

*This opinion is nonprecedential except as provided by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
A25-1942**

Brian Richard Domeier,
Appellant,

vs.

Andrea L. Lynn,
Respondent.

**Filed August 3, 2026
Affirmed
Bond, Judge**

Brown County District Court
File No. 08-CV-25-378

Brian R. Domeier, New Ulm, Minnesota (pro se appellant)

Valerie Sims, Heley, Duncan & Melander, PLLP, Minneapolis, Minnesota (for respondent)

Considered and decided by Bond, Presiding Judge; Johnson, Judge; and Rasmusson,
Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant challenges a district court order granting respondent's motion for special expedited relief seeking dismissal of his defamation claims under the Minnesota Uniform Public Expression Protection Act (UPEPA), Minn. Stat. §§ 554.07-.20 (2024), and for dismissal under Minnesota Rule of Civil Procedure 12.02(e) for failure to state a claim on

which relief can be granted. Appellant also argues that the district court abused its discretion by denying his motion to amend the complaint. Because the district court did not err by dismissing appellant's claims on rule 12.02(e) grounds and or abuse its discretion by denying appellant's motion to amend the complaint, we affirm.¹

FACTS

Between November 2023 and October 2024, respondent Andrea L. Lynn petitioned for three harassment restraining orders (HROs) against appellant Brian Richard Domeier on behalf of herself and her three minor children. Lynn's HRO petitions alleged that Domeier engaged in multiple instances of stalking, harassment, and defamation. The district court granted two ex parte HROs but later dismissed them at Lynn's request. In a separate criminal proceeding, Domeier pleaded guilty to violating one of the ex parte HROs while it was still in effect by speaking with Lynn's minor daughter.² The district court denied Lynn's third HRO petition after a hearing.

¹ Because we affirm the district court's dismissal under rule 12.02(e), we do not consider the applicability of UPEPA to this case or Domeier's assertions of error based on UPEPA. *See Myers Through Myers v. Price*, 463 N.W.2d 773, 775 (Minn. App. 1990) (stating that an appellate court will affirm the judgment if it can be sustained on any grounds), *rev. denied* (Minn. Feb. 4, 1991). We also do not include facts related to the UPEPA issue in this opinion. We note that Lynn sought attorney fees and costs as part of her special expedited motion to dismiss under UPEPA, *see* Minn. Stat. § 554.16(a), but the record does not reflect that the district court awarded attorney fees, and neither party addresses attorney fees on appeal.

² Lynn was subpoenaed as a witness in the criminal case but she did not ultimately testify because Domeier pleaded guilty before trial.

Shortly after the HRO proceedings, Domeier commenced this action against Lynn, asserting claims of defamation and defamation per se. The complaint alleged the following instances of defamation:

[1] Specifically, [Lynn] made a published false statement in a police report that [Domeier] was cutting brush on her land and had torn up some of her drain tile, which was false and defamatory, and done with malice.

[2] That [Lynn] falsely told one of [Domeier]'s customers that he was banned from attending [an organization's] fundraising event because he was dangerous and a threat. This was false as [Domeier] was never banned from that event, and the organizer of the event testified to this fact at a court hearing with [Lynn].

[3] That [Lynn] told [Domeier]'s friends and neighbors that [Domeier] was dangerous and a "stalker," which were false statements made by [Lynn] intentionally, and with malice.

[4] That [Lynn] has made numerous other statements to others regarding [Domeier], that he is a bad person and dangerous, and a stalker, all of which are false statements.^[3]

The complaint alleged that Lynn published these statements by making them in court and in the community.

Lynn moved to dismiss for failure to state a claim under Minn. R. Civ. P. 12.02(e), arguing that Domeier failed to plead the alleged defamatory statements with sufficient particularity. Lynn also argued that the alleged defamatory statements were nonactionable

³ Domeier also set forth a standalone negligence claim on identical grounds, alleging that Lynn was "negligent in making [her] false, defamatory statements regarding [Domeier]." Because Domeier does not challenge the district court's dismissal of his negligence claim, we do not address it. *See Melina v. Chaplin*, 327 N.W.2d 19, 20 (Minn. 1982) (stating that issues not argued in appellant's brief are waived).

opinions and privileged because they were made during judicial proceedings. Following a motion hearing at which both parties appeared with counsel, the district court entered judgment on an order dismissing Domeier's complaint with prejudice. Relevant here, the district court determined that Domeier's complaint failed to state a claim upon which relief can be granted under rule 12.02(e) because Domeier did not plead the alleged defamatory statements with sufficient specificity and because some of the statements were privileged or nonactionable statements of opinion.

Domeier appeals.

DECISION

I. The district court did not err by dismissing Domeier's defamation claims for failure to state a claim upon which relief can be granted under rule 12.02(e).

Domeier challenges the district court's dismissal of his defamation claims. A district court may grant a motion to dismiss if a complaint "fail[s] to state a claim upon which relief can be granted." Minn. R. Civ. P. 12.02(e). We review a district court's grant of a motion to dismiss de novo.⁴ *Bahr v. Capella Univ.*, 788 N.W.2d 76, 80 (Minn. 2010). In doing so, we "consider only the facts alleged in the complaint, accepting those facts as true and must construe all reasonable inferences in favor of the nonmoving party." *Id.* (quotation omitted).

⁴ Because our review is de novo, meaning that we conduct an independent legal analysis without deferring to the district court, we do not address Domeier's argument that the district court improperly applied heightened federal pleading standards rather than Minnesota notice-pleading standards. See *In re Est. of Tomczik*, 992 N.W.2d 691, 695 (Minn. 2023) ("Under the de novo standard, we do not defer to the analysis of the courts below, but instead we exercise independent review." (quotation omitted)).

To prevail on a defamation claim, a plaintiff must prove that

(1) the defamatory statement was communicated to someone other than the plaintiff; (2) the statement is false; (3) the statement tends to harm the plaintiff's reputation and to lower the plaintiff in the estimation of the community; and (4) the recipient of the false statement reasonably understands it to refer to a specific individual.

Larson v. Gannett Co., 940 N.W.2d 120, 130 (Minn. 2020) (quotation omitted).

Minnesota's general rules of pleading require only "a short and plain statement of the claim showing that the pleader is entitled to relief." Minn. R. Civ. P. 8.01. The primary purpose of a complaint is to "put the defendant on notice of the claims against him." *Mumm v. Mornson*, 708 N.W.2d 475, 481 (Minn. 2006).

Defamation claims, though, require greater specificity in the pleadings and typically require a plaintiff to set out the alleged defamatory statements verbatim. *See Moreno v. Crookston Times Printing Co.*, 610 N.W.2d 321, 326 (Minn. 2000) ("Minnesota law has generally required that in defamation suits, the defamatory matter be set out verbatim."). Accordingly, a plaintiff sufficiently pleads a defamation claim if they quote "the allegedly defamatory language" and identify the person responsible for speaking or publishing it. *See DeRosa v. McKenzie*, 936 N.W.2d 342, 346 (Minn. 2019). Failure to recite the defamatory statements verbatim is not necessarily fatal if the complaint identifies the speaker of the statements and the context in which the statements were made. *Schibursky v. Int'l Bus. Mach. Corp.*, 820 F. Supp. 1169, 1181 (D. Minn. 1993) (holding that, under Minnesota's requirements for pleading a defamation claim, a complaint must allege who made the alleged defamatory statement, to whom they made the statement, and where they

made the statement);⁵ *see also Scheffler v. Franzen*, No. A25-1209, 2026 WL 1130266, at *3-4 (Minn. App. Apr. 27, 2026) (concluding that allegations were sufficiently specific to survive a rule 12.02(e) motion when the complaint outlined the speakers, audience, time frame, and context in which the alleged defamatory statements were made).⁶ To be actionable, the statement must be one of fact, not opinion; the First Amendment generally protects statements of opinion from defamation liability. *McKee v. Laurion*, 825 N.W.2d 725, 733 (Minn. 2013).

The district court determined that Domeier failed to plead defamation with sufficient specificity because the complaint did not allege the audience of the alleged defamatory statements and provided “no information about the time and place of the alleged statements (with the exception of noting that statements were made ‘in court,’ though without reference to which court).” Domeier argues that the district court erred in dismissing his complaint for lack of specificity because the allegations in the complaint put Lynn on notice of the claims against her, which is all that is required to survive a rule 12.02(e) motion. We consider the alleged defamatory statements in turn.

⁵ “Though they do not bind us, we consider federal court opinions for their persuasive value and afford those opinions due deference.” *Laliberte v. Dollar Tree, Inc.*, 987 N.W.2d 590, 594 n.4 (Minn. App. 2023) (quotation omitted).

⁶ We cite to nonprecedential opinions of this court for persuasive value only. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c) (“Nonprecedential opinions . . . are not binding authority . . . but nonprecedential opinions may be cited as persuasive authority.”).

A. First Statement

Domeier's complaint alleges that Lynn "made a published false statement in a police report that [Domeier] was cutting brush on her land and had torn up some of her drain tile, which was false and defamatory, and done with malice." This allegation describes the content of the alleged defamatory statement and its speaker, but it does not contain a verbatim recitation of the alleged defamatory statement. While the lack of a verbatim recitation is not necessarily fatal, *see Schibursky*, 820 F. Supp. at 1181, Domeier's claim does not allege when Lynn made the statement, where she made the statement, or to whom she made the statement. The complaint references "a police report," but it does not identify the police department or police officer to whom Lynn spoke. Because this allegation fails to describe a time frame, location, or identifiable audience of the alleged defamatory statement, it is insufficient to state a claim on which relief can be granted. *Cf. Scheffler*, 2026 WL 1130266, at 3-*4 (concluding that allegations were sufficiently specific to survive a rule 12.02(e) motion when the complaint outlined the speakers, audience, time frame, and context in which the alleged defamatory statements were made).

B. Second Statement

Domeier's complaint alleges that Lynn "falsely told one of [Domeier's] customers that he was banned from attending a . . . fundraising event because he was dangerous and a threat." While the allegation states that Lynn spoke to "one of [Domeier's] customers," it does not include the identity of that customer. Nor does the allegation specify where or when Lynn made the statement. *See Swartwood v. Fodness*, No. A18-0649, 2018 WL 6596281, at *2 (Minn. App. Dec. 17, 2018) (reversing a district court's dismissal of a

defamation claim under rule 12.02(e) because the complaint named the speaker of the alleged defamatory statement, “an identifiable and readily ascertainable audience” of the statement, the substance of the statement, and a month during which the statement was said). Therefore, this allegation lacks sufficient specificity to survive a motion to dismiss.

C. Third and Fourth Statements

We consider Domeier’s third and fourth alleged defamatory statements together. The third alleged defamatory statement is that Lynn “told [Domeier’s] friends and neighbors that [Domeier] was dangerous and a ‘stalker.’” As to the fourth statement, Domeier’s complaint alleges that Lynn “made numerous other statements to others regarding [Domeier], that he is a bad person and dangerous, and a stalker, all of which are false statements.”

We readily conclude that these allegations lack the specificity necessary for a defamation claim. They do not identify the friends, neighbors, or “others” Lynn allegedly spoke to, nor do they allege any details about the place, time, or context in which the statements were made. Thus, the third and fourth allegations lack the requisite specificity needed to survive a rule 12.02(e) motion to dismiss. *Cf. Hunter v. Coughlin*, No. A20-1137, 2021 WL 1962905, at *5 (Minn. App. May 17, 2021) (concluding that an allegation was specific enough to survive a rule 12.02(e) motion because it identified the speaker of the alleged defamatory statement, the audience of the statement, and a “relatively narrow time frame” during which the statement was said).

In sum, the district court did not err by dismissing Domeier's complaint because it failed to adequately plead a claim of defamation. *See DeRosa*, 936 N.W.2d at 346.⁷

II. The district court did not abuse its discretion by denying Domeier's motion to amend the complaint.

Domeier contends that the district court abused its discretion in denying his motion to amend the complaint. Appellate courts review a district court's denial of a motion to amend a complaint for an abuse of discretion. *Johnson v. Paynesville Farmers Union Co-op. Oil Co.*, 817 N.W.2d 693, 714 (Minn. 2012).

A district court shall freely give leave to amend pleadings "when justice so requires." Minn. R. Civ. P. 15.01. But when proposed amendments "will accomplish nothing, such as when the amendment does not state a cognizable legal claim," a district court may deny a motion to amend the complaint. *Envall v. Indep. Sch. Dist. No. 704*, 399 N.W.2d 593, 597 (Minn. App. 1987), *rev. denied* (Minn. Mar. 25, 1987); *see U.S. Bank Nat'l Ass'n v. RBP Realty, LLC*, 888 N.W.2d 699, 705 (Minn. App. 2016) ("A plaintiff may not amend the complaint if the proposed amendment would be futile because it would serve no useful purpose."), *rev. denied* (Minn. Apr. 18, 2017).

⁷ Domeier relies on *Black v. Snyder* to argue that the allegations in the complaint are sufficiently specific despite failing to identify the time and place at which Lynn published the defamatory statements. 471 N.W.2d 715, 720 (Minn. App. 1991) (stating that under Minnesota's pleadings standards, "averments of time and place" are not affirmatively required), *rev. denied* (Minn. Aug. 29, 1991). But our decision in *Black* was based on federal constitutional prohibitions on excessive entanglement with internal church affairs and did not turn on the specificity of the pleadings. *Id.* at 720-21. *Black* therefore does not control our analysis here.

Here, the proposed amendments sought to remove claims that Domeier acknowledged “could be found to be precluded by law.” The district court denied Domeier’s motion to amend the complaint, reasoning that “the amendments or redactions d[id] not change the outcome” that Domeier’s complaint “fail[ed] to assert a claim for which relief can be granted.” We agree with the district court. Because the amended complaint did not add any details that would be necessary for Domeier’s complaint to survive a rule 12.02(e) motion, the district court did not abuse its discretion in denying Domeier’s motion to amend the complaint as futile. *See id.*; *see also Stead-Bowers v. Langley*, 636 N.W.2d 334, 342 (Minn. App. 2001) (holding that the district court did not abuse its discretion in denying appellant’s request to amend the complaint to include a defamation claim where appellant “failed to specifically plead the alleged defamatory statements”), *rev. denied* (Minn. Feb. 19, 2002).

Affirmed.