

*This opinion is nonprecedential except as provided by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
A25-1187**

MSP Apartments,
Appellant,

vs.

N.P.,
Respondent,

C.J.,
Respondent.

**Filed April 13, 2026
Appeal dismissed
Smith, John, Judge ***

Anoka County District Court
File No. 02-CV-21-1238

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Minnesota (for appellant)

N.P., St. Paul, Minnesota (pro se respondent)

C.J., Columbia Heights, Minnesota (pro se respondent)

Keith Ellison, Attorney General, Madeleine DeMeules, Assistant Attorney General,
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Considered and decided by Ede, Presiding Judge; Bentley, Judge; and Smith, John,
Judge.

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

NONPRECEDENTIAL OPINION

SMITH, JOHN, Judge

We dismiss the appellant's appeal from the district court's order granting an eviction expungement under Minnesota Statutes section 484.014, subdivision 3(a)(5) (2024), because we conclude that the appellant lacks standing to challenge the constitutionality of the statute.

FACTS

Because this matter has been expunged, our discussion of the facts is limited to the facts included in the parties' public filings. We have reviewed the publicly inaccessible records to ensure the facts are accurate.

In March 2021, appellant-landlord MSP Apartments initiated an eviction action against tenant-respondent N.P., alleging breach of lease. N.P. did not appear at the first hearing. In April, the district court granted a default judgment for MSP Apartments, entered a judgment of recovery, and issued a writ of recovery and order to vacate. In May, the sheriff executed the writ of recovery.

In May 2025, over three years after the eviction judgment was entered, N.P. filed a request for mandatory expungement of the eviction case pursuant to Minnesota Statutes section 484.014, subdivision 3(a)(5). Shortly thereafter, the district court entered an order expunging the eviction case from the court's record pursuant to section 484.014, subdivision 3(a)(5), because three years had passed since the eviction was ordered. Nothing in the record indicates that MSP Apartments were notified of the expungement or

were afforded an opportunity to respond. MSP Apartments appeals the district court’s order expunging the eviction case from the court’s record.¹

DECISION

As a threshold issue, intervenor attorney general argues that MSP Apartments does not have standing to challenge the constitutionality of the eviction expungement statute in whole or in part. We agree.

“Standing is a jurisdictional doctrine, and the lack of standing bars consideration of the claim by the court.” *Richards v. Reiter*, 796 N.W.2d 509, 512 (Minn. 2011). “We review the existence of standing de novo.” *Minn. Voters All. v. Hunt*, 10 N.W.3d 163, 167 (Minn. 2024). “Standing is acquired in two ways: either the plaintiff has suffered some injury-in-fact or the plaintiff is the beneficiary of some legislative enactment granting standing.” *Lorix v. Crompton Corp.*, 736 N.W.2d 619, 624 (Minn. 2007) (quotation omitted).

“A party has suffered an injury-in-fact when there has been a concrete and particularized invasion of a legally protected interest.” *Minn. Voters All.*, 10 N.W.3d at 167 (quotation omitted). In other words, to be considered an aggrieved party, a “person must be injuriously or adversely affected by [a decision] when [such decision] operates on . . . [their] personal interest.” *Stansell v. City of Northfield*, 618 N.W.2d 814, 818 (Minn. App. 2000) (quotation omitted), *rev. denied* (Minn. Jan. 26, 2001). A litigant challenging the constitutionality of a statute “must articulate a legally cognizable interest

¹ Respondent did not file a brief in this appeal.

that it has suffered because of the . . . action and that differs from injury to the interests of other citizens generally.” *Webb Golden Valley, LLC v. State*, 865 N.W.2d 689, 693 (Minn. 2015) (quotation omitted). “An allegation of a merely possible or hypothetical injury is inadequate.” *Minn. Sands, LLC v. County of Winona*, 940 N.W.2d 183, 192 (Minn. 2020) (quotation omitted).

MSP Apartments asserts that it has standing to challenge the constitutionality of the entirety of Minnesota Statutes section 484.014, subdivision 3(a) (2024). The attorney general asserts that MSP Apartments lacks standing to challenge subdivision 3(a) because the district court’s order relies only on subdivision 3(a)(5), thus any asserted injuries regarding subdivision 3(a) in its entirety are purely hypothetical. We agree. Because the district court granted expungement solely based on subdivision 3(a)(5), “no constitutional issues regarding the other provisions of subdivision 3(a) are before this court.” *Weidner Apartment Homes v. B.F.*, ___ N.W.3d ___, ___, 2026 WL 262167, at *2 (Minn. App. Feb. 2, 2026) (concluding appellant-landlord lacks standing to challenge the provisions of Minnesota Statutes section 484.014, subdivision 3(a) not relied on by the district court in granting eviction expungement). Thus, any allegation of harm under the other provisions of subdivision 3(a) is an inadequate “hypothetical injury.” *Id.* (quotation omitted).

We now consider whether MSP Apartments has standing to challenge section 484.014, subdivision 3(a)(5), the provision upon which the district court relied in granting N.P.’s request for expungement. The attorney general argues that MSP Apartments lacks standing to challenge subdivision 3(a)(5) because it has not suffered an injury-in-fact as a

result of the district court’s expungement of the eviction case.² MSP Apartments asserts that it suffered an injury-in-fact because (1) it was a plaintiff in the underlying action, (2) the eviction expungement cancelled the reconveyance of N.P.’s interest in the property back to MSP Apartments, and (3) the eviction expungement deprived MSP Apartments of “leverage over [t]enants to be compensated for the damage caused to the building.”

MSP Apartments first contends that it suffered an injury-in-fact such that it has standing to challenge the constitutionality of the eviction expungement statute because of its status as a plaintiff in the underlying action. But MSP fails to cite any authority for the assertion that party status alone can confer standing. Whether a plaintiff suffered an injury-in-fact—not party status—is the test for standing.³ See *Lorix*, 736 N.W.2d at 624.

² The attorney general also asserts that, because MSP Apartments did not raise any theory of standing in its opening brief, it forfeited its ability to assert any arguments regarding standing. Because standing is a jurisdictional issue that may be raised at any time, *Kilpatrick v. Kilpatrick*, 673 N.W.2d 528, 530 (Minn. App. 2004), we reject the attorney general’s forfeiture argument.

³ The attorney general relies on *In re Sandy Pappas Senate Comm.* for the assertion that party status alone does not confer standing. 488 N.W.2d 795, 798 (Minn. 1992). But we are not convinced that *Sandy Pappas* is controlling. In *Sandy Pappas*, the supreme court rejected relator’s argument that he had standing to file a petition for a writ of certiorari, thereby invoking judicial review of an agency decision, simply because he participated in the underlying agency proceedings. *Id.* The supreme court reasoned that, while it was certainly proper for relator as a registered voter to file a complaint with the Minnesota Ethical Practices Board and to appear before the Board in an informal hearing, relator “did not thereby acquire a legally cognizable interest in the outcome of the Board’s proceedings” because “standing cannot come into existence solely by participation in agency proceedings.” *Id.* In reaching this conclusion, the supreme court likened relator’s position in the agency proceeding to that of a crime victim or witness to a crime. *Id.* (stating that relator “has no more standing to invoke judicial review than does a crime victim or any witness to invoke judicial review” of an acquittal, a conviction, or a guilty plea). We are not convinced that the agency proceedings in *Sandy Pappas* are analogous to an

Accordingly, MSP Apartments’ participation in the eviction action against N.P. does not automatically confer standing upon it to challenge the constitutionality of the eviction expungement statute. *See also Nordvick v. Comm’r of Pub. Safety*, 610 N.W.2d 659, 662-63 (Minn. App. 2000) (concluding appellants lacked standing to challenge constitutionality of implied consent statute because appellants failed to demonstrate personal harm from the challenged provisions). Rather, MSP Apartments must still establish that it is “aggrieved,” which “depends on whether there is injury to a legally protected right.” *Richards*, 796 N.W.2d at 513.

MSP Apartments also contends that the requirement of an injury-in-fact to confer standing “is not a requirement per se,” relying primarily on *Phillips v. County of Blue Earth (In re Improvement of County Ditch No. 86)*, 625 N.W.2d 813 (Minn. 2011). In *Phillips*, the Minnesota Supreme Court held that appellants had standing to challenge benefits and damages determinations to lands owned by others. *Id.* at 820. But *Phillips* is inapposite because it deals exclusively with the question of statutory standing. *Id.* at 817 (“We must decide . . . whether section 103E.091 permits appellants to appeal only the benefits of nonowned lands.”). As stated earlier, there are two pathways to acquiring standing: either the plaintiff has suffered an injury-in-fact or is the beneficiary of a legislative enactment granting standing. *State by Humphrey v. Phillip Morris Inc.*, 551 N.W.2d 490, 493 (Minn. 1996). Here, MSP Apartments has not shown that it is the beneficiary of any legislative enactment granting standing. We are squarely in the realm of injury-in-fact standing,

eviction action in district court such that the reasoning in *Sandy Pappas* would directly apply to this case.

which requires MSP Apartments to establish “a concrete and particularized invasion of a legally protected interest.” *Minn. Voters All.*, 10 N.W.3d at 167 (quotation omitted).

MSP Apartments next asserts it has suffered an injury-in-fact because the eviction expungement “cancelled” the “reconveyance” of N.P.’s interest in the property back to it. MSP Apartments reasons that, because a lease is a conveyance of a real property interest, and an eviction is a means to reclaim that interest, the expungement of the eviction deprived MSP Apartments of its ability to reclaim the property interest that the lease transferred to N.P. But this argument lacks merit. There is no evidence in the record that N.P. retains any interest in the property. Instead, the record clearly reflects that a sheriff executed the writ of recovery on the property in May 2021. Thus, it is not clear what property right MSP Apartments is alleging that N.P. retains or somehow re-acquired following the expungement order. Further, MSP Apartments fails to establish a connection between the expungement of the eviction case and its rights in the property. Minnesota Statutes 484.014, subdivision 1(1) (2024) defines “expungement” as “the removal of evidence of the court file’s existence from the publicly accessible records.” Section 484.014, subdivision 1(1) says nothing about undoing what the court legally determined during the eviction proceedings. Because MSP Apartments has not established how the district court’s expungement of the eviction case from its publicly accessible records impacts MSP Apartments’ property rights, this argument fails. *See Webb*, 865 N.W.2d at 693 (explaining that a party invoking standing to advance an appellate challenge “must establish an injury-in-fact to have standing” when there is no “legislative grant of standing”).

MSP Apartments next asserts that it has suffered an injury-in-fact because the expungement of the eviction case from the court’s publicly accessible records deprives it “of the basis to assert res judicata as to those factual allegations contained in the eviction complaint.” Specifically, MSP Apartments states that, “[t]o the extent that [it] might again locate Tenants, the damage claims alleged in the eviction complaint would support a claim [for] Tenants’ liability for monetary damages.” But MSP Apartments has not pursued an action for damages against N.P., nor has it alleged any plans to pursue such an action. Thus, this asserted injury is purely hypothetical, and a “hypothetical [injury] is not enough to establish justiciability.” *McCaughtry v. City of Red Wing*, 808 N.W.2d 331, 338 (Minn. 2011) (quotation omitted).⁴

MSP Apartments also seems to invoke Minnesota Rule of Civil Appellate Procedure 103.03 as a basis for standing. But rule 103.03 merely defines the type of orders and judgments that are appealable. *See* Minn. R. Civ. App. P. 103.03. Rule 103.03 has no effect on the requirement that MSP Apartments must establish that it has standing as an aggrieved party. *See Richards*, 796 N.W.2d at 513 (“That a party must be aggrieved in

⁴ MSP Apartments also asserts that it has standing because the eviction expungement statute is “injurious to the entire collective of landlords.” This argument fails because parties challenging the constitutionality of a statute “must show that it affects [their] rights in an unconstitutional manner and not merely the rights of others.” *Minn. Ass’n of Pub. Schs. v. Hanson*, 178 N.W.2d 846, 850 (Minn. 1970); *see also City of Minneapolis v. Wurtele*, 291 N.W.2d 386, 393 (Minn. 1980) (“[T]here is no standing to raise a constitutional challenge absent a direct and personal harm resulting from the alleged denial of constitutional rights.”).

order to appeal remains fundamental to the modern version of section 609.05, which is now expressed in Minn. R. Civ. App. P. 103.03.” (quotation omitted)).⁵

Finally, MSP Apartments asserts that, “[t]o take [i]ntervenor’s argument to its logical conclusion would mean this statute is not reviewable—at all.” Our recent precedential decision in *Weidner* demonstrates the flaw in this argument. In *Weidner*, we concluded that appellant-landlord had standing to challenge the constitutionality of Minnesota Statutes section 484.014, subdivision 3(a)(5) because, as a consequence of the eviction expungement, the monetary judgment appellant-landlord had obtained against tenant was vacated. *Weidner*, 2026 WL 262167, at *3. We reasoned that the appellant-landlord’s deprivation of the ability to collect on this money judgment amounted to a “loss of a property interest,” which we determined was a concrete, particularized injury traceable to the district court’s decision. *Id.* As explained above, MSP Apartments has not established an analogous or comparable injury-in-fact here.

In sum, MSP Apartments has failed to establish that it suffered an injury-in-fact as a result of the district court’s order expunging N.P.’s eviction file from the publicly accessible record. Accordingly, we conclude that MSP Apartments lacks standing to challenge the constitutionality of Minnesota Statutes section 484.014, subdivision 3(a)(5),

⁵ MSP Apartments also asserts that “to the extent that this case does not come to the court of appeals fashioned as a declaratory judgment action, that it could have been—and had it been—Landlord would have standing.” MSP Apartments fails to explain how the standing requirements would differ had it brought this challenge to the eviction expungement statute as a declaratory judgment. And binding case law does not support this contention. *See Kahn v. Griffin*, 701 N.W.2d 815, 821 (Minn. 2005) (“It is a well-established rule in Minnesota that a court only has jurisdiction to issue a declaratory judgment if there is a justiciable controversy.”).

and therefore dismiss this appeal without reaching the merits of MSP Apartments' argument.

Appeal dismissed.