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**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-2337**

Dannette L. Meeks-Hull, petitioner,
Respondent,

vs.

Don Mashak a/k/a Donald Mashak,
Appellant.

**Filed April 19, 2011
Reversed and remanded
Halbrooks, Judge**

Isanti County District Court
File No. 30-CV-08-1298

Dannette L. Meeks-Hull, Isanti, Minnesota (pro se respondent)

Don Mashak, Albertville, Minnesota (pro se appellant)

Considered and decided by Toussaint, Presiding Judge; Peterson, Judge; and Halbrooks, Judge.

UNPUBLISHED OPINION

HALBROOKS, Judge

Appellant Don Mashak, also known as Donald Mashak, brings this pro se appeal to challenge the district court's order granting respondent Dannette Meeks-Hull a harassment restraining order (HRO) against him. Because we conclude that the district

court abused its discretion by denying appellant's motion for amended findings, we reverse and remand.

FACTS

Respondent worked for appellant at a repossession firm beginning in 2003. Respondent's husband, Michael Hull, testified that appellant screamed at respondent frequently during her employment, using cuss words and calling her names. Respondent eventually quit in December 2005 or January 2006, and a dispute arose between the parties about missing property. Appellant called respondent several times and sent her letters after she quit. About a week after she quit, respondent had a nervous breakdown. She was hospitalized in a psychiatric ward for one week and then spent two weeks in California with her mother.

In January 2008, appellant initiated a suit against respondent in Anoka County conciliation court. Appellant claims that respondent avoided service of process for almost a year. In June 2008, appellant called respondent's husband's phone twice, about two weeks apart. Soon after these phone calls, respondent and her husband moved from Anoka County to Isanti County. At some point after moving, respondent heard from a third party that appellant had gone to her previous home. On December 11, 2008, respondent petitioned for an HRO against appellant, and the district court granted an ex parte temporary restraining order.

After being served with the ex parte temporary restraining order, appellant sought a hearing, which was held in March 2009. Respondent, her husband, appellant, and appellant's sister testified at the hearing. There was conflicting testimony about whether

appellant had continued to call respondent until she sought the HRO or whether the last contact had been appellant's two phone calls in June 2008. There was also conflicting testimony about whether appellant had personally attempted to serve respondent or whether he had used his sister and other third-party process servers. Respondent admitted that she never actually saw appellant attempting to serve her—she just heard about it from her former neighbors.

The district court found:

There are reasonable grounds to believe that [appellant] has engaged in harassment of [respondent] by committing the following acts:

- a. Followed, pursued or stalked [respondent];
 - b. Made uninvited visits to [respondent] and although [appellant] claims he was merely trying to serve process on [respondent], his behavior in doing so was harassing in nature;
 - c. Made harassing phone calls to [respondent], it was only after the Temporary Restraining Order was issued that [appellant] refrained from making harassing phone calls to [respondent];
 - d. Made threats to [respondent];
 - e. Frightened [respondent] with threatening behavior;
- and
- f. Called [respondent] abusive names.

The district court granted an HRO that prohibited appellant from having contact with respondent, her husband, and their children for two years.

Appellant moved for amended findings. Appellant sought (1) findings that more specifically described his actions that met the criteria listed in the district court's order; (2) vacation of the HRO with respect to respondent's husband and the children; and (3) vacation of the HRO on the ground that the findings of fact did not support the

issuance of the order. The district court held a hearing on the amended-findings motion in August 2009. Respondent appeared pro se. Appellant was represented and his attorney argued the merits of the motion. Respondent was given ten days following the hearing to respond to appellant's arguments.

In October 2009, the district court denied appellant's motion, stating that

[a]lthough some allegations are older, it is evident that harassing acts occurred up to the time [appellant] was served a Temporary Restraining Order and were made clear on the record at the hearing on March 20, 2009 and repeated on August 4, 2009. The harassing acts have caused [respondent] to fear for her safety, security and privacy. [Respondent] is entitled to the Harassment Order against [appellant].

This appeal follows.

D E C I S I O N

A district court may grant an HRO if, among other things, the court finds "reasonable grounds to believe that the [person] has engaged in harassment." Minn. Stat. § 609.748, subd. 5(a)(3) (2008). On appeal, this court must review a district court's findings of fact for clear error and give due regard to a district court's credibility determinations. Minn. R. Civ. P. 52.01. But whether the facts as found by the district court meet the definition of harassment is a question of statutory interpretation. *Peterson v. Johnson*, 755 N.W.2d 758, 761 (Minn. App. 2008). Ultimately, a district court's decision to grant an HRO will not be reversed absent an abuse of discretion. *Id.* In addition, whether to grant a motion for amended findings rests within the district court's discretion. *See Zander v. Zander*, 720 N.W.2d 360, 364 (Minn. App. 2006) (applying abuse-of-discretion standard), *review denied* (Minn. Nov. 14, 2006).

Before we can review the district court's decision to grant the HRO, we must review the factual findings for clear error and determine if the facts as found by the district court meet the statutory definition of harassment. There was conflicting testimony at the hearing about dates and whether appellant was attempting to personally serve respondent or whether he was using third-party process servers. The district court made no findings that would aid this court in understanding how it assessed the credibility of the witnesses and resolved these conflicts in the testimony. The lack of specificity in the district court's findings precludes appellate review. We therefore reverse and remand for findings that indicate what the district court found to have transpired between the parties. *See Trombley v. Comm'r of Pub. Safety*, 375 N.W.2d 97, 99 (Minn. App. 1985) (holding that when there is conflicting testimony and several possible bases for district court's decision, the district court must make findings of fact).

In addition, the district court's findings do not indicate which of appellant's actions it concluded constituted harassment under the statute. It appears from the record that the parties had no interaction from roughly a week after respondent quit her job until appellant's two phone calls in June 2008. That is more than two years of no contact, and yet the district court found that "harassing acts occurred up to the time [appellant] was served a temporary restraining order." Without a determination of which acts the district court was basing its decision on, it is impossible to determine if the district court's decision to grant the HRO was within its discretion.

Because we conclude that the district court abused its discretion by denying appellant's motion for more specific findings, we reverse and remand for proceedings consistent with this opinion.

Reversed and remanded.