

*This opinion is nonprecedential except as provided by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
A25-1198**

Daniel Petsinger,
Appellant,

vs.

Steele County Recorder's Office, et al.,
Respondents.

**Filed May 11, 2026
Affirmed
Ross, Judge**

Steele County District Court
File No. 74-CV-24-1313

Daniel Petsinger, Ellendale, Minnesota (self-represented appellant)

Elizabeth J. Vieira, Squires, Waldspurger & Mace, P.A., Minneapolis, Minnesota (for respondents)

Considered and decided by Ross, Presiding Judge; Reyes, Judge; and Halbrooks, Judge.*

NONPRECEDENTIAL OPINION

ROSS, Judge

Daniel Petsinger sued the Steele County Attorney and the county's recorder's, auditor's, and assessor's offices alleging violations of the Minnesota Government Data

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

Practices Act. The county defendants moved for summary judgment after Petsinger failed to participate in discovery. The district court granted the motions as unopposed and awarded attorney fees after Petsinger failed to timely respond. Petsinger appeals, asserting various arguments supported by what appears in large part to be fictitious cases generated from the hallucinations of artificial intelligence. We reject the arguments as flawed and legally unsupported and therefore affirm.

FACTS

In this appeal by Daniel Petsinger from the district court’s summary-judgment order dismissing his data-practices complaint, we present these facts in the light most favorable to him as the nonmoving party. *See Montemayor v. Sebright Prods., Inc.*, 898 N.W.2d 623, 628 (Minn. 2017).

Keith Haskell visited the Steele County Recorder’s, Auditor’s, Assessor’s, and Sheriff’s Offices on March 24, 2024, on Petsinger’s behalf. Haskell sought any public data these offices held related to a Steele County lot that Petsinger had purchased about seven years earlier. Unsatisfied with the responses, Haskell attempted the next day to email these offices a written request with an eight-item list of specific documents or pieces of information that he sought, but all except the email address of the assessor’s office included typos, preventing a successful delivery. Staff at that office assembled responsive documents within a week. Its records show that someone, although it is unclear who, paid for and picked up the documents.

Petsinger went to the county’s Property Tax and Elections Department on July 19 and submitted a written data request for “[e]very [t]hing [a]bout” his lot. The county

administrator and county attorney reviewed Petsinger's request and, on August 15, contacted him through an agent, seeking a more specific description of the requested data.

Petsinger then sued the Steele County Recorder's, Auditor's, and Assessor's Offices and the Steele County Attorney the next day, alleging that they violated the Minnesota Government Data Practices Act (DPA) by withholding public data from him. His complaint demanded that the county turn over data that would satisfy Haskell's March 25 data request and any additional data the county defendants had regarding the lot. He also demanded monetary damages.

Before the parties reached terms on a discovery plan, the county defendants completed Petsinger's July 19 data request. The county's attorneys sent him digital copies of the documents despite his failure to pay a \$9 administrative fee. The documents included those assembled in response to Haskell's March 25 data request.

Petsinger failed to respond to the county defendants' discovery requests, and they moved for summary judgment. They argued that the county had fulfilled its obligations under the DPA and that Petsinger had failed to demonstrate any injury. Petsinger did not file a responsive brief within the deadline imposed by Minnesota General Rules of Practice 115.03(b). After the deadline, he submitted a 22-page "objection" to the county defendants' motion. The county defendants urged the district court to treat their motion as unopposed. The district court did so based on Petsinger's failure to timely respond, dismissing his complaint with prejudice. It also ordered Petsinger to pay the county defendants their attorney fees authorized by the DPA.

The county defendants submitted details of the county's incurred attorney fees, requesting \$29,679.50. Petsinger objected, accusing the county officials of "trying to double-dip" by allowing multiple departments to bill for the same legal defense. The district court reopened the record to receive an accounting from the county defendants. It then found no evidence of improper accounting and ordered Petsinger to pay \$28,863.50 in attorney fees. The district court reorganized the county defendants' spreadsheet to demonstrate the time for which they could recover attorney fees and attached the spreadsheet to its order.

Petsinger appeals.

DECISION

Petsinger raises four arguments to challenge the district court's summary-judgment order. He argues that the district court was biased against him, that its attorney-fee award was procedurally flawed, that it improperly refused to accept his untimely summary-judgment response, and that genuine fact issues preclude summary judgment. He also asks this court to sanction the county defendants, alleging frivolity. For the following reasons, we affirm summary judgment and decline Petsinger's request for sanctions.

I

We are unpersuaded by Petsinger's argument that the district court acted partially by allegedly creating evidence to support its fee award to aid the county defendants and by not setting a filing deadline for their fee accounting. Due process entitles litigants to an impartial judge. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980); *State v. Schlien*, 774 N.W.2d 361, 367 (Minn. 2009). When a party claims judicial bias for the first time on

appeal, we apply our plain-error-review framework. *Schlien*, 774 N.W.2d at 365. We review the judge’s conduct *de novo* to determine whether she erred by not acting impartially. *State v. Duol*, 25 N.W.3d 135, 141 (Minn. 2025).

The record reveals no bias against Petsinger by the district court judge. Although a judge must not independently investigate a case, *id.* at 142, the district court did not so investigate here. It reorganized and summarized data the county defendants submitted in their spreadsheet of attorney fees to aid the court in calculating a proper fee award. Contrary to Petsinger’s contention that the district court devised reasons to support the fee award, the district court was in fact explaining its legal reasoning for awarding fees on a factor of its lodestar analysis. And we reject as mistaken Petsinger’s claim that the district court set no deadline for the county defendants’ fee-accounting filing. The record informs us that it ordered the defendants to file an accounting “by no later than May 30, 2025.” Petsinger cites seven cases in support of his argument, but the citations do not track to cases that exist or they include quoted language that does not appear in the referenced case. His bias claim fails.

II

Petsinger unconvincingly argues that the district court violated statutory and rule-based procedural requirements for awarding attorney fees. The county defendants correctly point out that Petsinger forfeited these procedural challenges by raising them for the first time on appeal. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). We therefore do not consider the issue in substance.

III

Petsinger also unpersuasively contends that the district court erroneously deemed his response to summary judgment untimely, asserting that the court overlooked a three-day extension under “Minn. R. Civ. P. 6.05.” Minnesota Rule of Civil Procedure 6.05 was abrogated in 2019 and is incorporated into rule 6.01(e). Minn. R. Civ. P. 6.04 cmt. This rule provides:

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other document upon the party, and the notice or document is served upon the party by United States Mail, 3 days shall be added to the prescribed period.

Minn. R. Civ. P. 6.01(e). While the county defendants are likely correct that Petsinger forfeited this argument too, we exercise our discretion to address this argument to explain why it fails on the merits. Minn. R. Civ. App. P. 103.04. The extension rule does not apply to Petsinger’s summary-judgment response. Rule 6.01(e) applies when a party is served by mail and the service itself marks a deadline before which the recipient “has the right . . . to do some act.” The deadline for responding to a summary-judgment motion is instead set by counting backward from the motion-hearing date. Minn. R. Civ. P. 56.02; Minn. Gen. R. Prac. 115.03(b). The district court did not err by not applying the extension rule to salvage Petsinger’s tardy summary-judgment response.

IV

And we reject Petsinger’s argument that summary judgment was premature based on genuine fact issues and on his allegedly denied opportunity to meaningfully participate in discovery. We review *de novo* whether any genuine issues of material fact precluding

summary judgment remained, *Riverview Muir Doran, LLC v. JADT Dev. Grp., LLC*, 790 N.W.2d 167, 170 (Minn. 2010), and for an abuse of discretion as to whether the timing of the district court’s summary-judgment order denied the nonmovant a “meaningful opportunity” to oppose it, *Fed. Land Bank of St. Paul v. Obermoller*, 429 N.W.2d 251, 255 (Minn. App. 1988), *rev. denied* (Minn. Oct. 26, 1988). Petsinger’s failure to oppose summary judgment by providing admissible evidence defeats his disputed-facts argument, particularly in the face of the evidence presented by the county defendants in affidavits supporting summary judgment. *See Hunt v. IBM Mid Am. Emps. Fed. Credit Union*, 384 N.W.2d 853, 855 (Minn. 1986). And Petsinger’s complete failure to participate in discovery during the scheduled discovery period (except for his attempt to issue an unauthorized subpoena to the county attorney) defeats as unfounded his claim that the district court precluded him from discovering relevant evidence.

V

There is no merit to Petsinger’s request that we sanction the county defendants for “bad-faith litigation conduct.” We doubt the request is properly before this court. *See Minn. R. Civ. App. P. 139.05*, subd. 1 (establishing the process for seeking attorney fees on appeal). Additionally, no facts support it. The county defendants efficiently disposed of Petsinger’s complaint, which he failed to support.

Affirmed.