STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0631

In the Marriage of:

Michael Kwabena Asiedu, petitioner,
Appellant,

vs.

Gladys Barkey Asiedu,
Respondent.

Filed January 13, 2025
Affirmed; motion granted
Johnson, Judge

Olmsted County District Court
File No. 55-FA-22-1968

Michael K. Asiedu, Rochester, Minnesota (*pro se* appellant)

Thomas R. Braun, Bruce K. Piotrowski, Restovich Braun & Associates, Rochester, Minnesota (for respondent)

Considered and decided by Johnson, Presiding Judge; Bjorkman, Judge; and Wheelock, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

This appeal arises from the dissolution of the 18-year-long marriage of Michael Kwabena Asiedu and Gladys Barkey Asiedu. Michael makes numerous arguments for

reversal. We conclude that the district court did not err in any of the challenged rulings. Therefore, we affirm.

FACTS

Michael and Gladys were married in 2004. They have three joint children, one who is now an adult and two who still are minors.

The parties separated in early February 2022. Michael petitioned for dissolution of the marriage later that month. Gladys filed a counter-petition the following month. In December 2022, the parties stipulated to an immediate dissolution of the marriage with a reservation of all contested issues for later determination. The district court conducted a two-day trial on the contested issues in July 2023.

At the time of trial, Michael was enrolled in medical school and was expecting to graduate in the spring of 2024. He also was working on a part-time basis as a research technologist and assistant professor. Gladys was employed as an associate consultant and assistant professor.

The district court filed its decree in November 2023. The district court awarded the parties joint legal custody of the minor children pursuant to their agreement but awarded Gladys sole physical custody. The district court ordered Michael and the children to engage in family therapy and ordered Michael and Gladys to engage in co-parenting coaching. The district court did not order a specific parenting-time schedule but ruled that the matter would be considered at a review hearing within 120 days and that, in the meantime, Michael may have supervised parenting time twice per week. The district court denied Michael's request for spousal maintenance. The district court determined that

Michael's child-support obligation under the statutory formula would be $43 per month but ordered a deviation to $0 and ordered Michael to inform Gladys of his salary after he graduates from medical school and obtains employment. The district court divided the parties' assets and liabilities. The district court ordered that the parties shall be responsible for their own attorney fees but reserved ruling on Gladys's request for conduct-based attorney fees. In a subsequent order filed in February 2024, the district court awarded Gladys $2,000 in conduct-based attorney fees. Michael appeals.

DECISION

Michael argues that the district court erred in numerous ways. In his principal brief, he identifies seven issues, but some of those issues include sub-issues. We identify no fewer than eleven issues, with parts and subparts. In addition, Gladys has filed a motion to strike portions of Michael's brief and addendum.

Before considering the issues raised, we note that many of Michael's arguments challenge findings of fact made by the district court. We apply a clear-error standard of review to a district court's findings of fact. *Thornton v. Bosquez*, 933 N.W.2d 781, 790 (Minn. 2019). Findings of fact are clearly erroneous if "they are manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *In re Civil Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). "In applying the clear-error standard, we view the evidence in a light favorable to the findings." *Id.* "We will not conclude that a factfinder clearly erred unless, on the entire evidence, we are left with a definite and firm conviction that a mistake has been committed." *Id.* (quotations omitted). Importantly, clear-error review does not permit an appellate court to

engage in fact-finding, reweigh the evidence, make credibility determinations, or reconcile conflicting evidence. *Id.* at 221-22. "Consequently, an appellate court need not 'go into an extended discussion of the evidence to prove or demonstrate the correctness of the findings of the trial court.'" *Id.* at 222 (quoting *Meiners v. Kennedy*, 20 N.W.2d 539, 540 (Minn. 1945)).

> Rather, because the factfinder has 'the primary responsibility of determining the fact issues' and the 'advantage' of observing the witnesses in 'view of all the circumstances surrounding the entire proceeding,' an appellate court's 'duty is fully performed' after it has fairly considered all the evidence and has determined that the evidence reasonably supports the decision.

Id. (quoting *State ex rel. Peterson v. Bentley*, 71 N.W.2d 780, 786 (Minn. 1955)).

I. Custody Issues

A. Sole Physical Custody

Michael argues that, for three reasons, the district court erred by awarding sole physical custody of the minor children to Gladys.

First, Michael contends that the district court erred by making findings of fact that are not supported by the evidence. He identifies only one finding with specificity, a finding that he was "critical of the children's need for therapy" and "failed to comply with" requirements that he "participat[e] in reunification therapy." In response, Gladys states that she "testified at length regarding [Michael's] sabotage of therapy and unwillingness to cooperate." Gladys testified that Michael sometimes intentionally scheduled therapy sessions for times when the children were in school or activities or otherwise were unable to attend. Michael testified that "the reasons [the children] were sent to therapy were

baseless." The district court did not clearly err in its findings concerning Michael's lack of cooperation with the children's therapy. *See Thornton*, 933 N.W.2d at 794 (applying clear-error standard of review to findings concerning best-interests factors).

Second, Michael contends that the district court erred by misapplying the statutory best-interests factors. *See* Minn. Stat. § 518.17 (2022). Specifically, Michael contends that the district court "overlooked [his] substantial involvement in the children's lives and proactive steps to address their emotional and educational needs." The district court's best-interests analysis consists of 36 paragraphs of findings spanning seven pages of the decree. But Michael does not identify the finding or factor in which the district court should have acknowledged this evidence. In considering the sixth best-interests factor, which concerns "the history and nature of each parent's participation in providing care" for the children, *see* Minn. Stat. § 518.17, subd. 1(6), the district court recognized the history of Michael's care for the children and found that "both parents have been involved in the upbringing of their children" and that, at one time, Michael "was the primary parent in helping with homework." But the district court also found that Gladys took a greater role in matters other than homework. In considering the seventh best-interests factor, which concerns "the willingness and ability of each parent to provide ongoing care for the child[ren] and, to meet the child[ren]'s ongoing . . . needs," *see* Minn. Stat. § 518.17, subd. 1(7), the district court found that Michael "has consistently opposed the children attending therapy and is not ready to meet the children's developmental and emotional needs." This finding is supported by Gladys's sworn statement that Michael "thinks it is unnecessary for the girls to be in therapy which he says causes them more stress." The district court did not clearly

err in its findings concerning Michael's involvement in the children's lives. *See Thornton*, 933 N.W.2d at 790, 794.

Third, Michael contends that the district court erred by not placing sufficient weight on the fact that he was acquitted of criminal domestic-abuse charges and the fact that this court reversed the issuance of an order for protection (OFP) that Gladys sought and obtained. *See Asiedu v. Asiedu*, No. A22-1805, 2023 WL 4171006, at *1 n.3, *5 (Minn. App. June 26, 2023). The district court expressly recognized these facts, noted that Gladys's evidence in this matter "consists mainly of inadmissible hearsay," and specifically refrained from making a finding of domestic abuse. But the district court did find that, despite the reversal of the OFP, "the children have been and remain impacted by Michael's behaviors." The district court did not clearly err in these findings, which are not inconsistent with the prior verdict or the prior opinion. *See Thornton*, 933 N.W.2d at 790, 794.

Because the district court's findings are not clearly erroneous, the district court did not err by awarding sole physical custody of the minor children to Gladys.

B. Parenting Plan

Michael argues that the district court erred by not granting him parenting time and not ordering a parenting plan. As stated above, the district court did not immediately order a parenting-time schedule because it ordered Michael and the children to engage in family-reunification therapy and was "without evidence as to the status of reunification therapy and parenting time that has occurred since the conclusion of trial." But the district court

stated that the matter would be considered at a review hearing within 120 days and that, in the meantime, Michael may have supervised parenting time at least twice per week.

Michael contends that the district court violated Minnesota Statutes section 518.1705, subdivision 3, which provides that a district court "must" create a parenting plan "[u]pon the request of both parents." Minn. Stat. § 518.1705, subd. 3(a) (2022); *see also id.*, subd. 2(a)(1) (2022) (requiring that "parenting plan" include "schedule of the time each parent spends with the child"). But "[i]f both parents do not agree to a parenting plan," the statute provides merely that "the court *may* create one on its own motion . . . ." *Id.*, subd. 3(b) (2022) (emphasis added). The plain language of the statute indicates that, if there is no agreement between the parties, a district court has discretion to order or not order a parenting plan with a parenting-time schedule. *See Thompson ex rel. Minor Child v. Schrimsher*, 906 N.W.2d 495, 500 (Minn. 2018) (reasoning that "may" means that decision is discretionary). In this case, the district court did not foreclose the possibility of a parenting plan; rather, the district court specified a process for the future determination of parenting time, whether by a parenting plan under Minn. Stat. § 518.1705 or otherwise.

Michael also contends that the district court erred by making family-reunification therapy a condition of his right to parenting time. In considering the seventh best-interests factor, *see* Minn. Stat. § 518.17, subd. 1(7), the district court described Michael's participation in family-reunification therapy as "the next step to increase parenting time." In considering the ninth best-interests factor, which concerns the effect of the proposed arrangements on the children's ongoing relationships, *see id.*, subd. 1(9), the district court stated that Michael's proposed parenting-time plan "would require the children to move

into a relationship they are not prepared for" and "would dramatically change the parenting schedule that has been in place since the parties' separation and . . . not allow Father and the children to meaningfully participate in reunification therapy before adjusting the parenting time schedule." Michael has not demonstrated that the district court clearly erred in making these findings, which justify the district court's decision to defer its determination of a parenting plan.

Thus, the district court did not err by not awarding Michael parenting time in the decree.

C. Co-Parenting Coach

Michael argues that, for four reasons, the district court erred by ordering the parties to engage in co-parenting coaching.

The district court's order states:

> The parties shall engage in co-parenting coaching and shall mutually agree on an individual or team within 45 days of the date of this order. The parties will equally divide this expense. If the parties cannot agree on an individual or team, they shall each submit two names to the court and the court will decide. The parties shall follow all recommendations of the co-parenting coach or team, including, but not limited to, individual therapy or counseling; attending any therapy or counseling sessions of the minor children that the therapist or counselor deems appropriate; any assessments or evaluations of the parties. The parties shall work on improving their co-parenting communication.

First, Michael contends that the district court erred on the ground that co-parenting coaching is unnecessary in light of his "demonstrated willingness to cooperate and communicate." The district court made several statements concerning the high-conflict

nature of the parties' relationship. Michael has not challenged those statements. Given the circumstances of this case, Michael has not demonstrated that the district court abused its discretion by determining that co-parenting coaching is appropriate. *See Olson v. Olson* 534 N.W.2d 547, 550 (Minn. 1995).

Second, Michael contends that the district court erred by giving the co-parenting coach too much authority by requiring the parties to "follow all recommendations" of the coach concerning individual therapy or counseling, therapy or counseling sessions of the minor children, and assessments or evaluations of the parties. He asserts that the coach has authority commensurate with that of a parenting consultant, a person who may not be appointed in the absence of an agreement between the parties. *See* Minn. Stat. § 518.1751, subd. 4 (2022); Minn. R. Gen. Prac. 310.03(c)(2); *Szarzynski v. Szarzynski*, 732 N.W.2d 285, 293 (Minn. App. 2007). Michael has not cited any legal authority that limits the authority of a district court to require parties to engage in co-parenting coaching. In the circumstances of this case, the district court's appointment of a co-parenting coach appears to be within the scope of the district court's authority to require parties to attend parent-education programs. *See* Minn. Stat. § 518.157, subds. 1, 3 (2022). The district court noted in the decree that the parties earlier "were ordered to complete a high-conflict parenting course in addition to the mandatory eight-hour parenting course." Parent-education programs typically are ordered during the pendency of a case in which the parties have not agreed to a parenting-time schedule. *See id.*, subd. 3. In this case, the district court reserved the issue of parenting time and intended to schedule a review hearing on that issue. Given the specific facts of this case, including the pendency of the parenting-time issue, we

conclude that the district court had authority to order co-parenting coaching under section 518.157.

Third, Michael contends that the district court erred on the ground that the expenses of the co-parenting coach are too burdensome in light of the parties' financial circumstances. In response, Gladys asserts that the district court was well aware of the parties' financial circumstances. The district court treated the parties alike by requiring them to equally divide the expenses of the co-parenting coach. Michael has not demonstrated that the district court abused its discretion by requiring the parties to share equally the expenses of a co-parenting coach.

Fourth, Michael contends that the district court erred by not considering other forms of alternative-dispute resolution (ADR) that might be "less burdensome and more effective." As mentioned above, the district court was concerned about the high-conflict nature of the parties' relationship. Gladys asserts that the district court expressly considered but rejected other forms of ADR. Indeed, the district court noted that the parties had engaged in ADR "without success" and that "[n]either mediation nor parenting time expediting are suitable ADR processes for the parties considering their level of conflict and inability to cooperate and compromise." Michael has not demonstrated that the district court abused its discretion by not ordering other forms of ADR in lieu of co-parenting coaching.

Thus, the district court did not err by ordering the parties to engage in co-parenting coaching.

II. Property Issues

A. Gladys's Ghana Property

Michael argues that the district court erred by characterizing Gladys's interest in real property in the country of Ghana as entirely non-marital in nature.

Gladys inherited real property in Ghana from her father during the marriage. Gladys paid for the construction of a home on the property by taking out two loans totaling $30,000. Michael also owns and built a home on real property in Ghana. The district court discussed the parties' respective interests in real property in Ghana as follows:

> Father claims to have a non-marital interest in real property located in Ghana that he owns with his parents and brothers. Mother alleges that Father used marital funds to build a home on this property.
>
> Mother claims to have a non-marital interest in real property located in Ghana that she inherited from her father. Mother obtained a $12,000 loan from MEFCU, and a $18,000 loan from US Bank, to build a home on this property. Mother agrees these debts are her sole responsibility.

The district court did not recognize any marital interest in either of the Ghana properties. The district court assigned to Gladys the debts arising from the two loans she took out to finance the construction of a home on her Ghana property.

Michael contends that some of Gladys's interest in her Ghana property is marital in nature because she used marital funds to pay down the balances of her two loans to approximately $15,000. It appears that, during district court proceedings, both parties acknowledged the marital nature of the funds Gladys used to pay down her loans but disputed whether the value of those funds should be offset by the marital funds Michael

used to pay for the construction of a home on his Ghana property. It further appears that the district court decided to make that offset because both parties used marital funds for the purpose of building homes on their respective Ghana properties. The district court did not abuse its discretion in doing so. *See Antone v. Antone*, 645 N.W.2d 96, 100 (Minn. 2002) (applying abuse-of-discretion standard of review to equitable division of marital property).

B. Michael's Student Loans

Michael argues that the district court erred by assigning solely to him the outstanding balance of his student loans.

The district court specifically addressed this issue by stating, "Father will benefit from the income that he will enjoy from his education. Mother will not benefit from this income. Father did not present any evidence that his student loans were applied anywhere but to his education. This debt is his exclusive responsibility."

On appeal, Michael contends that the district court should have characterized some of his student-loan debt as marital in nature on the ground that approximately half of the total amount borrowed was used to support the family. In response, Gladys contends that the district court correctly found that Michael did not present any evidence that any of the proceeds of his student loans were used for anything other than his education. Michael appears to concede that there is no such evidence in the record; he asserts that documentation of the loan proceeds was "not included in the exhibits" and that "no documentation could directly link the student loans to the family's living expense payments." In light of Michael's concessions, the district court did not clearly err by

finding that Michael did not prove that the proceeds of his student loans were used to pay the family's living expenses. *See Maurer v. Maurer*, 623 N.W.2d 604, 606 (Minn. 2001) (applying clear-error standard of review to factual finding relevant to division of marital property).

C. Michael's Personal Property

Michael argues that the district court erred by not ordering Gladys to compensate him for the value of his personal property that was destroyed. Michael contends that Gladys disposed of several items of his personal property at a time when Michael was prohibited by the OFP from being present at the home. In response, Gladys contends that Michael was given an opportunity to remove his personal property from the home but did not do so.

The district court did not specifically mention this issue in its order. The district court simply awarded each party the personal property "presently in [their] possession." But the district court did find that Michael was "not responsive to Mother's attorney or the parties' realtor during their many attempts to communicate with him regarding the sale of the home." The district court's finding is supported by Gladys's testimony that Michael did not remove his personal belongings from the home after being asked to do so. Consequently, Michael has not demonstrated that the district court clearly erred in its implicit finding that Gladys is not responsible for Michael's destroyed property. *See Prahl v. Prahl*, 627 N.W.2d 698, 703 (Minn. App. 2001) (recognizing implicit findings of fact); *Vettleson v. Special Sch. Dist. No. 1*, 361 N.W.2d 425, 428 (Minn. App. 1985) (reviewing implicit findings of fact for clear error).

D. Income-Tax Exemptions

Michael argues that the district court erred by awarding to Gladys the income-tax dependency exemptions relating to the minor children. *See* Minn. Stat. § 518A.38, subd. 7 (2022) (addressing awards of income-tax dependency exemptions). The district court addressed this issue by stating, "Mother is awarded the children's income tax exemptions." A district court has discretion to consider the parties' financial circumstances and may consider which party will receive a greater benefit when allocating income-tax exemptions. *See Crosby v. Crosby*, 587 N.W.2d 292, 298 (Minn. App. 1998), *rev. denied* (Minn. Feb. 18, 1999). In making findings concerning each party's gross income, the district court found that Gladys earns more than Michael. Consequently, Gladys likely has a higher marginal tax rate and, thus, is more likely to benefit from the income-tax exemptions. *See id.* In addition, Gladys likely is entitled to the tax exemptions as a matter of federal tax law because she has sole physical custody of the children. *See Valento v. Valento*, 385 N.W.2d 860, 863 (Minn. App. 1986) (citing I.R.C. § 152(e)(2) (West Supp. 1986)), *rev. denied* (Minn. June 30, 1986). Thus, the district court did not abuse its discretion by allocating the income-tax exemptions to Gladys. *See id.* (applying abuse-of-discretion standard of review to allocation of income-tax exemptions).

E. Insurance Claim

Michael argues that the district court erred by scheduling an additional day of trial on an unresolved issue after the filing of the decree.

This issue arose in October 2023, approximately one month before the district court filed its decree. An attorney representing the purchaser of the parties' marital home wrote

to the district court to request a provision in the decree requiring Michael to pay to the purchaser the proceeds of an insurance claim Michael previously had made. In early November 2023, the district court scheduled a hearing on the matter for November 21, 2023. Michael objected to the hearing. The district court overruled the objection. But it appears that the hearing did not occur before the district court filed its decree on November 27, 2023.

In the decree, the district court stated that Michael had failed to disclose the insurance claim, that the evidentiary record was insufficient to resolve the issue, and that the issue needed to be resolved before the district court could make a final decision on the division of marital assets and enter final judgment. The district court stated that an additional day of trial would be necessary to address that issue. The district court later scheduled the additional day for December 15, 2023, and the parties appeared before the court on that date. In January 2024, the parties stipulated to an order resolving the issue, and the stipulation was approved by the court.

Michael contends that the district court did not have jurisdiction to schedule an additional day of trial. The district court was required to make a just and equitable division of all marital property. *See* Minn. Stat. § 518.58 (2022). In addition, a district court generally has broad discretion in matters of scheduling and case-management. *See, e.g.*, *McIntosh v. Davis*, 441 N.W.2d 115, 119 (Minn. 1989). Michael does not dispute that the insurance claim and any proceeds arising from the claim are marital property. Thus, the district court did not err by scheduling an additional day of trial to resolve an issue relevant to the division of marital property. *See id.*

III. Spousal Maintenance

Michael argues that, for two reasons, the district court erred by denying his request for spousal maintenance.

First, Michael contends that the district court erred by finding that his monthly gross income is $2,692. He contends that his monthly gross income at the time of trial was only $670. The district court found that Michael "provided limited evidence on his earnings." The district court relied on a pay stub showing that, during the first 10 months of 2022, Michael earned gross income at a monthly rate of $2,692. The district court stated that Michael did not introduce any documentary evidence of his income after that point in time. The district court also noted that Michael was expected to graduate from medical school and begin a residency in less than a year but that neither party introduced any evidence of his potential income after his graduation. Michael asserts that he testified that he reduced his working hours in June 2022 to only four hours per week. The district court did not clearly err by relying on documentary evidence when finding Michael's monthly gross income.

Second, Michael contends that the district court erred by determining that he had not shown a need for spousal maintenance. He asserts that his income is or was too little to support himself and that the district court did not consider the marital standard of living. The district court stated, "The parties did not submit evidence regarding the standard of living established during the marriage." Michael does not challenge that statement. In addition, Michael's contention does not account for the fact that he was a student in a professional graduate program, was expected to graduate in approximately half a year, and

could be expected to receive an increased income and enjoy a higher standard of living in the future. *Cf. DeLa Rosa v. DeLa Rosa*, 309 N.W.2d 755, 759 (Minn. 1981) (making equitable award of property to former spouse of medical student for financial support provided during medical school). The district court did not abuse its discretion by determining that Michael did not show a need for spousal maintenance. *See Backman v. Backman*, 990 N.W.2d 478, 485-86 (Minn. App. 2023) (applying abuse-of-discretion standard of review to determination of need for spousal maintenance).

IV. Attorney Fees

A. Grant of Gladys's Motion

Michael argues that the district court erred by granting Gladys's motion for conduct-based attorney fees in the amount of $2,000. Gladys requested reimbursement of the attorney fees she incurred in connection with the insurance claim that required an additional hearing. A district court may impose conduct-based attorney fees on a party who "unreasonably contributes to the length or expense of the proceeding." Minn. Stat. § 518.14, subd. 1 (2022); *see also Szarzynski*, 732 N.W.2d at 295. The district court found that Michael's "actions throughout the dissolution relative to the sale of the parties' homestead . . . unreasonably contributed to the length and expense of the proceeding" and that "[a]n award of attorney fees is appropriate." In challenging that finding, Michael contends only that the district court—not he—unreasonably prolonged the proceeding by scheduling an additional day of trial. We have concluded above that the district court did not err by scheduling an additional day of trial. *See supra* part II.E. Thus, the district court did not abuse its discretion in awarding Gladys conduct-based attorney fees. *See*

Szarzynski, 732 N.W.2d at 295 (applying abuse-of-discretion standard of review to ruling on motion for conduct-based attorney fees).

B. Denial of Michael's Motion

Michael argues that the district court erred by denying his request for need-based attorney fees. A district court "shall award" attorney fees "in an amount necessary to enable a party to carry on or contest the proceeding" if the court finds

> (1) that the fees are necessary for the good faith assertion of the party's rights in the proceeding and will not contribute unnecessarily to the length and expense of the proceeding;
>
> (2) that the party from whom fees, costs, and disbursements are sought has the means to pay them; and
>
> (3) that the party to whom fees, costs, and disbursements are awarded does not have the means to pay them.

Minn. Stat. § 518.14, subd. 1; *see also Holmberg v. Holmberg*, 588 N.W.2d 720, 727 (Minn. 1999).

In ruling on Michael's request for need-based attorney fees, the district court reasoned that Michael could pay his own attorney fees based on his income and the equitable distribution of assets and debts. In the decree, the district court concluded, "Father shall be responsible for all attorney fees that he has incurred." Michael argues that he is or was a student with a limited income. But the district court awarded Michael $83,531 for his share of the net proceeds of the sale of the marital home and an equalizer payment of $23,672. Michael has not demonstrated that he does not have "the means to pay" his attorney fees, *see* Minn. Stat. § 518.14, subd. 1(3), because he has not shown that

he would be required "to liquidate a substantial portion of" his property award, *see Schultz v. Schultz*, 383 N.W.2d 379, 383 (Minn. App. 1986). The district court did not abuse its discretion by denying Michael's request for need-based attorney fees. *See Gully v. Gully*, 599 N.W.2d 814, 825 (Minn. 1999).

V. Motion to Strike

During the period for appellate briefing, Gladys filed in this court a motion to strike portions of Michael's brief and addendum. Specifically, Gladys moves to strike approximately two pages of Michael's brief in which he states facts that occurred after the trial and are not in the district court record. In addition, Gladys moves to strike three documents (two photographs and a text message) in Michael's addendum that were not introduced at trial. In response, Michael agrees that these factual matters are not in the district court record but argues that they are "necessary for a complete understanding of the case."

In general, the record on appeal consists of "documents filed in the trial court, the exhibits, and the transcript of the proceedings." Minn. R. Civ. App. P. 110.01. "We generally will not consider matters outside the record on appeal or evidence not produced and received in the district court." *MacDonald v. Brodkorb*, 939 N.W.2d 468, 474 (Minn. App. 2020). The factual matters in Michael's brief and addendum were not filed in the district court and were not introduced into evidence. Thus, we grant Gladys's motion to strike.

Affirmed; motion granted.