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**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0266**

Lawrence Lanoux, et al.,
Appellants,

vs.

Jeff Huber, et al.,
Respondents.

**Filed October 19, 2020
Reversed and remanded
Slieter, Judge**

Washington County District Court
File No. 82-CV-18-352

Mark R. Anfinson, Minneapolis, Minnesota (for appellants)

Paul D. Reuvers, Stephanie A. Angolkar, Iverson Reuvers Condon, Bloomington, Minnesota (for respondents)

Considered and decided by Bratvold, Presiding Judge; Smith, Tracy M., Judge; and Slieter, Judge.

UNPUBLISHED OPINION

SLIETER, Judge

In this appeal from an order granting respondents' motion for attorney fees and costs pursuant to the Minnesota Open Meeting Law (OML), Minn. Stat. §§ 13D.01-.07 (2018), appellants argue that the district court's findings were insufficient to establish that their OML action was frivolous and without merit. Because we conclude that the district court's

independent finding was insufficient to allow our meaningful review, we reverse and remand for more detailed findings.

FACTS

In a complaint filed in January 2018, appellants—former Grant city councilmembers—brought an OML action against respondents—the Grant city mayor, city councilmembers, planning commission members, and the city administrator—seeking civil penalties for purported violations of the OML, which provides that “[a]ll meetings, including executive sessions, must be open to the public,” including meetings of city committees and commissions. Minn. Stat. § 13D.01, subd. 1 (2018). Appellants allege that respondents violated this provision of the OML by congregating in a meeting room and discussing agenda items following adjournment of a city council meeting in March 2017, and by improperly using a consent agenda to approve items at meetings.

Following a hearing on respondents’ motion for summary judgment, the district court granted summary judgment on the OML claims. The district court concluded that “[t]here is absolutely no evidence before the Court to support [appellants’] claim that the [respondents] have violated Minnesota’s open meeting law” in relation to the March 2017 city council meeting and that the claims were based on “speculation.” In reference to appellants’ consent agenda claim, the district court concluded that appellants wrongly inferred that city officials “must [have been] conducting secret meetings to determine the consent agenda” and that appellants “failed to identify any law that the council has violated by its use of a consent agenda.” The district court described the OML claims as “beyond

meritless” and “frivolous and malicious.” This order is not the subject of our review. The order granting attorney fees which followed, is what we now review.

Following respondents’ subsequent motion for an award of attorney fees pursuant to Minn. Stat. § 13D.06, subd. 4(b) (2018), a different district court judge issued an order granting respondents’ motion, stating the following:

Here, the Court granted motion for summary judgment to [respondents] in a prior Order (“Order”), dated December 10, 2018. In the Order, the Court found [appellants] made a “strained attempt to create a fact issue,” and there is absolutely no evidence . . . that [respondents] have violated Minnesota’s open meeting law.” Order 4, 6. Moreover, the Court declared that [appellants’] claims are “frivolous and malicious.” *Id.* at 6. ***The Court finds that [appellants’] claims, history, and discovery practices, demonstrate that an award of attorney fees and costs is appropriate.*** Accordingly, [respondents’] motion is granted.

(Emphasis added.) The district court awarded respondents attorney fees of \$66,513.33.

This appeal follows.

DECISION

“The [district] court must scrupulously assure that findings and conclusions—whether they be the court’s alone, one or the other party’s, or a combination—are always detailed, specific and sufficient enough to enable meaningful review by this court.” *Bliss v. Bliss*, 493 N.W.2d 583, 590 (Minn. App. 1992), *review denied* (Minn. Feb. 12, 1993). We review a district court’s decision on an award of attorney fees for an abuse of discretion. *Carlson v. SALA Architects, Inc.*, 732 N.W.2d 324, 331 (Minn. App. 2007), *review denied* (Minn. Aug. 21, 2007). Pursuant to the OML, the district court may award attorney fees

and costs to a party “only if the court finds that the action under this chapter was frivolous and without merit.” Minn. Stat. § 13D.06, subds. 4(a), (b) (2018).

The district court, in granting the attorney fees award, repeated the language from the summary-judgment order that deemed the claims “frivolous and malicious,” though provided no analysis as to why the claims were “frivolous and malicious.” The district court did find that appellants’ “claims, history, and discovery practices, demonstrate that an award of attorney fees and costs is appropriate.” This single independent finding does not allow us sufficient basis upon which to meaningfully review the attorney fees award.

The OML “action” is the only relevant consideration in determining whether attorney fees and costs are warranted pursuant to the OML statute. *Id.* There is nothing in the record to suggest appellants’ “history” in this action was at issue, nor is there any record of discovery sanctions or violations. The district court did not issue independent factual findings sufficient for our court to review whether the award of attorney fees and costs was an abuse of the district court’s discretion. We reverse and remand on these grounds.

On remand and based upon the attorney fees provision in the OML statute, the district court should review the entire record preceding the summary-judgment hearing, which may include a review of the legal merits of the claims, in making findings as to whether appellants’ claims were frivolous and without merit.¹

Reversed and remanded.

¹ Because the district court did not make the findings on which its exercise of discretion must be based, we do not address the merits of appellants’ original OML claim.