

*This opinion is nonprecedential except as provided by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
A25-1559**

In RE the Arbitration of:

Deanna Reiter,
Respondent,

vs.

MemberSelect Insurance Company,
Appellant.

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

Ramsey County District Court
File No. 62-CV-25-3885

Michael D. Tewksbury, Raven D. Benson, Tewksbury & Kerfeld, Minneapolis, Minnesota
(for respondent)

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Considered and decided by Ross, Presiding Judge; Ede, Judge; and Jesson, Judge.

NONPRECEDENTIAL OPINION

JESSON, Judge

Respondent Deanna Reiter was injured in an assault and carjacking after leaving her shift at a St. Paul hospital. In a no-fault action, an arbitrator awarded Reiter basic

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

economic-loss benefits for medical expenses, and the district court confirmed the arbitration award.¹ Appellant MemberSelect Insurance Company challenges two district court orders, the first denying its motion to vacate the arbitrator’s award, and the second granting Reiter’s motion to confirm the award. Because Reiter’s injuries arose from the use of her motor vehicle so that no-fault benefits are available under Minnesota Statutes section 65B.44 (2024), we affirm.

FACTS

Reiter’s undisputed testimony at the arbitration hearing established that after leaving her shift at a St. Paul hospital and getting into her car, Reiter was approached by a woman wearing a patient wristband (assailant). From inside the car, Reiter “assess[ed] the situation.” Thinking that assailant might need help getting back to the hospital, Reiter got out of her car and after closing the car door, retrieved keys from her purse to lock the car. The two began walking together.

As they walked, assailant started “rooting around” in Reiter’s purse. Reiter resisted, and assailant yanked on the purse, causing Reiter to fall. Reiter was able to get up but fell again hitting her head “on the asphalt.” Assailant also “stomped on [Reiter’s] chest and shoulder.” Throughout the struggle Reiter had the car keys in her hand. Eventually assailant noticed the keys, grabbed them out of Reiter’s hand and drove away in Reiter’s car.

¹ The caption is taken from the district court record. Minn. R. Civ. App. P. 143.01 (“The title of the action shall not be changed in consequence of the appeal.”). The portion of the caption identifying the underlying arbitration proceedings contains a typographical error that reads “arbritation” instead of “arbitration,” which we do not change.

Reiter called 911 to report the assault and carjacking. Assailant was arrested the same day and later pleaded guilty to first-degree carjacking.²

After Reiter was treated at the hospital where she worked, she submitted an auto insurance claim for personal-injury benefits under her policy with MemberSelect. MemberSelect denied the claim. Reiter challenged the denial through no-fault arbitration, and after a hearing the arbitrator awarded Reiter benefits for medical expenses. MemberSelect moved to vacate the arbitrator's award in district court. After a hearing, the district court denied MemberSelect's motion. Reiter later moved the district court for an order confirming the arbitrator's award. The district court granted Reiter's motion.

MemberSelect appeals.

DECISION

The Minnesota No-Fault Automobile Insurance Act provides basic economic-loss benefits for "all loss suffered through injury arising out of the maintenance or use of a motor vehicle," including medical-expense benefits. Minn. Stat. § 65B.44, subds. 1(a)(1), 2. Therefore, if the injuries Reiter suffered during the assault and carjacking arose out of the use of her motor vehicle, the arbitrator properly awarded benefits.

Whether a claimant's injuries arise out of "the maintenance or use of a motor vehicle," as defined by the No-Fault Act, is a question of law, which this court reviews de novo. *Dougherty v. State Farm Mut. Ins. Co.*, 699 N.W.2d 741, 743 (Minn. 2005). Although this issue presents a legal question, the answer involves a fact-specific inquiry

² Assailant was convicted of first-degree carjacking in violation of Minnesota Statutes, section 609.247, subdivision 2 (Supp. 2023).

which “defies a simple test.” *Cont’l W. Ins. Co. v. Klug*, 415 N.W.2d 876, 877-78 (Minn. 1987). The supreme court has set out three factors, however, that guide our analysis: (1) “the extent of causation between the automobile and the injury”; (2) “whether an act of independent significance occurred, breaking the causal link between ‘use’ of the vehicle and the injuries inflicted”; and (3) whether the automobile was being used “for transportation purposes.” *Id.* at 878. Below, we address each factor in turn.

The Extent of Causation Between the Automobile and the Injury

To meet the first factor involving causation, the vehicle must be an “active accessory” in causing the claimant’s injury. *Id.* As a result, the standard is less than “proximate cause in the tort sense” but the vehicle must be more than the “mere situs” where injury occurs. *Id.* (quotation omitted).

To apply this causation factor, we turn to our opinion in *Meric v. Mid-Century Insurance Co.*, which addressed facts similar to those presented here. 343 N.W.2d 688 (Minn. App. 1984). In *Meric*, a man who had just robbed a motel approached a driver (Meric-Acevedo) who was in his van “slowly rolling up to” the motel entrance. *Id.* at 689. The robber opened the van door, “pointed his gun and ordered Mr. Meric-Acevedo out of the van,” and, in an ensuing struggle, shot and killed Meric-Acevedo. *Id.* The robber fled in the van. *Id.*

This court determined that “the assault would not have occurred had not the robber wanted the van as transportation,” or if “Meric-Acevedo had been on foot.” *Id.* at 690. Accordingly, we determined that a van stolen in an armed robbery and shooting was an

“active accessory” to Meric-Acevedo’s death and affirmed an award of no-fault benefits to his surviving spouse. *Id.* at 689-91.

Here, as in *Meric*, the assault led to the taking of Reiter’s car. Assailant immediately grabbed Reiter’s keys upon noticing them in her hand, ceased the assault, and drove the car away, leaving Reiter with her other belongings. Although Reiter was “on foot” the moment she was assaulted and injured, assailant first approached Reiter while she was in her car and shortly thereafter left in Reiter’s car. In other words, the episode started and ended in Reiter’s car. We conclude, therefore, that the assault would not have happened if Reiter had been on foot. Thus, as in *Meric*, Reiter’s car was an active accessory to her injuries, establishing a sufficient causal connection between the car and her injuries. *See id.* at 690.

To persuade us otherwise, MemberSelect points to factual distinctions between this case and *Meric*, where Meric-Acevedo was “actually occupying” the vehicle, “sitting in his driver’s seat, with his foot on the brake and his van in gear.” Here, in contrast, Reiter “was not occupying her vehicle,” and was “walking away from it.” And assailant here, unlike in *Meric*, “was not demanding [Reiter’s] keys or vehicle for a getaway.” MemberSelect argues that Reiter’s car was “simply not involved” in causing her injuries.³ We reject this argument for two reasons.

³ As part of this argument, MemberSelect asserts that Reiter “had exited her vehicle, . . . and had no immediate expectation or intention of occupying or using” it. But MemberSelect cites no authority that requires evidence of a claimant’s “immediate expectation” of occupying a vehicle to establish causation. And even if a claimant’s “immediate expectation” were necessary, MemberSelect’s argument on this point is

First, Reiter was in her vehicle, and about to drive home from work when assailant approached her. And the incident ended with assailant taking Reiter's keys and car. *See Klug*, 415 N.W.2d at 876, 878 (determining that an uninsured driver's use of a vehicle to assault the claimant satisfied the active-accessory requirement). Second, although MemberSelect suggests that assailant saw and ignored Reiter's keys during the assault, Reiter's testimony established that upon seeing the keys, assailant grabbed them out of Reiter's hand and stole the car. Because MemberSelect's arguments on the causation factor are not supported by caselaw or the record, they do not convince us to reverse the district court's decision.

Act of Independent Significance

No-fault benefits are not available if an act of independent significance breaks the causal link between the use of a vehicle and the claimant's injuries. *Id.* at 878. A third-party's tortious or criminal conduct is generally an act of independent significance breaking this causal link. *Lindsey v. Sturm*, 436 N.W.2d 788, 790 (Minn. App. 1989), *rev. denied* (Minn. May 3, 1989). But this court has recognized rare exceptions "where the insured automobile is an active accessory to the intentional tort," for example, the shooting and van theft in *Meric. Id.* The supreme court has also determined that a third party's violent act does not break the causal link if it is "inextricably linked" to the use of a vehicle. *Klug*, 415 N.W.2d at 878.

contradicted by evidence that Reiter was seated in her car and about to drive home when assailant approached her.

As in *Meric*, the assault and carjacking and Reiter's injuries were inextricably linked to the use of Reiter's car because assailant approached Reiter while she was in the car and stole the car after injuring Reiter in a struggle and taking her keys. We conclude, therefore, that the assault was not an act of independent significance breaking the causal chain.

Still, MemberSelect contends that the assault on Reiter was "completely independent" of either individual's use of the car because Reiter purposefully left her car to walk assailant to the hospital. In support of its argument, MemberSelect cites two cases where courts determined that a battery was an act of independent significance when the tortfeasor exited their vehicle before injuring the claimant. *See Holm v. Mut. Serv. Cas. Ins. Co.*, 261 N.W.2d 598, 599, 603-04 (Minn. 1977) (affirming the denial of benefits to Holm who was injured during an arrest because the arresting officer's police car was only "a means of transportation to the scene of the arrest and battery"); *Wieneke v. Home Mut. Ins. Co.*, 397 N.W.2d 597, 598-600 (Minn. App. 1986) (concluding that a driver exiting his car at a stoplight and punching another driver was an act of independent significance that "broke the causal link between the 'use' of the vehicle and the injuries inflicted" (quoting *Holm*, 261 N.W.2d at 603)), *rev. denied* (Minn. Jan. 21, 1987).⁴

⁴ MemberSelect further asserts that the district court erred by failing to address the act-of-independent-significance factor. But the district court concluded at the motion hearing that "there is a causal relationship between the injury and the use of the vehicle." Because an act of independent significance negates causation, the district court implicitly concluded there was none.

Holm and *Weineke* are not persuasive here because neither attack ended with *the taking and use of the claimant's car*. In contrast, the assailant grabbed Reiter's keys while assaulting Reiter then immediately stole Reiter's car, creating a direct link between the assault, Reiter's injury, and Reiter's vehicle.

We do not suggest that every carjacking will support an award of no-fault benefits. As the supreme court noted, the fact-specific inquiry to determine this issue “defies a simple test.” *Klug*, 415 N.W.2d at 877-78.⁵ But on this record, *Meric* is persuasive, and MemberSelect does not point to facts in the record that convince us that Reiter's injuries were caused by an act of independent significance.

Use of Reiter's Car for Transportation Purposes

No-fault benefits should only be awarded if the claimant's injury resulted from the “use of an automobile for transportation purposes.” *Id.* at 878. The use for transportation purposes need not, however, be contemporaneous with a claimant's injury. *Norwest Bank Minn., N.A. v. State Farm Mut. Auto. Ins. Co.*, 588 N.W.2d 743, 746 (Minn. 1999).

In *Norwest Bank*, the supreme court reversed the court of appeals and reinstated a judgment awarding no-fault benefits to the estate of a couple who died of carbon-monoxide poisoning. *Id.* at 745 The couple had driven their car home from a restaurant and accidentally left the car running in an attached garage. *Id.* at 745. The couple died at least one hour and 35 minutes after parking the car. *Id.* at 745. The supreme court observed that

⁵ Because we apply established caselaw to reach a decision specific to the facts presented, we decline MemberSelect's invitation to issue a precedential opinion.

no-fault benefits are available for “injuries *arising out of*” motor-vehicle use for transportation purposes, and that the facts established a sufficiently “uninterrupted process” to meet that standard. *Id.* at 747 (quotation omitted).

Here, Reiter was in her car preparing to drive home when assailant approached. Assailant drove away immediately after the assault. Like *Norwest Bank*, the assault was part of an uninterrupted process involving the use of Reiter’s car for transportation purposes, and the assault arose out of that use.

We are not persuaded otherwise by caselaw where courts have denied benefits for carbon-monoxide poisoning deaths due to claimants’ failure to establish use of the vehicle for transportation purposes. *See Alexis v. State Farm Mut. Auto. Ins. Co.*, 696 N.W.2d 109, 111, 113-14 (Minn. App. 2005) (affirming denial of benefits because the facts suggested that “decendent turned on the ignition to warm the car and/or listen to the radio while he rested in the back seat,” not for transportation purposes), *rev. denied* (Minn. Aug. 16, 2005); *Classified Ins. Corp. v. Vodinelich*, 368 N.W.2d 921, 923 (Minn. 1985) (reversing this court’s affirmance of an award of no-fault benefits for carbon-monoxide poisoning deaths when a car was used to commit suicide, rejecting a test that required use “which is reasonably consistent with the inherent nature of the vehicle” (quotation omitted)).

Neither of these cases involved an individual preparing to drive a car, much less an individual driving a car. Reiter was injured in an assault that began when she was about to drive, and which lead directly to assailant driving away in Reiter’s car. Thus, Reiter’s injuries arose from the use of her car for transportation purposes. In light of the supreme court’s reasoning in *Norwest Bank*, the time elapsed between Reiter exiting her car and

assailant driving it away do not negate the fact that Reiter's car was used for transportation purposes.

In sum, the district court did not err by denying MemberSelect's motion to vacate the award and confirming the arbitrator's award.

Affirmed.