

*This opinion is nonprecedential except as provided by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
A25-1466**

Messan Adjignon,
Appellant,

vs.

Oro Lounge Bar,
Respondent.

**Filed April 20, 2026
Affirmed
Bratvold, Judge**

Hennepin County District Court
File No. 27-CV-23-12504

Messan Adjignon, Bloomington, Minnesota (pro se appellant)

Michael Fondungallah, Fondungallah & Kigham, LLC, St. Paul, Minnesota (for respondent)

Considered and decided by Ross, Presiding Judge; Bratvold, Judge; and Cleary, Judge.*

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this appeal after a bench trial, appellant challenges the district court's dismissal with prejudice of his assault and battery claims against respondent. Appellant argues that

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

the district court erred by (1) excluding “proof of [his] medical records” at trial and (2) dismissing his claims because he failed to prove who “harassed and tortured” him. Our record does not include a trial transcript, constraining the scope of our review. Because we lack a trial transcript and appellant failed to preserve any evidentiary error, we cannot address the medical-records issue. Because the district court’s factual findings support its conclusion of law that appellant did not present sufficient evidence of his assault and battery claims, we affirm the district court’s decision.

FACTS

In August 2023, appellant Messan Adjignon filed a complaint against respondent Oro Lounge Bar (the bar) in district court, seeking to recover damages for assault, battery, intentional infliction of emotional distress, conversion, and civil theft. The complaint alleged that Adjignon’s injuries occurred during a concert at the bar on November 7, 2021. In its answer, the bar denied the allegations in the complaint and asserted a counterclaim for tortious interference with prospective economic advantage.

In May 2025, the district court conducted a bench trial; Adjignon represented himself, and the bar was represented by an attorney. The district court heard testimony from Adjignon, an eyewitness called by Adjignon, three law enforcement officers, and the bar owner. The following summarizes the district court’s written factual findings and legal conclusions.

During the late-night and early-morning hours of November 6 and 7, 2021, the bar, located in Brooklyn Park, hosted a concert highlighting “Mr. P.” Adjignon was sitting at the bar and recording the concert on his mobile phone when “a security guard came over

and hit him in the right shoulder.” He saw the security guard “go over to the bar area where the owner was standing.”

According to the district court’s findings about Adjignon’s testimony, the security guard engaged in “non-verbal communication through head nods” with the bar owner. When security guards went back to see Adjignon, they “pushed him to the floor,” “took his phone and his money,” and “told him that he had to leave.” As Adjignon walked to the exit door, “the security guards intercepted him, started to beat him, and then pepper sprayed and tased him.” Adjignon “was not drunk” and “did not fight or do anything to prompt anyone to hit him.” Adjignon was later “arrested and taken to jail” but “was released without criminal consequences for his behavior.”¹

Adjignon called one witness, A.A. According to the district court’s findings about A.A.’s testimony, A.A. “recalled the incident, and recalled seeing Mr. Adjignon on the floor, where he was pushed down by security.” A.A. “did not identify any individuals involved in the incident” other than Adjignon. A.A. testified that she “left shortly after pepper spray was deployed, because the room was blurry and she could not breathe.”

A law enforcement officer testified that he “was working an overtime shift” outside the bar when one of the bar’s managers “waved him down and asked him” to remove Adjignon from the building. With the help of security guards, the officer tried to escort

¹ Adjignon submitted a video recording he took during the incident and a police body-camera recording taken after he “had been asked to leave.” Adjignon maintained that these recordings showed “he did nothing wrong.” The district court stated that it watched the recordings “multiple times” and found it was “difficult to discern precisely what [each recording] depicts.”

Adjignon out of the building, but Adjignon resisted. Adjignon “pushed” and “punched” the officer. The officer tased Adjignon twice to subdue him. The officer “was aware that” Adjignon “was pepper sprayed, but he did not know by whom.” Two other officers testified and confirmed that Adjignon resisted leaving the bar when asked to do so and that someone other than the police pepper-sprayed him.

The bar’s owner testified that an outside group “paid” to stage the concert at the bar and that “the event planner organized security for the concert.” The owner “did not identify who the event planner was” and “denied that any of his employees harmed” Adjignon.

After the bench trial concluded, the district court determined that Adjignon failed to meet his burden of proof on his claims and filed written findings of fact, conclusions of law, and order for judgment. The district court found Adjignon’s testimony credible “up to a point.” “To the extent his version of events diverged from that of the police officers, the [district court] found the police witnesses more credible.” The district court credited the officers’ testimony that Adjignon “did not cooperate with police efforts to remove him” from the bar.

For the assault and battery claims, the district court appeared to implicitly find that Adjignon proved he was hit and pushed by “security guards” based on its finding that Adjignon’s testimony was credible except when it differed from testimony by police witnesses.

But the district court also found that Adjignon presented no evidence on the following: “What provoked the incident”; “Who was involved in the incident”; “Who were

the security guards working at the event”; “By whom were the security guards employed”; and “What relationship existed between the security guards and [the bar]?”²

The district court denied Adjignon’s claims and entered a judgment of dismissal. The district court also denied the bar’s counterclaim and dismissed it, which is not at issue in this appeal.

Adjignon appeals.

DECISION

Adjignon, who is self-represented, challenges the district court’s order dismissing his claims. The bar did not file a respondent’s brief. Even so, this appeal “shall be determined on the merits.” *See* Minn. R. Civ. App. P. 142.03 (“If the respondent fails or neglects to serve and file its brief, the case shall be determined on the merits.”).

Adjignon did not order a trial transcript for his appeal, which affects this court’s scope and standard of review. “An appellant has the burden to provide an adequate record.” *Mesenbourg v. Mesenbourg*, 538 N.W.2d 489, 494 (Minn. App. 1995). An appellant must order “a transcript of those parts of the proceeding not already part of the record which are deemed necessary for inclusion in the record.” Minn. R. Civ. App. P. 110.02, subd. 1(a). This rule applies even if the appellant is self-represented. *Fischer v. Simon*, 980 N.W.2d 142, 144-45 (Minn. 2022). “When an appellant fails to provide a transcript, this court’s

² For the conversion and civil theft claims, the district court found that Adjignon presented no evidence on the following: “What items, if any, were taken from Mr. Adjignon”; “Who took such items”; and “What was the value of the items.” And for the personal-injury claims, the district court found that Adjignon presented no evidence on “[w]hat, if any, injury was suffered by Mr. Adjignon.” As noted *infra* note 4, Adjignon does not raise his conversion, civil theft, and intentional-infliction-of-emotional-distress claims on appeal.

review is limited to whether the trial court's conclusions of law are supported by the findings." *Mesenbourg*, 538 N.W.2d at 494.

I. We cannot address the medical-records issue raised in Adjignon's brief.

Adjignon argues that the district court did not "allow [him] to present proof of [his] medical records" at trial.³ The district court's findings of fact do not refer to any ruling that excluded medical records. Instead, the district court found that Adjignon did not produce any "medical records of treatment due to the incident, nor did he offer any bills for claimed medical expenses due to the incident." And the appellate record includes no offer of proof about Adjignon's medical records. *See* Minn. R. Civ. App. P. 110.01 ("The documents filed in the trial court, the exhibits, and the transcript of the proceedings, if any, shall constitute the record on appeal in all cases.").

We cannot address the medical-records issue for two reasons. First, the record includes no evidentiary ruling to review. Because we lack a trial transcript, we accept the district court's factual finding that Adjignon did not produce any medical records of treatment or offer any evidence of medical expenses for the injuries related to his claims. *Duluth Herald & News Trib. v. Plymouth Optical Co.*, 176 N.W.2d 552, 555 (Minn. 1970)

³ Adjignon submitted medical records to this court in two confidential addenda. But these medical records are not in the appellate record, which includes those documents filed or offered in the district court. *See* Minn. R. Civ. App. P. 110.01. Adjignon cannot add to the record on appeal by submitting documents in an addendum filed with this court. *See Deike v. Gopher Smelting*, 413 N.W.2d 590, 592 (Minn. App. 1987) (stating that appellate courts cannot consider documents in an addendum that are not in the record on appeal). We therefore do not consider the medical records in Adjignon's confidential addenda. *See Plowman v. Copeland, Buhl & Co.*, 261 N.W.2d 581, 583 (Minn. 1977) ("It is well settled that an appellate court may not base its decision on matters outside the record on appeal, and that matters not produced and received in evidence below may not be considered.").

(concluding that an appellant’s failure to provide a transcript precluded appellate review of the district court’s factual findings).

Second, the record includes no offer of proof related to Adjignon’s medical records. Without an offer of proof, we cannot review the exclusion of evidence. *State v. Harris*, 713 N.W.2d 844, 848-49 (Minn. 2006) (“Generally, in the absence of an offer of proof, unless the substance of the evidence is apparent from the context, an appellate court cannot assess the significance of the excluded [evidence].”); *see also* Minn. R. Evid. 103(a)(2) (providing that no error may turn on a ruling excluding evidence unless, among other things, “the substance of the evidence was made known to the court” by an offer of proof or context).

II. The district court’s factual findings support its legal conclusion that Adjignon failed to prove his assault and battery claims.

Adjignon argues that the district court erred by dismissing his assault and battery claims against the bar.⁴ Civil assault “requires an unlawful threat to do bodily harm to another with present ability to effect that threat.” *Elwood v. County of Rice*, 423 N.W.2d 671, 679 (Minn. 1988); *see also Dahlin v. Fraser*, 288 N.W. 851, 853 (Minn. 1939) (stating that a civil assault claim requires a tortfeasor to act with intent to cause apprehension or

⁴ In his informal letter brief, Adjignon states that he is “seeking at least \$2 million for emotional distress, and \$1 million for wages lost.” But Adjignon cites no authority and makes no argument about the district court’s dismissal of his claims for intentional infliction of emotional distress, conversion, and civil theft. An assignment of error in a brief based on “mere assertion” and not supported by argument or authority is forfeited unless prejudicial error is obvious on mere inspection. *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971). Because prejudicial error is not obvious upon mere inspection, we conclude that Adjignon has forfeited any challenge to the dismissal of these three claims.

fear of imminent harm). “Battery is an intentional, unpermitted offensive contact with another. Its two operative elements are intent and offensive contact.” *Johnson v. Morris*, 453 N.W.2d 31, 40 (Minn. 1990).

“Under the well-established principle of respondeat superior,” a third-party principal is vicariously liable for the torts of an agent “committed within the course and scope of employment.” *Fahrendorff by Fahrendorff v. N. Homes, Inc.*, 597 N.W.2d 905, 910 (Minn. 1999) (quotations omitted). A principal-agent relationship “results from the manifestation of consent by one person to another that the other shall act on his behalf and subject to his control, and consent by the other to so act.” *Urban by Urban v. Am. Legion Post 184*, 695 N.W.2d 153, 160 (Minn. App. 2005) (quotation omitted), *aff’d*, 723 N.W.2d 1 (Minn. 2006). In other words, to succeed on his assault and battery claims against the bar, Adjignon must establish that the bar had the “right to control” the tortfeasor security guards. *Id.*

Adjignon appears to argue that the district court clearly erred by finding that he did not prove who committed the assault and battery and who employed his assailants. Adjignon argues that he and his witness testified Adjignon was “harassed,” “tortured,” “pepper-sprayed,” and “brought down” by “security guards who work under control” of the bar. Adjignon essentially asks us to reweigh the evidence, which we cannot do on appeal. *See In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021) (stating that appellate courts do not reweigh evidence or reconcile conflicting evidence).

More importantly, the district court dismissed Adjignon’s claims because he failed to prove an essential element: specifically, that the bar controlled or employed the security

guards who hurt him. Without any transcript, our review is limited to whether the district court's factual findings support this conclusion of law.

The district court made relevant factual findings about this element:

Mr. Adjignon did not identify any particular individual who he claims attacked him He asserted that the persons responsible were security guards under the control of [the bar]'s owner, but he did not provide any proof that the security guards present at the incident were [bar] employees or agents. No evidence was received to identify any of the security guards by name or to establish by whom they were employed. Mr. Adjignon admitted that the [bar owner] was not involved in the alleged assault. He also admitted that the [bar owner] did not talk with the security guards. Instead, he maintained that the [bar owner] communicated with the security guards through nonverbal head nods. He offered no evidence other than his own conjecture as to the meaning of the nonverbal communication that he observed.

The district court also found that Adjignon's witness, A.A., "did not identify any individuals involved in the incident"—other than Adjignon—and that her testimony "failed to fill in the evidentiary gaps left by Mr. Adjignon's testimony." These findings support the district court's conclusion of law that Adjignon failed to establish his assault and battery claims against the bar.

Even if we assume that the district court erred on this issue, we conclude that the error was harmless. *See* Minn. R. Civ. P. 61 (directing courts to "disregard any error or defect in the proceeding which does not affect the substantial rights of the parties"). The district court determined that Adjignon did not prove damages, an essential element of his claims. "In an ordinary civil action, the plaintiff has the burden of proving damages caused

by the defendant by a fair preponderance of the evidence.” *Canada by Landy v. McCarthy*, 567 N.W.2d 496, 507 (Minn. 1997). The district court made these findings:

As to damages, Mr. Adjignon claimed that he is depressed and sees a mental therapist, that he had a blood clot in his lung, and that his health has not been the same since this incident. He produced no medical records of treatment due to the incident, nor did he offer any bills for claimed medical expenses due to the incident.

Adjignon does not challenge this finding on appeal, and the district court’s findings support its conclusion of law that Adjignon failed to prove damages.

The district court therefore did not err in dismissing Adjignon’s claims of assault and battery.

Affirmed.