

NORTH DAKOTA SUPREME COURT

Holkesvig v. Welte

818 N.W.2d 760 (N.D. 2012) · Decided July 12, 2012

SUMMARY

The North Dakota Supreme Court affirmed orders denying Holkesvig leave to file four new lawsuits and enjoining him from filing further lawsuits related to his underlying criminal proceedings. The court held that his claims were barred by res judicata and collateral estoppel and that the litigation injunction was narrowly tailored to address continued abuse of the judicial process. The court also concluded that the district court did not abuse its discretion by ruling without oral argument because Holkesvig had not timely requested it under the applicable court rule.

CASE DETAILS

COURT	North Dakota Supreme Court
WRITING FOR THE COURT	Kapsner, Justice; Gerald W. Vande Walle, Chief Justice; Mary Muehlen Maring, Justice; Daniel J. Crothers, Justice; Dale V. Sandstrom, Justice
JURISDICTION	North Dakota
DECIDED	July 12, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Holkesvig appealed from a district court order denying his motion for leave to file four new lawsuits and modifying an injunction to bar him from commencing further lawsuits relating to his underlying criminal proceedings.
STANDARD OF REVIEW	Orders enjoining future litigation and denials of leave to file further lawsuits are reviewed for abuse of discretion. A district court abuses its discretion when it acts arbitrarily, unconscionably, or unreasonably, or when its decision is not the product of a rational mental process leading to a reasoned determination.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Randy Holkesvig v. Peter Welte, Meredith Larson, Chris Smith

TOPICS

- injunctions
- res judicata
- civil procedure
- appellate procedure
- standard of review

PRACTICE AREAS

civil procedure

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether Holkesvig's first three appellate issues were barred by res judicata and collateral estoppel because they sought to relitigate claims and issues previously decided.
2. Whether the district court abused its discretion by denying Holkesvig leave to file four new lawsuits arising from the underlying criminal proceedings.
3. Whether the district court abused its discretion by modifying and enforcing an injunction barring Holkesvig from commencing further lawsuits relating to the underlying criminal proceedings.
4. Whether Holkesvig was entitled to oral argument or an evidentiary hearing on his motion for leave to file new lawsuits.

HOLDINGS

1. The first three issues were barred by res judicata and collateral estoppel because they involved claims and issues that had been raised or could have been raised in prior actions between the same parties.
2. The district court did not abuse its discretion by denying Holkesvig's motion to file four new lawsuits.
3. The district court acted within its discretion and inherent authority by enjoining Holkesvig from commencing lawsuits relating to his underlying criminal proceedings.
4. Holkesvig was not denied a required oral argument or evidentiary hearing because he did not unequivocally request oral argument and his eventual request was untimely.

KEY QUOTATIONS

“The doctrines of res judicata and collateral estoppel bar courts from relitigating claims and issues in order to promote the finality of judgments, which increases certainty, avoids multiple litigation, wasteful delay and expense, and ultimately conserves judicial resources.” (¶ 5)

“A court’s authority to stem abuses of the judicial process arises not only from the applicable rules and statutes, ... but also from the court’s inherent power to control its docket and to protect its jurisdiction and judgments, the integrity of the court, and the orderly and expeditious administration of justice....” (¶ 12)

“We hold the district court acted within its discretion in enjoining conduct specifically related to Holkesvig’s prior abuses, and the injunction is narrowly tailored to address Holkesvig’s continued attempts to relitigate settled issues.” (¶ 13)

FACTUAL BACKGROUND

Holkesvig pleaded guilty to stalking after being charged with stalking and violating a disorderly conduct restraining order. He then brought claims against individuals involved in the criminal proceedings, but those claims were dismissed and the dismissal was affirmed because his guilty plea prevented him from establishing that the criminal proceedings terminated in his favor. Despite filing restrictions imposed during the earlier

litigation, Holkesvig continued filing documents and sought leave to bring four additional lawsuits arising from the same underlying events. The district court denied leave and barred further related lawsuits, and the Supreme Court upheld those restrictions as narrowly tailored to his repeated attempts to relitigate settled matters.

PROCEDURAL HISTORY

Holkesvig previously sued individuals involved in his criminal proceedings, but the district court granted summary judgment for the defendants and the North Dakota Supreme Court affirmed. After Holkesvig continued filing documents despite an order restricting filings, the district court imposed contempt sanctions and enjoined related new lawsuits; that order was reversed and remanded because he had not received a hearing on the contempt motion. On remand, the district court denied leave to file four new lawsuits and modified the injunction by eliminating the exception permitting related proceedings with leave of court. The North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Holkesvig v. Welte, 2011 ND 161, 801 N.W.2d 712
- Holkesvig v. Welte, 2012 ND 14, 809 N.W.2d 323
- Ungar v. N.D. State Univ., 2006 ND 185, 721 N.W.2d 16
- Fed. Land Bank of St. Paul v. Ziebarth, 520 N.W.2d 51 (N.D. 1994)
- State ex rel. Emps. of the State Penitentiary v. Jensen, 331 N.W.2d 42 (N.D. 1983)
- Johnson v. Hovland, 2011 ND 64, 795 N.W.2d 294
- Lucas v. Riverside Park Condos. Unit Owners Ass'n, 2009 ND 217, 776 N.W.2d 801
- Brakke v. Rudnick, 409 N.W.2d 326 (N.D. 1987)
- Farm Credit Bank of St. Paul v. Brakke, 483 N.W.2d 167 (N.D. 1992)
- Farguson v. MBank Houston, N.A., 808 F.2d 358 (5th Cir. 1986)