

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0794**

Jessica A Clay,
Respondent,

vs.

Roger Day,
Appellant.

**Filed January 21, 2025
Affirmed
Reilly, Judge***

Washington County District Court
File No. 82-CV-24-592

Mehdi Abedi, Rose Hanson, Brenda Sletten-Abedi, Abedi Hanson Sletten PLLC,
St. Cloud, Minnesota (for respondent)

Roger J. Day, Circle Pines, Minnesota (pro se appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Schmidt, Judge; and
Reilly, Judge.

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

NONPRECEDENTIAL OPINION

REILLY, Judge

Appellant challenges the district court's grant of a harassment restraining order (HRO) against him, arguing that respondent lacked standing to seek an HRO and the proceedings violated appellant's rights. We affirm.

FACTS

In February 2024, respondent Jessica A. Clay petitioned for an HRO against appellant Roger Day. Clay is a church pastor, and Day is a member of the church's congregation. Clay alleged that Day had engaged in acts of harassment that included forcibly interrupting Clay at the pulpit during a church service and refusing to leave until law enforcement responded, making unfounded and defamatory accusations against her and other church staff, and violating a limited-access agreement that the church put in place to establish parameters for Day's interactions with church staff. The district court scheduled a hearing on the petition.

Prior to the hearing, Day requested a continuance. He explained that he was requesting a continuance because he had "judicial process phobia" and was in the process of seeking an accommodation under the Americans with Disabilities Act (ADA). Day's ADA accommodation request form denoted that he "cannot deal with courts and lawyers" and requested "as much as possible face-to-face communication." Day later made several requests for an in-person hearing on the petition, but the district court denied the requests and held a remote hearing. Day participated in the hearing at a location within the courthouse.

At the hearing, another minister from Clay's church testified about Day's conduct toward Clay. The minister testified that Day had used abusive and threatening language, and that his disruptive conduct at the church was "making people in the building feel unsafe." During cross-examination, the district court asked Day to stop recording the proceedings with his personal laptop because the district court was making an official recording that would be available to the parties if necessary. A short time later, court staff noticed that Day was also recording the proceedings on his phone. A court clerk and deputy ultimately went to Day's location in the courthouse and ensured that Day stopped recording and that the personal recordings were deleted.

At the end of the minister's testimony, the district court ordered a short recess. When court reconvened, Day's spouse informed the district court that Day would not be returning to participate in the hearing. The district court proceeded with Day in default and heard testimony from Clay. Following the hearing, the district court issued an HRO. The district court determined that Day had engaged in acts of harassment that included making harmful statements about Clay, being aggressive during face-to-face conversations, violating the church's limited-access agreement, and disrupting a church service in a manner that scared Clay and others. Day now appeals.

DECISION

We review a district court's decision on whether to grant an HRO for an abuse of discretion. *Kush v. Mathison*, 683 N.W.2d 841, 843 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004). We review factual findings for clear error, giving due regard to the district court's credibility determinations. *Id.* at 843-44.

Day first challenges the application of the HRO statute, Minn. Stat. § 609.748 (2022). He argues that Clay lacked standing to pursue an HRO and that he was impermissibly “civilly-judged and injunctively-restricted of liberties.” Day’s arguments are based on his assertion that he was “prosecut[ed] [for] the crime of harassment.” He appears to argue that it was improper for Clay to initiate a criminal prosecution as a civil litigant and for the district court to try him for a crime in civil court. But Day was not criminally prosecuted, and therefore his arguments lack merit. *See Dunham v. Roer*, 708 N.W.2d 552, 559, 568 (Minn. App. 2006) (noting that a proceeding to obtain an HRO “is civil in nature” and upholding the constitutionality of the HRO statute), *rev. denied* (Minn. Mar. 28, 2006).

Moreover, the statute clearly permitted Clay plainly to seek an HRO. The HRO statute provides that “[a] person who is a victim of harassment . . . may seek a restraining order from the district court in the manner provided in this section.” Minn. Stat. § 609.748, subd. 2(a). Clay’s petition alleged that she was a victim of harassment and detailed the alleged acts of harassment. And the district court determined that Clay proved the allegations in the petition. Clay thus had the authority to seek an HRO under the statute because she was a victim of harassment.

Day also asserts that court staff, judicial officers, and Clay’s attorney violated his rights and should be disciplined for their misconduct. His contention that the district court staff and judicial officers committed misconduct and violated his rights appears to be based on his belief that his requests for an in-person hearing should have been granted. But Day’s brief to this court contains no analysis beyond the general assertion that he was denied a

necessary accommodation for his disability. And his argument that Clay's attorney committed misconduct is based on an allegedly inaccurate statement in the statement of the case filed with this court; Day does not explain how the allegedly inaccurate statement prejudiced him or impacts our review of the district court's decision.

“An assignment of error on mere assertion, unsupported by argument or authority, is forfeited and need not be considered unless prejudicial error is obvious on mere inspection.” *Scheffler v. City of Anoka*, 890 N.W.2d 437, 451 (Minn. App. 2017), *rev. denied* (Minn. Apr. 26, 2017). Having reviewed the record, we discern no prejudicial error. Day's arguments are therefore forfeited. Moreover, “[t]he statement of the issues contained in an appellant's statement of the case does not limit the reviewability of issues on appeal.” *May v. May ex rel. May*, 713 N.W.2d 910, 913 (Minn. App. 2006) (quotation omitted). Thus, even if Day had not forfeited his argument about Clay's statement of the case, that argument would lack merit.

Affirmed.