

*This opinion is nonprecedential except as provided by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
A26-0015**

Maria Olson,
Appellant,

Shannon Olson,
Plaintiff,

vs.

Christensen Law Office PLLC, et al.,
Respondents.

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

Isanti County District Court
File No. 30-CV-25-483

Maria Olson, Ocala, Florida (pro se appellant)

William L. Davidson, Matthew D. Sloneker, Stuart D. Campbell, Lind, Jensen, Sullivan &
Peterson, A Professional Association, Minneapolis, Minnesota (for respondents)

Considered and decided by Smith, Tracy M., Presiding Judge; Frisch, Chief Judge;
and Schmidt, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant challenges the district court's dismissal of her legal-malpractice claims,
imposition of sanctions, and designation as a frivolous litigant. We affirm.

FACTS

This appeal arises from respondents’¹ legal representation of appellant Maria Olson and her husband, Shannon Olson, in an action concerning the redevelopment and sale of two properties.

The underlying action

In 2008, the Olsons applied to the City of Cambridge to redevelop two properties. The city granted permission so long as certain conditions were met. The Olsons did not meet the conditions and decided to sell the properties.

The city sued the Olsons seeking a declaratory judgment to enforce the recording and approval of the final plat on the Olsons’ property. The Olsons retained respondents to represent them in the lawsuit, which was later dismissed per the parties’ stipulation.

Respondents eventually withdrew from their representation of the Olsons for nonpayment of legal fees. After establishing a payment plan, respondents resumed representation but withdrew again for nonpayment of fees.

The Olsons’ first malpractice claims

Respondents sued the Olsons for unpaid legal fees. The Olsons asserted counterclaims against respondents for legal malpractice and breach of fiduciary duty. The district court granted respondents’ motion for summary judgment and dismissed the Olsons’ counterclaims. The district court dismissed the Olsons’ malpractice claim for failure to provide an expert affidavit. The Olsons did not appeal.

¹ Respondents are Christensen Law Office, PLLC, Carl Christensen, and Daniel Eaton. Christensen Law Office, PLLC is now Christensen Sampsel, PLLC.

The Olsons' second malpractice claim

In 2017, the Olsons filed another complaint alleging legal malpractice, breach of fiduciary duty, and vicarious liability against the law firm and an attorney.² The Olsons claimed that they had new evidence from the Lawyers Board of Professional Responsibility in September 2015 that justified the second lawsuit.

The firm and the attorney moved to dismiss the Olsons' claims as barred by res judicata based on the outcome of the first lawsuit. The district court determined that the new evidence could have been discovered during the first malpractice lawsuit and agreed that res judicata barred the second lawsuit. The court dismissed the matter with prejudice.

The Olsons appealed. We affirmed the district court's dismissal, and the supreme court denied the petition for further review. *See Olson v. Christensen L. Off., PLLC*, No. A18-0166, 2018 WL 3421276, at *4 (Minn. App. July 16, 2018), *rev. denied* (Minn. Sept. 26, 2018) (*Olson I*).

The Olsons sue the city

In 2023, the Olsons sued the city alleging abuse of process and intentional interference with contractual relations stemming from events relating to the original lawsuit filed by the city. The Olsons claimed that this 2023 lawsuit was delayed due to "fraudulent concealment by the City."

The city moved to dismiss the complaint on the pleadings, which the district court granted because the Olsons' claims were barred by the statute of limitations. The court

² Plaintiffs in this action included the Olsons and their LLC. Defendants included Christensen Law Office, PLLC and attorney Daniel Eaton.

determined that the Olsons failed to show that they exercised “reasonable diligence” in the initial lawsuit in order to toll the statute of limitations based upon fraudulent concealment.

The Olsons appealed. We affirmed because the district court correctly determined that the allegations in the complaint were insufficient to show that “the alleged concealment could not have been discovered sooner by reasonable diligence so as to invoke the doctrine of fraudulent concealment to toll the statutes of limitations.” *Olson v. City of Cambridge*, No. A24-0723, 2024 WL 4344828, at *6 (Minn. App. Sept. 30, 2024) (*Olson II*). The Olsons did not file a petition for further review with the Minnesota Supreme Court.

The Olsons third (and present) malpractice claim

In 2025, the Olsons sued respondents again, alleging legal malpractice, breach of fiduciary duty, and fraudulent concealment. Respondents moved for dismissal, sanctions, and an order designating the Olsons as frivolous litigants. The Olsons moved for sanctions and summary judgment.

The district court granted respondents’ motions and denied the Olsons’ motions. The district court determined that the Olsons’ claims were barred by res judicata and collateral estoppel and found that the Olsons were frivolous litigants and imposed sanctions. The district court entered judgment of \$24,422.50 in favor of respondents for fees and costs incurred in defending against the Olsons’ lawsuit.

Maria Olson appeals. Her husband does not appeal.

DECISION

Olson challenges the district court's order dismissing her third legal-malpractice claim against respondents. She also challenges the order declaring her to be a frivolous litigant and awarding sanctions. We address each challenge in turn.

I. The district court did not err in dismissing Olson's third malpractice action.

Olson argues that the district court erred by dismissing her complaint as barred by (1) res judicata and (2) the statute of limitations.³ We apply a de novo standard of review in assessing a district court's order granting a motion to dismiss on the pleadings. *Abel v. Abbott Nw. Hosp.*, 947 N.W.2d 58, 68 (Minn. 2020).

A. The district court did not abuse its discretion in applying res judicata to Olson's complaint.

Olson argues the district court erred in determining that res judicata bars her claims. "We review de novo whether the doctrine of res judicata can apply to a given set of facts." *Erickson v. Comm'r of Dep't of Hum. Servs.*, 494 N.W.2d 58, 61 (Minn. App. 1992). If applicable, we then review the district court's decision to apply the doctrine for an abuse of discretion. *Dixon v. Depositors Ins. Co.*, 619 N.W.2d 752, 755 (Minn. App. 2000).

Res judicata bars a subsequent claim when: "(1) the earlier claim involved the same set of factual circumstances; (2) the earlier claim involved the same parties or their privies;

³ We note that Olson's principal brief did not challenge the district court's dismissal of her complaint as barred by collateral estoppel. That alone is sufficient to affirm the district court's order. *Moorhead Econ. Dev. Auth. v. Anda*, 789 N.W.2d 860, 867 (Minn. 2010) (concluding that issues not raised in an appellant's principal brief are forfeited). We, nonetheless, consider the merits of the two theories that Olson raises on appeal to argue for reversal of the order dismissing her complaint.

(3) there was a final judgment on the merits; and (4) the estopped party had a full and fair opportunity to litigate the matter.” *Hauschildt v. Beckingham*, 686 N.W.2d 829, 840 (Minn. 2004). “All four prongs must be met for res judicata to apply.” *Id.* Based upon our review of the four prongs, we conclude that the district court correctly determined that res judicata was applicable and did not abuse its discretion in applying the doctrine.

Regarding the first prong, the 2017 malpractice counterclaim, the 2024 malpractice lawsuit, and the current malpractice lawsuit all involve the same operative set of facts. All three cases involved respondents’ representation of the Olsons related to the development of the same two properties, the city’s lawsuit, and the sale of the properties.

On appeal, Olson asserts that this malpractice case arises from “different factual circumstances.” But Olson has not articulated how the facts in this case differ from the prior legal-malpractice lawsuits and she fails to support this assertion with citations to the record to demonstrate any factual differences. Because our review uncovered no obvious prejudicial error on mere inspection, Olson’s attempt to distinguish the previous litigation is forfeited. *Adams v. Harpstead*, 947 N.W.2d 838, 847 (Minn. App. 2020) (“[A]ssignment of error on mere assertion, unsupported by argument or authority, is forfeited and need not be considered unless prejudicial error is obvious on mere inspection.” (quotation omitted)), *rev. denied* (Minn. Oct. 1, 2020). Thus, the first prong is satisfied.

The second and third prongs are also met. Since the earlier malpractice claims involved the same parties as the current action, we conclude that the second prong is met. The third prong is similarly satisfied because the prior claims were dismissed and resulted in final judgments on the merits.

Finally, Olson had a full and fair opportunity to litigate these issues. Olson first raised a legal-malpractice counterclaim against respondents in 2015. She asserted a second legal-malpractice claim against respondents in 2017. We affirmed that dismissal on appeal. *Olson I*, 2018 WL 3421276, at *4. The final res judicata prong is met.

Because all four prongs are satisfied, we conclude that the district court did not err by determining that res judicata was available. We also conclude that the district court did not abuse its discretion by determining that Olson’s claims are barred by the doctrine.

B. The district court did not err in determining that the statute of limitations bars Olson’s complaint.

Olson also argues that the district court erred by dismissing her complaint as barred by the statute of limitations; an issue that we review de novo. *Ford v. Minneapolis Pub. Sch.*, 874 N.W.2d 231, 232 (Minn. 2016). Olson does not dispute that her claims are barred by the six-year statute of limitations. Instead, she argues that respondents’ fraudulent concealment tolled the six-year statute of limitations.

Olson, however, had “the burden of proving that [the alleged fraudulent] concealment could not have been discovered sooner by reasonable diligence[.]” *Cohen v. Appert*, 463 N.W.2d 787, 791 (Minn. App. 1990), *rev. denied* (Minn. Jan. 24, 1991). She failed to meet her burden because the principal brief fails to cite any fact in the record or legal authority to support her theory. And we cannot assume error on appeal. *See Butler v. Jakes*, 977 N.W.2d 867, 873 (Minn. App. 2022). Thus, the district court did not err in dismissing her complaint as barred by the statute of limitations.

II. The district court did not abuse its discretion by determining that Olson is a frivolous litigant or by imposing sanctions.

Olson argues the district court abused its discretion by (1) determining she is a frivolous litigant, and (2) imposing sanctions and awarding fees. We will overturn these decisions if the district court abused its discretion. *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 295 (Minn. App. 2007) (frivolous litigant); *Collins v. Waconia Dodge, Inc.*, 793 N.W.2d 142, 145 (Minn. App. 2011) (sanctions), *rev. denied* (Minn. Mar. 15, 2011).

Olson fails to cite the record or legal authority to support her arguments, and they are therefore forfeited. *See Adams*, 947 N.W.2d at 847. Even if we were to consider Olson's arguments, they would fail on the merits for the following reasons.

A. Frivolous litigant

Olson argues that the district court abused its discretion by declaring her a frivolous litigant. A district court must consider several factors when making the frivolous-litigant determination. *See* Minn. Gen. R. Prac. 9.02(b)(1)-(7).

The district court, here, properly considered the applicable factors and its findings are supported by the record. The court found that Olson has litigated the same issues, with adverse results, multiple times, which finds support in the two prior malpractice lawsuits. The district court also found that Olson would continue her pattern of relitigating claims that were previously decided, which was supported by this third attempt to sue respondents for legal malpractice stemming from the same underlying representation. Thus, the district court did not abuse its discretion in its frivolous-litigant determination.

B. Sanctions

Olson argues that the district court abused its discretion by imposing \$24,422.50 in sanctions for respondents' attorneys' fees and costs. Olson contends that the "sanctions cannot stand independently" because the award "was predicated on the same findings underlying the dismissal and frivolous-litigant designation." This argument fails because we affirm the frivolous-litigant designation.

Olson does not argue that the imposed sanctions are excessive. Nor does she dispute the findings underlying the district court's determination that she engaged in sanctionable conduct. This appeal represents Olson's third attempt to litigate a legal-malpractice claim stemming from the same underlying factual circumstances and based upon respondents' same representation of Olson. The district court acted well within its discretion by imposing sanctions in the form of attorneys' fees and costs.

Affirmed.