

STATE OF MINNESOTA
IN COURT OF APPEALS

Reichel Foods, Inc.,
Appellant,
Stowaway Storage, LLC, et al.,
Defendants,

vs.

Loretta Lynn Taylor, et al.,
Respondents.

**SPECIAL
TERM
ORDER¹**
A26-1072

Considered and decided by Larkin, Presiding Judge; Wheelock, Judge; and Harris, Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE
FOLLOWING REASONS:**

This appeal was filed on June 24, 2026. According to the notice of appeal, appellant Reichel Foods, Inc. (Reichel) seeks review of a May 21, 2026 judgment. In a June 25, 2026 order, we questioned (a) whether the May 21, 2026 judgment adjudicated the amount of respondent Loretta Lynn Taylor's attorney fees and costs; (b) if not, whether the May 21, 2026 judgment fully resolved Taylor's indemnification counterclaim; (c) if not,

¹ Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

whether the May 21, 2026 judgment is a final judgment; and (d) if not, whether this appeal must be dismissed as premature. The parties filed informal memoranda.

The register of actions indicates that Reichel sued Taylor and respondent Tanner Joe Young in 2022, asserting claims of breach of fiduciary duty and unjust enrichment against Taylor and a claim of unjust enrichment against Young. Taylor asserted an indemnification counterclaim requesting “fees, costs and disbursements.” In a May 21, 2026 order, the district court dismissed Reichel’s claims against Taylor and Young. The district court determined that Taylor “established the required elements under Minn. Stat. § 302A.521, subd. 2[,] for indemnification” and stated that Reichel “must indemnify her for all her reasonable expenses, including attorney fees and disbursements, incurred in connection with this action.” On May 21, 2026, the district court entered judgment on the May 21, 2026 order. On June 4, 2026, Taylor filed a motion requesting attorney fees and costs.

An appeal may be taken from a final judgment. Minn. R. Civ. App. P. 103.03(a). A pending attorney-fee issue generally does not affect the finality of a judgment unless (1) “the request for attorney fees is a separate claim, independent of the underlying claim or claims that comprise the merits of the action,” or (2) “an award of attorney fees is part of the damages that may be awarded on a claim.” *Weiss v. Priv. Cap., LLC*, 839 N.W.2d 106, 109 (Minn. App. 2013) (quotations omitted).

Reichel contends that the May 21, 2026 judgment is a final judgment because it fully resolved all the claims in this case. Reichel argues that the nature and extent of

Taylor's legal expenses "were elements of her claim for indemnification, not merely parts of her damages nor issues that were collateral to or independent of her claim." Reichel asserts that Taylor was required to prove Taylor's legal expenses at trial, not move for them later. Reichel argues that by adjudicating Taylor's indemnification counterclaim "without awarding her any damages and then entering judgment, the district court implicitly found that [Taylor] had not proven her damages at trial."

Taylor and Young contend that the May 21, 2026 judgment is not a final judgment because it did not fully adjudicate Taylor's counterclaim. They argue that attorney fees and costs are the "substantive relief the counterclaim exists to obtain" and that the district court "could not fully adjudicate the counterclaim without determining both entitlement and the amount of indemnification." They assert that this appeal is premature because the district court has not adjudicated the amount of Taylor's attorney fees and costs.

In the May 21, 2026 order, the district court determined that Taylor was entitled to indemnification but did not determine the amount of Taylor's attorney fees and costs, the damages for that claim. The May 21, 2026 judgment therefore did not fully resolve Taylor's indemnification counterclaim and is not a final judgment. *See Weiss*, 839 N.W.2d at 109 (explaining that a pending attorney-fee issue renders a judgment nonfinal if an award of attorney fees is part of the damages that may be awarded on a claim). This appeal is premature.

IT IS HEREBY ORDERED:

1. This appeal is dismissed as premature.
2. Reichel may seek review of the May 21, 2026 judgment in a timely appeal from a final judgment fully resolving the indemnification counterclaim. Reichel's filing fee for that appeal shall be waived. Reichel shall file a copy of this order with the appeal documents for any such future appeal, if filed.
3. The clerk of the appellate courts shall provide copies of this order to the Honorable Pamela A.W. King, counsel of record, and the district court administrator.

Dated: July 14, 2026

BY THE COURT



Michelle A. Larkin
Presiding Judge