

*This opinion is nonprecedential except as provided by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
A24-1290**

Leslie Leanne Latterell,
Respondent,

vs.

Michael James Latterell,
Appellant.

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

St. Louis County District Court
File No. 69DU-CV-24-123

Leslie Leanne Latterell, Superior, Wisconsin (self-represented respondent)

Michael James Latterell, Duluth, Minnesota (self-represented appellant)

Considered and decided by Reyes, Presiding Judge; Cochran, Judge; and Schmidt,
Judge.

NONPRECEDENTIAL OPINION

REYES, Judge

Self-represented appellant-father argues that the district court did not enforce the discovery requirements of Minn. R. Civ. P. 26.01, and therefore violated Minn. R. Civ. P. 37.03, at an evidentiary hearing on respondent-mother's harassment restraining order (HRO). Appellant also argues that the relief granted in the HRO conflicts with his custody rights as ordered in the parties' prior marriage-dissolution case. We affirm.

FACTS

Appellant Michael James Latterell (father) and respondent Leslie Leanne Latterell (mother), whose marriage is dissolved, share two children, L.M.L. (born 2012) and C.J.L. (born 2014) (the children). On January 18, 2024, mother petitioned the district court for an ex parte HRO on behalf of herself and the children against father. Mother detailed three events that occurred when the children were with other adults during mother's custody time and father showed up and tried to take the children. The district court granted the ex parte order. Per father's request, the district court scheduled an evidentiary hearing. The district court held the evidentiary hearing on February 28 and March 13, 2024.

Both parties were self-represented. Mother testified and called four witnesses who each testified consistent with her HRO petition. Father did not call any witnesses, but did testify on his own behalf and cross-examined mother's witnesses. Father never denied that he tried to take the children on the three dates identified in mother's petition and instead argued that his conduct was not harassing or abusive. The district court granted the HRO on behalf of the children but denied it on behalf of mother. The HRO, which remains in effect until June 10, 2026, prohibits father from visiting the children during mother's parenting time, "unless there is a public function to which he has been invited or emergent circumstances arise." This appeal follows.

DECISION

I. Minn. R. Civ. P. 26.01 does not apply to harassment proceedings.

Father argues that, because the district court "erred in allowing the [evidentiary] hearing to begin without basic discovery being shared [with him]," it failed to follow the

discovery procedures set forth in Minn. R. Civ. P. 26.01 and therefore violated Minn. R. Civ. P. 37.03(a). As a result, father argues that he “was forced to cross-examine every witness on the stand with no possible preparation” and “was forced to cross examine on the fly.” However, Minn. R. Civ. P. 26.01(a)(2)(M) explicitly states that harassment proceedings are “exempt from disclosures under rule 26.01.” Father’s argument fails.

II. The HRO does not appear to impermissibly conflict with the parties’ purported dissolution and custody order.

Father argues that the HRO “effectively redacted [the] [custody] order because the police will enforce the HRO and will not recognize the civil order providing for [father]’s Right of First Refusal” in relation to custody of the children. His argument is unavailing.

We first note that it does not appear that the district court considered the purported dissolution order granting father a right of first refusal as evidence because it was not part of the record.¹

Second, father provides no evidence that the relief provided by the HRO conflicts with his purported right of first refusal.² The HRO provides that father “shall not visit his

¹ The only documents in the record mentioning father’s right of first refusal under his and mother’s marriage-dissolution decree are his affidavit supporting dismissal of mother’s motion for HRO and his posthearing memorandum. At trial, although father mentioned his alleged right of first refusal, he declined the district court’s offer to review the family law court file, which was separate from the HRO case. Although father submitted what appears to be part of the order in his addendum to this court, that does not make it part of the record that we review on appeal because the district court did not consider it as evidence. See Minn. R. App. P. 110.01 (defining the record on appeal); *Plowman v. Copeland, Buhl & Co.*, 261 N.W.2d 581, 583 (Minn. 1977) (“It is well settled that an appellate court may not base its decision on matters outside the record on appeal, and that matters not produced and received in evidence below may not be considered.”).

² In his addendum, father provided a one-page excerpt entitled “Stipulated Temporary Agreement and Order” which provides that: “There shall be a right of first refusal so that

minor children during mother's parenting time, unless there is a public function to which he has been invited or emergent circumstances arise." Even if we accept father's argument that he has a right of first refusal, the HRO does not conflict with it. The HRO states only that father cannot attempt to have *uninvited* parenting time with his children during mother's parenting time. Nothing in the HRO suggests that father would be prohibited from watching the children during mother's parenting time at her request. That scenario would be "invited" and may be an "emergent circumstance[]." Accordingly, the HRO does not interfere with father's purported right of first refusal.

Affirmed.

if either parent needs [childcare] for the overnight hours, they shall first ask the other parent if they can care for the children."