

*This opinion is nonprecedential except as provided by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
A24-1261**

Jamie Marie Kreiner,
Respondent,

vs.

Misty Lynn Mahto Monson,
Appellant.

**Filed June 23, 2025
Affirmed
Reilly, Judge***

Todd County District Court
File No. 77-CV-24-599

Jamie Marie Kreiner, Pillager, Minnesota (pro se respondent)

Misty Lynn Mahto Monson, Wadena, Minnesota (pro se appellant)

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

NONPRECEDENTIAL OPINION

REILLY, Judge

In this direct appeal from the district court's grant of a harassment restraining order (HRO), appellant argues that the record does not support the district court's determination that she harassed respondent. We affirm.

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

FACTS

In July 2024, respondent Kreiner petitioned for an HRO against appellant Misty Lynn Mahto Monson. In the petition, Kreiner alleged that Monson engaged in a pattern of harassment, including appearing at her workplace uninvited, sending harassing text messages and phone calls, often contacting her employer to falsely report that she had been terminated from her position in Pillager, Minnesota, and posting harassing content about her on Facebook two times.

Kreiner requested a court hearing if the district court denied her petition.

That same day, the district court denied Kreiner's petition because it found no immediate and present danger of harassment to justify temporary relief. One week later, the district court held a hearing where it heard testimony from Kreiner, Monson, and Monson's husband, S.M. At that hearing, Kreiner testified that Monson called Kreiner's workplace and told her boss that she (Monson) was the reason Kreiner had been fired from her previous job. Kreiner denied getting fired because of Monson. Kreiner also testified that Monson threatened her on Facebook, writing that she was "going to beat [her] a-s [and] . . . put a cord down [her] throat," and Kreiner claimed that Monson made "numerous Facebook accounts harassing [her], calling [her] a pedophile." When asked about her relationship to Monson, Kreiner said, "Nothing. I don't know her. She don't know who I am. She only knows me because . . . I have kids."

Monson testified that she has known Kreiner "since day one" and described her as a "former acquaintance through an ex-boyfriend." Monson explained that she previously petitioned for a restraining order against Kreiner in another county. When asked by the

district court whether she knew that Monson had a restraining order against her, Kreiner answered affirmatively. Monson also testified that Kreiner was lying, that she has “no affiliation” with the Facebook accounts, that Kreiner threatened “to hurt [her], to burn [her] house down, calling [her] a pedophile, [and] a psychotic person.”

Monson also presented her husband, S.M., as a witness. S.M. testified affirming that Monson “received a message from a former friend saying [Kreiner] [was] posting [her] pictures and calling [her] a fat hup a lupa.” S.M. affirmed that Monson received a “photo notification” that read, “I am not jealous of you, honey boo boo. [Monson], I am coming for you.”

After the hearing, the district court granted Kreiner’s petition for the HRO. It determined there were reasonable grounds to believe that Monson sent harassing phone calls or text messages to Kreiner. The district court ordered that Monson “shall not harass [Kreiner] . . . [and] shall have no direct or indirect contact with [Kreiner].”

Monson appeals.¹

DECISION

We review a district court’s decision to issue an HRO for abuse of discretion. *Kush v. Mathison*, 683 N.W.2d 841, 843 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004). A district court abuses its discretion when it makes findings of fact unsupported by the evidence, misapplies the law, or renders a decision that is against logic and the facts in the record. *Wilson v. Wilson*, 11 N.W.3d 331, 339 (Minn. App. 2024), *rev. denied* (Minn.

¹ Respondent has not filed a brief in this appeal. We therefore consider the merits of this case pursuant to Minn. R. Civ. App. P. 142.03.

Dec. 17, 2024). Moreover, a district court may make factual findings based on testimony alone. *Quinn v. LMC NE Minneapolis Holdings, LLC*, 972 N.W.2d 881, 889 (Minn. App. 2022) (stating that “bare testimony” is sufficient to support a factual finding), *rev. granted* (Minn. June 29, 2022) *and appeal dismissed* (Minn. Feb. 17, 2023). A district court’s factual findings will only be set aside if they are clearly erroneous after giving due regard to its credibility determinations. *Peterson v. Johnson*, 755 N.W.2d 758 (Minn. App. 2008). We defer to the district court’s determination on witness credibility. *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009).

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) (2024). Harassment includes “repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.” Minn. Stat. § 609.748, subd 1(a)(1) (2024). This definition requires “both objectively unreasonable conduct or intent on the part of the harasser and an objectively reasonable belief on the part of the person being harassed.” *Dunham v. Roer*, 708 N.W.2d 552, 567 (Minn. App. 2006). “A district court must base its findings in support of a restraining order on testimony and documents properly admitted.” *Kush*, 683 N.W.2d at 844.

Monson argues that the district court erred when it granted Kreiner’s HRO because there was insufficient evidence that she harassed Kreiner. More specifically, she argues that Kreiner was not a credible witness, that the only evidence Kreiner presented was her

own testimony, and that Kreiner’s allegations lacked specificity, such as dates and context. We are not persuaded.

The district court found “reasonable grounds to believe that [Monson] ha[d] engaged in harassment which ha[d] or . . . intended to have a substantial adverse effect on safety, security, or privacy of [Kreiner].” Although the district court did not explain or elaborate on the testimony relied on in reaching its determination, we can infer that the district court found Kreiner more credible than Monson because it granted her the HRO. And despite the conflicting testimony between Monson and Kreiner—both accusing the other of harassment—the district court still found Kreiner to be the more credible witness. *See Pechovnik*, 765 N.W.2d at 99 (stating that we defer to the district court’s credibility determinations and do not “reconcile conflicting evidence”).

Because the district court’s determination is supported by evidence in the record, the district court did not abuse its discretion by granting the HRO.

Affirmed.