

STATE OF MICHIGAN  
COURT OF APPEALS

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YOLANDA LUDINGTON,  
Plaintiff-Appellee,

UNPUBLISHED  
October 19, 2001

v

ARMAND VELARDO,  
Defendant-Appellant.

No. 223086  
Macomb Circuit Court  
LC No. 99-001383-PP

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Before: Hoekstra, P.J., and Saad and Whitbeck, JJ.

MEMORANDUM.

Pursuant to MCR 3.709, respondent Armand Velardo appeals as of right the trial court's order denying his motion to "terminate" the personal protection order (PPO) against him. We dismiss this appeal as moot.

I. Procedural History

The parties to this action are former spouses. On March 11, 1999, the trial court issued an ex parte PPO, effective until September 9, 1999, to petitioner Yolanda Ludington. The PPO restrained Velardo from having any contact with Ludington or her children from another marriage. On March 15, 1999, Ludington moved to extend the PPO so that it would be in force for sixty years. Two weeks later, Velardo moved to set aside the PPO. On August 11, 1999, the trial court entered an order extending the PPO *until September 9, 2001*. After hearing arguments, but not evidence, on the motion to set aside the PPO, the trial court entered an order on October 4, 1999, denying Velardo's motion. In doing so, the trial court relied on the knowledge it had of the parties' relationship from a separate equitable parenthood action.

II. Appeal

On appeal, Velardo substantively challenges the standards the trial court applied when granting the ex parte PPO, the sufficiency of Ludington's allegations in the petition, and the trial court's failure to hold a full hearing on his motion to set aside the PPO. The PPO in effect at the time Velardo filed this appeal expired approximately one week before the panel heard oral arguments in this case.

At oral arguments, the panel pressed Velardo's attorney to articulate what remedy this Court could order that the PPO's expiration would not already provide. In effect, this Court was

suggesting the possibility that this case was moot.<sup>1</sup> We have now concluded that this case is moot because we have no basis to conclude that we can “fashion appropriate and effective relief to resolve the alleged controversy.”<sup>2</sup> Velardo’s attorney nevertheless contended that this case presents important questions of public interest.<sup>3</sup> We do not agree. Further, we are confident that if these issues arise again in the future, they will not continue to escape review and will arise in a case where a remedy will be available.<sup>4</sup> Thus, we conclude that it is unnecessary to address the substance of Velardo’s claims.

Appeal dismissed.

/s/ Joel P. Hoekstra  
/s/ Henry William Saad  
/s/ William C. Whitbeck

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<sup>1</sup> See *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998).

<sup>2</sup> *School Dist of East Grand Rapids, Kent Co v Kent Co Tax Allocation Bd*, 415 Mich 381, 391; 330 NW2d 7 (1982).

<sup>3</sup> See *Mead v Batchlor*, 435 Mich 480, 487-488; 460 NW2d 493 (1990) (explaining public interest exception to mootness doctrine).

<sup>4</sup> See *In re Closure of Preliminary Examination*, 200 Mich App 566, 568; 505 NW2d 24 (1993) (Even though it is moot, “we will review the issue raised because it is one of public significance and is likely to recur in the future yet evade appellate review.”).