

*This opinion is nonprecedential except as provided by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
A24-1846**

David Roger Williams,
Appellant,

vs.

Ronald Edmund Moran,
Respondent.

**Filed August 4, 2025
Affirmed
Reyes, Judge**

Crow Wing County District Court
File No. 18-CV-23-3470

David Roger Williams, Merrifield, Minnesota (self-represented appellant)

Ronald Edmund Moran, Merrifield, Minnesota (self-represented respondent)

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

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that the record does not support the district court's denial of his
petition for a harassment restraining order (HRO). We affirm.

FACTS

In September 2023, appellant David Roger Williams filed a petition for an HRO
against respondent Ronald Edmund Moran. Moran occasionally resided at the residence

of Deborah Gateley, who owns lakefront property next to Williams. Williams claimed that, for the past four years, Moran had “observed and stared ominously at him” and threatened him through a mutual acquaintance who told him that there would be “unspecified consequences” if Williams proceeded with his request to have Crow Wing County “enforce a junk removal” from Gateley’s property. Williams also argued that Moran had driven his truck toward him on a county road while he was walking along the road and had engaged in ongoing harassment that affected “all aspects of [his] lake home ownership,” which caused him a “sense of anger and exasperation over what next harassment” he would encounter.

In October 2023, the parties appeared for an HRO hearing. At the outset of the hearing, the referee stated that it would consider only recent conduct Moran allegedly committed rather than the entirety of the four years of incidents documented in Williams’s HRO petition. Williams testified that Moran had never assaulted him but had placed items along Williams’s property line, had thrown brush in his yard, placed two tarps on a line to block his view of a portion of Gateley’s property, and moved a boat that had been previously located in a different area on Gateley’s property to an area along Williams’s property line to antagonize Williams. Williams also stated that Moran had previously mowed a strip of grass along a private road perpendicular to his property, which Williams claimed he owned.

The referee determined that Moran’s behaviors of mowing the lawn and placing objects along the property line were “not objectively unreasonable” and that a reasonable person would not consider his actions to be harassment. The referee stated that Williams’s

testimony suggested that he had a “general annoyance with [his] neighbors” but that this “[does not] come close to [an] [HRO] being issued.” The district court adopted the referee’s recommendation to deny Williams’s petition for an HRO. Williams appealed the district court’s denial of his HRO, arguing that the referee inappropriately limited the scope of his complaints to Moran’s recent activity. We reversed and remanded, instructing the district court to “conduct a new evidentiary hearing without regard to a time limitation” and then determine whether Williams is entitled to an HRO. *Williams v. Moran*, No. A23-1843, 2024 WL 3565922, at *3 (Minn. App. July 29, 2024).

On remand, Williams testified to the same incidents as in the prior hearing, but also testified that he believed Moran had cut trees and left them on his property; removed screws from and vandalized his mailbox; had driven on his lawn; placed dead geese, fish, and a duck in his yard; placed broken glass on his property; and removed nuts from one of the supports on his dock. Williams maintained that Moran’s harassment consisted of placing various objects on or just over the property line “in direct view and in danger of encroaching on [his] property.” Williams presented over 50 exhibits, many of which were screen shots or videos of Moran walking near the property line or in Gateley’s yard.

Moran testified that Williams had contacted law enforcement twelve times to have him arrested for trespassing, but law enforcement declined to do so because they determined that Moran had not trespassed. Moran refuted Williams’s claims that he dropped dead animals in his yard and stated that there are eagles that eat fish on Gateley’s dock that he frequently has to clean up. Moran also emphasized that Williams presented no evidence that he made any threats to him, posed any harm to him, or intimidated him.

Gateley also testified that she had never known Moran to throw anything onto Williams's property, trespass on Williams's property, drive on Williams's grass, or damage his lawn.

The district court again denied Williams's HRO petition, finding "no credible evidence that Moran had engaged in substantiated acts of harassment" and found many of his claims about Moran's conduct to be "simply specious." The district court, relying on Minn. Stat. § 609.748, subd. 1(a)(1) (2024), determined that Moran's conduct does not "constitute[] 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."

This appeal follows.

DECISION

Williams argues that the district court abused its discretion when it misapplied the law, specifically, Minn. Stat. § 609.748 (2024), to the facts by "misinterpret[ing], minimiz[ing], or ignor[ing] key evidence" he submitted at the HRO hearing. We are not convinced.

Under Minn. Stat. § 609.748, subs. 5(a), (b)(3) (2024), a district court "*may* issue a restraining order" if it finds that "there are reasonable grounds to believe that the respondent has engaged in harassment." (Emphasis added.) "Harassment" requires a finding of "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." Minn. Stat § 609.748, subd. 1(a)(1) (2024).

Appellate courts review a district court's decision of 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). "A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record." *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted). We review factual findings for clear error, giving due regard to the district court's credibility determinations. *Kush*, 683 N.W.2d at 843-44.

Williams characterizes Moran's "star[ing] ominously" at him, putting tree branches in his yard, and placing objects along his property line as harassing conduct that satisfies the statute. However, most of Moran's conduct that Williams claims is directed at him is nonconfrontational and takes place on Gateley's property, not Williams's property. Notably, Williams did not testify, or present any evidence to suggest, that Moran's conduct had a "substantial adverse effect" on his "safety, security, or privacy." *See* Minn. Stat. § 609.748, subd. 1(a)(1). Williams's testimony establishes that Moran's conduct irritated him and created a visual obstruction to prevent Williams from seeing into Gateley's yard. Even if this type of conduct could constitute harassment, the district court found Williams not credible, which is a finding this court does not disturb on appeal. *Kush*, 683 N.W.2d at 843-44.

Appellant attempts to analogize *Kush* to this case to support his position. In that case, Kush filed a petition for an HRO following an incident in which he allegedly caused damage to his neighbor Mathison's property after backing into his fence with machinery. *Id.* at 843. When Kush later spoke with Mathison about the fence, Mathison told Kush that

he was going to “regret the day [he] ever bought this f—ing place” and threatened Kush in a series of other encounters including an incident in which he walked onto Kush’s property, knocked on his door, and yelled at him. *Id.* In affirming the district court’s issuance of the HRO, we noted that Mathison’s repeated threats to Kush, including that he would “kick his f—ing a--” and that he would “make [him] regret the day [he] bought the property” were repeated incidents that would cause a “substantial adverse effect” on Kush’s “safety, security, and privacy.” *Id.* at 845.

Kush is distinguishable. Williams has not shown that Moran’s conduct has caused him a “substantial adverse effect” on his safety, security, or privacy. Williams also did not testify that Moran made any threatening statements to him, yelled at him, or came directly onto his property to confront him. In fact, Williams testified that he had hardly spoken to Moran. The record supports the district court’s findings, and we defer to the district court’s credibility determinations. *Id.* at 843-44. Williams’s annoyance with Moran’s conduct does not rise to the level of harassment as defined by Minn. Stat § 609.748 or as articulated by caselaw. We therefore conclude that the district court acted within its discretion by denying Williams’s HRO petition.

Affirmed.