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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0619**

In the Matter of:

Lydia Christine Holm-Kolodiazhna and
on behalf of Minor Child, petitioner,
Respondent,

vs.

James Edwin Gordy Jr.,
Appellant.

**Filed December 15, 2025
Reversed
Johnson, Judge**

Becker County District Court
File No. 03-FA-25-309

Lydia Christine Holm-Kolodiazhna, Detroit Lakes, Minnesota (*pro se* respondent)

James Edwin Gordy, Jr., Hawley, Minnesota (*pro se* appellant)

Considered and decided by Reyes, Presiding Judge; Worke, Judge; and Johnson,
Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

The mother of a young child petitioned the district court for an order for protection (OFP) to protect the child from the child's father. The district court granted the petition and issued an OFP. We conclude that the district court erred because its findings of fact

do not support its conclusion that the child's father engaged in domestic abuse against the child. Therefore, we reverse.

FACTS

Lydia Christine Holm-Kolodiazhna and James Edwin Gordy Jr. previously were in a relationship and have one joint child: a now-eight-year-old daughter, G.H.G. Both Holm-Kolodiazhna and Gordy are now married to other persons. Gordy has three other children, including an adopted daughter, R.G, who is similar in age to G.H.G.

In February 2025, Holm-Kolodiazhna and Gordy were parties to a dispute concerning custody of G.H.G., which was pending in the district court. On February 11, 2025, Holm-Kolodiazhna commenced a new case by filing a petition for an OFP. Holm-Kolodiazhna alleged that, three days earlier, G.H.G. witnessed an incident in which Gordy screamed, shouted, and swore at R.G. (Gordy's other daughter of a similar age) and caused R.G. to suffer a broken toe. Holm-Kolodiazhna also made allegations concerning prior incidents.

The district court conducted a hearing on Holm-Kolodiazhna's petition in March 2025. Both Gordy and Holm-Kolodiazhna appeared on a self-represented basis and testified. Holm-Kolodiazhna also called two other witnesses: her husband, S.K., and Gordy's wife, M.I.

Three days after the hearing, the district court filed an order with findings of fact, conclusions of law, and an order for protection. The district court ordered Gordy, for a period of two years, to not commit domestic abuse against G.H.G., to not contact G.H.G. except for supervised visitation every other weekend, and to stay at least 100 feet away

from G.H.G.’s residence. Gordy timely filed a motion to dismiss or modify the OFP, which the district court denied. Gordy appeals.

DECISION

Gordy argues that the district court erred in numerous ways. His principal brief identifies no fewer than 14 issues, some of which overlap with each other.

The Domestic Abuse Act authorizes a district court to issue an OFP to protect a victim of domestic abuse. *See generally* Minn. Stat. § 518B.01 (2024); *see also Schmidt ex rel. P.M.S. v. Coons*, 818 N.W.2d 523, 526-29 (Minn. 2012). The term “domestic abuse” is defined by statute to mean, in relevant part, “(1) physical harm, bodily injury, or assault; [or] (2) the infliction of fear of imminent physical harm, bodily injury, or assault.” Minn. Stat. § 518B.01, subd. 2(a). To obtain an OFP, a petitioner must prove that the respondent has committed domestic abuse “against the petitioner or the person on whose behalf the petition is brought.” *Schmidt*, 818 N.W.2d at 527. This court applies an abuse-of-discretion standard of review to a district court’s issuance of an OFP. *Thompson v. Schrimsher*, 906 N.W.2d 495, 500 (Minn. 2018); *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 98 (Minn. App. 2009).

We begin by considering Gordy’s argument that the district court erred by finding that he committed domestic abuse against G.H.G. The district court found that domestic abuse had occurred based on four paragraphs of findings describing two incidents: (1) a February 2025 incident in which Gordy yelled at R.G., slammed a door on her foot, and injured her toe; and (2) a June 2023 incident in which Gordy became upset and kicked a hole in a bathroom wall.

With respect to the February 2025 incident, the district court described Gordy's conduct toward R.G., stated that G.H.G. was present, and characterized the incident as "chaotic and disruptive." The district court found that G.H.G. said to Holm-Kolodiazhna, "I'm just scared of Daddy." Gordy contends that this finding is erroneous on the ground that the statement was not made by G.H.G. Gordy is correct. Holm-Kolodiazhna testified that R.G. (not G.H.G.) made the statement to M.I. (not Holm-Kolodiazhna). No witness testified to the contrary. The district court clearly erred by attributing the statement to G.H.G. Consequently, the statement cannot be the factual basis of a finding that Gordy committed domestic abuse against G.H.G. during that incident by inflicting fear of imminent harm, bodily injury, or assault.

In connection with the February 2025 incident, the district court also found that G.H.G. "has told Lydia and Lydia's husband . . . that she doesn't want to go to James's house." This finding, by itself, is incapable of proving that Gordy engaged in domestic abuse of G.H.G. by causing physical harm, bodily injury, or assault or by inflicting fear of imminent physical harm, bodily injury, or assault. *See* Minn. Stat. § 518B.01, subd. 2(a)(1)-(2). Furthermore, the evidence concerning G.H.G.'s statement would not support such a finding. S.K. testified that G.H.G. said that she did not observe the incident in which Gordy injured R.G.'s foot, and S.K. also testified that G.H.G. and R.G. appeared to be fine later that day.

Thus, the district court's specific findings concerning the February 2025 incident cannot support an ultimate finding that Gordy committed domestic abuse against G.H.G.

With respect to the June 2023 incident, the district court found that Gordy became upset while in a bathroom, caused loud noises, and kicked a hole in a wall. Again, this finding, by itself, is incapable of proving that Gordy engaged in domestic abuse of G.H.G. by causing physical harm, bodily injury, or assault or by inflicting fear of imminent physical harm, bodily injury, or assault. *See id.* Furthermore, the evidence concerning the bathroom incident would not support such a finding. Holm-Kolodiazhna testified that G.H.G. heard loud noises in the bathroom, but there is no indication that Gordy's conduct was directed at G.H.G. Thus, the district court's findings concerning the June 2023 incident also cannot support an ultimate finding that Gordy committed domestic abuse against G.H.G.

To reiterate, a petitioner cannot obtain an OFP without proving that the respondent committed domestic abuse "against the petitioner or the person on whose behalf the petition is brought." *Schmidt*, 818 N.W.2d at 527. The evidence and findings in this case are insufficient to establish that Gordy committed domestic abuse against G.H.G., the person on whose behalf the petition was filed.

In sum, the district court erred by issuing the OFP because the district court's findings of fact do not support its conclusion that Gordy engaged in domestic abuse against G.H.G. In light of our resolution of Gordy's primary argument, we need not consider the other arguments in Gordy's brief.

Reversed.