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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0146**

Neegonee Brunner, petitioner,
Respondent,

vs.

Leigh Anna Harper,
Appellant.

**Filed September 11, 2017
Affirmed
Bjorkman, Judge**

Becker County District Court
File No. 03-CV-16-2816

Neegonee Brunner, Ponsford, Minnesota (pro se respondent)

Leigh Anna Harper, Ponsford, Minnesota (pro se appellant)

Considered and decided by Bjorkman, Presiding Judge; Hooten, Judge; and Randall,
Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

BJORKMAN, Judge

Appellant challenges a harassment restraining order (HRO), arguing that the district court committed evidentiary error and that she was prejudiced by respondent's failure to provide a witness list prior to the evidentiary hearing. We affirm.

FACTS

On December 21, 2016, respondent Neegonee Brunner filed a petition seeking an HRO against appellant Leigh Anna Harper, her former coworker. The petition alleged that Harper committed numerous acts of harassment, including: making approximately 100 false reports about Brunner to various state and federal agencies; repeatedly contacting Brunner's supervisor with meritless complaints; and stalking her in the community and near her home. The district court denied Brunner's request for an ex parte HRO, but scheduled a hearing on the petition.

During the two-day evidentiary hearing,¹ Brunner testified that Harper made numerous complaints about her to her work supervisor and various state agencies she interacted with through her employment at Pine Point School. The school receives funding through a federal grant, and Harper also made numerous false accusations against Brunner to the individuals who administer the grant. Investigation failed to substantiate Harper's complaints, but she continued to make them. In addition to the complaints, Harper made

¹ The evidentiary hearing addressed four separate HRO petitions. Both Brunner and her husband sought HROs against Harper. And Harper filed HRO petitions against both of them. This appeal only concerns the grant of Brunner's petition for an HRO against Harper. The district court dismissed the other three petitions.

unnecessary visits to Brunner's workplace and her children's school. And Harper attended community council meetings to complain about Brunner and her family. As a result of Harper's actions, Brunner felt "stressed emotionally, spiritually, [and] physically."

Brunner's testimony was corroborated by witnesses Mary Otto and Terry Darco. Otto, Assistant Director of Education for White Earth Nation,² testified that Harper made "repeated reports" against Brunner that were determined to be meritless. She also indicated her organization has a hard time maintaining staff at Pine Point School due to Harper's reputation for making false allegations. Darco, CEO of the White Earth Boys and Girls Club, similarly testified that Harper's frequent unfounded complaints about Brunner had negatively affected his organization. At one point a federal grant was suspended based on a complaint that was ultimately determined to be unfounded.

The district court granted Brunner's petition. In a detailed memorandum attached to the HRO, the district court determined that Harper's "relentless filing" of reports and complaints "can reasonably be considered . . . conduct that would frighten" Brunner. The court also found that Harper's "repeated incidents of reporting to supervisors, filing complaints, [and] attempt to affect [Brunner's] employment and social standing in the community does constitute harassment." The district court ordered Harper to have no contact with Brunner and to stay 20 feet away from her at all times. But the court declined to limit Harper's ability to file reports with public or private agencies, and post on social-

² White Earth Nation oversees both Pine Point School, where Brunner works, and the Boys and Girls Club, where Harper previously worked.

media sites, observing that such a prohibition could chill protected speech.³ Harper appeals.

DECISION

A district court may issue an HRO if the court finds that there are reasonable grounds to believe that a person has engaged in harassment. Minn. Stat. § 609.748, subd. 5(b)(3) (2016). “Harassment” is defined as “repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect . . . on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.” *Id.*, subd. 1(a)(1) (2016). We review the issuance of an HRO for an abuse of discretion. *Witchell v. Witchell*, 606 N.W.2d 730, 731-32 (Minn. App. 2000). We will not set aside a district court’s factual findings unless they are clearly erroneous, giving due regard to the district court’s opportunity to evaluate witness credibility. Minn. R. Civ. P. 52.01; *Kush v. Mathison*, 683 N.W.2d 841, 843-44 (Minn. App. 2004), *review denied* (Minn. Sept. 29, 2004). And we review a district court’s decision regarding the admission of evidence for abuse of discretion. *Kroning v. State Farm Auto. Ins. Co.*, 567 N.W.2d 42, 45-46 (Minn. 1997).

Harper argues that she was denied a fair hearing because (1) Brunner’s failure to provide a witness list left her unable to adequately prepare for the hearing, (2) the district court denied her request for a continuance, and (3) the district court prevented her from calling witnesses and presenting evidence. Harper also challenges the district court’s

³ The district court observed that many of Brunner’s allegations are in the nature of slander or defamation claims, which must be determined in a different forum.

factual determination that the reports she made against Brunner were meritless. We are not persuaded by Harper’s arguments.

First, Harper cites no legal authority to support her assertion that Brunner was required to disclose her witnesses before the evidentiary hearing. The HRO statute provides that personal service must be made upon the individual against whom an HRO is sought not less than five days before the hearing; the statute contains no discovery or disclosure requirements. Minn. Stat. § 609.748 (2016). And caselaw establishes no such requirements. In *Anderson v. Lake*, this court considered the hearing rights required under section 609.748. 536 N.W.2d 909, 911 (Minn. App. 1995). After noting that the statute itself does not define “hearing,” we concluded that parties in HRO proceedings have “the right to present and cross-examine witnesses, to produce documents, and to have the case decided pursuant to the findings required by [the statute].” *Id.* Because the hearing in this case complied with these requirements, Brunner’s failure to provide a witness list prior to the hearing does not entitle Harper to relief.⁴

Second, the record defeats Harper’s contention that the district court denied her request for a continuance. On the morning the hearing began, Harper indicated that she

⁴ Our assessment in *Anderson* of what constitutes a “full hearing” in an HRO proceeding is, largely, built on this court’s decision in *El Nashaar v. El Nashaar*, 529 N.W.2d 13, 14 (Minn. App. 1995), which involved an order for protection (OFP) issued under the domestic abuse act. *See Anderson*, 536 N.W.2d at 911. We later rejected the argument that a district court denied a “full hearing” in an OFP proceeding by admitting certain out-of-court statements, noting that the “full hearing” language at issue in *Anderson* and *El Nashaar* has been deleted from Minn. Stat. § 518B.01, subd. 7. *Oberg v. Bradley*, 868 N.W.2d 64, 65, (Minn. App. 2015) (citing 1995 Minn. Laws ch. 142 § 5, at 404). Because we conclude that Harper was not deprived of the hearing described in *Anderson*, we need not resolve whether *Oberg* altered the scope of the hearing required in the HRO context.

might need a continuance if she could not find someone to care for her children that afternoon. The district court responded, “I won’t deny your request for a continuance,” but told her to try to make alternative arrangements and report to the deputy if she was unable to do so. Harper did not renew her continuance request. And when the parties appeared that afternoon, Harper affirmatively stated that she was ready to proceed.

Third, the record belies Harper’s assertion that the district court prevented her from calling witnesses and presenting other evidence. Harper testified and called her mother as a witness. After her mother finished testifying, Harper said that she did not have additional witnesses. And our careful review of the record persuades us that the district court did not otherwise err or abuse its discretion in excluding evidence. Indeed, the evidence Harper cites pertains to an incident that occurred several years ago that was the subject of a previous HRO. Accordingly, the excluded evidence was not relevant to this proceeding.

Finally, the record supports the district court’s finding that Harper made repeated meritless reports about Brunner. Brunner submitted a letter from her principal at Pine Point School indicating that Harper had visited his office “numerous times” to file complaints about Brunner. Both Otto and Darco personally received Harper’s unrelenting stream of unfounded complaints about Brunner. Both testified that the reports were meritless and negatively affected Brunner and the organizations they serve. To the extent Harper is challenging the district court’s determination that this testimony was credible, we defer to the district court. *Kush*, 683 N.W.2d at 843-44. Harper asserts that the district court should have required additional evidence to prove her reports were false, but cites no supporting legal authority. *See Ganguli v. Univ. of Minn.*, 512 N.W.2d 918, 919-20 n.1 (Minn. App.

1994) (stating this court declines to consider allegations unsupported by legal analysis).

On this record, we conclude that the district court did not abuse its discretion in granting Brunner's petition for an HRO against Harper.

Affirmed.