

STATE OF MICHIGAN  
COURT OF APPEALS

---

ALICIA BOGGS,

Petitioner-Appellee,

v

BRIAN BOGGS,

Respondent-Appellant.

---

UNPUBLISHED

September 24, 2009

No. 285040

Oakland Circuit Court

LC No. 2007-738617-PP

Before: Saad, C.J., and Whitbeck and Zahra, JJ.

ZAHRA, J. (*concurring*).

I concur in the result reached in the majority opinion. I write separately because I conclude the issue presented in this case is not moot. Once issued, a PPO is entered in the Law Enforcement Information Network (LEIN). Significantly, there is no statutory provision for the removal of an expired PPO. See MCL 600.2950a(12), (14), and (16). If this Court vacated the PPO, the LEIN must be updated to reflect that the order has been rescinded, terminated, or modified. See MCL 600.2950a(16). Other panels of this Court have adopted this reasoning. See *Dooley v Hartsell*, unpublished per curiam opinion of the Court of Appeals, entered December 23, 2008 (Docket No. 280833); *Londo v Jay*, unpublished per curiam opinion of the Court of Appeals, entered March 22, 2002 (Docket No. 227691). A question may not be moot if it will continue to have collateral legal consequences. *Mead v Batchlor*, 435 Mich 480, 486; 460 NW2d 493 (1990). Because a legal remedy is attainable, the issue is not moot.

Although the matter is not moot, I concur in the result reached by the majority because I conclude the lower court did not abuse its discretion in the issuance or continuance of the PPO. I further conclude the lower court did not err when it limited the presentation of proofs in the evidentiary hearing. I would affirm the lower court's judgment on the merits.

/s/ Brian K. Zahra