

*This opinion is nonprecedential except as provided by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
A25-2127**

Solvay Hospice House,
Respondent,

vs.

Mark R. Hollis,
Appellant.

**Filed July 27, 2026
Affirmed; motion denied
Connolly, Judge**

St. Louis County District Court
File No. 69DU-CV-25-686

Diana B. Dodge, Daryl T. Fuchihara, Johnson, Killen & Seiler, P.A., Duluth, Minnesota
(for respondent)

Michael J. Rothman, Rothman, LLC, Minneapolis, Minnesota; and

Luke Grundman, Mid-Minnesota Legal Aid, Minneapolis, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Worke, Judge; and Ede,
Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant-tenant challenges the district court's denial of his motion to vacate an eviction judgment entered in favor of respondent-landlord and his request to move for reconsideration of the eviction judgment. After this appeal was filed, respondent moved

to strike portions of appellant’s brief. We affirm the district court’s denial of appellant’s motion to vacate and request to move for reconsideration and deny respondent’s motion to strike.

FACTS

Respondent Solvay Hospice House (Solvay) is a licensed residential hospice provider operated by Essentia Health – St. Mary’s Hospice. Appellant Mark R. Hollis was admitted to Solvay in July 2024, after he was determined to be terminally ill with Amyotrophic Lateral Sclerosis (ALS). But medical professionals later determined that Hollis’s health had improved and that he was no longer qualified to receive hospice care under Medicare. Solvay subsequently gave Hollis notice of possible eviction, and in March 2025, Solvay commenced this eviction action. Solvay sought to evict Hollis based on nonpayment of his financial obligations and because he was no longer qualified to receive hospice services under Medicare.

Prior to trial, Hollis repeatedly requested additional time to find an attorney, but those requests were denied. An eviction trial was then held at which Hollis represented himself. Following the trial, the district court issued its findings of fact, conclusions of law, and order, determining that Solvay “has proved the allegations in the Complaint,” and entered judgment on August 5, 2025.

On September 19, 2025, Hollis filed a motion to vacate the eviction judgment under Minnesota Statutes section 504B.345, subdivision 3 (2024), and requested permission to file a motion to reconsider under Minnesota Rule of General Practice 115.11. Four days later, Hollis filed his memorandum of law in support of his motion to vacate, arguing that

the district court erred by failing to grant a reasonable accommodation of time for him to obtain an attorney. Hollis also asserted various errors the district court made at trial and in its order and judgment. Hollis filed a separate letter on the same day requesting permission to file a motion to reconsider.

Following a hearing, the district court denied Hollis's motion to vacate as untimely. The district court also determined that Hollis did not follow rule 115.11 in requesting permission to bring a motion for reconsideration because he "attempted to circumvent the Rule by referencing an attached memorandum of 28 pages without obtaining permission of the Court." And the district court found that "[n]one of the issues raised by [Hollis] create compelling circumstances that would warrant permission to bring a motion for reconsideration." Therefore, the district court denied Hollis's request for permission to bring a motion for reconsideration.

After Hollis filed his notice of appeal and appellate brief, Solvay filed a motion to strike portions of Hollis's brief and addendum, as well as certain documents filed in the district court after the entry of judgment. Hollis opposed the motion, and it was subsequently referred to the "panel assigned to decide the merits of th[is] appeal."

DECISION

I. Motion to Vacate

Hollis challenges the district court's denial of his motion to vacate the eviction judgment on timeliness grounds. "Generally, appellate courts review a district court's decision on a motion to vacate an order or judgment for an abuse of discretion." *In re Welfare of Child. of M.L.A.*, 730 N.W.2d 54, 60 (Minn. App. 2007); *see also In re Welfare*

of Child. of Coats, 633 N.W.2d 505, 510 (Minn. 2001) (stating that supreme court reviews a district court’s decision to deny relief under Minn. R. Civ. P. 60.02 for an abuse of discretion). But appellate courts “review the interpretation and application of statutes and the rules of . . . procedure de novo.” *In re Est. of Figliuzzi*, 979 N.W.2d 225, 231 (Minn. 2022).

“Eviction proceedings under chapter 504B are comparable to the summary nature of the former unlawful-detainer proceedings.” *Dominium Mgmt. Servs. LLC v. Lee*, 924 N.W.2d 925, 927 (Minn. App. 2019). Minnesota law provides that a party who feels aggrieved by a judgment in an eviction action may appeal within 15 days as provided for civil actions in district court. Minn. Stat. § 504B.371, subd. 2 (2024). “Even orders which would be appealable in ordinary civil proceedings . . . are not appealable in unlawful detainer actions because the *exclusive* mode of appeal is from the judgment of restitution.” *Tonkaway Ltd. P’ship v. McLain*, 433 N.W.2d 443, 444 (Minn. App. 1988). Indeed, this court has held that “[t]he denial of a motion to vacate a default unlawful detainer judgment is not appealable because the statute does not authorize appeals from orders and it specifies that the proper appeal is from the judgment.” *Id.* at 443-44. Thus, “in an eviction action the proper appeal is from the final judgment, not from an order.” *Dominium*, 924 N.W.2d at 928.

In 2023, however, the legislature amended Minnesota Statutes section 504B.345, to add subdivision 3. 2023 Minn. Laws ch. 52, art. 19, § 109, at 360. Under the newly added subdivision, “[a]ny party may bring a motion to vacate a judgment in an eviction action. An order denying a motion to vacate a judgment is considered a judgment for purposes of

appeal under section 504B.371.” Minn. Stat. § 504B.345, subd. 3. The statute became effective on January 1, 2024, and applies to actions filed on or after that date. 2023 Minn. Laws ch. 52, art. 19, § 116, at 362.

Hollis argues that his “motion to vacate is timely and appealable pursuant to recently enacted Minnesota Statute[s] section 504B.345, subdivision 3, and Minn. R. Civ. P. 60.02.”

We agree. Rule 60.02 provides:

On motion and upon such terms as are just, the court may relieve a party or the party’s legal representatives from a final judgment (other than a marriage dissolution decree), order or proceeding and may order a new trial or grant such other relief as may be just for the following reasons:

(a) Mistake, inadvertence, surprise, or excusable neglect;

....

The motion shall be made within a reasonable time, and for reasons (a), (b), and (c) not more than one year after the judgment, order, or proceeding was entered or taken.

Minn. R. Civ. P. 60.02.

Here, Hollis moved to vacate the eviction judgment under rule 60.02. Such a motion was permissible under Minn. Stat. § 504B.345, subd. 3, which was in effect at the time Solvay filed the eviction action. Hollis’s motion to vacate was made less than two months after the eviction judgment was entered, which was within a reasonable time pursuant to rule 60.02. *See id.* (stating that a motion to vacate under rule 60.02 “shall be made within a reasonable time”). And to the extent that Hollis’s motion to vacate was made under rule 60.02(a), Hollis moved to vacate less than a year after the eviction judgment was entered.

See id. (stating that a motion to vacate under rule 60.02(a) “shall be made . . . not more than one year after the judgment, order, or proceeding was entered or taken”).

Moreover, newly enacted subdivision 3 of section 504B.345, allows a party to appeal an order denying a motion to vacate in accordance with section 504B.371. Minn. Stat. § 504B.345, subd. 3. The time to appeal under the eviction statutes is 15 days. *See* Minn. Stat. § 504B.371, subd. 2. Hollis appealed the denial of his motion to vacate 13 days after that order was filed. The filing of Hollis’s motion to vacate was timely under the applicable statute and rules, as was his appeal of the denial of that motion. *See* Minn. Stat. § 504B.345, subd. 3; *see also* Minn. R. Civ. P. 60.02. Therefore, the district court erred in determining that Hollis’s motion to vacate was untimely.

To be clear, however, our scope of review is limited to review of the order denying the motion to vacate, not the underlying eviction judgment. *See* Minn. R. Civ. App. P. 103.04 (stating that “appellate courts may reverse, affirm or modify *the judgment or order appealed from*,” and the “scope of review afforded may be affected by whether proper steps have been taken to preserve issues for review on appeal, including the existence of timely and proper post-trial motions” (emphasis added)).¹ And “[a]ppellate courts are free to affirm for reasons other than those on which a decision is based.” *Williams v. Nat’l Football League*, 794 N.W.2d 391, 395 (Minn. App. 2011), *rev. denied* (Minn. Apr. 27,

¹ We note that, although the motion to vacate was timely, it was not a timely postdecision tolling motion that tolled the time to appeal the eviction judgment because it was not filed within the 15-day appeal period from that judgment. *See* Minn. Stat. § 504B.371, subd. 2 (stating that a party who feels aggrieved by a judgment in an eviction action may appeal within 15 days as provided for civil actions in district court). Thus, our scope of review is limited to the denial of the motion to vacate.

2011); *see Kahn v. State*, 289 N.W.2d 737, 745 (Minn. 1980) (noting that the supreme court will not “reverse on appeal a correct decision because it is based on incorrect reasons”).

Here, Solvay acknowledges the “plain language” of section 504B.345, subdivision 3, but argues that the “amendment did not affect the Rule 60.02 motion to vacate judgment analysis or the applicable case law,” and “did not give the [district] court the power to revive a time-barred appeal or otherwise provide a backdoor for an appeal of the eviction judgment.” In other words, Solvay argues that the denial of Hollis’s motion to vacate was appropriate because, although Hollis “cited Rule 60.02 and captioned his filings as a motion [to] vacate judgment, his substantive arguments show that he raised only time-barred appeal issues.” We agree.

“Rule 60.02 reflects a balance between the need for finality in judgments and the need for relief from judgments under very specific circumstances.” *Carter v. Anderson*, 554 N.W.2d 110, 113 (Minn. App. 1996), *rev. denied* (Minn. Dec. 23, 1996). Indeed, our supreme court has recognized that rule 60.02 can be utilized only if one of the grounds specified in the rule exists. *Anderson v. Anderson*, 179 N.W.2d 718, 721-22 (Minn. 1970). “Rule 60.02 is intended to correct mistake or inadvertence of a party, or to allow for newly discovered evidence, or for void or satisfied judgments, not to correct judicial error.” *Artz v. Artz*, 361 N.W.2d 135, 136 (Minn. App. 1985); *see Anderson*, 179 N.W.2d at 722 (issuing writ to vacate order granting relief under rule 60.02 based on legal error because “[f]inality of judicial decisions requires that parties seek relief from judicial error through the appellate process”); *see also Anderson v. Anderson*, __ N.W.3d __, __, 2026 WL 1128755, at *10 (Minn. App. Apr. 27, 2026) (concluding that a rule “60.02 motion to

vacate a judgment based solely on the district court’s improper application of the law” was not appropriate).²

Here, Hollis’s motion to vacate and supporting memorandum of law did not specify which of the grounds set forth in rule 60.02 would have entitled him to relief.³ Rather, Hollis’s memorandum of law in support of his motion to vacate sought relief on the following grounds: (A) “failure and error of the court to grant reasonable accommodation of time to obtain an attorney for case conferences and the court trial”; (B) “errors of court at trial”; and (C) “errors in August 5, 2025 order and judgment,” including errors in the findings of fact and errors in the conclusions of law. These arguments seek to correct judicial error and are not appropriately made in a rule 60.02 motion. *See Anderson*, 179 N.W.2d at 722. Although Hollis has since specified that he claims entitlement to relief under rule 60.02(a), he makes the same arguments related to judicial error in his appellate briefs as he did in his memorandum of law to the district court. Because the arguments made by Hollis in support of his rule 60.02 motion relate to judicial error, they are not

² We note that in *Nordeen v. Comm’r of Pub. Safety*, this court held that when a party brings a motion under rule 60.02 prior to the expiration of the time to appeal, the district court may vacate an order for judicial error. 382 N.W.2d 256, 260 (Minn. App. 1986). But under the eviction statutes, Hollis failed to bring his motion to vacate before the time to appeal the underlying eviction judgment expired. *See* Minn. Stat. § 504B.371, subd. 2. And *Nordeen*, involved “the unique situation in which a district court corrected its original decision based on the supreme court’s intervening reversal of an opinion from this court.” *Carter*, 554 N.W.2d at 114. Thus, *Nordeen* is inapplicable.

³ We acknowledge that, in his district court reply brief in response to Solvay’s opposition to Hollis’s motion to vacate, Hollis did specifically address the rule 60.02 grounds to vacate. But his analysis of the factors set forth in *Finden v. Klaas*, 128 N.W.2d 748, 750 (Minn. 1964), focused only on judicial error, which, as we have previously discussed, is not a proper argument in a rule 60.02 motion to vacate.

proper grounds for relief under the rule. Therefore, we affirm the denial of Hollis’s motion to vacate, albeit for a reason different than the one on which the decision was based. *See Anderson*, 2026 WL 1128755, at *10 (concluding that the district court did not abuse its discretion in denying rule 60.02 motion for post-judgment relief where the motion was predicated on an argument that the district court misapplied the law); *see also Williams*, 794 N.W.2d at 395 (“Appellate courts are free to affirm for reasons other than those on which a decision is based.”).

II. Request to Move for Reconsideration

Hollis also challenges the district court’s decision denying his request to move for reconsideration. “Motions to reconsider are prohibited except by express permission of the court, which will be granted only upon a showing of compelling circumstances.” Minn. R. Gen. Prac. 115.11. A district court is likely to grant a motion to reconsider “only [when] intervening legal developments have occurred . . . or [when] the earlier decision is palpably wrong in some respect.” Minn. R. Gen. Prac. 115.11 1997 advisory comm. cmt. Appellate courts review the denial of a motion to reconsider for an abuse of discretion. *State v. Allwine*, 963 N.W.2d 178, 190 (Minn. 2021).

Solvay argues that Hollis “cannot appeal the [district] court’s denial of his request to file a motion to reconsider.” We agree. In *Baker v. Amtrak National R.R. Passenger Corp.*, this court held that the district court’s denial of a party’s request to bring a motion to reconsider was not appealable because, at the time the party made his request, “his action had been determined and judgment had been entered[, so n]o further action by the [district] court was needed to permit [him] to take an appeal.” 588 N.W.2d 749, 755 (Minn. App.

1999). The court reasoned that the district court’s denial of the party’s reconsideration request was not an order “which, in effect, determines the action and prevents a judgment from which an appeal might be taken.” *Id.* (quoting Minn. R. Civ. App. P. 103.03).

The same analysis applies here. The district court entered an eviction judgment and did not disturb that determination when it denied Hollis’s request to file a motion for reconsideration. The issues Hollis raises with the district court’s decision relate to (A) “failure and error of the court to grant reasonable accommodation of time to obtain an attorney for case conferences and the court trial”; (B) “errors of court at trial”; and (C) “errors in August 5, 2025 order and judgment,” including errors in the findings of fact and errors in the conclusions of law. These alleged errors could have been raised on appeal. Under the eviction statute, Hollis had 15 days to appeal the eviction judgment, but he failed to do so. *See* Minn. Stat. § 504B.371, subd. 2. As such, under *Baker*, Hollis’s appeal of his request to file a motion for reconsideration is not properly before us.

Even if we were to consider Hollis’s arguments, he cannot demonstrate that he is entitled to relief. The general rules of practice provide that requests to make a motion to reconsider “shall be made only by letter to the court of no more than two pages in length.” Minn. R. Gen. Prac. 115.11. Hollis filed a two-page letter in accordance with this rule in which he provided three grounds under which he sought permission to file a motion to reconsider. But Hollis then stated: “To support in detail each of the [three] grounds for reconsideration and due to the page limitation for this letter, please see the argument and analysis in . . . Hollis’s concurrent and separately filed Memorandum in support of his motion to vacate.” This “separately filed Memorandum” is 28 pages in length. As the

district court found, Hollis “improperly” tried to “extend his page limitation by referring the Court to the attached memorandum and in essence just file[d] his motion for reconsideration.” Although Hollis claims that the district court’s ruling “puts form over substance,” Hollis’s attempt to circumvent the rule provided the district court with an appropriate basis to deny the request to file a motion to reconsider in light of Hollis’s failure to adhere to rule 115.11. And we discern no abuse of discretion in the district court’s determination that “[n]one of the issues raised by [Hollis] created compelling circumstances that would warrant permission to bring a motion for reconsideration.”

III. Motion to Strike

Solvay moved to strike pages 18-41 of Hollis’s principal brief, which discussed “alleged errors made by the district court regarding reasonable accommodations, alleged errors at trial, and alleged errors in the August 5, 2025, eviction order and judgment.” Solvay argues that, because Hollis “did not file a timely appeal of that order and judgment, [Hollis’s] arguments regarding the district court’s alleged errors are outside the scope of review and should be stricken.” And Solvay argues that, “[f]or the same reason,” the August 5, 2025, eviction order and judgment should be stricken from Hollis’s addendum. Finally, Solvay moved “to strike the declarations and exhibits [Hollis] filed in the district court following the entry of judgment . . . on grounds that they are outside the record.”

Solvay’s arguments are unpersuasive. The record on appeal is comprised of the papers “filed in the [district] court, the exhibits, and the transcript of the proceedings, if any.” Minn. R. Civ. App. P. 110.01. An appellate court may not base its decision on

matters outside the record on appeal. *Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988).

Here, Solvay's motion to strike, and the parties' filings in support of and in opposition to the motion, consist of mainly a regurgitation of the parties' lengthy arguments pertaining to the merits of this appeal. Pages 18-41 of Hollis's principal brief are related to his arguments that the district court (A) failed to grant a reasonable accommodation of time for Hollis to obtain an attorney for case conferences and the court trial in the eviction action; (B) made various errors at trial; and (C) made various errors in its August 5, 2025 order and judgment. Although, as we discussed above, these are improper arguments made in a rule 60.02 motion because they assert judicial error, the arguments are directly related to the issues Hollis raises on appeal. And Solvay cites no legal authority to support its position that, under these circumstances, the arguments made in Hollis's brief should be stricken.

Moreover, the August 5, 2025, eviction judgment is part of the record in this appeal as it is a decision filed in district court as part of this matter. Similarly, the declarations and exhibits that Solvay requests be stricken are part of the district court record because they were filed in the district court in support of Hollis's motion to vacate. Therefore, Solvay has failed to demonstrate a basis to grant the motion to strike.

Affirmed; motion denied.