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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1568**

Joe Schafer, et al., as Parents and Natural Guardians of Minor W.S.,
Appellants,

vs.

Oakwood Community Church,
Respondent.

**Filed July 13, 2026
Affirmed
Bentley, Judge**

Sherburne County District Court
File No. 71-CV-24-50

Michael A. Bryant, Tucker L. Isaacson, Bradshaw & Bryant, PLLC, Waite Park, Minnesota
(for appellants)

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Minnesota (for respondent)

Considered and decided by Ross, Presiding Judge; Cochran, Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

BENTLEY, Judge

After their minor child was injured by another child during a youth-group function hosted by a church, parents sued the church for negligence and negligent supervision. The district court granted the church's motion for summary judgment and dismissed the

complaint, determining that the church did not owe a duty of care to protect the child from the unforeseeable act. We affirm.

FACTS

The following facts are derived from the summary-judgment record, viewed in the light most favorable to appellants Joe Schafer and Sarah Schafer (parents) as the nonmoving parties.¹

On September 15, 2021, respondent Oakwood Community Church hosted an evening youth-group meeting at which seven or eight teenagers were present, including parents' 14-year-old child, W.S. The students were in an auditorium socializing before the meeting started. Three adults were also on-site for the meeting: S.B., N.L., and Pastor G.B. At the time of the incident, N.L. was in the auditorium preparing for the lesson, S.B. was in the attached kitchen, and Pastor G.B. was moving between the lobby and the auditorium welcoming students.

W.S. and another student, C.K., decided to play a game to see who could kick the other the hardest. W.S. and C.K. had known each other for more than a year because they frequently went to youth-group meetings together. W.S. kicked C.K. in the leg. C.K. then kicked W.S. in the leg. Neither student, nor any other student, sought the attention or intervention of an adult. W.S. and C.K. then leaned against some chairs for a moment.

¹ See *Windcliff Ass'n, Inc. v. Breyfogle*, 988 N.W.2d 911, 916 (Minn. 2023) (instructing that an appellate court reviewing a grant of summary judgment construes the evidence in the light most favorable to the party against whom summary judgment was granted).

After C.K. walked away from the chairs, W.S. began to follow but fell face-first onto the ground, hitting his head on the cement floor.

W.S.'s mother testified in her deposition that W.S. suffered from headaches, dizziness, agitation, and blurred vision in the months following the incident. W.S. was also diagnosed with postural orthostatic tachycardia syndrome (POTS), which affects W.S.'s autonomic nervous system. Mother believes W.S.'s POTS was a result of the incident.

Parents sued Oakwood for negligence and negligent supervision, claiming that W.S. was injured as a direct result of Oakwood's failure to supervise the students properly. Oakwood denied parents' claims and alleged that it did not have a duty of care because W.S.'s injuries were not foreseeable. Before the discovery period closed, Oakwood moved for summary judgment, asserting that it provided ordinary supervision for the youth group and the incident occurred despite that supervision. It further asserted that parents failed to identify evidence that the lack of supervision was the proximate cause of W.S.'s injuries.

Parents opposed the summary-judgment motion, arguing that there were material questions of fact as to whether Oakwood was negligent in its supervision of W.S. and whether this lack of supervision led to W.S.'s injuries. Alternatively, parents urged the district court to postpone ruling on the summary-judgment motion until additional discovery could be completed. Parents also submitted a report from their expert, who opined that Oakwood failed to exercise ordinary care in supervising the students.

Following a hearing, the district court granted Oakwood's summary-judgment motion. The district court determined that there were no material facts in dispute to show that Oakwood failed to exercise ordinary care, nor was there any evidence suggesting that

the adults could have taken action to prevent the students from engaging in a game where an injury such as this was likely to result. The district court also concluded that parents did not produce evidence demonstrating causation. With respect to parents' reliance on an expert-witness report to avoid summary judgment, the district court concluded that the expert's testimony would not be admissible at trial because parents failed to establish the expert's qualifications. The district court further found that the expert's analysis and opinions would "not be helpful to the trier of fact." The district court dismissed the claims without prejudice and allowed parents to bring a motion for reconsideration "if any *newly discovered evidence*, material to the claims in this motion, may change the court's analysis."

Parents moved for reconsideration. They provided the district court with an affidavit from C.K. He averred that he was friends with W.S. and had not intended to hurt W.S. He also stated that the students sometimes roughhoused during the youth-group meetings and the adults told the students to stop when they saw this behavior. Parents argued that C.K.'s testimony showed that W.S.'s injuries were foreseeable because the adults knew the students engaged in roughhousing during youth nights. Parents also provided the district court with the curriculum vitae of the expert they intended to call at trial. Finally, parents argued that reconsideration was appropriate because they had not yet deposed S.B.

The district court denied the motion to reconsider, determining that the proffered evidence did not constitute newly discovered evidence warranting reconsideration. Nevertheless, the district court also determined that, even if it were to consider the evidence

presented on reconsideration, the evidence would not change its decision to grant summary judgment.

Parents appeal.

DECISION

Parents argue that the district court erred by granting summary judgment on their negligence claim. They further assert that the district court abused its discretion by denying their request for additional time to complete discovery. We address each argument in turn.

I

Summary judgment is appropriate “if the movant shows that there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law.” Minn. R. Civ. P. 56.01. “A genuine issue of material fact exists when there is sufficient evidence regarding an essential element [of a claim] to permit reasonable persons to draw different conclusions.” *St. Paul Park Refin. Co. v. Domeier*, 950 N.W.2d 547, 549 (Minn. 2020) (quotation omitted). On appeal, we “review [a] grant of summary judgment de novo to determine whether there are genuine issues of material fact and whether the district court erred in its application of the law.” *Minn. Laws. Mut. Ins. Co. v. Bradshaw & Bryant L. Off. PLLC*, 19 N.W.3d 206, 215 (Minn. App. 2025) (alteration in original) (quoting *Montemayor v. Sebright Prods., Inc.*, 898 N.W.2d 623, 628 (Minn. 2017)), *rev. denied* (Minn. June 17, 2025). In doing so, we resolve “the facts and the reasonable inferences to be drawn from those facts” in the nonmoving party’s favor. *Staub v. Myrtle Lake Resort*, 964 N.W.2d 613, 620 (Minn. 2021) (emphasis omitted). Further, “[a]ny doubt as to whether

issues of material fact exist is resolved in favor of the party against whom summary judgment was granted.” *Lubbers v. Anderson*, 539 N.W.2d 398, 401 (Minn. 1995).

Parents assert that the district court erred in dismissing their negligence claim because the undisputed facts establish that Oakwood owed a duty of care to protect W.S. from the harm that occurred.²

“Negligence is generally defined as the failure to exercise such care as persons of ordinary prudence usually exercise under such circumstances.” *Domagala v. Rolland*, 805 N.W.2d 14, 22 (Minn. 2011) (quotation omitted). Summary judgment is appropriate on a claim for negligence “when the record reflects a complete lack of proof on any one of these four elements: (1) the existence of a duty of care, (2) a breach of that duty, (3) an injury, and (4) the breach of duty being the proximate cause of the injury.” *Senogles v. Carlson*, 902 N.W.2d 38, 42 (Minn. 2017) (quotation omitted).

This case turns on the first factor—the existence of a duty of care—which is a question of law that an appellate court reviews de novo. *Doe 169 v. Brandon*, 845 N.W.2d 174, 177 (Minn. 2014). “Generally, a defendant’s duty to a plaintiff is a threshold question

² Parents initially argued on appeal that the district court also erred by dismissing their negligent-supervision claim. However, parents acknowledged at oral argument that their negligent-supervision claim is one and the same with their negligence claim. Their brief cited the standard for a negligent-supervision claim that considers whether an employer negligently supervised an employee. *See C.B. ex rel. L.B. v. Evangelical Lutheran Church in Am.*, 726 N.W.2d 127, 136 (Minn. App. 2007) (discussing claims for respondeat superior and negligent supervision arising out of pastor’s abuse of a child). But parents do not make any argument that the church negligently supervised its employees or that negligent supervision of an employee caused W.S.’s injuries. The issue on appeal is whether W.S.’s injury was foreseeable under a traditional negligence standard. We therefore consider the arguments briefed as a negligent-supervision claim together with the arguments briefed as a negligence claim.

because in the absence of a legal duty, the negligence claim fails.” *Domagala*, 805 N.W.2d at 22 (quotation omitted); *see also Doe 169*, 845 N.W.2d at 177 (noting that “a defendant cannot breach a nonexistent duty”). The scope of the duty is limited by the foreseeability of the harm. *N.W. v. Anderson*, 478 N.W.2d 542, 544 (Minn. App. 1991) (characterizing foreseeability as “the fundamental basis of the law of negligence”), *rev. denied* (Minn. Feb. 10, 1992); *Lundgren v. Fultz*, 354 N.W.2d 25, 28 (Minn. 1984) (noting that there is no duty to control a person’s conduct to prevent harm “unless the harm is foreseeable”). To determine whether a danger is foreseeable for purposes of a negligence claim, courts “look at whether the specific danger was objectively reasonable to expect, not simply whether it was within the realm of any conceivable possibility.” *Fenrich v. Blake School*, 920 N.W.2d 195, 205 (Minn. 2018) (quotation omitted); *see also Domagala*, 805 N.W.2d at 27 (“The test is not whether the precise nature and manner of the plaintiff’s injury was foreseeable, but whether the possibility of an accident was clear to the person of ordinary prudence.” (quotation omitted)). Foreseeability is generally a threshold issue for a decision by the court, although it may be a question for the jury in close cases. *Glaxo, ex rel. McGill v. R.C. of St. Cloud, Inc.*, 30 N.W.3d 639, 646 n.6, 653 n.15 (Minn. 2026).

“Minnesota law follows the general common law rule that a person does not owe a duty of care to another—e.g., to aid, protect, or warn that person—if the harm is caused by a third party’s conduct.” *Doe 169*, 845 N.W.2d at 177-78. But an exception to this rule arises when a special relationship exists between plaintiff and defendant and the risk of harm to the plaintiff is foreseeable. *Id.* at 178. A special relationship typically arises when a plaintiff has “some degree of dependence” on the defendant. *H.B. ex rel. Clark v.*

Whittemore, 552 N.W.2d 705, 708 (Minn. 1996). Minnesota courts have recognized a special relationship between a student and a school, such that the school may be liable for the conduct of a third party injuring a student if the injury was foreseeable. *Sheehan v. St. Peter's Cath. Sch.*, 188 N.W.2d 868, 870 (Minn. 1971).

Both parties cite *Sheehan*, 188 N.W.2d at 868, for the standard that applies to Oakwood's supervision of students in the youth group. Oakwood is not a school, but we agree with the parties that its duty of supervision during a youth-group function is analogous to the duty of supervision at a school function. We therefore apply the *Sheehan* standard.

In *Sheehan*, the supreme court held that a negligence verdict may be upheld "if there is evidence from which a jury could find that supervision [of the students] would probably have prevented the accident." *Id.* at 871. The *Sheehan* court declined to go further, stating: "We need not decide whether there may be recovery for lack of supervision where a child is injured by sudden, unanticipated action of a fellow student." *Id.* That question was further developed in *Raleigh v. Independent School District No. 625*, 275 N.W.2d 572 (Minn. 1978). In *Raleigh*, the supreme court observed that "although [a school] might not be liable for sudden, unanticipated misconduct of fellow students, it is liable for sudden, foreseeable misconduct which probably could have been prevented by the exercise of ordinary care." 275 N.W.2d at 576. Yet, "[t]here is no requirement of constant supervision of all the movements of pupils at all times." *Verhel v. Indep. Sch. Dist. No. 709*, 359 N.W.2d 579, 586 (Minn. 1984) (quotation omitted). Thus, while "[a school] is not relieved of liability because there was no prior notice of danger . . . [a] teacher, generally, is not

required to anticipate the hundreds of unexpected student acts [that] occur daily or to guard against dangers inherent in rash student acts.” *Id.*

The undisputed evidence shows that there were about seven or eight teenagers, including W.S. and C.K., in an auditorium. There were three adults in or near the auditorium. Pastor G.B. was moving between the lobby and the auditorium welcoming students, S.B. was in an attached kitchen, and N.L. was in the auditorium preparing for the lesson. The kicking incident lasted approximately 90 seconds, and the students, including W.S. and C.K., did not yell or draw attention to the game. Even taking the facts alleged by parents as true, as we must, teenagers playing a kicking game to see who could kick the hardest is the type of “rash student act[]” against which Oakwood had no duty to guard. *Id.*

Parents’ counterargument is not persuasive. Parents argue that the students “were entirely unsupervised and ignored” by the adults when W.S. was injured. But parents conceded at oral argument that the law does not compel an adult to have eyes-on supervision of the students at all times. As the supreme court recognized, “[t]here is no requirement of constant supervision of all the movements of pupils at all times.” *Id.* We are satisfied that the adult leaders met their duty of providing general supervision of the students by moving within the auditorium and surrounding area.³

³ Parents also rely on C.K.’s deposition, which was not conducted until after the district court granted summary judgment in Oakwood’s favor. The district court reviewed C.K.’s testimony on parents’ reconsideration motion and stated that C.K.’s testimony would not change the outcome because C.K. testified that he felt the students were being watched and supervised in the auditorium. Because parents do not challenge the district court’s reconsideration decision on appeal, their arguments relating to C.K.’s deposition testimony are forfeited. *See Moorhead Econ. Dev. Auth. v. Anda*, 789 N.W.2d 860, 887 (Minn. 2010) (noting that issues not raised in an appellant’s brief are generally forfeited). And because

Parents' reliance on *Raleigh*, 275 N.W.2d at 572, and *Hamilton v. Independent School District No. 114*, 355 N.W.2d 182 (Minn. App. 1984), does not persuade us otherwise.

In *Raleigh*, a student was injured by another student following a school-sponsored film screening of a movie depicting scenes of racial violence. 275 N.W.2d at 573-74. The evidence also showed there was racial tension at the high school. *Id.* at 574. The supreme court determined that a jury could find that the student's injuries were foreseeable because the school was aware of the racial tensions and failed to supervise the students properly. *Id.* at 574-76.

In *Hamilton*, a student was injured by another student after leaving a school athletic event. 355 N.W.2d at 183-84. There were no teachers supervising the students at the time of the injury despite the fact that there was a history of bullying between the students. *Id.* at 184. *Hamilton* relied on *Raleigh* for the principle that a school district must "exercise ordinary care to prevent foreseeable misconduct of students." *Id.* at 185. Framing the issue as one of causation, this court determined that there was a genuine issue of material fact as to whether the presence of a teacher could have prevented the conduct, particularly in light of the earlier incidents of bullying. *Id.* at 184-85.

In this case, unlike in *Hamilton* and *Raleigh*, there is no evidence of prior acts of bullying or tension between W.S. and C.K. that should have alerted the supervisors to

C.K.'s deposition was not submitted to the district court until after the grant of summary judgment, it is not properly part of the record on appeal. *ABC v. Archdiocese of St. Paul & Minneapolis*, 513 N.W.2d 482, 485 n.1 (Minn. App. 1994).

provide a heightened level of supervision. Rather, W.S. and C.K. had known each other for more than a year and attended youth-group meetings together. Given this record, we conclude that the students were reasonably supervised and, in turn, that Oakwood exercised ordinary care to protect the students from reasonably foreseeable harm. Even viewing the facts in the light most favorable to parents, the district court did not err by concluding as a matter of law that Oakwood did not have a legal duty to protect against W.S.'s unforeseeable injury. And, because the record lacks proof of a duty of care, Oakwood is entitled to summary judgment and the district court did not err in dismissing the complaint.⁴

II

Parents challenge the district court's denial of their request to defer ruling on the summary-judgment motion pending further discovery. A district court considering a motion for summary judgment may "allow time to obtain affidavits or to take discovery" if the nonmoving party "shows by affidavit that, for specified reasons, it cannot present facts essential to justify its opposition" to the summary-judgment motion. Minn. R. Civ. P.

⁴ Parents rely on an expert report in arguing that a duty of care existed. At summary judgment, the district court determined that the expert report and testimony would not be admissible at trial because parents did not establish the expert's qualifications. Parents do not appeal that admissibility determination. They assert that the district court "initially did not consider [their] expert report, but during the motion to reconsider did consider it." We disagree with that characterization of the record. In its order denying the motion for reconsideration, the district court noted that parents merely restated arguments about why the expert analysis would be helpful to the case. The district court determined that this was not newly discovered information that would change the court's analysis. Because parents do not appeal the underlying admissibility determination, we consider the issue forfeited, and we do not consider the expert report for purposes of appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).

56.04.⁵ An appellate court reviews a district court’s decision to grant or deny a discovery request for an abuse of discretion. *1300 Nicollet, LLC v. County of Hennepin*, 990 N.W.2d 422, 431 (Minn. 2023).

A district court has “wide discretion to issue discovery orders.” *In re Comm’r of Pub. Safety*, 735 N.W.2d 706, 711 (Minn. 2007) (quotation omitted). Continuance requests “should be liberally granted, especially where one party has had insufficient time to complete discovery.” *QBE Ins. Corp. v. Twin Homes of French Ridge Homeowners Ass’n*, 778 N.W.2d 393, 400 (Minn. App. 2010). However, a district court does not abuse its discretion by denying an extension of discovery “if the discovery would not assist the district court or change the result of the summary judgment motion.” *Id.* (declining to grant a continuance to allow for more discovery where the newly discovered evidence would not change the district court’s summary-judgment decision).

An affidavit filed pursuant to rule 56.04 “must be specific about the evidence expected, the source of discovery necessary to obtain the evidence, and the reasons for the failure to complete discovery to date.” *All. for Metro. Stability v. Metro. Council*, 671 N.W.2d 905, 919 (Minn. App. 2003). A district court considers two factors when weighing whether to extend discovery: (1) whether the nonmoving party is “seeking further discovery in the good faith belief that material facts will be uncovered, or . . . merely engaging in a fishing expedition” and (2) whether the nonmoving party has “been diligent in obtaining or seeking discovery” before requesting a continuance. *City of Maple Grove*

⁵ The parties cite Minnesota Rule of Civil Procedure 56.06. The rules were reorganized in 2018, and this rule is now found in Minnesota Rule of Civil Procedure 56.04.

v. Marketline Constr. Cap., LLC, 802 N.W.2d 809, 818 (Minn. App. 2011) (quoting *Rice v. Perl*, 320 N.W.2d 407, 412 (Minn. 1982)).

In opposing Oakwood’s motion for summary judgment, parents asked the district court to deny or postpone Oakwood’s summary-judgment motion because the discovery period had not closed. Parents stated that they wished to take additional deposition testimony and produce “supplemental expert reports to show that [Oakwood] was negligent” in supervising the youth.

When it granted Oakwood’s motion for summary judgment, the district court addressed parents’ motion to extend discovery and determined that parents failed “to articulate any further discovery that would be completed if additional time were allowed.” The district court continued, “Unless [parents are] able to identify material facts and provide a good faith basis as to why the information was not discoverable in the 11 months prior to the hearing, the request for additional time for discovery will be denied.” It then granted parents 30 days to file a motion for reconsideration “if any newly discovered evidence, material to the claims in this motion, may change the Court’s analysis.” (Emphasis omitted.)

The district court did not abuse its discretion by denying parents’ request for additional time for discovery. As stated, a district court “may” extend discovery if the party opposing summary judgment “shows by affidavit that, for specified reasons, it cannot present facts essential to justify its opposition” to the summary-judgment motion. Minn. R. Civ. P. 56.04; *see also* Minn. Stat. § 645.44, subd. 15 (2024) (noting that “[m]ay” is permissive”). Although parents submitted an affidavit, it stated in a conclusory fashion that

“[f]urther depositions may still take place along with supplemental expert reports” to show Oakwood was negligent. But the affidavit was not “specific about the evidence expected, the source of discovery necessary to obtain the evidence, and the reasons for the failure to complete discovery to date.” *All. for Metro. Stability*, 671 N.W.2d at 919. We discern no reason to disturb the district court’s decision to deny additional time for discovery.

Affirmed.