

STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1905



Joseph Daryll Rued,

Appellant,

vs.

Catrina Marie Rued, et al.,

Respondents.

ORDER OPINION

Scott County District Court
File No. 70-CV-24-4238

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

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

1. Including petitions for review of this court's rulings, appellant Joseph Daryll Rued (father) has filed 42 matters in Minnesota's appellate courts since 2021. Each matter arose, directly or indirectly, out of his parenting dispute with respondent Catrina Marie Rued (mother). State-court litigation includes, among other matters, a child-in-need-of-protection-or-services (CHIPS) case, an order-for-protection (OFP) case, and the suit generating this appeal—to set aside prior rulings that were allegedly based on fraud and perjury. Related state appellate matters include: A25-0935, A25-0831, A25-0362, A25 0361, A25-0209, A25-0057, A24-2035, A24-1740, A24-1706, A24-1705, A24-0982, A24-0759, A24-0719, A23-1936, A23-1755, A23-1754, A23-1467, A23-1444, A23-1235, A23-1004, A23-0715, A23-0044, A22-1420, A22-1060, A22-0812, A22-0593, A21-1064,

and A21-0798. Father has also been a plaintiff in multiple federal cases in which he sued state-court decision-makers and state-court personnel.

2. In this case, father filed several documents captioned “Second Amended Complaint.” This order opinion refers to the complaint associated with father’s motion filed on July 8, 2024.

3. The complaint seems to assert that, (1) in the prior CHIPS case, a child-protection worker filed a perjured report; (2) in the OFP case, father procured an ex parte OFP limiting mother’s access to the child; and (3) mother and her counsel (respondents in this appeal) committed fraud by submitting the CHIPS report to the OFP court, which then vacated the ex parte OFP and denied relief. The complaint also suggests that respondents submitted the report, or the order denying relief in the OFP case, in other cases. The complaint further asserts “multiple frauds” by a judicial decision-maker. The complaint seeks a jury trial on the alleged frauds and to set aside district court orders filed on four dates. *See* Minn. Stat. § 548.14 (2024) (allowing an action to reopen a judgment that is based on perjury or fraud). The complaint does not identify the district court files in which the orders father wants set aside were filed. The complaint seeks compensatory and punitive damages.

4. Citing Minn. R. Civ. P. 12.02(e), the district court ruled that the complaint’s allegations were vague, conclusory, and failed to state a claim upon which relief could be granted, and dismissed the case. Father appealed.

5. Father’s arguments on appeal are unclear. *See Carpenter v. Woodvale, Inc.*, 400 N.W.2d 727, 729 (Minn. 1987) (noting that pro se party is “not relieved of the burden

of, at least, adequately communicating to the court what it is he wants accomplished and by whom”); *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001) (noting that “this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules”); *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); *Rued v. Rued*, No. A21-0798, 2022 WL 2298992, at *19 (Minn. App. June 27, 2022) (applying *Wintz* in one of father’s prior appellate matters), *rev. denied* (Minn. Sept. 28, 2022).

6. Our review is limited to questions previously presented to, and considered by, the district court in this case. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). Thus, we do not address any argument by father involving rulings made in prior appellate matters. *See Hoyt Inv. Co. v. Bloomington Com. & Trade Ctr. Assocs.*, 418 N.W.2d 173, 176 (Minn. 1988); Minn. R. Civ. App. P. 140.01; *see also Rued v. Rued*, No. A24-2035, 2025 WL 453052, at *1 (Minn. App. Feb. 4, 2025) (order) (one of several prior rulings in father’s appellate matters in which we cited this idea), *rev. denied* (Minn. Apr. 15, 2025). Nor do we address any argument seeking review of rulings made in district court cases other than the case generating this appeal. *See Aaron Carlson Corp. v. Cohen*, 933 N.W.2d 63, 71 (Minn. 2019) (discussing impropriety of collateral attacks on prior rulings); *see Rued*, 2025 WL 453052, at *1 (citing this idea in one of father’s other appellate matters).

7. The complaint seems to assert that, in the OFP case, respondents “knowingly submitted admitted perjury which is the culmination of [the] investigations [occurring in the CHIPS case].” The district court’s order states that this claim “has been previously

litigated and found to be meritless in numerous court orders [in father’s other cases] all of which were affirmed by the court of appeals.” The district court, however, did *not* dismiss the case on this basis. It dismissed the case under rule 12.02(e), explicitly stating that it was *not* addressing other “persuasive” arguments made by respondents (e.g., res judicata and collateral estoppel). Despite the district court’s explicit refusal to address doctrines precluding relitigation of previously decided questions, much of father’s briefing challenges what he seems to assert is the district court’s ruling that it will not allow relitigation of already decided questions. Because the district court did not address doctrines precluding relitigation of decided questions, any argument father presents on those matters is, under *Thiele*, not properly before us, and we do not address it. Relatedly, arguments in father’s reply brief that exceed new matter raised in respondents’ brief are also not properly before us and we do not address them. *See* Minn. R. Civ. App. P. 128.02, subd. 3; *Minnesota Sands, LLC v. Cnty. of Winona*, 940 N.W.2d 183, 199 n.15 (Minn. 2020). The only question before us in this appeal is whether father’s complaint was, under rule 12.02(e), adequate.

8. When we review a district court’s dismissal under rule 12.02(e), we (1) use a de novo standard of review; (2) recognize that a claim survives if it is possible on any evidence which might be produced, consistent with the pleader’s theory, to grant the relief sought, but that a claim fails if the complaint does not set forth a legally sufficient claim for relief; (3) consider only the facts alleged in the complaint, and accept them as true; and (4) construe all reasonable inferences in favor of the nonmoving party. *Sterry v. Minnesota Dep’t of Corr.*, 8 N.W.3d 224, 235 (Minn. 2024).

9. Fraud must be pleaded with particularity. Minn. R. Civ. P. 9.02. Rule 9.02 requires particular pleading of the time, place, and content of the allegedly false statements, the identity of the person making those statements, and what that person gained thereby. *Angeles v. Medtronic, Inc.*, 863 N.W.2d 404, 422 (Minn. App. 2015). Fraud claims pleaded without the required particularity can be dismissed under rule 12.02(e). *Id.*

10. The complaint asserts that, in the OFP case, respondents “knowingly submitted admitted perjury which is the culmination of [the child protective services’] investigations [in the CHIPS case].” The complaint states that the CHIPS investigations were “fraudulent.” These allegations of fraud and perjury seem to have two levels. First, the alleged fraud and perjury in the CHIPS case generating the report. And second, respondents’ alleged commission of additional fraud in the OFP case by submitting the CHIPS report to the OFP court. The complaint, however, does not address most of the *Angeles* criteria regarding the fraud and the perjury allegedly occurring in the CHIPS case. Thus, the complaint is defective. *Cf. Hansen v. Am. Nat’l Bank*, 396 N.W.2d 642, 646-47 (Minn. App. 1986) (stating that “the mere allegation by the defeated party that there was, as to such issue, false or perjured testimony by the successful party or his witness, will not bring the case within [Minn. Stat. § 548.14]” (quotation omitted)).

11. The complaint also seems to assert that, in the OFP proceeding, the district court relied on “multiple frauds” by a judicial decision-maker in a prior case. Those “multiple frauds” apparently included “lying” about witness testimony and relying on testimony produced in that prior case that the record in that case allegedly showed to be

“fraudulent.” We understand this allegation of fraud to have the same two levels described above. And we conclude that it has the same defects.

12. The complaint’s last allegations of fraud seem to refer to respondents’ submissions, in matters other than the OFP case, of what father asserts are rulings based on fraud. Above, we ruled that the complaint’s allegations regarding the underlying frauds to be inadequate. Thus, we also conclude that the complaint’s final allegations of fraud—built on the allegations rejected above—are also defective.

13. Father challenges the dismissal based on material in the record but not in the complaint. But when a court addresses a motion to dismiss under rule 12.02(e), the court considers “only the facts alleged in the complaint.” *Sterry*, 8 N.W.3d at 235 (quotation omitted).

14. Father’s assertion that the district court misread his complaint to seek custody of the child does not warrant relief. The district court’s order mentions, as procedural history, that father sought summary judgment on his fraud and perjury claims, and that his summary judgment motion “requested that custody of the minor child be awarded to him.” But the district court dismissed the case without addressing the motion for summary judgment.

15. We reject father’s assertion that he did not respond to respondents’ motion to dismiss. Father’s April 22, 2024 “Responsive Motion” states: “If the [district] [c]ourt is going to consider [respondent]s’ April 4, 2024 Motion to Dismiss . . . [it should] deny [respondent]s’ [m]otion in its entirety.”

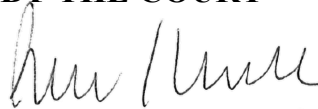
16. Finally, in addition to dismissing for failure to state a claim on which relief can be granted, the district court noted that other arguments respondents made were “persuasive” and that it “need not address” those arguments “due to [father]’s failure to state a claim upon which relief may be granted.” Because we affirm the district court’s dismissal for father’s failure to state a claim on which relief can be granted, we need not remand for the district court to elaborate on the “persuasive[ness]” of respondents’ other arguments.

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: June 16, 2025

BY THE COURT



Judge Renee L. Worke