

STATE OF MICHIGAN  
COURT OF APPEALS

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JEANNE HUSSEY, CARL SCHOESSEL,  
LORETTA SCHOESSEL, STEVE HOKE,  
TIMOTHY JOHNSTON, and LORI JOHNSTON,

UNPUBLISHED  
April 13, 2004

Petitioners-Appellees,

v

DAVID HAGON, ILONA HAGON, and  
PATRICK HAGON,

No. 244796  
Barry Circuit Court  
LC No. 02-002160-PH

Respondents-Appellants.

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Before: Cavanagh, P.J., and Murphy and Smolenski, JJ.

PER CURIAM.

Respondents appeal as of right the order denying their motion to terminate personal protection orders. We reverse. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

MCL 600.2950a(1) provides that a person may seek a personal protection order (PPO) to restrain or enjoin an individual from engaging in stalking conduct prohibited by MCL 750.411h and 750.411i. Relief shall not be granted unless the petition alleges facts that constitute stalking under the statute. *Id.*; *Pobursky v Gee*, 249 Mich App 44, 46; 640 NW2d 597 (2001). Stalking is a willful course of conduct involving repeated harassment of another individual that would cause a reasonable person to feel terrorized, threatened, harassed, or molested. MCL 750.411h(1)(d). Course of conduct is a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose. MCL 750.411h(1)(a). Harassment is conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress. MCL 750.411h(1)(c). A single incident does not constitute conduct prohibited under MCL 750.411h, and does not form the basis for a PPO. *Pobursky, supra* at 47-48.

Taken separately, the actions of respondents do not constitute stalking, as defined by the statute. There was only one incident involving Ilona Hagon, and one act by itself cannot constitute stalking. *Pobursky, supra*. There was only one incident involving Patrick Hagon, at the June school board meeting, and his act also cannot constitute stalking. The evidence only showed that David Hagon committed one act of harassment regarding Jeanne Hussey. His other actions were losing his temper in meetings with school officials, and stating that there would be

trouble if a certain teacher were rehired. However, the comments about future trouble were not made to petitioners, and cannot be considered harassment. The meeting with school officials concerned Hagon's job, and there was no showing that the contact was unconsented. There was no evidence that David Hagon engaged in repeated or continuing unconsented contact with any petitioner that would cause a reasonable individual to suffer emotional distress. Even viewing respondents' actions collectively, this case did not involve "stalking" as contemplated by the statutes.

Reversed and remanded for termination of the PPOs. We do not retain jurisdiction.

/s/ Mark J. Cavanagh

/s/ William B. Murphy

/s/ Michael R. Smolenski