

*This opinion is nonprecedential except as provided by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
A24-1897**

Laurissa Wredberg,
Appellant,

vs.

Canvas Health, Inc.,
Respondent.

**Filed June 23, 2025
Affirmed
Slieter, Judge**

Washington County District Court
File No. 82-CV-24-1013

Pamela M. Spera, Eden Prairie, Minnesota (for appellant)

James B. Sherman, Wessels Sherman P.C., Bloomington, Minnesota (for respondent)

Considered and decided by Slieter, Presiding Judge; Ede, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

Appellant, a sexual-assault counselor, challenges the district court's dismissal of her claims for violation of the Minnesota whistleblower act, Minn. Stat. § 181.932 (2024), and common-law wrongful discharge arising out of her refusal to provide information to respondent-employer regarding her client's whereabouts. Appellant claims that Minn. Stat. § 595.02, subd. 1(k) (2024), prohibited her from providing her employer with information related to her client.

Because Minn. Stat. § 595.02, subd. 1(k), does not pertain to workplace communications, and appellant therefore did not engage in protected behavior, the district court did not err by dismissing appellant’s whistleblower claim. Further, because appellant cites no authority for the proposition that public policy justifies applying the privilege found in Minn. Stat. § 595.02, subd. 1(k), to workplace communications, the district court did not err by dismissing appellant’s common-law wrongful-discharge claim. We therefore affirm.

FACTS

The following facts derive from the complaint. We accept these facts as true and construe all reasonable inferences in favor of appellant Laurissa Wredberg.¹ Wredberg worked as a sexual-assault counselor for respondent Canvas Health Inc. In her role as a sexual-assault counselor, Wredberg “was exposed to information about client victims of sexual assault, [including] their personal experiences, medical treatments, and whereabouts.”

In April 2023, Canvas asked Wredberg to provide information regarding the whereabouts of a minor-victim whom she counseled. Wredberg refused to provide the information, claiming that Minn. Stat. § 595.02, subd. 1(k), prohibited her from sharing victim information with her employer without the consent of the minor-victim.

In May 2023, Canvas again requested the information from Wredberg, claiming it was necessary to coordinate care for the victim. Wredberg again refused to provide Canvas

¹ See *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014) (articulating the standard for a rule 12 dismissal).

with the information. Canvas terminated Wredberg's employment due to her continued refusal to provide the information.

Following her termination, Wredberg sued Canvas, claiming a violation of the Minnesota whistleblower act and common-law wrongful discharge. Canvas moved to dismiss the complaint for failure to state a claim upon which relief can be granted, arguing that Wredberg did not engage in protected behavior and, more specifically, that Minn. Stat. § 595.02, subd. 1(k), does not pertain to communications between an employee and employer. The district court granted the motion, determining that Minn. Stat. § 595.02 (2024) pertains to evidence and testimony received during judicial proceedings and "has no application in the context of workplace communications."

Wredberg appeals.

DECISION

I. The district court did not err by dismissing the complaint for failing to state a claim upon which relief can be granted.

"We review de novo whether a complaint sets forth a legally sufficient claim for relief. We accept the facts alleged in the complaint as true and construe all reasonable inferences in favor of the nonmoving party." *Walsh*, 851 N.W.2d at 606 (citation omitted).

Wredberg claims that the district court erred by dismissing her complaint alleging a violation of the Minnesota whistleblower act and common-law wrongful discharge for failing to state a legally sufficient claim.

A. Wredberg failed to state a legally sufficient claim for violation of the Minnesota whistleblower act.

Wredberg argues that the district court misinterpreted Minn. Stat. § 595.02, subd. 1(k), by determining that it does not apply to workplace communications, and she claims that she had reason to believe that disclosing her clients whereabouts to her employer would violate the law.

The Minnesota whistleblower act prohibits an employer from terminating an employee who “refuses an employer’s order to perform an action that the employee has an objective basis in fact to believe violates any state or federal law . . . and the employee informs the employer that the order is being refused for that reason.” Minn. Stat. § 181.932, subd. 1(3).² To state a valid claim for relief under the act, “the alleged facts, if proven, [must] constitute a violation of [a] law or rule adopted pursuant to law.” *Abraham v. County of Hennepin*, 639 N.W.2d 342, 355 (Minn. 2002).

A legally sufficient claim under the act necessitates that, in pertinent part, the employee “in good faith, report[] a violation, suspected violation, or planned violation of any federal or state law . . . to [their] employer.” Minn. Stat. § 181.932, subd. 1. *See also Kratzer v. Welsh Cos.*, 771 N.W.2d 14, 18-19 (Minn. 2009) (applying a previous version of subdivision 1). Thus, the question raised is whether Wredberg’s disclosure to Canvas of information related to the minor-victim she counseled would violate Minn. Stat. § 595.02, subd. 1(k).

² The 2023 amendments to the whistleblower act do not impact this case. 2023 Minn. Laws ch. 53, art. 11, § 26, at 1290-91 (amending Minn. Stat. § 181.932, subd. 1 (2022)).

“The interpretation of a statute is a question of law reviewed de novo.” *Cocchiarella v. Driggs*, 884 N.W.2d 621, 624 (Minn. 2016). “When interpreting statutes, our function is to ascertain and effectuate the intention of the legislature.” *Anker v. Little*, 541 N.W.2d 333, 336 (Minn. App. 1995), *rev. denied* (Minn. Feb. 9, 1996). We consider the statute as a whole in a way that gives effect to all of its statutory provisions. *Cocchiarella*, 884 N.W.2d at 624. “[W]e first look to see whether the statute’s language, on its face, is clear or ambiguous.” *Am. Fam. Ins. Grp. v. Schroedl*, 616 N.W.2d 273, 277 (Minn. 2000). “[W]ords and phrases are construed according to rules of grammar and according to their common and approved usage.” Minn. Stat. § 645.08(1) (2024). “A statute is only ambiguous when the language therein is subject to more than one reasonable interpretation.” *Schroedl*, 616 N.W.2d at 277 (quotation omitted). “If the statute is free from ambiguity, we look only at its plain language.” *Anker*, 541 N.W.2d at 336.

Although Wredberg faults the district court’s interpretation of Minn. Stat. § 595.02, she does not provide statutory interpretation or indicate whether the statute is ambiguous. At oral argument, Wredberg’s counsel stated that the statute was unambiguous, but if we determined it was ambiguous, it should be interpreted as applying to workplace communications.

The statute provides:

Every person of sufficient understanding, including a party, *may testify* in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, *except* as provided in this subdivision:

....
(k) Sexual assault counselors may not be allowed to disclose any opinion or information received from or about the

victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of section 626.557 and chapter 260E.

“Sexual assault counselor” for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

Minn. Stat. § 595.02, subd. 1(k) (emphasis added).

Minn. Stat. § 595.02, subd. 1, outlines who may testify in an action or proceeding. It provides the general rule that “[e]very person of sufficient understanding . . . may testify” and carves out exceptions to that general rule for certain individuals. *Id.*, subd. 1.

We conclude that the statute is unambiguous and does not pertain to workplace communications. Again, Minn. Stat. § 595.02, subd. 1, provides the general rule that “[e]very person of sufficient understanding . . . may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence.” It excepts certain individuals from that rule, including sexual-assault counselors. *Id.*, subd. 1(k). According to its plain language, Minn. Stat. § 595.02, subd. 1(k), prohibits sexual-assault counselors from testifying in any court action or proceeding regarding information received from the victim absent the victim’s consent. The statute is silent regarding communications outside of the judicial context, such as those in the workplace.

See Christiansen v. Univ. of Minn. Bd. of Regents, 733 N.W.2d 156, 159 (Minn. App. 2007) (noting that we “cannot add to a statute what the legislature has either purposely omitted or inadvertently overlooked”), *rev. denied* (Minn. Aug. 21, 2007).

Arguing against this interpretation, Wredberg cites several cases that she claims prove that Minn. Stat. § 595.02, subd. 1(k), prohibits sexual-assault counselors from disclosing information without consent in settings other than testimony. We disagree.

Every case on which Wredberg relies that interpreted Minn. Stat. § 595.02 involved a court action or proceeding. *See In re Hope Coalition*, 977 N.W.2d 651, 663 (Minn. 2022) (noting that “the sexual-assault-counselor privilege under Minn. Stat. § 595.02, subd. 1(k) (2020), cannot be pierced in *criminal proceedings*” (emphasis added)); *Expose v. Thad Wilderson & Assocs., P.A.*, 889 N.W.2d 279, 283 (Minn. 2016) (explaining that “[t]he therapist-client privilege . . . is a statutory evidentiary privilege that addresses when and under what circumstances therapists are permitted to testify about information acquired while treating a client”); *State v. Expose*, 872 N.W.2d 252, 260 (Minn. 2015) (determining that the therapist-client privilege does not extend to third-party testimony); *State v. Heaney*, 689 N.W.2d 168, 171 (Minn. 2004) (considering whether “evidence is admissible in Minnesota where the evidence was properly obtained under Wisconsin law but Minnesota’s physician-patient privilege statute would preclude its admission at trial”).

Minn. Stat. § 595.02, subd. 1(k) (2024), is unambiguous and, under its plain language, precludes sexual-assault counselors only from disclosing victim information

during a court action or proceeding. *Anker*, 541 N.W.2d at 336. We therefore conclude that Minn. Stat. § 595.02, subd. 1(k), does not pertain to workplace communications.³

Wredberg argues that the district court failed to consider the pleadings, noting that the complaint alleged that Canvas pressured her “to produce information received from the victim/survivor for the purpose of providing the records to persons and entities *outside of Canvas*, including a family member of the victim/survivor, law enforcement, the county attorney’s office, and county probation office.”

The relevant allegations relate to paragraphs 31 through 36 of the complaint. These include:

- Canvas “continued to press [Wredberg] to provide them and other members of the County information received from and about the particular sexual assault victim/survivor.”
- Wredberg knew the victim had a warrant related to a probation violation as a runaway.
- Canvas management told Wredberg “that she needed to provide privileged information to them and to other non-advocates and non-sexual-assault-counselors in order to ultimately jail the victim/survivor.”
- Because Wredberg knew the victim had an outstanding arrest warrant, she “was concerned, among other things, that statements [she] made in response to the group’s questions, would be used in criminal court proceedings against the victim/survivor and that records [she] produced would also be used in such proceedings against the victim/survivor.”

³ Wredberg unpersuasively claims that “the district court created an exception to the sexual-assault-counselor privilege that the [l]egislature did not write into the statute.” Sexual-assault counselors are an exception to Minn. Stat. § 595.02, subd. 1; the privilege found in Minn. Stat. § 595.02, subd. 1(k), is not the rule, it is the exception. *See Cocchiarella*, 884 N.W.2d at 624 (providing that we consider the statute as a whole in a way that gives effect to all of its statutory provisions).

To support her whistleblower action, Wredberg must allege that she was pressured to violate Minn. Stat. § 595.02, subd. 1(k), which unambiguously prohibits a sexual-assault counselor from testifying in a court action or proceeding without the consent of the victim. However, none of these allegations assert that Wredberg was being pressured to testify or produce records in a court action or proceeding. Canvas’s alleged pressure on Wredberg to disclose information that would ultimately be provided to “other members of the County” is not an allegation that she was being pressured to testify or produce records to be used in an action or proceeding against the victim. Because the complaint fails to state a claim upon which relief can be granted, namely that Wredberg was being pressured to testify or produce records in a court action or proceeding in violation of Minn. Stat. § 595.02, subd. 1(k), the district court properly dismissed Wredberg’s whistleblower claim.⁴

B. Wredberg failed to state a legally sufficient claim for common-law wrongful discharge.

Wredberg claims that being discharged for failing to disclose information violates the public policy advanced by Minn. Stat. § 595.02. The Minnesota whistleblower act “does not preclude common-law wrongful-discharge actions.” *Nelson v. Productive Alts., Inc.*, 715 N.W.2d 452, 456 (Minn. 2006). But to delineate a public-policy exception to

⁴ Wredberg argues, in the alternative, that there was a court action or proceeding under Minn. Stat. § 595.02, subd. 1. Wredberg did not present this argument to the district court. A party cannot raise a new issue on appeal, “[n]or may a party obtain review by raising the same general issue litigated below but under a different theory.” *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). Wredberg forfeited this argument.

at-will employment, “the public policy at issue [must] be clear in order to justify a common-law cause of action.” *Id.*

Wredberg claims that the public policy is clear—the sexual-assault-counselor privilege protects a victim’s privacy and disclosing victim information without consent harms the confidentiality between victim and counselor. As we have already stated, every case upon which Wredberg relies for this proposition involves disclosure in a court action or proceeding. That is, none of the cases Wredberg cites extend the privilege to workplace communications.

And as we have concluded, Minn. Stat. § 595.02, subd. 1(k), unambiguously applies only to testimony in a court action or proceeding. Adopting Wredberg’s position and applying the privilege to workplace communications would require this court to add language to the statute, which we cannot do. *See Rohmiller v. Hart*, 811 N.W.2d 585, 590 (Minn. 2012) (“We cannot add words or meaning to a statute that were intentionally or inadvertently omitted.”). We conclude that, because no authority exists supporting that the privilege found in Minn. Stat. § 595.02, subd. 1(k), applies to workplace communications, the district court properly dismissed Wredberg’s claim for common-law wrongful discharge.

Affirmed.