

*This opinion is nonprecedential except as provided by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
A25-0690**

In the Matter of:

Natalie Storm Pettit AND obo Minor Children,
Respondent,

vs.

Jeremy Pettit,
Appellant.

**Filed September 15, 2025
Affirmed
Reyes, Judge**

Wright County District Court
File No. 86-FA-23-5301

Victoria M.B. Taylor, Shawn C. Reinke, Reinke Taylor, PLLC, St. Paul, Minnesota (for respondent)

Jeremy T. Pettit, Buffalo, Minnesota (self-represented appellant)

Considered and decided by Worke, Presiding Judge; Reyes, Judge; and Reilly, Judge.*

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

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant challenges the district court's denial of his motion to vacate respondent's order for protection (OFP) because (1) he proved that the OFP was based on fraud; (2) the OFP was procedurally defective; and (3) the record shows misconduct that has been covered up by the district court. We affirm.

FACTS

In fall 2023, respondent-mother Natalie Storm Pettit sought an OFP against appellant-father Jeremy Pettit on behalf of her and her children. Mother has a son from a prior relationship, and father and mother share a daughter. In her petition, mother detailed a series of incidents in which she alleged that father physically assaulted her in front of their child, assaulted her while she was holding their child on several occasions, and threatened to take the children away from her. During a hearing on mother's petition, father requested that he be permitted to represent himself for the remainder of the proceeding after his attorney withdrew from representing him at father's request.

In March 2024, father filed an appeal challenging the district court's grant of mother's request for an OFP. We affirmed the district court, stating that the record supported the district court's grant of mother's OFP, and its decision was not based on an erroneous view of the law. In July 2024, the parties executed a stipulation amending the OFP, which permitted father to contact mother on the Family Wizard messaging platform and to have contact during parenting exchanges. The district court later adopted the stipulation and amended the OFP accordingly. In early 2025, father filed an emergency

motion seeking relief under Minn. R. Civ. P. 60.02, claiming that mother fraudulently obtained the OFP because she did not “independently author[]” the affidavit submitted in support of her petition and because the bases for the OFP, which included allegations that father committed child abuse, “were later dismissed,” which meant that the OFP decision rested on “unstable grounds.” In support of his motion, father submitted metadata from a computer program which showed that mother’s counsel “created, controlled, and emailed the affidavit for signing” as well as the affidavits of mother’s counsel submitted earlier in the proceeding which father believed showed that they were “still using this fraudulent process in ongoing cases.” The district court denied father’s motion, determining that he had not made a showing of “newly discovered evidence” that could not have been discovered by due diligence in time to move for a new trial and that he filed an untimely motion by filing it more than one year after the OFP had been entered.

This appeal follows.

DECISION

I. The district court did not abuse its discretion by denying father’s motion to vacate the OFP based on newly discovered evidence.

Father argues that the district court ignored his argument that mother did not author her affidavit but rather her attorney drafted it. We disagree.

A district court may, based on newly discovered evidence, relieve a party of an otherwise final ruling, Minn. R. Civ. P. 60.02(b), if the evidence is “material,” *Swanson v. Williams*, 228 N.W.2d 860, 862 (Minn. 1975). To warrant relief, the newly discovered evidence “must not be merely collateral, impeaching, or cumulative, but rather, must be

such as to have a probable effect upon the result of a new trial.” *Frazier v. Burlington N. Santa Fe Corp.*, 811 N.W.2d 618, 631 (Minn. 2012), *aff’d as modified* (Apr. 19, 2012) (quotation omitted). Appellate courts review a district court’s decision to deny relief under rule 60.02 for an abuse of discretion. *See id.* at 631-32 (addressing motion for new trial under rule 60.02).

Father contends that the metadata he submitted to the district court showing the electronic signature timestamps of mother and her counsel demonstrate fraud. Outside of that allegation, father failed to show how that evidence, which was available to him before the district court granted the OFP, constitutes newly discovered evidence. Additionally, father has neither cited to any caselaw which prohibits an attorney from drafting an affidavit for their client, nor has he challenged any specific averment in the affidavit as being untrue. More importantly, the certificate of authenticity father submitted with his motion demonstrates that mother reviewed the affidavit and that she, rather than her attorney, signed it. In sum, we conclude that father proved neither that mother fraudulently obtained the OFP nor that he is entitled to relief based on newly discovered evidence.

II. The district court properly conducted the OFP proceedings.

Father argues that the district court violated his due-process rights because it did not provide him a “full and fair evidentiary hearing to contest the OFP” because his counsel withdrew after the first hearing, he could not provide additional direct testimony, and the hearing process “dragged on for over three months.” We are not persuaded.

Father did not raise this issue to the district court. The issue is therefore not properly before us on appeal. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). However, the

record shows that father's counsel withdrew at his request and had already completed direct examination at that time. Father did not request additional time to present direct testimony, nor did he raise the issue after the hearing. Nevertheless, after father's counsel withdrew, the district court swore in father, mother's counsel subjected him to cross-examination, and the district court permitted him to call his own witnesses. Father did not demonstrate how the length of the proceedings violated his due-process rights. We conclude that the district court provided father with sufficient notice of the proceedings and gave him an opportunity to present his own argument and question witnesses.

III. The district court did not “improperly prioritize procedural deadlines over documented fraud, due process violations, and resulting harm.”

Father argues that the district court's denial of his motion for relief under Minn. R. Civ. P. 60.02 for fraud as untimely prioritized “[p]rocedural timing” over the district court's “duty to correct injustice . . . where fundamental rights are implicated.” We are not convinced.

Father also failed to raise this issue to the district court. Therefore, this argument is not properly before us on appeal. *Thiele*, 425 N.W.2d at 582.

Affirmed.