

*This opinion is nonprecedential except as provided by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
A25-1209**

Troy Kenneth Scheffler,
Appellant,

vs.

Rosemary R. Franzen,
Defendant,

Joshua M Heintzeman, et al.,
Respondents,

Lowell A Smith,
Respondent.

**Filed April 27, 2026
Reversed and remanded.
Jesson, Judge***

Crow Wing County District Court
File No. 18-CV-22-3881

Troy Kenneth Scheffler, Merrifield, Minnesota (pro se appellant)

Samuel W. Diehl, Harry N. Niska, CrossCastle P.L.L.C., Anoka, Minnesota (for
respondents Joshua M. Heintzeman and Keri E. Heintzeman)

Lowell A. Smith, Baxter, Minnesota (pro se respondent)

Considered and decided by Reyes, Presiding Judge; Harris, Judge; and Jesson,
Judge.

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

NONPRECEDENTIAL OPINION

JESSON, Judge

Appellant Troy Kenneth Scheffler challenges the district court's grant of respondents' motion to dismiss appellant's defamation and conspiracy suit under Minnesota Rule of Civil Procedure 12.02(e) for failure to state a claim upon which relief can be granted. Appellant also claims that the district court demonstrated bias and erroneously held him to a higher standard as a self-represented litigant.

We discern no judicial misconduct or bias. Because, however, the pleading of the alleged defamatory statements is sufficient to survive the motion to dismiss, we reverse and remand.

FACTS

During the 2022 election cycle, Scheffler and Rosemary Franzen campaigned against each other for the position of Crow Wing County Commissioner. After losing the election, Scheffler filed a lawsuit against respondents, Joshua M. Heintzeman, Keri E. Heintzeman, and Lowell A. Smith, alleging that they conspired to sabotage his campaign by spreading falsehoods in order to lower his reputation in the community.¹ Central to Scheffler's defamation claims was the accusation that respondents knowingly made false

¹ Scheffler initially asserted claims against Franzen. In November 2023, Scheffler and Franzen jointly stipulated to a settlement and the district court dismissed the claims against Franzen with prejudice.

statements accusing Scheffler of falsely claiming political endorsements. At the time, Josh Heintzeman was a member of the Minnesota House of Representatives.²

While the complaint is lengthy, after its third amendment the false statements Scheffler attributes to respondents are summarized as follows:

- Josh Heintzeman told a local media outlet that Scheffler had falsely claimed his endorsement;
- Josh and Keri Heintzeman shared the media outlet's story containing the allegedly false statements to their Facebook pages;
- Keri Heintzeman told Eric Klang, a candidate for Crow Wing County Sheriff, that Scheffler claimed he had earned the endorsements of both Josh Heintzeman and Klang; and,
- Lowell Smith claimed to have a video of Scheffler falsely claiming these endorsements.

As a result of their conduct, Scheffler alleged that his reputation was harmed and lowered in the eyes of his community and filed suit for defamation and civil conspiracy. He sought damages for emotional distress, as well as general and special damages.

After Scheffler filed his third amended complaint, respondents filed motions to dismiss the complaint for failure to state a claim. The district court granted the motions, concluding that Scheffler failed to allege the defamatory statements with sufficient specificity. Further, as a candidate for public office, the court explained, Scheffler was a public figure. And public figures cannot prevail in defamation claims unless they prove actual malice, which the district court concluded Scheffler had failed to plead with specificity in this case.

² Because Josh and Keri Heintzeman share the same last name, we will refer to each party by their first name.

Scheffler appeals.

DECISION

I. Scheffler’s defamation and conspiracy claims were erroneously dismissed under rule 12.02(e).

Scheffler challenges the district court’s dismissal of his defamation and conspiracy claims, arguing that he satisfied the pleading requirements set forth in Minnesota Rule of Civil Procedure 12.02(e), and that the district court improperly demanded “proof” of defamation at the initial stage of the litigation rather than accepting as true the facts he pleaded in his complaint.

We review a district court’s grant of a motion to dismiss *de novo*. *In re Individual 35W Bridge Litig.*, 806 N.W.2d 820, 826 (Minn. 2011). In doing so, “[w]e consider only those facts alleged in the complaint, accepting those facts as true and construing all reasonable inferences in favor of the non-moving party.” *Id.* at 826-27. In our *de novo* review here, we begin with a brief overview of the law of defamation. We then turn to the specific claims in the complaint to test whether they meet defamation law’s pleading-specificity requirements.

Pleading Requirements under Defamation Law

To establish a defamation claim, the plaintiff must prove: (1) that the defendant communicated the statement to someone other than the plaintiff; (2) that the statement was false; (3) that the statement tended to harm the plaintiff’s reputation and lowered their reputation in the eyes of the community; and (4) that the recipient of the false statement

reasonably understood the statement to concern the plaintiff. *Larson v. Gannett Co., Inc.*, 940 N.W.2d 120, 130 (Minn. 2020).

While Minnesota’s general rules of pleading require only “a short and plain statement of the claim showing that the pleader is entitled to relief,” Minn. R. Civ. P. 8.01, defamation claims require greater specificity in pleading. *Moreno v. Crookston Times Printing Co.*, 610 N.W.2d 321, 326 (Minn. 2000) (“Minnesota law has generally required that in defamation suits, the defamatory matter be set out verbatim.”) (citing *Am. Book Co. v. Kingdom Pub. Co.*, 73 N.W. 1089, 1090 (Minn. 1898)). The allegedly defamatory statements must be pleaded with enough specificity to provide notice to the defendant of the defamatory statement allegedly made. *See Am. Book Co.*, 73 N.W. at 1090; *DeRosa v. McKenzie*, 936 N.W.2d 342, 346 (Minn. 2019) (stating a defamation complaint need only contain “information sufficient to fairly notify the opposing party of the claim against it”) (quotation omitted). And to be actionable in defamation, statements must be one of fact, not opinion, given that the First Amendment protects statements of opinion. *Jankalow v. Newsweek, Inc.*, 788 F.2d 1300, 1302 (8th Cir. 1986) (citing *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339 (1974))³.

But First Amendment freedom of speech protections do not end at the fact-versus-opinion distinction. Not all plaintiffs stand on equal footing. When the plaintiff is a public official or candidate for public office, the Constitution demands more. Such plaintiffs may

³ Though they do not bind us, we consider federal court opinions for their persuasive value and afford those opinions “due deference.” *Laliberte v. Dollar Tree, Inc.*, 987 N.W.2d 590, 594, n.4 (Minn. App. 2023) (quotation omitted).

recover for defamation only by proving actual malice—that is, knowledge of falsity or reckless disregard for the truth. *New York Times Co. v. Sullivan*, 376 U.S. 254, 279-80 (1964); *see also Monitor Patriot Co. v. Roy*, 401 U.S. 265, 271-72 (1971) (extending the actual-malice standard to candidates for public office). As the Minnesota Supreme Court has explained, “to avoid chilling constitutionally protected speech, the Supreme Court has imposed prerequisites to recovery in certain types of defamation actions. For example, the Court has held that public figures and public officials must meet a higher standard when challenging defamatory statements, requiring proof of actual malice.” *Maethner v. Someplace Safe, Inc.*, 929 N.W.2d 868, 873 (Minn. 2019).

Finally, Minnesota generally requires that defamation suits—even those not involving public figures—be pleaded with a greater degree of specificity. *See Moreno*, 610 N.W.2d at 326 (citing *Am. Book Co.*, 73 N.W. at 1090). In cases involving written defamation, the allegedly defamatory language must generally “be set out verbatim” in the complaint. *Id.* For oral statements, however, courts have recognized that “fail[ure] to recite the exact language spoken is not fatal to [a] defamation claim,” but the plaintiff must identify who made the defamatory statement, to whom it was made, and the context. *See Schibursky v. Int’l Bus. Mach. Corp.*, 820 F.Supp. 1169, 1181 (D. Minn. 1993).

With this legal backdrop in mind, we turn to Scheffler’s defamation claims, first addressing whether the alleged defamatory statements were pleaded with sufficient specificity. We then turn to whether Scheffler adequately pleaded actual malice.

Pleading of the Alleged Defamatory Statements with Specificity

Scheffler alleged that Josh “knowingly falsely or with reckless disregard to the truth” told the Brainerd Dispatch that Scheffler had falsely claimed the endorsements of Josh; that Keri and Josh then shared the media outlet’s story containing the allegations on Facebook; that Keri told Klang that Scheffler falsely claimed the endorsement of Josh; and that Smith knowingly spread falsities, including by claiming to have a video of Scheffler claiming these endorsements to other members at a Christian Constitutional Conservatives (CCC) meeting in February 2023.

Here, the district court began its specificity analysis by observing that Scheffler failed to allege verbatim the defamatory statements. Noting that this is not always required, the court then characterized Scheffler as raising only “[g]eneral allegations [of] vague statements” made to “unidentified individuals”, at an “unspecified time and/or place,” thus failing to notify respondents “of what defamatory remarks he or she allegedly made.” As a result, the complaint did not meet the heightened specificity requirements that govern defamation lawsuits, the district court concluded.

But the district court’s characterization of the allegations as “vague” cannot be reconciled with the third amended complaint. The complaint identifies the speakers, the audience to whom the statements were directed and the context in which they were made. *See Schibursky*, 820 F.Supp at 1181; *cf. Yohannes v. Minn. IT Sers.*, No. A24-1634, 2025 WL 1554578, at *4-5 (Minn. App. June 2, 2025) (affirming rule 12.02(e) dismissal of plaintiff’s complaint for failure to allege the speakers, recipients, and settings in which the

defamatory statements were made), *rev. denied* (Minn. Aug. 12, 2025).⁴ For example, Scheffler identified the three speakers as Josh, Keri, and Smith. He then identified the recipients as the Brainerd Dispatch, the sheriff candidate, and attendees of the CCC meeting. Scheffler also included the timeframes and contexts in which the statements were made: Josh and Keri made the statements during an election cycle on October 1, 2022, and Smith made the statement to a political-action group on February 7, 2023. Finally, he described the allegedly defamatory statements made by the speakers, namely that each one told a third party that Scheffler had falsely claimed another’s endorsement for office.

Our analysis of these four alleged defamatory statements is guided by the fact that, in reviewing an order of dismissal for failure to state a claim, we must “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). And we observe that Scheffler will need more robust, concrete facts to survive summary judgment, should the case progress to that stage. But given that the third amended complaint outlines the speakers, recipients, and settings of the alleged defamation, it provides respondents with the necessary notice to which they are entitled. *Schibursky*, 820 F.Supp. at 1181. Accordingly, the district court erred in determining that Scheffler did not plead the allegedly defamatory statements with sufficient specificity.

⁴ Because nonprecedential opinions of this court are not binding authority, we cite *Yohannes* for its persuasive value only. See Minn. R. Civ. App. P. 136.01, subd. 1(c) (“Nonprecedential opinions . . . are not binding authority . . . but nonprecedential opinions may be cited as persuasive authority.”)

Pleading of Actual Malice

Scheffler does not contest the district court's determination that he was a public figure because he was campaigning for the Crow Wing County Commissioner position. As a public figure, he needs to show that the defamatory statements were made with actual malice. *Moreno*, 610 N.W.2d at 329; *see Maethner*, 929 N.W.2d at 873. Accordingly, Scheffler ultimately must present clear and convincing evidence that any defamatory statements were "made with the knowledge that [they were] false or with reckless disregard of whether [they were] false or not." *Maethner*, 929 N.W.2d at 873 (quotations omitted); *Chafoulias v. Peterson*, 668 N.W.2d 642, 654 (Minn. 2003) (stating a plaintiff must establish "a prima facie claim of defamation by clear and convincing evidence"). "[R]eckless disregard requires that a defendant make a statement while subjectively believing that the statement is probably false." *Chafoulias*, 668 N.W.2d at 655.

In his complaint, Scheffler states that the allegedly defamatory statements summarized above were made "knowingly falsely or with reckless disregard to the truth." The district court concluded that Scheffler failed to sufficiently plead actual malice because his complaint did not point to sufficient *facts* showing that Heintzemans and Smith had "knowledge of falsity or reckless disregard for the truth."

But this imposes too high a burden at the motion to dismiss stage. Rule 9.02 of the Minnesota Rules of Civil Procedure states that "[m]alice, intent, knowledge, and other condition of mind of a person may be averred generally." It provides no exception for allegations of actual malice in defamation lawsuits. Considering that malice and

knowledge “may be averred generally,” the complaint’s allegations of actual malice are adequate at this stage of the litigation.⁵

II. The district court did not engage in judicial misconduct or demonstrate judicial bias.

Scheffler raises several other arguments related to the handling of his defamation case below. He argues that the district court improperly held him to a higher standard as a self-represented litigant and unfairly managed the parties’ motions throughout litigation, never ruled on his motion to compel discovery, improperly ordered him to file a brief detailing the procedural posture of the matter, and demonstrated bias. These arguments are unavailing.

Scheffler argues that the district court held him to a stricter standard than it should have. He contends that “self-represented litigants lack legal training and cannot be expected to draft complaints.” Therefore, he suggests that he should have been given more leeway in the proceedings below.

“Although some accommodations may be made for pro se litigants, this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules.” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001); *see also* Minn. R. Gen. Prac. 1.04 (“Whenever these rules require that an act be done by a lawyer, the same duty is required of a self-represented litigant.”). Here, the district court accommodated Scheffler as a self-represented litigant. It allowed

⁵ Our conclusion here is in accord not only with rule 9, but also with our nonprecedential opinion in *Harpel v. Thurn*, No. A14-0680, 2014 WL 6609272, at *4 (Minn. App. Nov. 24, 2014), which also involved a dismissal under rule 12.02(e).

him to amend his complaint three times, invited him to brief the procedural history of the matter at the January 2024 hearing, and considered all of his motions and objections. Indeed, when the district court asked Scheffler to brief the procedural history of the case, Scheffler did not object; instead, he asked how he could best caption the brief to assist the district court. While our de novo review of the district court's rule-12 decision determines it was made in error, nothing in the record shows the district court treated Scheffler unfairly as a self-represented litigant.

Finally, Scheffler argues that the district court never ruled on his motion to compel discovery. However, the district court determined that his motion to compel discovery was rendered moot as a result of its dismissal under rule 12.02(e). Because we reverse that dismissal, we defer to the district court on remand to determine the appropriate discovery parameters.

In sum, the district court did not engage in judicial misconduct or bias based on Scheffler's status as a self-represented litigant.⁶ However, the court erred in dismissing the third amended complaint pursuant to Minnesota Rule of Civil Procedure 12.02(e) for failure to state a claim upon which relief can be granted.

Reversed and remanded.

⁶ Scheffler also argues that the district court erred in its order by citing to caselaw not argued by respondents at trial. However, Scheffler provides no authority or analysis in support, and we therefore decline to consider this argument because of inadequate briefing. *State, Dep't of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997).