This opinion is nonprecedential except as provided by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
A21-0069

In re the Marriage of:

Katherine Ann Reichert, petitioner,
Appellant,

vs.

Matthew Alan Born,
Respondent,

County of Dakota,
Intervenor.

Filed August 9, 2021
Affirmed
Gaïtas, Judge

Dakota County District Court
File No. 19AV-FA-15-696

Richard D. Crabb, Hill Crabb, LLC, Edina, Minnesota (for appellant)

Matthew A. Born, Elko New Market, Minnesota (self-represented respondent)

Considered and decided by Johnson, Presiding Judge; Worke, Judge; and Gaïtas, Judge.

NONPRECEDENTIAL OPINION

GAÏTAS, Judge

In this post-dissolution matter, appellant argues that the district court erred by (1) denying her motion to compel discovery regarding several financial matters,

(2) rejecting her request to change the children's therapy provider, (3) denying her request for an order directing respondent to reimburse her for certain extracurricular-activity expenses, (4) refusing to order respondent to authorize release of child-protection records, and (5) denying her motion for conduct-based attorney fees. We affirm.

FACTS

Appellant Katherine Reichert (mother) and respondent Matthew Born (father) were married for twelve years and have three minor children, born in 2006, 2009, and 2012. Their marriage was dissolved by a dissolution judgment in June 2015. The dissolution judgment awarded mother and father joint legal and joint physical custody of the children, subject to a 5-2-2-5 parenting-time schedule.[1]

Given that both parents are members of the armed services, the dissolution judgment reflects an agreement by mother and father that, in the event either parent is deployed, the parenting time schedule will temporarily change, and child support will correspondingly increase for the deployed parent. The dissolution judgment prospectively addressed an anticipated three-month deployment for father in the summer of 2015, and it calculated and ordered his temporary basic child-support obligation for that time period.

Additionally, the dissolution judgment specifies that father will keep the children on his health-insurance coverage provided through his employer. Regarding the children's expenses, mother and father were ordered to share "any agreed upon extracurricular activity fees, sports fees, sports equipment, school fees, school lunches, school supplies,

[1] With a 5-2-2-5 parenting schedule, each parent has two consecutive overnights with children on weeknights and parents alternate weekends with children.

musical lessons," and other similar expenses, provided the parties agreed to the costs and activities in advance. For such expenses, the dissolution judgment requires the parties to "promptly notify the other parent of the expense."

In October 2015, the dissolution judgment was amended by stipulation to include a provision that the children remain in their current school in Lakeville unless mother and father agree otherwise in writing, and a provision that the parents bring their children to therapy at Life Development Resources (LDR) in Lakeville.

Since the issuance of the dissolution judgment, mother and father have had a highly contentious relationship and have struggled with cooperative co-parenting. They have appeared before the district court on numerous occasions and filed voluminous motions, affidavits, and other documents.[2] The district court has accordingly issued a series of orders, but we summarize only the most relevant here.

In July 2017, the district court issued an order denying several motions by mother, including a request that father pay expenses incurred for the children's extracurricular activities in 2016 and 2017. About a year later, in July 2018, the district court issued an order modifying child support, which sets forth father's current support obligation. In January 2020, the district court issued an order that discussed a pending child-protection

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[2] The district court's orders and the record suggest that mother, in particular, has had persistent difficulty abiding by court orders and cooperatively engaging in co-parenting. The district court has held mother in contempt for violating the dissolution judgment and has ordered mother to complete a psychological evaluation. In one order, the district court noted that it was "struck by Mother's lack of self-control as exhibited by her constant interruptions and attacks on Father in a Court setting."

case opened in Carver County after school personnel reported concern about the youngest child's behavior following an incident with mother.[3] In light of the pending child-protection matter, the district court ordered that the children remain in father's care on a temporary basis and that mother be allowed supervised parenting time.

Shortly thereafter, on February 7, 2020, the district court issued a detailed order modifying parenting time[4] and addressing numerous motions by mother and father. Relevant here, the order denied mother's request for modification of child support and parental income for determining child support calculations (PICS) retroactive to 2015. Mother's modification request was based on allegations that father had misrepresented and concealed his military income for the past four years. The district court addressed these allegations, evaluated the evidence in the record on father's military income for 2015-2018, and determined that the allegations were without merit.

In April, May, and June of 2020, mother, representing herself, filed another series of motions with hundreds of pages of affidavits and exhibits attached. Her April motion requested that the district court compel father to disclose certain financial documents, as she repeated her allegations that father had engaged in "ongoing fraud and intentional misrepresentation." Her May and June motions requested that father be held in contempt

[3] Another order banned mother from the children's school due to threatening behavior towards staff.

[4] The district court modified parenting time such that father has the children during the school week, and mother has them from 6:00 p.m. on Fridays until 7:00 p.m. on Sundays. The district court found this modification to be in the best interests of the children, primarily because mother had struggled to get them to school on Mondays, which resulted in a report of educational neglect to child protection services.

for allegedly violating numerous provisions of the dissolution judgment and other court orders throughout the past several years.

The parties appeared for a hearing on July 8, 2020. At the beginning of the hearing, the district court struck all of mother's pending motions, stating:

> At this time, the Court is striking all of those motions from the calendar. They are improperly before the Court, they are an abuse of process, and quite frankly, they are abusive to [father]. All of those motions have already been decided on the merits, including the motions for alleged contempt and the motions to compel.

The district court commented that mother had inappropriately filed over 800 documents and, as a result, ordered that any new motions filed by mother must not exceed two pages, with supporting affidavits not to exceed seven pages. The district court also ordered that mother not file any motions concerning matters already decided.

Mother then retained new counsel and filed several more motions in August 2020. Specifically, mother requested that the district court (1) amend its July 8, 2020 order to compel father to answer her discovery requests, to compel father to enroll the children in Family Innovations therapy, and to compel father to reimburse her for extracurricular-activity expenses incurred over the last four years; (2) order father to place the children on his health insurance pursuant to the dissolution judgment; (3) order father to sign an authorization for the release of various child-protection documents; and (4) order father to pay her attorney fees.

Father filed several responsive motions, including requests that the district court (1) order mutual exchange of income documentation from the previous year (2019);

(2) compel mother's cooperation in changing the children's health and dental insurance back to his plan, as mother had unilaterally changed their coverage; and (3) order that counseling for the children continue at LDR in Lakeville, scheduled by father.

The district court held a hearing on these motions in September 2020. Several months later, the district court issued an order denying all of mother's motions, except her request that the children be placed back on father's health insurance, which father had also requested.

Mother appeals.

DECISION

Mother raises five issues on appeal. She asserts that "[t]he primary issue is [the] District Court's refusal to compel [father] to comply with [her] formal discovery requests." The other four issues concern the district court's refusal to order the following: that the children be enrolled in therapy at Family Innovations, that father reimburse mother for extracurricular expenses, that father sign an authorization "for the release of the safety plan issue[d] . . . by Carver County Child Protection Services," and that father pay mother "her total attorney's fees that she has incurred to date."

At the outset, we must clarify that "[t]he function of the court of appeals is limited to identifying errors and then correcting them." *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988); *see Nelson v. Schlener*, 859 N.W.2d 288, 294 (Minn. 2015). "[E]rror is never presumed[, and] . . . the burden of showing error rests upon the one who relies upon it." *Waters v. Fiebelkorn*, 13 N.W.2d 461, 464-65 (Minn. 1944); *see Braith v. Fischer*, 632 N.W.2d 716, 724 (Minn. App. 2001) (applying this concept in a family-law appeal), *review*

denied (Minn. Oct. 24, 2001); *see also* Minn. R. Civ. P. 61 (requiring harmless error to be ignored). "It is not within the province of appellate courts to determine issues of fact on appeal." *Fontaine v. Steen*, 759 N.W.2d 672, 679 (Minn. App. 2009) (quotation omitted). Thus, we "neither reconcile conflicting evidence nor decide issues of witness credibility, which are exclusively the province of the factfinder." *Gada v. Dedefo*, 684 N.W.2d 512, 514 (Minn. App. 2004). With these principles in mind, we assess each of mother's arguments under the applicable standards of appellate review.

I. The district court did not abuse its discretion by denying mother's motion to compel discovery regarding several financial matters.

District courts have broad discretion to grant or deny discovery requests and will not be reversed absent an abuse of that discretion. *Shetka v. Kueppers, Kueppers, Von Feldt & Salmen*, 454 N.W.2d 916, 921 (Minn. 1990); *Gunnufson v. Onan Corp.*, 450 N.W.2d 179, 181 (Minn. App. 1990). A district court abuses its discretion if it makes findings of fact that are not supported by the record, misapplies the law, or resolves the matter in a manner that is contrary to logic and the facts on the record. *Dobrin v. Dobrin*, 569 N.W.2d 199, 202 (Minn. 1997).

Rule 26.02 of the Minnesota Rules of Civil Procedure provides the scope of discovery for civil cases. Under the rule, "[p]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case." Minn. R. Civ. P. 26.02(b). Rule 37.01(b) allows a party seeking

discovery to move the district court for an order compelling a discovery response and appropriate sanctions.[5]

In her April 2020 motion, and again in her August 2020 motion for reconsideration of the July 8, 2020 order, mother requested that father be ordered to disclose certain financial documents that she had formally requested from him. Specifically, she requested that father disclose his federal and state income tax returns for tax years 2015 to 2018, his retirement account withdrawals from January 1, 2015, to May 1, 2019, and documentation of any additional income received from 2015 to 2019. She also requested that he disclose his military Leave and Earning statements (LES statements) from January 1, 2015, to June 30, 2015, and his military Point and Credit Accounting Reporting System (PCARS) report.

The district court denied mother's motion to compel discovery, noting that the motions rehash mother's "perennial claim" that father has "perpetrated fraud upon the Court regarding his 2015 to 2019 income and deployment." Explaining that "[t]he issues surrounding [father's] income from 2015 to 2019 were addressed and ruled on by this Court

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[5] Additionally, Minnesota Statutes section 518A.28(b) (2020) provides that when a child-support order is in effect, a party may require the other party to produce a copy of "the [other] party's complete federal tax returns for the preceding year that were filed with the Internal Revenue Service" or, "if the [other] party's federal tax returns have not been filed for that year," the party's 1099 form, W-2 form, or K-1 form. "A request under this paragraph may not be made more than once every two years, in the absence of good cause." Minn. Stat. § 518A.28(b). But mother never invoked this statute in her pursuit of father's tax returns. Father, on the other hand, invoked section 518A.28(b) in his August 2020 responsive motions to request that the district court order mutual exchange of income documentation from 2019, and the district court granted his request.

in its February 7, 2019, order," the district court concluded that no relevant issue or claim was pending that would support granting mother's discovery requests.

On appeal, mother essentially argues that the district court erred because the requests were relevant to proving that father has committed "chronic fraud upon the Court."[6] She seems to concede that her discovery requests were not related to any pending claim or issue, such as a motion to modify child support or parenting time. Instead, she argues that, because the district court previously rejected her allegations of fraud for "lack of evidence," the district court should have then permitted her to obtain additional evidence.[7]

Mother's arguments are without merit. She previously made the same fraud allegations when she requested retroactive modification of father's basic child support and

[6] In discussing her allegations of "chronic fraud," mother brings up disputes that were addressed by the district court in previous orders and that are not properly before this court on appeal. For instance, she believes father owes her money to repair water damage to their marital homestead and that the dissolution property settlement ought to be reopened. The district court addressed the water-damage issue in its February 7, 2020 order, holding that the water damage occurred and was known to the parties prior to the dissolution and was specifically addressed in the dissolution judgment, and that mother's reimbursement request was a request for improper modification of the dissolution judgment.

[7] Mother cites *Mathias v. Mathias*, 365 N.W.2d 293, 297 (Minn. App. 1985), to support her proposition, but that case is distinguishable. There, the parent requesting discovery had sought modification of a child-support order based on specific statutory grounds. *Mathias*, 365 N.W.2d at 296. Following the district court's denial of the discovery request, we held that the parent was entitled to "reasonable discovery" of specific financial records before a motion hearing, because "[a]n opposite result would effectively nullify motions for modified support and maintenance because the movant would be unable to obtain information necessary to meet statutory requirements." *Id.* at 297. Here, there was no motion for child-support modification pending, and there were significant questions as to whether the discovery mother requested was reasonable, especially in light of the district court's previous rulings.

PICS calculations, and the district court addressed the allegations its February 7, 2020 order and rejected her modification request. In doing so, the district court examined the evidence in the record on father's military income for 2015, 2016, 2017, and 2018 and determined that mother had not alleged or pointed to any anything suggesting fraud. And as father notes, the parties exchanged substantial income information prior to the district court's July 27, 2018 order modifying child support, including father's 2015 income tax return, 2016 and 2017 W-2 forms, and recent LES statements.

Regarding the military LES statements mother now requests, these statements are for a period of time largely preceding the dissolution (January 1, 2015, to June 30, 2015). Mother asserts that father represented that his military income was $925 per month in June 2015, but that an LES statement from November 2015 showed a year-to-date average monthly income of $3,750.76. But the record shows that father's military service and upcoming 2015 deployment were a topic of substantial discussion and negotiation prior to the dissolution, where both parties were represented by counsel, as reflected in the dissolution judgment. The dissolution judgment specifically contemplates that father's military income was about to rise substantially to around $9,233 per month. Thus, as the district court determined, mother's assertions about the difference between father's June 2015 military income and his November 2015 LES report in no way suggest a misrepresentation or concealment by father that would entitle mother to pursue a fraud claim as the basis for obtaining additional discovery.

Regarding the PCARS report, mother asserts that "this information is relevant to a determination of [father's] military duties." She does not explain, though, how the report

is relevant to any pending claim or defense in this matter. *See* Minn. R. Civ. P. 26.02(b). And father represents that the PCARS report pertains to retirement calculations and points for duties performed, which are irrelevant to the case because the dissolution judgment does not include any division of military pensions. We discern no abuse of discretion in the district court's decision to deny mother's request for the PCARS report.

As for the retirement-account withdrawal requests, mother asserts that "this evidence will possibly prove that [father] had withdrawn $32,000 from his IRA in contemplation of the parties' dissolution" and "goes directly to the issue of reopening the property settlement." But mother did not bring a motion to reopen the property settlement, and nothing suggests that she could do so now. "A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal." Minn. Stat. § 518.145, subd. 1 (2020). While a court may relieve a party of a marital-dissolution judgment and decree under certain circumstances, including a "fraud upon the court," *id.*, subd. 2 (2020), mother has not sufficiently alleged that such fraud occurred here.[8] *See Maranda v. Maranda*, 449 N.W.2d 158, 165 (Minn. 1989) (holding that a fraud on the court as "an intentional course of material misrepresentation or non-disclosure, having the result of misleading the court and opposing counsel and making the property settlement

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[8] Although a motion to reopen a judgment for ordinary fraud must be brought within one year of the judgment, no such limit applies to motions to reopen for a "fraud upon the court." Minn. Stat. § 518.145, subd. 2 (providing that the subdivision does not limit the court's power to set aside a judgment for a fraud upon the court); *see also Doering v. Doering*, 629 N.W.2d 124, 130 (Minn. App. 2001) (holding that ordinary fraud is the proper standard for motions brought within one year of the judgment), *review denied* (Minn. Sept. 11, 2001).

grossly unfair"). Accordingly, she has not shown that the district court abused its discretion by refusing to order that father produce all of his retirement account withdrawals from January 1, 2015, to May 1, 2019.

In sum, the district court correctly held that mother failed to show how her discovery requests were relevant to any claim or defense and proportional to the needs of the case. *See* Minn. R. Civ. P. 26.02(b). Thus, mother has shown neither error by the district court nor resulting prejudice to her regarding her discovery requests, and we affirm the district court on this point. *See Waters*, 13 N.W.2d at 464-65.

II. The district court did not abuse its discretion in denying mother's motion to change the location of the children's therapy provider.

Next, mother challenges the district court's denial of her motion to enroll the children in therapy at Family Innovations. The district court awarded the parties joint legal custody, meaning that they have "equal rights and responsibilities" regarding the child's medical care. Minn. Stat. § 518.003, subd. 3(b) (2020). Generally, questions of child custody are discretionary with the district court. *See Christensen v. Healey*, 913 N.W.2d 437, 443 (Minn. 2018) (noting that "a district court has broad discretion in determining custody and parenting time"); *Novak v. Novak,* 446 N.W.2d 422, 424 (Minn. App. 1989) (noting that "the law makes no distinction between general determinations of custody and resolution of specific issues of custodial care"), *review denied* (Minn. Dec. 1, 1989). As noted, a district court abuses its discretion if it makes findings of fact that are not supported by the record, misapplies the law, or resolves the matter in a manner that is contrary to logic and the facts on record. *Dobrin*, 569 N.W.2d at 202. Here, mother argues that the

district court based its decision on several erroneous factual findings, specifically, that the children had been attending therapy at LDR, that the children had developed strong relationships with their counselors, and that mother's request for a change in location was based solely on her convenience.

"Appellate courts set aside a district court's findings of fact only if clearly erroneous, giving deference to the district court's opportunity to evaluate witness credibility." *Goldman v. Greenwood*, 748 N.W.2d 279, 284 (Minn. 2008). "Findings of fact are clearly erroneous where an appellate court is left with the definite and firm conviction that a mistake has been made." *Id.* (quotation omitted).

The dissolution judgment, as amended by stipulation of the parties, specifies that the children are to attend therapy at LDR in Lakeville. Mother requested that the therapy location change to Family Innovations in Eden Prairie and, for support, submitted her own affidavit representing that father had "unilaterally canceled" several appointments at LDR. Father submitted a responsive affidavit stating that no changes in circumstances supported changing the children's therapy from LDR, that the children had developed strong relationships with their counselors, and that LDR's close proximity to the children's school provides necessary scheduling flexibility. Father communicated that he was working to continue therapy at LDR despite recent hurdles, specifically, that mother had unilaterally removed the children from his healthcare coverage and that mother had attempted to transfer therapy to Family Innovations. He attached to his affidavit correspondence between him and mother that generally supported his account.

In examining the competing affidavits, the district court necessarily made credibility determinations. "[Appellate courts] defer to the district court's credibility determinations as to conflicting affidavits." *Knapp v. Knapp*, 883 N.W.2d 833, 837 (Minn. App. 2016). Further, as previously noted, appellate courts "neither reconcile conflicting evidence nor decide issues of witness credibility, which are exclusively the province of the factfinder." *Gada*, 684 N.W.2d at 514. Here, the district court's findings that mother challenges on appeal are supported by the evidence in the record, including father's sworn statements and attached correspondence with mother. And on appeal, mother makes only conclusory allegations of error, without citations to the record or to caselaw. *See Ganguli v. Univ. of Minn.*, 512 N.W.2d 918, 919 n.1 (Minn. App. 1994) (declining to address allegations unsupported by legal analysis or citation). Ultimately, she has not shown clear error by the district court in regards to its therapy-related findings, *see Goldman*, 748 N.W.2d at 284, and we see no reversible error in the district court's refusal to alter the therapy arrangement provided for in the dissolution judgment.

III. The district court did not abuse its discretion by denying mother's request that father reimburse her for certain extracurricular-activity expenses.

Mother requested that the district court order father to reimburse her for "his share of the children's extracurricular activities." Payment for a child's extracurricular activities is in the nature of child support. *See* Minn. Stat. § 518A.26, subd. 4 (2020) (defining "basic support" to include expenses related to the child's care); *cf. McNulty v. McNulty*, 495 N.W.2d 471, 473 (Minn. App. 1993) (affirming the district court's decision that significant expenses for a child's extracurricular activities can support an upward deviation from the

presumptively-appropriate guideline support obligation), *review denied* (Minn. Apr. 12, 1993). A district court's decisions regarding child support are reviewed for an abuse of discretion. *Lee v. Lee*, 775 N.W.2d 631, 637 (Minn. 2009). And a district court abuses its discretion if it makes findings of fact that are not supported by the record, misapplies the law, or resolves the matter in a manner that is contrary to logic and the facts on record. *Dobrin*, 569 N.W.2d at 202. Here, mother argues that the district court's "findings regarding this issue are wholly unsupported by the record." Again, this court reviews the district court's factual findings for clear error. *Goldman*, 748 N.W.2d at 284.

The dissolution judgment provides that mother and father are to share "any agreed upon extracurricular activity fees, sports fees, sports equipment, school fees, school lunches, school supplies, musical lessons," and other such expenses. It limits the parties' obligations, though, to "those costs and activities to which they consent in advance," and directs that any party who incurs expenses "shall promptly notify the other parent of the expense."

It is not clear to us from the record what specific expenses mother seeks; she asserted in her May motion that father had violated the dissolution judgment "spanning 2016-2019, for not reimbursing his 50% cost share to [mother] for agreed upon extracurricular activities (music, sports, swim lessons)." In her attached affidavit, she referenced several activities, such as floor hockey in 2017, music lessons in 2016 to 2017, and swimming lessons in 2018 to 2019, and asserted father agreed to these activities beforehand or implicitly agreed by bringing the children to them. In her subsequent motion for

reconsideration, she attached an affidavit specifying that she was requesting $1,194.50 for the 2016 to 2017 music lessons, 2017 floor hockey, and 2018 to 2019 swimming lessons.

The district court denied mother's requests because they were untimely and were not supported by the record. The district court also observed that mother failed to note the specific amount of each expense, which child it pertained to, and whether father agreed in advance to the expense.

Mother has not demonstrated that the district court abused its discretion by denying her request for extracurricular-activity fees. As the district court explained, mother's requests lacked specificity. Moreover, her requests primarily regarded reimbursement for activities that occurred in 2016 to 2017, and the district court previously addressed and denied a motion that she brought for the same extracurricular-activity expenses in a July 2017 order.[9] The district court's conclusion that mother's renewed expense requests were untimely is well supported by the record. And again, on appeal, mother makes only conclusory allegations of error without any citations to the record. *See Ganguli*, 512 N.W.2d at 919 n.1. She has met neither her burden of showing error by the district court nor prejudice arising from any alleged error regarding the expense-reimbursement requests. *See Waters*, 13 N.W.2d at 464-65.

[9] It appears that a key point of contention in 2016 and 2017 was that mother enrolled the children in activities in Chaska when their school was in Lakeville, and father wanted them enrolled in activities in their own school district. The district court addressed this in its July 2017 order, instructing that the children's after-school activities take place in Lakeville unless otherwise agreed to in writing by both mother and father.

IV. The district court properly declined to order father to authorize release of certain child-protection records.

Next, mother argues that the district court erred by denying her request that father authorize release of certain child-protection records—specifically, a safety plan from May 2020. She argues that the district court's "review of this issue is flawed, in that [the district court] has not reviewed the matter at all."

Contrary to mother's assertion of error, the district court did review the issue regarding the child-protection records. The district court found that the Carver County child-protection case, which it had discussed in previous orders, was opened in response to an allegation of educational neglect against mother after she failed to bring the youngest child to school. The district court also found that Carver County closed the file "due to the family being open to Scott County Child Protection and finding the issues Mother raised were best addressed in Family Court." In closing the case, Carver County mentioned a "safety plan," but the district court concluded mother had not shown a basis to compel father to release any information not already available to mother because mother provided "no information based on [the youngest child's] behavior or best interest to support a change of custody motion."

The record supports the district court's findings about the origin and the closure of the Carver County child-protection matter. In a May 2020 letter to father, Carver County Health and Human Services stated that it was closing the case and mentioned that "a safety plan was made." Father wrote back to the county requesting clarification about any "safety plan" on file, and indicated he intended to share that information with mother. The county

replied that "a formal safety plan was not written up as a separate document, however safety was addressed through ongoing discussions."

On appeal, mother reiterates that the "safety plan issued against [father] in May 2020 is the very evidence that [mother] needs in order to establish a basis for a change of custody motion." But the record shows that no formal safety plan was issued and, as the district court found, mother points to no evidence, such as changes in the children's behavior, that would support a change-of-custody motion. Accordingly, mother has not shown error by the district court regarding the records-authorization request.

V. The district court did not abuse its discretion by denying mother's request for conduct-based attorney fees.

Finally, mother argues that the district court erred by failing to award her "all attorney's fees that she has incurred for the duration of this case," under Minn. Stat. § 518.14, subd. 1 (2020), which she represents total $173,076.06.

Section 518.14, subdivision 1, provides that "Nothing in this section . . . precludes the court from awarding, in its discretion, additional fees, costs, and disbursements against a party who unreasonably contributes to the length or expense of the proceeding." The fees provided for in this section are typically referred to as "conduct-based fees." *Madden v. Madden*, 923 N.W.2d 688, 702 (Minn. App. 2019).[10] The party seeking conduct-based fees has the burden to show that the other party unreasonably increased the length or

[10] Neither party addresses whether section 518.14 provides a substantive basis for an award of conduct-based attorney fees. In the absence of briefing on the subject, we assume without deciding that the statute provides a proper basis for such an award. *See Madden*, 923 N.W.2d at 702 (assuming without deciding the same matter).

expense of the proceeding. *Baertsch v. Baertsch*, 886 N.W.2d 235, 238 (Minn. App. 2016). Appellate courts review a district court's decision whether to award conduct-based fees for an abuse of discretion. *See Sharp v. Bilbro*, 614 N.W.2d 260, 264 (Minn. App. 2000), *review denied* (Minn. Sept. 26, 2000). As noted above, a district court abuses its discretion if it makes findings of fact that are not supported by the record, misapplies the law, or resolves the matter in a manner that is contrary to logic and the facts on record. *Dobrin*, 569 N.W.2d at 202.

Mother supports her request for conduct-based attorney fees with her allegation that father has engaged in "fraudulent behavior" for "five-plus years." The district court quickly dismissed this request in its order, stating that mother is the party who has continued to move the court to determine matters already decided or that are irrelevant, and that there is no basis to award her conduct-based attorney fees.

Mother argues that the district court abused its discretion because when a record appears to support a conduct-based fee award, a district court cannot deny a motion for attorney fees without making specific findings; she points to *Kronick v. Kronick* in support of her position. 482 N.W.2d 533, 536 (Minn. App. 1992) (concluding the district court erred by failing to make proper findings in denying requested attorney fees). Here, the district court did not make specific findings in regards to the fee request beyond noting that mother's fraud allegations had already been decided in another order, and that "mother continues to [move] the Court on matters that have been determined already or are irrelevant."

Even so, the district court incorporated its earlier February 7, 2019 order by reference, and that order addresses mother's fraud allegations in detail and finds them meritless. Given that mother's basis for the attorney-fees request was the same fraud allegation that the court had previously rejected, we discern no error by the district court in denying her request without issuing more specific findings. Mother has not shown that the district court abused its discretion by declining to award conduct-based attorney fees.

Affirmed.