

*This opinion is nonprecedential except as provided by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
A25-0889
A25-1621**

In re the Marriage of:

Nicole Christine Marinac, petitioner,
Respondent,

vs.

John Marinac,
Appellant.

**Filed May 4, 2026
Affirmed
Schmidt, Judge**

St. Louis County District Court
File No. 69DU-FA-20-351

Jack W. Hicks, Nicole A. Whitlock, Hellmuth & Johnson, PLLC, Edina, Minnesota (for respondent)

Jonathan D. Miller, Julia J. Nierengarten, Caroline K. Ruwe, Meagher & Geer, P.L.L.P., Minneapolis, Minnesota (for appellant)

Considered and decided by Schmidt, Presiding Judge; Johnson, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Father challenges three district court orders issued during the parties' ongoing post-judgment dissolution proceedings. We affirm.

FACTS

This appeal stems from long and contentious post-dissolution proceedings. Appellant John Marinac (father) and respondent Nicole Christine Marinac (mother) married and had three children. After mother petitioned for dissolution, the parties stipulated to a judgment and decree that awarded physical and legal custody of all three children to both parents.

After years of ongoing conflict, the district court granted mother temporary sole discretion over the children's school enrollment to streamline the decision and reduce the children's exposure to conflict. The temporary order states:

With regard to school choice, the Court sees this as an issue that will recur every year, with very little prospect that the parties will be able to come to a consensus. The Court therefore rules that [mother] will have temporary sole discretion over school choice for the children. The Court[] finds this is in the children[']s best interest.

Father moved to amend the district court's order. While father's motion for an amended order was pending, the district court appointed a special master. The district court later denied father's motion for an amended order:

Next, [father] asks the Court to reverse its decision providing [mother] with sole discretion over school placement for the children. [Father] characterizes this as a motion to modify joint legal custody, as school choice is typically an aspect of legal custody. [Father] cites a non-precedential Minnesota Court of Appeals opinion in support. [Father] makes extensive argument why this is procedurally wrong.

The Court denies [father's] motion to amend this portion of the [temporary school-choice] order. As explained in that order, the Court made a temporary decision to allow [mother] sole discretion over school choice simply to get the

parties past this recurring argument, so that the children could go to school in the fall of 2023 without a fight. The fact that [father] wants to continue this argument, more than a year after the order was made, shows why it is necessary. The current school year is almost over, and [father] might be better served if he were to raise this issue with the Special Master that has now been appointed, and argue over the 2024 school year.

Mother moved the district court to change the parenting-time schedule and the parties' Our Family Wizard communication protocols. The district court referred mother's motion to the special master. The special master addressed mother's motion with a full best-interest analysis, a new parenting-time schedule, and a new communication protocol.

Father filed a motion with the district court seeking reversal of the special master's decision. Father also moved the district court to order the parties to treat their youngest child's medical issues and grant father temporary sole legal custody, temporary sole physical custody, and temporary exclusive parenting time with the child. Father filed another motion for an order regarding school enrollment. The district court issued an order (first order) denying father's various motions.

Later, father requested that the special master interpret and clarify the district court's temporary school-choice order. The special master concluded that the district court's temporary order remains in effect until it is amended or vacated.

The next day, father filed an emergency motion asking the district court to review and reverse the special master's decision. Father also asked the district court to vacate its temporary school-choice order and to order that the parties' middle child remain enrolled at the same school during the next academic calendar year, which was set to begin a few weeks later. The district court denied father's emergency motion. Father appeals.

DECISION

Father challenges three of the district court's orders: (1) the first order denying father's motion to reverse the special master's amended decision related to temporary sole physical and legal custody, treating a child's medical issues, and school enrollment; (2) the order denying father's motion to amend the temporary school-choice order; and (3) the order denying father's motion for emergency relief. We address each challenge in turn.

I. The district court did not abuse its discretion in its first order.

Father challenges the district court's first order in multiple ways. First, father argues that the district court abused its discretion when it denied his request to reverse the special master's decision. Second, father argues that the district court abused its discretion when it denied his motion for temporary sole physical and legal custody and of their youngest child and for an order requiring specific medical care. Third, father argues that the district court abused its discretion when it declined to hear his motion about school enrollment until the issue had been presented to the special master.

The order appointing the special master established that the "Special Master's orders shall be subject to review by the Court pursuant to Rule 53.07." Minnesota Rule of Civil Procedure 53.07 provides that a special master's findings of fact shall be reviewed for clear error, the conclusions of law reviewed de novo, and procedural matters reviewed for an abuse of discretion. A district court abuses its discretion if its factual findings 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).

A. The district court did not abuse its discretion when it denied father's motion to reverse the special master's decision.

Father first argues that the district court abused its discretion when it declined to reverse the special master's modification of the communication protocols. This argument is unsupported by the record. Father cites the special master's initial impression of the issue, which was premised on the assumption that mother had not properly raised the issue. But the special master later realized that "[mother] timely appealed the November 2023 [parenting-time consultant] Decision, and her motion included a request to change the frequency in which the parties need to respond to one another. Therefore, this issue [was] properly before [them]." Accordingly, the matter was properly before the special master.

Second, father argues that the district court abused its discretion when it declined to reverse the special master's modifications to the winter- and spring-break schedules. Father contends that those issues were not before the special master. The district court, however, authorized the special master to "expand or reduce either party's parenting time," to "modify the terms of the parties' Parenting Plan," and to "make any decision that he is asked to address." Thus, the district court acted within its discretion when it adopted the modifications to the parenting-time schedule because that was a task which the district court explicitly delegated to the special master.

Third, father contends that the district court abused its discretion when it declined to reverse the special master's modifications to the parenting schedule. But this contention is also unsupported by the record and contrary to the special master's power. Modifications to the parenting schedule fall squarely within the special master's authority.

Fourth, father asserts that the special master did not adequately consider the impacts of a week-on, week-off schedule. But the record shows that the special master weighed this precise question. The special master noted that “[father] report[ed] that [the middle child] and [the youngest child] did not do well with the week on/week off schedule” but that “[mother’s] perspective was different.”

Finally, father argues that the district court should have reversed the special master’s modifications to the communication protocol. But, again, father asserts no instances of clear error by the special master or the district court.

Father effectively asks us to reweigh facts and draw new inferences. This we cannot do. *See In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021). Father has not demonstrated any clear error in the findings of fact or abuse of discretion in the district court’s adoption of the special master’s analysis.

B. The district court did not abuse its discretion when it denied father’s emergency motion for temporary sole physical and temporary sole legal custody and for specific medical care for the parties’ youngest child.

Father argues that the district court abused its discretion when it denied his emergency motion seeking temporary sole physical and temporary sole legal custody due to the youngest child’s ongoing medical issues and for an order directing the parties to take specific steps in their youngest child’s medical treatment. Father provided no legal citation to support his argument. Father has, therefore, forfeited this argument. *See Smith v. Smith*, 32 N.W.3d 575, 587 (Minn. App. 2026) (stating that “an assignment of error not supported by any argument or authorities is forfeited unless prejudicial error is obvious on mere inspection” (quotations omitted)).

Father also argues that the district court should have granted his emergency motion related to the youngest child's ongoing medical issues. The district court denied father's motion that sought temporary sole physical and legal custody, and temporary exclusive parenting time with the youngest child. This issue is forfeited because father cites no legal authority in support of his argument. *Id.* Plus, the district court considered father's motion and found "scant evidence" of endangerment.

These arguments are effectively requests for us to consider the same evidence that father raised before the district court and come to the opposite determination. This is not the function of our court. *See Kenney*, 963 N.W.2d at 221. The district court did not abuse its discretion when it denied father's motion for temporary sole physical and legal custody and for an order directing specific medical care of the parties' youngest child.

C. The district court did not abuse its discretion when it declined to hear father's motion about school enrollment until the matter had been considered by the special master.

Father argues that the district court abused its discretion when it struck a hearing scheduled to address his motion about school enrollment. But the district court, within its discretion to manage its own docket, merely redirected father's motion to the special master who was appointed to address these very issues. *See* Minn. R. Civ. P. 53.01 (stating district court may appoint a special master to "address . . . matters that cannot be addressed effectively and timely by an available district judge"); *State v. Hart*, 723 N.W.2d 254, 260 (Minn. 2006) ("[T]he district court has considerable discretion in scheduling matters and in furthering what it has identified as the interest of judicial administration and economy." (quotation omitted)).

II. The district court did not err when it denied father’s motion to amend its temporary school-choice order.

Father argues that the district court erred in denying his motion to amend its temporary school-choice order. Father asserts that the district court’s temporary school-choice order erroneously modified the parties’ legal custody of their children within two years of its ruling on mother’s motion to modify legal custody in violation of Minnesota Statutes section 518.18(b) (2024). We disagree.

Father fails to demonstrate that the district court modified the parties’ joint legal custody. The term “custody” does not appear in the temporary order or in mother’s request, and father cites no legal authority supporting his assertion that a temporary order such as this constitutes a modification of legal custody. Arguments unsupported by authority are forfeited. *Smith*, 32 N.W.3d at 587. Because the district court’s order is not a modification of legal custody, the two-year rule in section 518.18(b) does not apply, and father has presented no alternative reason for reversal.

In his motion to the district court, father cited *Hilgart v. Hilgart*, No. C6-98-1642, 1999 WL 232025 (Minn. App. Apr. 20, 1999). In *Hilgart*, we reversed an order granting one parent permanent sole discretion over the choice of school enrollment for their child. *Id.* at *1. We stated that when two parents with joint legal custody disagree about what school is in their child’s best interests, a district court may, within its discretion, issue an order requiring the child to attend a specific school after weighing the best interests factors. *Id.* at *2. But a district court may abuse its discretion by granting permanent school choice to one parent when the parents had joint legal custody over the child. *Id.* at *1.

Here, the order is temporary. The question of school enrollment resurfaces every year. The parties will have an opportunity each academic year to raise this issue to the district court, and the issue will then—per the district court’s order—be referred to the special master’s consideration. And a temporary order does not convert to a permanent order simply due to the passage of time. *See Crowley v. Meyer*, 897 N.W.2d 288, 292, 294 (Minn. 2017) (reversing a court of appeals decision that included reasoning that a temporary custody order had become a de facto permanent order due to “the passage of such a substantial amount of time” (quotation omitted)). Since *Hilgart* involved a permanent order, that case is distinguishable and, therefore, not persuasive.

Father neither cites binding legal authority nor identifies any clearly erroneous findings of fact. We conclude that the district court did not abuse its discretion in denying father’s motion to amend its temporary school-choice order.

III. The district court did not abuse its discretion in its August 2025 order denying father’s request for emergency relief.

Father asserts that the district court abused its discretion when it denied his emergency motion to reverse the special master’s school enrollment order. We disagree.

We first note that father sought emergency relief in the summer of 2025, before the beginning of the 2025-26 school year. It is now spring of 2026. Questions about enrollment for the 2025-26 school year are moot. *See Dean v. City of Winona*, 868 N.W.2d 1, 5 (Minn. 2015) (stating appellate courts will dismiss an appeal “as moot when a decision on the merits is no longer necessary or an award of effective relief is no longer possible”).

Second, the special master did exactly as father requested: interpreted and clarified the district court's temporary school-choice order. The special master concluded that, under Minnesota Statutes section 518.131 (2024), the district court's school-choice order was a temporary order that remains in effect until either its amendment or vacation, whichever comes earlier. *See* Minn. Stat. § 518.131, subd. 5 ("A temporary order shall continue in full force and effect until the earlier of its amendment or vacation, dismissal of the main action or entry of a final decree of dissolution or legal separation."). The district court agreed with the special master's interpretation. Father has not substantiated his argument with legal authority. *Smith*, 32 N.W.3d at 587. Since father has not demonstrated clear error or an error of law, we conclude that the district court did not abuse its discretion in denying father's emergency motion.

Affirmed.