

Cruz-Guzman v. State

Court of Appeals of Minnesota

September 13, 2016, Decided; September 13, 2016, Filed

A16-1267, A16-1297

Reporter

2016 Minn. App. LEXIS 109 *

Alejandro Cruz-Guzman, as guardian and next friend of his minor children, et al., Respondents, vs. State of Minnesota, et al., Petitioners, Higher Ground Academy, et al., Intervenor. Alejandro Cruz-Guzman, as guardian and next friend of his minor children, et al., Respondents, vs. State of Minnesota, et al., Defendants, Higher Ground Academy, et al., intervenors, Petitioners.

Subsequent History: Decision reached on appeal by [Cruz-Guzman v. State, 892 N.W.2d 533, 2017 Minn. App. LEXIS 36 \(Minn. Ct. App., Mar. 13, 2017\)](#)

Core Terms

discretionary, petitions, district court, factors, interlocutory appeal, complete record, final judgment, direct appeal, legal issue, collateral-order, intervenors, grounds, merits

Judges: [*1] Considered and decided by Cleary, Chief Judge; Peterson, Judge; and Jesson, Judge.

Opinion by: Edward J. Cleary

Opinion

ORDER

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE FOLLOWING REASONS:

These two petitions for discretionary review are related to a direct appeal (A16-1265) from a district court order denying a motion to dismiss—on grounds including justiciability and legislative immunity—claims asserted against the State of Minnesota, the Minnesota Department of Education (DOE), the commissioner of education, and the Minnesota Senate and House of Representatives (appellants). In a September 7, 2016 special term order in that direct appeal, this court determined that the following portions of the district court's order are directly appealable under the collateral-order doctrine: the

denial of dismissal of claims against the senate and house on the ground of legislative immunity, the denial of dismissal of the complaint on the ground that it presents nonjusticiable political questions, and the denial of dismissal of the complaint on the ground that not all interested persons are parties to the suit. The September 7 order determined that a fourth issue raised in the direct appeal—the denial of dismissal [*2] of claims against the State of Minnesota on grounds that it is not a proper party defendant—is not within the scope of that appeal because appellants had not established that they raised the issue to the district court.

In A16-1267, appellants seek discretionary review of the denial of dismissal of the claims against the State of Minnesota as well as the district court's denial of dismissal of the claims on the merits. In A16-1297, a group of intervenors in the underlying action join appellants' request for review of the denial of dismissal on the merits. We address the petitions together and refer collectively to appellants and intervenors as petitioners.

Interlocutory appeals are generally disfavored. [Gordon v. Microsoft, 645 N.W.2d 393, 398 \(Minn. 2002\)](#). Moreover, when appellate jurisdiction arises under the collateral-order doctrine, the resulting interlocutory appeal should be limited to the rulings immediately appealable and other issues "inextricably intertwined" with the appealable rulings. [Aon Corp. v. Haskins, 817 N.W.2d 737, 741 \(Minn. App. 2012\)](#) (citing [Swint v. Chambers Cty. Comm'n, 514 U.S. 35, 51, 115 S. Ct. 1203, 1212, 131 L. Ed. 2d 60 \(1995\)](#)). Notwithstanding these general policies limiting interlocutory review, this court may "in the interests of justice" grant discretionary review of otherwise nonappealable issues. [Minn. R. Civ. App. P. 105.01](#).

When ruling on a petition for discretionary review, [*3] this court considers, among other factors, whether the challenged ruling is vested in the district court's discretion, whether the ruling is questionable or involves an unsettled area of the law, the impact of the ruling on the petitioning party's ability to proceed, the importance of the legal issue presented, whether appellate review would benefit from the development of a more complete record or the ruling would be reviewable on appeal from a final judgment, and the specific circumstances of the case. See [Gordon, 645 N.W.2d at 399-402](#) (addressing

factors appropriately considered in deciding petitions for discretionary review); *Doe 175 ex rel. Doe 175 v. Columbia Heights Sch. Dist.*, ISD [No. 13, 842 N.W.2d 38, 47 \(Minn. App. 2014\)](#) (same).

Although this court would review the district court's denial of a motion to dismiss de novo, see [Walsh v. U.S. Bank, N.A., 851 N.W.2d 598, 606 \(Minn. 2014\)](#), the balance of the [Gordon](#) factors do not favor granting the petitions for discretionary review. Nothing in the district court's order precludes petitioners from continuing to defend the litigation and challenging the viability of respondents' claims in an appeal from a final judgment. The district court's determination that the claims are legally sufficient will be subject to challenge in a future appeal, and this court's review would benefit from the development of a complete [*4] record. Petitioners have not demonstrated the existence of legal issues warranting immediate review. And some of the issues that petitioners identify do not warrant discretionary review because they have not yet been argued to or decided by the district court. Under these circumstances, we conclude that discretionary review is not warranted.

IT IS HEREBY ORDERED: The petitions for discretionary review are denied.

Dated: September 13, 2016

BY THE COURT

/s/ Edward J. Cleary

Edward J. Cleary

Chief Judge