

STATE OF MINNESOTA  
IN COURT OF APPEALS

A23-1444  
A23-1467



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In re the Marriage of:

Catrina M. Rued, petitioner,

Respondent,

vs.

Joseph D. Rued,

Appellant.

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**ORDER OPINION**

Hennepin County District Court  
File No. 27-FA-16-6630

Considered and decided by Schmidt, Presiding Judge; Worke Judge; and Klaphake, Judge.\*

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. Appellant-father Joseph D. Rued appeals the district court's order denying his request to modify parenting time and argues that we must overturn previous decisions of this court affirming previous district court orders in this case, including: (1) the order granting sole physical and legal custody of the parties' shared child, W.O.R., to respondent-mother Katrina M. Rued, as settled in *Rued v. Rued*, No. A21-0798, 2022 WL 2298992, at \*1 (Minn. App. June 27, 2022), *rev. denied* (Minn. Sept. 28, 2022), *cert.*

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\* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

*denied*, 143 S. Ct. 1082 (2023); (2) the order limiting father’s parenting time to highly supervised time as settled in *Rued v. Rued*, No. A22-0812, 2023 WL 193669, at \*2, \*4 (Minn. App. Jan. 17, 2023); and (3) the order vacating an ex parte order for protection as settled in *Rued v. Rued*, No. A22-0593, 2023 WL 1098177, at \*2, \*6 (Minn. App. Jan. 30, 2023).

2. This court does not reconsider prior opinions. Minn. R. Civ. App. P. 140.01; *see Smith v. State*, 974 N.W.2d 576, 581 (Minn. 2022) (stating that “[t]he law of the case doctrine functions to bar issues that were previously considered and denied in the same case”); *Sigurdson v. Isanti County*, 448 N.W.2d 62, 66 (Minn. 1989) (stating that “when the appellate court has ruled on a legal issue . . . [, t]he issue decided becomes law of the case and may not be relitigated in the trial court or reexamined in a second appeal” (quotation omitted)). Because we do not rehear or reconsider arguments already heard and decided, we do not consider any of father’s arguments opposing the parenting-time order.

3. Father next challenges the district court’s order declaring him a frivolous litigant, arguing that his arguments cannot be frivolous because the unlawful conduct of judicial officers is the cause of his repeat litigation. A district court’s determination that a party is a frivolous litigant will be overturned only if the district court abused its discretion. *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 290, 295 (Minn. App. 2007). A district court abuses its discretion if its findings of fact are unsupported by the record or if it improperly applies the law. *Honke v. Honke*, 960 N.W.2d 261, 265 (Minn. 2021).

4. A frivolous litigant is defined in Minnesota Rule of General Practice 9.06(b). Here, the district court found that it had made “hundreds of findings” over the course of

father's "ceaseless stream of motions and arguments," demonstrating that father causes an endless stream of litigation in bad faith to pursue his conspiracy theories as if on a "witch-hunt," relitigating claims against mother that the courts have already decided, and continuing litigation despite endangering W.O.R. and repeated warnings from the courts. Therefore, the district court did not abuse its discretion when it determined that father is a frivolous litigant.

6. Once a district court determines that a party is a frivolous litigant, the district court may impose sanctions, including the requirement to post a security. Minn. R. Gen. Prac. 9.01. Before imposing sanctions, the district court must demonstrate that it considered the seven factors identified in Minnesota Rule of General Practice 9.02(b). *Peterka v. Peterka*, 675 N.W.2d 353, 360 (Minn. App. 2004). If we can infer the findings from the district court's conclusions, then explicit findings are not needed. *Welch v. Comm'r of Pub. Safety*, 545 N.W.2d 692, 694 (Minn. App. 1996). Findings can be inferred when the district court's conclusions are consistent with the evidence. *State v. Kvam*, 336 N.W.2d 525, 528 (Minn. 1983).

7. Here, the district court did not abuse its discretion when it imposed sanctions against father, including a security and preconditions, pursuant to its frivolous-litigant determination. The factors are supported by its conclusions and the record: (1) father has pursued endless litigation in this matter and the district court has made hundreds of findings that demonstrate father's arguments have no chance of success; (2) father repeatedly relitigates issues that are already decided; (3) father acts in bad faith by using litigation to harass mother; (4) the district court has repeatedly awarded mother conduct- and

need-based attorney fees, demonstrating the injury she incurs because of father's endless litigation; (5) the district court identified a dozen instances in which a court has reprimanded or discouraged father from continuing to pursue this litigation, and yet he continues; (6) we can infer that the district court found that sanctions and a security would help filter some of father's frivolous litigation and provide some safeguards for mother, including some assurance of receiving attorney fees; and (7) given the extensive findings and record in this case, it does not appear that any less severe options would provide sufficient protections. Because the district court considered all the factors before it imposed sanctions upon father pursuant to its frivolous-litigant determination, the district court did not abuse its discretion.

**IT IS HEREBY ORDERED:**

1. The district court's order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: April 29, 2024

**BY THE COURT**

/s/  
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Judge Roger Klaphake