

*This opinion is nonprecedential except as provided by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
A25-1291**

Philip Ayeni,
Appellant,

vs.

Life Time Group Holdings, Inc., et al.,
Respondents,

Ultimate Hoops, Inc., et al.,
Defendants.

**Filed April 13, 2026
Affirmed
Jesson, Judge***

Hennepin County District Court
File No. 27-CV-25-886

Lee A. Hutton, III, The Hutton Firm, PLLC, Minneapolis, Minnesota (for appellant)

Sheila T. Kerwin, Kelly P. Magnus, Nilan Johnson Lewis PA, Minneapolis, Minnesota
(for respondents)

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NONPRECEDENTIAL OPINION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 Phillip Ayeni was working as a referee at respondent Life Time Group Holdings, Inc. (Life Time) when he was attacked by three Life Time members who slapped, punched, and pushed him to the floor. Ayeni sued Life Time in district court and Life Time moved to dismiss the complaint for lack of subject-matter jurisdiction. The district court granted Life Time's motion to dismiss. Because Ayeni's exclusive remedy is provided by the Workers' Compensation Act, we affirm.

FACTS

Because this appeal stems from the grant of a motion to dismiss under Minn. R. Civ. P. 12.02, the following facts are derived from the complaint and presumed to be true. *Forslund v. State*, 924 N.W.2d 25, 32 (Minn. App. 2019). In May 2024, Ayeni was employed by Life Time and working at its fitness club in Bloomington. As part of his job duties, Ayeni acted as a basketball referee to officiate games and interact with club members. While refereeing a game, Ayeni saw three members exhibiting poor sportsmanship including unnecessary pushing and shoving. These members had previously been suspended by Life Time for violent behavior, but management had recently reinstated their memberships. One of these members was standing on the sideline when Ayeni called a foul on the court. Disagreeing with the call, the member crossed the court to confront Ayeni. Ayeni walked away but was followed by the member who screamed, cursed, and ultimately slapped Ayeni in the face. Another Life Time referee attempted to deescalate the conflict, but the situation became chaotic. A second member

approached the group and punched Ayeni, causing him to fall to the floor. Ayeni stood up but was punched by a third member. Ayeni fell again, and was kicked, punched and pushed by all three members. After the assault, Ayeni was treated at the hospital for facial bruises, lacerations, and a concussion.

In February 2025, Ayeni sued Life Time alleging assault, battery, negligent retention, negligent supervision, and gross negligence. He sought damages in excess of \$50,000. Life Time filed a motion to dismiss pursuant to Minn. R. Civ. P. 12.02(a) and (e). The district court granted Life Time's motion to dismiss under Minn. R. Civ. P. 12.02(a), concluding that it lacked subject-matter jurisdiction because Ayeni's exclusive remedy was provided by the Workers' Compensation Act.

Ayeni appeals.

DECISION

The district court must dismiss a complaint if the court lacks subject-matter jurisdiction. Minn. R. Civ. P. 12.08(c). In reviewing a motion to dismiss, the district court must accept the alleged facts as true and construe all reasonable inferences in favor of the non-moving party. *Brenny v. Board of Regents*, 813 N.W.2d 417, 420 (Minn. App. 2012). Dismissal is permitted "only if it appears to a certainty that no facts, which could be introduced consistent with the pleading, exist which would support granting the relief demanded." *Id.* (quotation omitted) (applying this standard of review to a dismissal under Minn. R. Civ. P. 12.02(a)). Whether a district court has subject-matter jurisdiction is a legal question we review de novo. *Stengel v. East Side Beverage*, 690 N.W.2d 380, 383 (Minn. App. 2004), *rev. denied* (Feb. 23, 2005).

This appeal centers on the Workers’ Compensation Act (the Act). Under the Act, employers are required to “pay compensation in every case of personal injury . . . arising out of and in the course of employment,” regardless of who is at fault. Minn. Stat. § 176.021, subd. 1 (2024). This remedy is exclusive, meaning that an employee may not pursue common-law claims against his employer to recover for damages when the injury is covered by the Act. *See* Minn. Stat. § 176.031 (2024). This exclusivity “is part of the quid pro quo of the workers’ compensation scheme” in which employers assume liability for all workplace injuries in exchange for relief from certain kinds of action and the prospect of large damage verdicts. *Meintsma v. Loram Maint. of Way, Inc.*, 684 N.W.2d 434, 439 (Minn. 2004) (quotation omitted). Consequently, a district courts lacks subject-matter jurisdiction to hear claims arising from a workplace injury unless the employee can show that the injury falls within an exception to the Act. *Stengel*, 690 N.W.2d at 383; *see also McGowan v. Our Savior’s Lutheran Church*, 527 N.W.2d 830, 833 (Minn. 1995). Here, the district court concluded that the Act provided Ayeni’s exclusive remedy and dismissed his claims for lack of subject-matter jurisdiction. Ayeni claims this was error, arguing that his injury falls within two exceptions to the Act. We address each in turn.

Assault Exception

Through an exception known as the “assault exception,” the Act does not cover “injuries caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons.” Minn. Stat. § 176.011, subd. 16 (2024); *Meintsma*, 684 N.W.2d at 439 (quotation omitted). Under this exception, the Act does not

apply when “the assailant was motivated by personal animosity toward his victim, arising from circumstances wholly unconnected with the employment.” *McGowan*, 527 N.W.2d at 834. The assault exception is “narrowly construed,” *Meintsma*, 684 N.W.2d at 439, and will not apply even when one’s employment is a “causal factor contributing to” the assault, *McGowan*, 527 N.W.2d at 834. Ayeni contends that his injury falls under this exception because the members may have been motivated by personal animosity towards him.

We begin our de novo review of this issue with an examination of *McGowan*. In *McGowan*, a director of a homeless shelter was raped in her office by one of the shelter’s clients. 527 N.W.2d at 831. She sued her employer for negligence in district court and the employer moved for summary judgment, arguing that her claims were barred by the Act. *Id.* The court concluded that because the motivation of the assailant was unknown, there was a genuine issue of material fact as to whether the assault exception applied. *Id.* The supreme court reversed. *Id.* at 834. In doing so, the court reasoned that even if the assailant’s motive was personal, it was “equally clear that [the director’s] employment was a causal factor contributing to her being raped.” *Id.* The court considered that the director did not have any contact with her assailant outside of the workplace and that she was assaulted during work hours, in her office, “while she was directly engaged in the performance of her work duties.” *Id.* Because the supreme court could not say that the assault “arose from circumstances unrelated to [the director’s] employment,” the assault exception did not apply. *Id.*

We conclude that, similarly, Ayeni’s employment was a causal factor contributing to the assault here. Like the circumstances in *McGowan*, there is no allegation that Ayeni

had any contact with his attackers outside of Life Time, and Ayeni concedes that the assault took place during work hours, at his workplace, while he was engaged in his job duties. Further, Ayeni acknowledges that the assault was directly related to his employment, as he describes the attack as an “aggressive response to a foul call.” Given these facts, we cannot conclude that the assault was solely motivated by circumstances “wholly unconnected” to Ayeni’s employment. *Id.* Thus, the assault exception does not apply.

Nonetheless, Ayeni argues that he is entitled to discovery to explore whether the assault was motivated purely by personal animosity. We are not persuaded. As an initial matter, we observe that Minn. R. Civ. P. 12.08(c) mandates that “[w]henver it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.” Ayeni fails to articulate any legal authority, and we are aware of none, that a party is entitled to discovery to establish subject-matter jurisdiction even after jurisdictional defects become apparent.

Even so, while it is true that when considering a motion to dismiss, we construe reasonable inferences in favor of the plaintiff, we also review whether there are *any* facts “consistent with the pleading[s]” that could provide relief. *Brenny*, 813 N.W.2d at 420. We see none here. Significantly, we observe that Ayeni’s complaint alleges: “During the game, [Ayeni] called a foul committed in the court. Members did not agree with the call and decided to assault [Ayeni].” The complaint continues that after the assault, one member shouted that “everything would have been different if [Ayeni] had not called the foul.” Given that Ayeni did not allege that the members attacked him out of personal

animosity and we discern no set of facts consistent with the allegations in his complaint that would establish this animosity, the assault exception does not apply. *See id.*

Intentional-injury Exception

The Act also recognizes an exception for an employer's intentional injuries. *Meintsma*, 684 N.W.2d at 439. To trigger this exception, the employee must establish that "the employer harbored a conscious and deliberate intent to injure him." *Id.* at 440; *see also Hildebrandt v. Whirlpool Corp.*, 364 N.W.2d 394, 395 (Minn. 1985) (stating that "an employer who intentionally and maliciously assaulted an employee, while engaged in employment, could be sued at common law despite the availability of workers' compensation"). But a conscious and deliberate intent to injure cannot be inferred from an employer's negligence. *Meintsma*, 684 N.W.2d at 440.

Accepting the facts alleged in the complaint as true and viewed in the light most favorable to Ayeni, we conclude that Life Time did not harbor a deliberate intent to injure Ayeni. First, it is undisputed that Ayeni was not assaulted by any Life Time employee or its management. Next, while we assume that Life Time was aware of the members' prior violent behavior but "failed to act in a way to adequately prevent the occurrence of violent incidents within its premises," as Ayeni alleges, this is not sufficient to trigger the exception. This is because an "employer's knowledge of even a substantial certainty of injury to an employee does not demonstrate a conscious and deliberate intent to inflict injury." *Id.* (quotation omitted). As discussed in *Meintsma*, where even assuming that an employer was aware of and could have prevented the employee's injury, this "inaction is insufficient to satisfy the intentional injury exception." *Id.* Given that there is no allegation

that Life Time reinstated the members with the deliberate and conscious intent to injure Ayeni, the intentional-injury exception does not apply.

Ayeni again asserts that he is entitled to discovery, arguing that it could reveal whether there is evidence of Life Time's deliberate intent to injure him.¹ Beyond our earlier observation concerning the mandatory nature of Minn. R. Civ. P. 12.08(c), we observe that Ayeni's complaint did not allege that Life Time acted with a deliberate intent to injure him. Rather, his complaint alleged that Life Time knew that the members "could engage in injurious conduct towards others," and that Life Time "failed to take reasonable actions to mitigate this risk." But as discussed, an employer's inaction to prevent even a substantial certainty of injury is not sufficient to trigger the exception. *See id.* Therefore, there is no set of facts, consistent with Ayeni's complaint, that would provide relief under the intentional-injury exception. *See Brenny*, 813 N.W.2d at 420.

¹ Notwithstanding this argument, Ayeni asserts that claims of negligent supervision and negligent retention are not precluded by the Act. But Ayeni fails to address the exclusivity of the Act, which prohibits common-law claims against one's employer unless the employee can establish that the alleged injury is not compensable by the Act. *See* Minn. Stat. §§ 176.011, subd. 16, .031. Therefore, negligent-retention and negligent-supervision claims are equally precluded by the Act unless Ayeni can prove that his injury falls within an exception. *See Meintsma*, 684 N.W.2d at 437 (discussing that when an employee sued for assault, battery, negligent hiring, negligent supervision, and negligent retention in the district court, the employee must prove that the injury giving rise to these claims fell outside the coverage of the Act).

In sum, because we conclude that Ayeni's exclusive remedy is provided by the Act, the district court did not err in dismissing his complaint for lack of subject-matter jurisdiction under Minn. R. Civ. P. 12.02(a).²

Affirmed.

² The parties also dispute whether Ayeni's complaint fails to state a claim upon which relief can be granted pursuant to Minn. R. Civ. P. 12.02(e). Because we conclude that the district court lacked subject-matter jurisdiction to hear Ayeni's claims, we need not address this argument.