

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

A. A. R.,
Petitioner-Respondent,

v.

Alan Jay RUSTAD,
Respondent-Appellant.

Lane County Circuit Court
21PO05124; A176455

Amit K. Kapoor, Judge.

Argued and submitted April 27, 2022.

George W. Kelly argued the cause and filed the brief for appellant.

No appearance for respondent.

Before Tookey, Presiding Judge, and Kamins, Judge, and DeVore, Senior Judge.

PER CURIAM

Reversed.

PER CURIAM

Respondent appeals the trial court's continuation of a restraining order issued against him under the Family Abuse Prevention Act, ORS 107.700 to 107.735. While working from her marital home, petitioner was leading a video meeting with several colleagues when respondent, who was her father-in-law, interrupted the meeting by loudly making humiliating remarks about her at the screen and refusing to leave despite repeated requests from petitioner and her coworkers. Having reviewed the record, we conclude that while respondent's behavior was reprehensible, the evidence was insufficient to establish that he "represents a credible threat to the physical safety of the petitioner." ORS 107.716(3)(a)(C). Given that disposition, we need not reach respondent's argument concerning how the Supreme Court's jurisprudence relating to free speech, particularly, *State v. Rangel*, 328 Or 294, 977 P2d 379 (1999) applies, if at all, to the Family Abuse Prevention Act.

Reversed.