unless, within 21 days after service of the motion,” the challenged document or claim “is not withdrawn or

appropriately corrected.” Minn. R. Civ. P. 11.03(a). Although Bellino described the attorney’s and the Estate representative’s actions in detail, he failed to provide a clear description of why the conduct violated rule 11, nor does he provide evidence that he complied with the procedural requirement of rule 11. As the party moving for sanctions, Bellino bore the burden of proving sanctions were warranted. *See* Minn. R. Civ. P. 11; *cf.* *Rumachik v. Rumachik*, 494 N.W.2d 68, 71 (Minn. App. 1992) (describing that “rule 11 should be construed narrowly to avoid deterring legitimate or arguably legitimate claims”), *rev. denied* (Minn. Feb. 25, 1993). Because he failed to prove that the attorney’s or the Estate representative’s actions constituted sanctionable activity under rule 11, it was within the district court’s discretion to deny Bellino’s motions for sanctions.

Affirmed.