

*This opinion is nonprecedential except as provided by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
A25-1825**

Jerome E. Johnson,
Appellant,

vs.

Stacy A. Bee,
Respondent,

Cheryl Steele,
Defendant.

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

Hennepin County District Court
File No. 27-CV-23-1665

Steve Siltan, Taylor M. Kasinkas, Cozen O'Connor, Minneapolis, Minnesota (for appellant)

Leif T. Simonson, Simonson Law, P.L.L.C., Minneapolis, Minnesota (for respondent)

Considered and decided by Schmidt, Presiding Judge; Johnson, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

After a court trial, the district court concluded that Jerome E. Johnson proved his claims of conversion and replevin against Stacy A. Bee but also concluded that Johnson was not entitled to damages because he did not prove a financial injury. After Johnson

requested taxation of costs and disbursements, the district court denied his request on the ground that he is not a prevailing party. We conclude that the district court did not abuse its discretion in determining that Johnson is not a prevailing party. Therefore, we affirm.

FACTS

This case is before the court for a second time. In our prior opinion, we affirmed the district court's decision on the merits. *Johnson v. Bee*, No. A24-1474, 2025 WL 1683477 (Minn. App. June 16, 2025). The background facts are fully stated in our prior opinion and need not be repeated here. *See id.* at *1.

After the district court filed its order with findings of fact and conclusions of law, Johnson filed an application for taxation of costs and disbursements. Johnson requested statutory costs (\$200), a court filing fee (\$302), motion fees (\$160), subpoena fees (\$495.05), trial transcript costs (\$1,400), and replevin-bond costs (\$4,500), for a total of \$7,057.05. The district court administrator allowed some items, disallowed others, and approved taxation in the amount of \$1,157.05.

Johnson appealed the district court administrator's decision to the district court and argued that he is entitled to his disbursements related to the trial transcript and the replevin bond. In May 2025, the district court conducted a hearing on Johnson's appeal. At the district court's request, the parties submitted memoranda after the hearing. In September 2025, the district court filed an order in which it determined that neither party is a prevailing party for purposes of costs and disbursements and that neither party is entitled to taxation of costs and disbursements. Johnson appeals.

DECISION

Johnson raises two issues on appeal. First, he argues that the district court erred by determining that he is not a prevailing party. Second, he argues that, if he is a prevailing party, he is entitled to tax his costs and disbursements, including disbursements related to the trial transcript and the replevin bond.

“Costs and disbursements shall be allowed as provided by law.” Minn. R. Civ. P. 54.04(a). Minnesota law provides that a prevailing plaintiff generally is entitled to \$200 in statutory costs and, in addition, “reasonable disbursements paid or incurred.” Minn. Stat. §§ 549.02, subd. 1(2), .04, subd. 1 (2024). A district court “retains discretion to determine which party, if any, qualifies as a prevailing party.” *Benigni v. County of St. Louis*, 585 N.W.2d 51, 54-55 (Minn. 1998). In making that determination, “the general result should be considered, and inquiry made as to who has, in the view of the law, succeeded in the action.” *Borchert v. Maloney*, 581 N.W.2d 838, 840 (Minn. 1998) (quoting *Haugland v. Canton*, 84 N.W.2d 274, 280 (Minn. 1957)). The inquiry should encompass a variety of factors, depending on the particular circumstances of the case. *Posey v. Fossen*, 707 N.W.2d 712, 714-15 (Minn. App. 2006). A district court should engage in “a careful weighing of the relative success of the parties,” which should be a “pragmatic analysis.” *Id.* at 715. This court applies an abuse-of-discretion standard to a district court’s determination of whether a party is a prevailing party for purposes of costs and disbursements. *Id.* at 714.

In this case, the district court noted that “Johnson recovered no damages and was awarded a judgment which is an effective nullity.” The district court characterized the

judgment in that manner because its decision “merely memorialized what was then the status quo because Johnson’s property had already been returned to him” by the time of trial. The district court reasoned:

Viewing the outcome of the case as a whole and comparing [it] to the litigants’ positions at the outset, the court concludes that there was no prevailing party because Johnson did not recover damages against Bee and Bee did not substantiate her position that she was not liable for replevin or conversion, even if those claims did not result in damages.

Johnson contends that the district court erred on the grounds that he proved his claims of replevin and conversion, confirmed that he is entitled to possession of the personal property he sought in his complaint, and obtained judgment in his favor. In response, Bee contends that the district court did not abuse its discretion because Johnson went to trial seeking \$60,000 in damages plus interest and attorney fees but failed to obtain any monetary relief.

The record reflects that the district court engaged in “a careful weighing of the relative success of the parties,” in a “pragmatic” way, as required by caselaw. *See Posey*, 707 N.W.2d at 715. The record also reveals facts supporting the district court’s discretionary ruling. More than a year before trial, Johnson sought and obtained possession of his personal property by bringing a motion for pre-judgment recovery. *See Minn. Stat. § 565.23 (2024)*. Bee did not oppose the motion, the district court granted the motion, and Bee complied with the district court’s order. Johnson chose to go to trial to seek damages and attorney fees. It appears that a trial was not necessary to secure Johnson’s right to possession of his personal property because Bee did not ask the district court to rule in her

favor on Johnson's conversion and replevin claims. Thus, a trial was necessary only because Johnson sought damages and attorney fees.

In its order following the court trial, the district court rejected Johnson's request for damages because he failed to prove that he had sustained a financial injury. Specifically, the district court found that Johnson incurred \$60,000 in out-of-pocket expenses to purchase personal property to replace the temporarily converted personal property but that Johnson did not prove that the market value of the replacement property, which he had retained, was less than his purchase price. This court affirmed that decision in Johnson's prior appeal. *See Johnson*, 2025 WL 1683477, at *5. The district court also rejected Johnson's request for attorney fees because he failed to establish that he was entitled to fees under the third-party-litigation exception to the American rule, and Johnson did not challenge that decision on appeal. Consequently, as a practical matter, Johnson gained nothing at trial. Given the record as a whole, the district court did not abuse its discretion by ruling that Johnson is not a prevailing party. *See Borchert*, 581 N.W.2d at 840; *Posey*, 707 N.W.2d at 714-15.

The district court's decision is consistent with the applicable caselaw. The mere fact that a judgment is entered in a plaintiff's favor does not necessarily make the plaintiff a prevailing party. For example, in *Lehman v. Hansord Pontiac Co.*, 74 N.W.2d 305 (Minn. 1955), the plaintiff proved that the defendant committed fraud by misrepresenting that a vehicle was a 1951 model (when it actually was a 1950 model), but the district court found that the plaintiff (like Johnson) failed to prove a difference in market value and, thus, did not award damages. *Id.* at 308. On appeal, the supreme court stated, "There was no

money recovery and [plaintiff] was not legally the prevailing party.” *Id.* at 312. Similarly, in *Bachovchin v. Stingley*, 504 N.W.2d 288 (Minn. App. 1993), this court concluded that a plaintiff who proved claims of fraud and negligence but did not obtain an award of damages was not a prevailing party. *Id.* at 290-91. And in *Luna v. Zeeb*, 633 N.W.2d 540 (Minn. App. 2001), a jury found that the plaintiff proved her negligence claim arising from an automobile accident, but the district court reduced the jury’s verdict to zero and entered judgment for the defendant because the verdict did not satisfy certain statutory requirements of the no-fault act. *Id.* at 541-43. This court concluded that the plaintiff was not a prevailing party, in part because “the net verdict was zero.” *Id.* at 544. Notably, Johnson has not cited any precedential caselaw reversing a district court’s discretionary decision that a plaintiff was not a prevailing party. We are unaware of any such caselaw.

Thus, the district court did not abuse its discretion by determining that Johnson is not a prevailing party for purposes of taxation of costs and disbursements. In light of that conclusion with respect to Johnson’s first argument, we need not consider his second argument.

Affirmed.