

STATE OF MICHIGAN
COURT OF APPEALS

MAUREEN E KELLY,

Plaintiff-Appellee,

v

KENNETH D. FARHAT,

Defendant-Appellant.

UNPUBLISHED
December 2, 2003

No. 241961
Oakland Circuit Court
LC No. 02-664977-PH

Before: Cooper, P.J. and Markey and Meter, JJ.

PER CURIAM.

Defendant appeals by right a circuit court order denying his motion to terminate a personal protection order. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent, a former employee of the Troy School District, blames petitioner, the Assistant Superintendent of Human Resources, for the loss of his job. He proceeded to defame petitioner in a series of e-mails sent to numerous third parties. Some recipients of the e-mails forwarded them to petitioner, who found them disturbing and feared that respondent's behavior might escalate to physical harm.

The trial court ruled that respondent's course of conduct need not be directed toward the person seeking the personal protection order to constitute stalking and denied the motion to terminate the order. Statutory interpretation is a question of law that we review de novo on appeal. *Roberts v Mecosta Co General Hosp*, 466 Mich 57, 62; 642 NW2d 663 (2002).

One person may seek an order against another "to restrain or enjoin" that other person "from engaging in conduct that is prohibited" by MCL 750.411h and MCL 750.411i. "Relief shall not be granted unless the petition alleges facts that constitute stalking as defined in section 411h or 411i. . . ." MCL 600.2950a(1). MCL 750.411h and MCL 750.411i prohibit stalking and aggravated stalking, respectively.

Stalking is "a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested." MCL 750.411h(1)(d). A "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). Two or more separate noncontinuous acts are acts distinct from one another that are not connected in time and space.” *Pobursky v Gee*, 249 Mich App 44, 47; 640 NW2d 597 (2001).

Harassment is “conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.” MCL 750.411h(1)(c). “Unconsented contact” is “any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s expressed desire that the contact be avoided or discontinued.” MCL 750.411h(1)(e). A “victim” is “an individual who is the target of a willful course of conduct involving repeated or continuing harassment.” MCL 750.411h(1)(f).

Respondent engaged in a course of conduct in that he wrote a series of e-mails disparaging petitioner. Petitioner was clearly the target, i.e., object of abuse,¹ of respondent’s course of conduct in that respondent tried to have her fired and criminally prosecuted. Moreover, defendant could expect that others would inform petitioner of his letters. Thus, the trial court did not err in entering the personal protection order and in denying respondent’s motion to terminate it.

We affirm.

/s/ Jessica R. Cooper
/s/ Jane E. Markey
/s/ Patrick M. Meter

¹ *Random House Webster’s College Dictionary* (1997).