

*This opinion is nonprecedential except as provided by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
A25-1960**

Carsten James Quinlan,
Appellant,

vs.

Fraser, et al.,
Respondents,

Alissa Puls,
Respondent.

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

Washington County District Court
File No. 82-CV-24-5866

Carsten J. Quinlan, Woodbury, Minnesota (self-represented appellant)

William L. Davidson, Ryan C. Ellis, Lind, Jensen, Sullivan & Peterson, P.A., Minneapolis,
Minnesota (for respondents Fraser, et al.)

Alan P. King, Natalie R. Cote, Goetz & Eckland P.A., Minneapolis, Minnesota (for
respondent Alissa Puls)

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

NONPRECEDENTIAL OPINION

ROSS, Judge

This appeal requires us to review the district court’s application of Minnesota’s Uniform Public Expression Protection Act, which allows district courts to dismiss recently filed civil suits that target the defendants’ constitutionally protected speech and to award attorney fees. The district court dismissed Carsten Quinlan’s multicount lawsuit against his former spouse, a healthcare provider, and the healthcare provider’s employees, all of whom he accused of colluding to defame him after the former spouse reported that Quinlan had sexually abused their children and the healthcare provider began providing therapy to family members. On appeal from that dismissal, Quinlan argues that the district court erroneously failed to apply the act’s goods-and-services exclusion, failed to allow adequate discovery, ordered him to pay an unreasonable amount of attorney fees, and denied his request to amend his civil complaint. Because the arguments lack legal merit, we affirm.

FACTS

We base our review on the record construed in the light most favorable to the nonmoving party on the special motion for expedited relief under the Uniform Public Expression Protection Act (UPEPA), Minn. Stat. §§ 554.07-.20 (2024). *J&D Dental v. Hou*, 26 N.W.3d 491, 494 n.1 (Minn. App. 2025). We summarize the facts here.

Appellant Carsten Quinlan and respondent Alissa Puls’s 2022 Wisconsin divorce resulted in a judgment that afforded them joint legal custody, placed their minor children in Puls’s primary care, and gave Puls decision-making authority over their healthcare. Puls resided with the children in Washington County, where she reported in January 2023 that

Quinlan had sexually abused their daughter. We will call this daughter “Ella,” a name we have randomly chosen to protect her privacy. Washington County investigators forensically interviewed Ella, after which the state charged Quinlan with multiple counts of second-degree criminal sexual conduct. A jury acquitted Quinlan of the charges in April 2024, but he voluntarily forfeited his custody of the children to resolve a termination-of-parental-rights action by the county.

Quinlan filed an eight-count civil complaint in this case against Puls, Fraser, which is a mental-healthcare service provider, and two Fraser employees—clinical social worker Kallie Uner and clinical counselor Sara Haubrich (the respondent “Fraser defendants”). His complaint accuses Puls of civil conspiracy and, purportedly on behalf of Ella, intentional infliction of emotional distress. The complaint accuses Fraser alone or at least one of the Fraser defendants of the same claims and six others: defamation, negligence, failure to report child abuse, negligent infliction of emotional distress, vicarious liability, and “ratification.” The complaint in essence alleges that Puls coached the children to fabricate abuse reports against him and that the Fraser defendants conspired with Puls to defame and emotionally harm him.

Puls and the Fraser defendants separately moved the district court to dismiss Quinlan’s complaint on several grounds. Puls moved to dismiss under rule 12.02(e) of the Minnesota Rules of Civil Procedure on the ground that Quinlan had failed to state a claim against her on which relief could be granted. The Fraser defendants moved to dismiss on three grounds. They maintained that Quinlan’s claims were subject to dismissal under

UPEPA, rule 12.02(e), or Minnesota Statutes section 145.682 (2024), which requires expert testimony to support a claim of error against a healthcare provider.

The district court applied UPEPA and dismissed the defamation and civil-conspiracy claims against the Fraser defendants, along with the contingent claims of vicarious liability and “ratification.” It recognized that the negligence and negligent infliction of emotional distress claims rested principally on the Fraser defendants’ communications related to the custody and parental-rights litigation and dismissed those claims on immunity grounds. It also granted the Fraser defendants’ dismissal motion based on Minnesota Statutes section 145.682 and rule 12.02(e). The district court granted Puls’s motion to dismiss under rule 12.02(e), dismissing the claim of intentional infliction of emotional distress purportedly on Ella’s behalf because Quinlan lacked legal custody of her and could not maintain an action on her behalf. It dismissed the civil-conspiracy claim against Puls because it had dismissed the underlying defamation claim against the Fraser defendants, and that claim was the only basis for the civil-conspiracy claim. The district court then awarded the Fraser defendants \$21,771.20 in attorney fees under UPEPA.

Quinlan appeals from the resulting final judgment.

DECISION

Quinlan challenges the district court’s dismissal of his civil complaint, except he does not contest dismissal of his vicarious liability and “ratification” claims. He maintains first that UPEPA’s goods-and-services exclusion applies, second that he was denied adequate discovery, third that he was ordered to pay an unreasonable amount of attorney

fees, fourth that his claims did not require expert support, and fifth that he was wrongly denied the opportunity to amend his complaint. The arguments all fail.

I

The district court did not erroneously apply UPEPA. In relevant part, under UPEPA, a party may file a special motion for expedited relief to dismiss a civil action that is based on that party's "communication in . . . judicial . . . or other governmental proceeding." Minn. Stat. §§ 554.08(b)(1), 554.09. Quinlan's civil complaint alleges defamation and civil conspiracy based on the Fraser defendants' reports that were "communicated to . . . individuals involved in the family court proceedings." Given that stated basis for his claim, we are unpersuaded by his contention on appeal that, because the Fraser defendants' report of Ella's evaluation was produced before, but not during, a judicial or governmental proceeding, it falls outside UPEPA. We believe he reads the statute too narrowly. Evidence gathered outside the court and communicated to the court in judicial proceedings is the sort of material the statute may cover. That the Fraser defendants interviewed Ella and created the report to inform prosecutors, the parties, and the court in Quinlan's custody, parental-rights, or criminal cases meets the statutory element that the communication occurred in a judicial proceeding.

After applying UPEPA to the contested communication, the district court appropriately dismissed Quinlan's action against the Fraser defendants. The district court must dismiss a civil claim if, as here, the moving party establishes that UPEPA applies and Quinlan in responding then fails to establish that a statutory exception also applies. Minn.

Stat. §§ 554.13(a), 554.08(c). Quinlan unconvincingly maintains that one of those exceptions applies here.

The applicable statutory exception, argues Quinlan, is the one that allows litigation “against a person primarily engaged in the business of selling or leasing goods or services.” *See* Minn. Stat. § 554.08(c)(3). It is true that the Fraser defendants are primarily engaged in the business of providing services, but the statute excepts litigation against defendants so characterized only “if the cause of action arises out of a communication related to the person’s sale or lease of the goods or services.” *Id.* It is therefore not enough that the Fraser defendants gathered the communicated information during paid therapy sessions. Quinlan’s claims of defamation and conspiracy must also relate to the sale of Fraser’s services. They do not. They instead relate only to the substance of the resulting communication to the district court. Because Quinlan’s “cause of action” does *not* “arise[] out of a communication related to the [Fraser defendants’] sale or lease of the goods or services” that they are in the business of providing, *id.*, the exception does not apply.

II

We will not consider the merits of Quinlan’s contention that he was wrongly denied discovery during the UPEPA proceedings. It is true that UPEPA generally stays discovery but allows the district court to grant limited discovery. Minn. Stat. § 554.10(a), (d). But we do not consider issues that were neither raised to nor decided by the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1998). Quinlan never moved the district court to grant limited discovery, and he therefore forfeited the issue on appeal.

III

We are unconvinced by Quinlan’s argument that the district court awarded the Fraser defendants unreasonable attorney fees as prevailing parties in their UPEPA dismissal motion. The prevailing party on a UPEPA motion is entitled to reasonable attorney fees, court costs, and litigation expenses. Minn. Stat. § 554.16. We review the reasonableness of an attorney-fee award for an abuse of discretion, examining all relevant circumstances, including the complexity of the matter, the hours expended on it, and comparable billing rates. *Green v. BMW of N. Am., LLC*, 826 N.W.2d 530, 536–37 (Minn. 2013). Quinlan identifies no specific error, requesting only that we vacate or remand the award for “recalculation.” We do not presume errors on appeal, as the appellant bears the burden of asserting them. *Horodenski v. Lyndale Green Townhome Ass’n, Inc.*, 804 N.W.2d 366, 372 (Minn. App. 2011). Because Quinlan identifies no error and none is apparent on the face of the order, we see no abuse of discretion in the district court’s evidentially supported, \$21,771.20 award.

Quinlan relatedly raises an as-applied challenge to the constitutionality of UPEPA’s attorney-fee provision. A party challenges a statute’s constitutionality by raising the issue in the district court, *Laliberte v. Dollar Tree, Inc.*, 987 N.W.2d 590, 596 (Minn. App. 2023), and by noticing the state attorney general, Minn. R. Civ. P. 5A(2). The party must again notice the attorney general before raising his constitutional challenge on appeal. Minn. R. Civ. App. P. 144. Quinlan did not comply with rule 5A’s notice requirements, and he also failed to preserve the issue for appeal by asking the district court only that the

record reflect a “constitutional objection” without presenting a specific argument or requesting the district court to rule on it.

IV

Quinlan argues that the district court improperly disregarded his related medical-malpractice allegations for having failed to provide an affidavit of expert review. A claimant alleging error by a healthcare provider must demonstrate expert support by attaching to his civil complaint an affidavit certifying that an expert reviewed his claim and observed a deviation from the applicable standard of care. Minn. Stat. § 145.682, subds. 2, 3. Failure to include this expert support requires dismissal. *Id.*, subd. 6. Quinlan contends that his allegations were excepted from this affidavit requirement because they were within “common knowledge.” We review *de novo* whether a claim requires expert-witness testimony to establish a *prima facie* malpractice case. *Tousignant v. St. Louis County*, 615 N.W.2d 53, 58 (Minn. 2000). We hold that Quinlan’s alleged medical errors required a supporting expert affidavit.

We are not persuaded otherwise by Quinlan’s assertion that his claims were not founded on medical malpractice. His complaint alleges that the Fraser defendants misdiagnosed Puls, ignored supposed signs of her alleged abuse of the children, and applied dubious therapy care. Quinlan’s assertion that the Fraser defendants negligently failed to properly assess Puls as having abused the children by coercing them to make unfounded allegations against him rests on the premise that they breached the standard of care for psychological diagnoses and proper treatment. These are quintessential malpractice allegations. *See id.* at 59. Quinlan’s contrary argument fails.

V

Quinlan maintains last that the district court erroneously failed to allow him leave to amend his complaint. We review challenges to the district court's refusal to allow a plaintiff to amend his complaint for an abuse of discretion. *Fabio v. Bellomo*, 504 N.W.2d 758, 761 (Minn. 1993). A district court generally should freely grant a party leave to amend his pleading if justice requires it, Minn. R. Civ. P. 15.01, but it may nevertheless deny the request if the amended claim would not survive a motion to dismiss, *see Hunter v. Anchor Bank, N.A.*, 842 N.W.2d 10, 17–18 (Minn. App. 2013), *rev. denied* (Minn. Mar. 18, 2014). Quinlan contends that his proposed amendment to allege intentional infliction of emotional distress regarding himself rather than on Ella's behalf was merely a “clarifying” amendment and not a “wholly new” claim. Given this characterization and the corresponding fact that Quinlan has not alleged any new or different facts, we are satisfied that the proposed amended claim would also fail to survive a motion under rule 12.02(e).

The claims as alleged would fail to state an actionable legal claim. To prevail on a theory of intentional infliction of emotional distress, a complainant must prove that the defendants engaged in intentional, extreme, and outrageous conduct. *Langeslag v. KYMN Inc.*, 664 N.W.2d 860, 864 (Minn. 2003). The plaintiff must also prove that the defendants' outrageous conduct caused him severe emotional distress. *Id.* Changing only the victim of the original claim of intentional infliction of emotional distress, which alleges that the Fraser defendants engaged in intentional, extreme, and outrageous conduct that caused Ella severe emotional distress, dooms the proposed “clarifying” amendment to fail as a matter of law. The extant complaint alleges that Puls and a Fraser defendant “engaged in extreme

and outrageous conduct by working in tandem to manipulate and emotionally harm minor [child Ella] with the purpose of intimidating her as a potential witness.” And it identifies Ella alone as the one who allegedly suffered severe emotional trauma as a result. It alleges no intentional conduct at all, let alone intentional conduct that is also extreme and outrageous, directed toward Quinlan to cause *him* severe emotional harm. Because Quinlan has never asserted that any Fraser defendants engaged in this type of intentional conduct toward him or that their intentional conduct caused him severe emotional distress, the amended complaint would not survive dismissal under rule 12.02(e).

Affirmed.