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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0808**

Caitlyn Elizabeth Stenerson,
Respondent,

vs.

Kevin Michael Stanton,
Appellant.

**Filed December 16, 2019
Affirmed
Bjorkman, Judge**

Ramsey County District Court
File No. 62-HR-CV-19-83

Dennis J. Smith, Dennis J. Smith Law Office, Ltd., Maple Grove, Minnesota (for respondent)

Joel M. Anderson, White Bear Lake, Minnesota (for appellant)

Considered and decided by Reilly, Presiding Judge; Bjorkman, Judge; and Cochran, Judge.

UNPUBLISHED OPINION

BJORKMAN, Judge

Appellant challenges a harassment restraining order (HRO), arguing that (1) the district court lacked subject-matter jurisdiction because respondent's petition failed to

allege immediate risk of harassment and (2) insufficient evidence supports the HRO. We affirm.

FACTS

Appellant Kevin Stanton first contacted respondent Caitlyn Stenerson in November 2016. He sent her a Facebook message and asked her to meet for coffee or dinner. Stenerson did not know Stanton, so she did not respond.

Stanton contacted Stenerson a second time in December 2018, again asking her to meet with him. Stenerson did not respond.

On January 25, 2019, Stanton sent a third Facebook message, asking Stenerson to discuss his “writings” and attaching a document. She did not respond.

Two days later, Stenerson was at the church where she works when Stanton approached her. Stanton handed her a two-page document and asked her to read it. He also told her that he is interested in marrying her because he wants to marry someone who will preach with him. She was “taken aback” but took the document, which read, in part:

Pushing them away is a very bad solution to the situation, but when they’re pushed to the breaking point don’t forget that someone may just need those two arms to hold you tightly, saying things like “you need me to be your friend right now more than ever, I’m not going to listen to what you say, and the harder you push away the tighter I’ll hold on to comfort you no matter how much you may not like what I’m doing right now.” If the law does get involved and you explain why you’re doing what you’re doing they will understand that you care a lot about the other, and are acting out of love of those you care about not what it appears to be on the surface.

Stenerson subsequently petitioned the district court for an HRO. The district court issued an ex parte temporary HRO. Stanton moved to dismiss, arguing in part that the

district court lacked jurisdiction. The district court denied the motion and the case proceeded to an evidentiary hearing. After the hearing, the district court issued a two-year HRO. Stanton appeals.

DECISION

A district court may issue an HRO if it finds “that there are reasonable grounds to believe that the respondent has engaged in harassment.” Minn. Stat. § 609.748, subd. 5(b)(3) (2018). We generally review a district court’s issuance of an HRO for an abuse of discretion but review questions of law de novo. *Peterson v. Johnson*, 755 N.W.2d 758, 761 (Minn. App. 2008).

I. The district court had subject-matter jurisdiction to issue the HRO.

Subject-matter jurisdiction is a question of law that we review de novo. *Burkstrand v. Burkstrand*, 632 N.W.2d 206, 209 (Minn. 2001).

Stanton argues that the district court lacked “jurisdiction” to issue an HRO because Stenerson’s petition did not allege “an immediate and present danger of harassment,” as required under Minn. Stat. § 609.748, subd. 4 (2018).¹ This argument is unavailing for two reasons. First, while Stenerson may not have recited the statutory language verbatim, her petition and accompanying narrative report alleged, in detail, that Stanton had engaged in

¹ It is less than clear to us that Stanton’s argument actually raises a question of the district court’s jurisdiction in the technical sense. *See Moore v. Moore*, 734 N.W.2d 285, 287 n.1 (Minn. App. 2007) (noting that “[c]ourts and parties often use concepts and language associated with ‘jurisdiction’ imprecisely to refer to, among other things . . . nonjurisdictional limits on a court’s authority to address a question”), *review denied* (Minn. Sept. 18, 2007). For purposes of this appeal, however, we need not resolve whether Stanton’s argument is, in fact, jurisdiction.

persistent and escalating unwanted contacts, and that this conduct alarmed her. Stenerson expressed fear for her safety at home and at work and indicated her belief that Stanton's unwanted harassing conduct would continue. These allegations amply justify the district court's finding that "[t]here is an immediate and present danger of harassment to justify temporary relief."

Second, the district court's authority to issue a two-year HRO like the one before us in this appeal is not predicated on a petitioner's satisfaction of the requirements for issuance of a temporary ex parte HRO. Rather, a petition invoking the district court's authority to consider and issue an HRO need only state "(1) the name of the alleged harassment victim; (2) the name of the respondent; and (3) that the respondent has engaged in harassment." Minn. Stat. § 609.748, subds. 3(a), 5(b) (2018). Because Stenerson filed such a petition, the district court did not err by denying Stanton's motion to dismiss, conducting a hearing on the petition, and ultimately issuing an HRO.

II. Sufficient evidence supports the HRO.

Harassment includes "repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect" on the victim. Minn. Stat. § 609.748, subd. 1(a)(1) (2018). We will not disturb a district court's factual findings underlying an HRO unless they are clearly erroneous, and we defer to the district court's discretion in determining whether the facts establish reasonable grounds to believe the respondent engaged in harassment. *Kush v. Mathison*, 683 N.W.2d 841, 843-44 (Minn. App. 2004), review denied (Minn. Sept. 29, 2004).

Stanton argues that his three Facebook messages and single in-person contact with Stenerson do not constitute repeated incidents of intrusive or unwanted acts or words. Rather, he contends his actions were merely awkward and persistent, and that Stenerson did not tell him not to contact her or otherwise object. We are not persuaded. Stanton does not identify any authority requiring the victim of repeated unsolicited contacts to affirmatively communicate that the contacts are unwanted before they can be found to be so. Nor are we convinced that such a requirement comports with the plain language or protective purpose of the HRO statute. The record establishes that Stanton sent Stenerson multiple unsolicited overtures, identified and pursued her to her place of work, and abruptly declared his interest in marrying her, asking her to read a document containing aggressive and intimidating language. Such persistent unwanted contacts that frightened Stenerson are not “romantic,” as Stanton suggests, but harassment, and amply support the HRO.

Affirmed.