

STATE OF MINNESOTA
IN COURT OF APPEALS

A23-0777



In the Matter of:

Christina L. Schwartz,

Respondent,

Timothy M. Schwartz,

Respondent,

Mary E. Pieri,

Respondent,

vs.

Benjamin J. Schwartz,

Respondent,

Jessica E. Harrer,

Appellant.

ORDER OPINION

Hennepin County District Court
File No. 27-FA-17-4042

Considered and decided by Worke, Presiding Judge; Frisch, Judge; and Halbrooks, Judge.*

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

1. Appellant-mother Jessica E. Harrer and respondent-father Benjamin J. Schwartz have one joint child who was born in 2016. Respondents-grandparents

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

Christina L. Schwartz and Timothy M. Schwartz and respondent-great-grandmother Mary E. Pieri (grandparents, collectively) are the child's paternal relatives.

2. Grandparents petitioned for visitation in 2017. Following mediation, the parties agreed to a visitation plan that generally provided that grandparents would have visitation with the child every other Sunday afternoon. The district court adopted the plan.

3. In October 2022, Pieri filed a motion to modify the visitation schedule, requesting that grandparent visitation occur at their home and that father's parenting time occur at their home. Mother requested that this matter be closed, given that custody had been resolved in a separate case.

4. The district court maintained the visitation schedule and stated that it could occur at grandparents' homes. The district court further stated that "[f]ather may not be present during grandparent visitation" and that his access to the child is not modified by the order. It reasoned that father's access to the child is governed by the district court's 2017 order and that grandparent visitation is not a means for father to gain additional parenting time or bypass the requirements of the custody plan. Specifically, it stated that "[i]f [f]ather wishes to have grandparents participate in *his* parenting time at a future date, that is a determination for [f]ather to make." Mother appealed.

5. On appeal, mother requests that grandparents' visitation take place during father's visitation time. We decline to address the merits of mother's argument because it is inadequately briefed. First, mother does not argue that the district court abused its discretion or otherwise erred in making any determination. *See Waters v. Fiebelkorn*, 13 N.W.2d 461, 465 (Minn. 1944) (providing that burden of showing error rests with one

who asserts that error). Second, mother does not provide any legal support or reasoning for her request. *See Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (stating that assertion of error unsupported by legal argument or authority is forfeited unless prejudicial error is obvious on mere inspection); *see also State Dep't of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to address inadequately briefed issue); *Brodsky v. Brodsky*, 733 N.W.2d 471, 479 (Minn. App. 2007) (applying *Wintz* in family-law appeal). Here, we discern no prejudicial error upon mere inspection.

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 10, 2024

BY THE COURT



Judge Renee L. Worke