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**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-0899**

CACH, LLC,
Respondent,

vs.

Steven Mohs,
Appellant.

**Filed April 21, 2009
Affirmed
Kalitowski, Judge**

Scott County District Court
File No. 70-CV-07-17786

Steven Mohs, 5530 West 135th Street, Savage, MN 55378-1855 (pro se appellant)

Kevin William Landberg, Law Office of Joe Pezzuto, LLC, 6636 Cedar Avenue South, #330, Minneapolis, MN 55423 (for respondent)

Considered and decided by Kalitowski, Presiding Judge; Lansing, Judge; and Schellhas, Judge.

UNPUBLISHED OPINION

KALITOWSKI, Judge

Appellant Steven Mohs challenges the district court's denial of his motion to vacate a default judgment of \$13,607, arguing that the judgment is void for lack of subject-matter jurisdiction because respondent CACH, LLC failed to present sufficient

evidence for entry of default judgment against him. Appellant also argues that the district court judge who denied his motion exhibited extreme bias towards him. We affirm.

D E C I S I O N

In May 2007, respondent served a summons and complaint on appellant, seeking to recover unpaid debt assigned to respondent. Appellant failed to answer or otherwise defend against the complaint, and on August 2, 2007, respondent filed for default judgment in the district court. The district court granted the default judgment the same day and the clerk entered a judgment of \$13,607. In March 2008, after appellant failed to satisfy the judgment, the district court ordered appellant to complete a financial disclosure form and mail the completed form to respondent. Appellant failed to comply with this order and the district court ordered appellant to show cause why he should not be held in contempt of court for failure to comply with the order for disclosure. In April 2008, appellant moved to dismiss the default judgment for lack of subject-matter jurisdiction. The district court denied appellant's motion.

Under Minn. R. Civ. P. 60.02, a district court may relieve a party from a final judgment on the basis of mistake, inadvertence, surprise, excusable neglect, fraud, newly discovered evidence, voidness or “[a]ny other reason justifying relief from the operation of the judgment.” “[A] motion to vacate a judgment for lack of jurisdiction merely asserts that the judgment is void and involves no question of discretion.” *Hengel v. Hyatt*, 312 Minn. 317, 318, 252 N.W.2d 105, 106 (1977) (citing Minn. R. Civ. P. 60.02). Jurisdictional issues are reviewed de novo. *Bode v. Minn. Dep’t of Natural Res.*, 612 N.W.2d 862, 866 (Minn. 2000). “If the district court has acted under a misapprehension

of the law, the decision will be reversed on appeal.” *Langston v. Wilson McShane Corp.*, 758 N.W.2d 583, 588 (Minn. App. 2008) (quotation omitted). And if the “district court’s findings are based on facts not supported by the record, the determination will not be sustained.” *Id.*

“Subject-matter jurisdiction is defined as not only authority to hear and determine a particular class of actions, but authority to hear and determine the particular questions the court assumes to decide.” *Irwin v. Goodno*, 686 N.W.2d 878, 880 (Minn. App. 2004) (quotation omitted). “District courts are courts of general jurisdiction and have the power to hear all types of civil cases, with a few exceptions.” *Id.* (citing Minn. Const. art. VI, § 3) (other citation omitted). The constitution gives the district court subject-matter jurisdiction without limitation in all civil cases. Minn. Const. art. VI, § 3.

The limited exceptions to a district court’s general jurisdiction are not applicable to this case involving a contract dispute between a collection agency and an individual. *See Douglas D. McFarland & William J. Keppel, Minnesota Civil Practice* § 712 (3d ed. 1999) (collecting exceptions to the general jurisdiction of district courts). Thus we conclude that the default judgment entered against appellant is not void for lack of subject-matter jurisdiction.

Appellant also argues that there was insufficient evidence before the district court to support the entry of default judgment. We disagree.

The decision to grant a motion to vacate a default judgment rests within the district court’s discretion. *Peterson v. Eishen*, 512 N.W.2d 338, 339 (Minn. 1994). And insufficiency of evidence is not enumerated as a ground for relief from default judgment

in Minn. R. Civ. P. 60.02. Moreover, even if insufficient evidence is considered “[a]ny other reason justifying relief” under rule 60.02, we conclude that appellant’s argument fails.

Default judgment is available when a party “against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend within the time allowed therefor by these rules or by statute, and that fact is made to appear by affidavit.” Minn. R. Civ. P. 55.01. When a plaintiff’s claim is upon a contract for the payment of money only, the court administrator, upon request of the plaintiff and upon affidavit of the amount due, shall enter judgment for the appropriate amount against the defendant. Minn. R. Civ. P. 55.01(a).

The record here supports the entry of default judgment. Respondent served appellant with a summons and complaint in May 2007. The district court found that appellant did not answer or otherwise defend the complaint and appellant has not asserted otherwise. On August 2, 2007, respondent filed the complaint and as required, filed an affidavit of identification, nonmilitary status, amount due, and costs and disbursements totaling \$13,607. The complaint alleges the damages sought and the affidavit filed in support of default judgment details the damages and costs incurred by respondent. Additionally, the record reflects that the account agreement between appellant and his creditor allowed the creditor to transfer or assign its rights. The record also contains evidence that appellant’s creditor assigned the collection rights to respondent and the record indicates that respondent submitted credit card statements to the district court

showing the amount of debt assigned to respondent. On this basis, the court granted respondent default judgment and the clerk entered judgment of \$13,607 against appellant.

We conclude that respondent complied with Minn. R. Civ. P. 55 and that the entry of default judgment was not insufficient for lack of evidence. We further conclude that appellant's additional arguments challenging the default judgment are without merit.

Appellant argues that the district court exhibited extreme bias against him by ignoring his "irrefutable defenses" and committed treason by rendering a judgment without jurisdiction. But "adverse rulings are not a basis for imputing bias to a judge." *Ag Servs. of Am., Inc. v. Schroeder*, 693 N.W.2d 227, 236-37 (Minn. App. 2005). And our thorough review of the record leads us to conclude that there is no evidence of bias by the district court towards appellant.

Affirmed.