

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0368**

Justin Mann, et al.,
Appellants,

Larry E. Reed,
Plaintiff,

vs.

The Highlands of Edinburgh Sixth Association,
Respondent.

**Filed April 13, 2026
Appeal dismissed
Frisch, Chief Judge**

Hennepin County District Court
File No. 27-CV-24-15796

Larry E. Reed, Law Offices of Lary E. Reed, Minneapolis, Minnesota (for appellants)

Troy A. Poetz, RGP Law Ltd., St. Cloud, Minnesota (for respondent)

Considered and decided by Frisch, Chief Judge; Ross, Judge; and Larson, Judge.

SYLLABUS

1. An order denying a request to make a motion for reconsideration is not independently appealable.
2. An order denying a motion to remove a district court judge for cause in a civil matter is not independently appealable under Minn. R. Civ. App. P. 103.03.

SPECIAL TERM OPINION

FRISCH, Chief Judge

In this interlocutory appeal, appellants Justin Mann, Calmon Payne, and Carlita Payne seek review of a January 29, 2026 order denying their request to file a motion for reconsideration of an order denying their motion to remove a district court judge for cause brought pursuant to Minn. Gen. R. Prac. 106.

We questioned whether the district court's order denying appellants' request to file a motion for reconsideration is independently appealable and, if not, whether we must dismiss this appeal. Appellants filed an informal memorandum. On March 17, 2026, we filed a special term order dismissing the appeal, with an opinion to follow. We now explain that we dismiss this appeal because an order denying a request to file a motion for reconsideration and an order denying a motion for removal of a district court judge for cause are not independently appealable orders.

DECISION

In 2024, appellants commenced the underlying action, challenging respondent The Highlands of Edinburgh Sixth Association's authority to levy assessments against appellants' properties. Following certain proceedings on the merits, in 2025, appellants filed a motion to remove the assigned district court judge for cause. In a June 17, 2025 order, the assigned judge denied appellants' motion for removal.

Appellants filed a motion for the chief judge of the judicial district to review the June 17 decision. *See* Minn. Gen. R. Prac. 106 (allowing party to seek review by chief judge of judicial district of order denying motion for removal of judge for cause). On

November 19, the chief judge's designee issued an order denying the request to remove the assigned judge. Appellants' counsel thereafter filed a letter pursuant to Minn. Gen. R. Prac. 115.11, requesting leave to file a motion for reconsideration. On January 29, 2026, the chief judge's designee denied appellants' request to file a motion for reconsideration.

Appellants' notice of appeal identifies the decision being appealed as the January 29, 2026 order denying appellants' request to file a motion for reconsideration of the November 19, 2025 order ruling on their motion for removal. In civil cases, we have held that neither an order denying a request to file a motion for reconsideration nor an order denying a motion for reconsideration is independently appealable. *See, e.g., Anderson v. Indep. Sch. Dist.* 696, 924 N.W.2d 911, 925 (Minn. App. 2019); *Limongelli v. Gan Nat'l Ins.*, 590 N.W.2d 167, 168-69 (Minn. App. 1999); *Baker v. Amtrak Nat'l R.R. Passenger Corp.*, 588 N.W.2d 749, 751 (Minn. App. 1999). We reaffirm and again hold that an order denying a request to make a motion for reconsideration is not independently appealable. The district court's January 29 order denying appellants' request to file a motion for reconsideration is therefore not appealable.

Appellants contend that they have "a right to have the issue of recusal addressed by this court." We understand appellants to argue that the denial of their motion for removal of the district court judge for cause is independently appealable, but they cite no authority for that proposition and we are aware of none. Because the district court's order denying appellants' motion to remove the district court judge is not a final judgment, and we are not aware of any authority to support appellants' contention that this order is independently appealable, we reject appellants' argument.

This is an interlocutory appeal because the district court has not entered a final judgment resolving all the parties' claims. *See Reichel v. Wendland Utz, LTD*, 11 N.W.3d 602, 609 (Minn. 2024) (explaining that appeal is interlocutory when taken before district court has entered final judgment "that resolves all claims brought by all parties"). Interlocutory appeals are disfavored; appeals should generally be taken from final judgments. *Id.*; *Gordon v. Microsoft Corp.*, 645 N.W.2d 393, 398 (Minn. 2002); *see also Emme v. C.O.M.B., Inc.*, 418 N.W.2d 176, 179 (Minn. 1988) (explaining that "the thrust of the rules governing the appellate process is that appeals should not be brought or considered piecemeal"). The general rule that the whole case must be decided in a single appeal from a final judgment "preserves the proper balance between trial and appellate courts, minimizes the harassment and delay that would result from repeated interlocutory appeals, and promotes the efficient administration of justice." *Microsoft Corp. v. Baker*, 582 U.S. 23, 36-37 (2017).

Further, an order denying a motion to remove a judge for cause is not one of the appealable orders listed in Minn. R. Civ. App. P. 103.03. No other case, statute, or rule expressly allows an interlocutory appeal of an order denying a motion for removal for cause.¹ We therefore hold that an order denying a motion to remove a district court judge for cause in a civil action is not independently appealable under Minn. R. Civ. App. P. 103.03. On appeal from a final judgment, we "may review any order involving the merits or affecting the judgment." Minn. R. Civ. App. P. 103.04. Appellants will have an

¹ We express no opinion on any other available remedies.

opportunity to seek review of the denial of their motion for removal in a timely appeal from a final judgment resolving the remaining claims in this case.

Because appellants have not established that they have a right to an interlocutory appeal of the denial of their request to file a motion for reconsideration or the denial of their motion for removal of the district court judge for cause, we must dismiss this appeal.

Appeal dismissed.