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**STATE OF MINNESOTA
IN COURT OF APPEALS
A16-1643**

Eric D. Humphreys, et al.,
Respondents,

vs.

Janet Humphreys Krasner,
Appellant.

**Filed June 19, 2017
Affirmed; motion denied
Kirk, Judge**

St. Louis County District Court
File No. 69VI-CV-12-1010

Bryan M. Lindsay, Scott C. Neff, The Trenti Law Firm, Virginia, Minnesota (for respondents)

Janet Humphreys Krasner, Ely, Minnesota (pro se appellant)

Considered and decided by Cleary, Chief Judge; Kirk, Judge; and Toussaint, Judge.*

UNPUBLISHED OPINION

KIRK, Judge

In this partition action, appellant challenges the district court's order enjoining all parties from using, or participating in the sale of, the subject property, and the denial of her motion for a continuance. We affirm.

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

FACTS

At issue is cabin property owned by four adult siblings, appellant Janet Humphreys Krasner and respondents Eric Humphreys, Paul Humphreys, and Ann Sellers. In 2012, respondents brought a partition action against appellant. In 2013, based on the parties' stipulation, the district court ordered the sale of the property and the appointment of a referee/realtor, directing all parties to cooperate with the sale. In the years since, there have been no offers for the lakefront property. Appellant is the only party who lives in the area or uses the property.

On July 29, 2016, respondents served appellant by U.S. mail with a notice of motion and motion seeking to enjoin appellant from entry on the premises, use of the property, and any and all involvement in the sale process. The substance of the affidavits in support of the motion is that appellant consistently interfered with efforts to market, show, and sell the property. On the day of the motion hearing, self-represented appellant moved for a continuance, asserting that she had been served with the motion papers only three days earlier because she had been out of town for two weeks. The district court explained that receipt and service are distinct concepts and implicitly denied the requested continuance.

After the motion hearing, the district court enjoined all parties from "any and all involvement in the sales process . . . including listing of the property, showing of the property, advertising of the property and all actions of the realtor/referee" and "from using the subject property." The order further authorizes the referee/realtor, "in the absence of agreement of the parties, to authorize minor repairs and improvements to the condition of

the premises which the referee deems to be in the best interests of sale of the premises.”

This appeal follows.

D E C I S I O N

I. The district court did not abuse its discretion in denying appellant’s request for a continuance.

We review for abuse of discretion the denial of a motion for a continuance. *Torchwood Properties, LLC v. McKinnon*, 784 N.W.2d 416, 418 (Minn. App. 2010). “[W]hen we evaluate the denial of a continuance motion, the critical question is . . . whether the denial prejudiced the outcome” *Id.* at 419.

Although the motion papers were timely served, appellant contends that she was prejudiced because she had only three days to prepare for the hearing. “Although some accommodations may be made for pro se litigants, this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules.” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). The district court accommodated appellant by accepting her response and supporting documents during the hearing and patiently allowing her extra time to argue. The district court did not abuse its discretion in denying the request for a continuance.

II. The district court did not abuse its discretion in granting injunctive relief.

“The district court has broad discretion to grant or deny a temporary injunction, and we will reverse only for abuse of that discretion.” *U.S. Bank Nat’l Ass’n v. Angeion Corp.*, 615 N.W.2d 425, 434 (Minn. App. 2000), *review denied* (Minn. Oct. 25, 2000). Generally, when considering a request for injunctive relief, courts apply the *Dahlberg* factors. *See Dahlberg Bros., Inc. v. Ford Motor Co.*, 272 Minn. 264, 274-75, 137 N.W.2d 314, 321-22

(1965) (identifying five factors). The *Dahlberg* analysis is not easily applied here because injunctive relief was not granted to preserve the status quo pending a decision on the merits—the district court had ordered the property sold years earlier. To the extent the *Dahlberg* factors are applicable, we conclude that, on balance, they favor the grant of injunctive relief.

We also conclude that the record amply supports the district court’s findings that appellant is the only party who uses the property and that it has been left in poor condition for sale. We therefore conclude that the district court reasonably and properly exercised its discretion when it enjoined the parties from using, or interfering with the sale of, the property.

Appellant contends that the order is vague, particularly with respect to the terms “use” and “subject property.” “Every order granting an injunction . . . shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained.” Minn. R. Civ. P. 65.04. Given the recreational nature of the property and the existing order for its sale, we are satisfied that the district court’s order describes in reasonable detail the acts sought to be restrained. And contrary to appellant’s argument, the order does not grant the referee/realtor “unrestrained authority over all aspects of the subject property,” rather, it permits referee/realtor to set the listing price (subject to court approval of the sale price) and to “authorize minor repairs and improvements.”

Appellant also argues that the district court improperly considered the merits of her conciliation court action against the referee/realtor in making its decision. Both parties

referenced the conciliation court action at the motion hearing, and appellant attempted to offer documents related to that action. The district court explained that the merits of the conciliation court action were not properly before the court. We conclude that the district court properly limited itself to the motion pending before it in the partition action.¹

Affirmed; motion denied.

¹ On April 25, 2017, appellant filed a motion in this court seeking to compel respondents to provide another copy of the district court motion papers that they had served on her by U.S. mail on July 29, 2016, and which she acknowledges receiving on August 13, 2016. The motion is denied.