

*This opinion is nonprecedential except as provided by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
A25-0795**

In the Matter of:

Bijal Mukesh Mehta, petitioner,
Appellant,

vs.

Abheer Nabdakumar Jayakar,
Respondent.

**Filed January 26, 2026
Remanded
Kirk, Judge***

Olmsted County District Court
File No. 55-FA-25-379

Anders J. Erickson, Johnson Erickson Criminal Defense, Minneapolis, Minnesota (for appellant)

Jay S. Adkins, Godwin Adkins, Rochester, Minnesota (for respondent)

Considered and decided by Reyes, Presiding Judge; Larkin, Judge; and Kirk, Judge.

NONPRECEDENTIAL OPINION

KIRK, Judge

Appellant appeals the district court's order dismissing her petition for an order for protection (OFP) and ex parte order, arguing the district court erred by (1) vacating the

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

OFP without making any findings to support its decision and (2) vacating the OFP when there was a preponderance of evidence that she experienced domestic abuse. We remand.

FACTS

In early January 2025, appellant Bijal Mukesh Mehta called law enforcement after receiving threats from her husband, respondent Abheer Nabdakumar Jayakar. Mehta told Officer Jorgensen that she was fearful because Jayakar threatened to physically harm her earlier in the evening and has a history of physical abuse. Jayakar was upset with her because she did not make him dinner earlier that night, so he told her she had to remove his credit card from the grocery apps on her phone within two hours. Mehta stated that Jayakar told her if she didn't remove his credit cards within two hours and show him proof, that "you don't know what I'm going to do to you." Mehta told the officer that she used the apps to order groceries and other things for their two children, ages 13 and 10.

Mehta then went and locked herself in her room because Jayakar has threatened her "many times" in the past and she was "extremely scared." Mehta then described multiple instances of prior abuse to the officer. Officer Jorgensen told Mehta that a group of officers would arrive at the house to speak with her and Jayakar. Mehta requested the officers come after their children were asleep so they would not be involved; however, Officer Jorgensen told her they could not wait that long to respond.

When officers arrived at the house, Mehta was waiting in the garage and recounted the incident from earlier in the evening. Officers noted that she seemed visibly distressed. Mehta then brought officers into the house but asked them to stay quiet to not wake up the children. Mehta initially went upstairs to get Jayakar, who was putting the children to

sleep. When Jayakar realized there were officers in the house, he woke up their oldest child against Mehta's wishes. Jayakar asked the children to get involved, telling the officers that they have "witnessed" things. Officers then spoke to Jayakar and Mehta separately. While officers spoke to each parent, the children yelled at Mehta and the officers, at one point saying to Mehta, "Shut up mom, if he's under arrest then I'm killing you and I'm committing suicide." One of the children also said to Mehta, "You just want to be the victim, just like your mother."

Jayakar told officers that he had requested Mehta remove his credit cards from her grocery apps that night because she had not made him dinner, but that he did not threaten her. Jayakar also claimed that Mehta was the one who verbally abused him and the children and that she was trying to ruin his reputation. Officers speaking with Mehta noted that she recounted multiple instances of prior abuse by Jayakar, including threatening her at one of their son's soccer games, taking her phone to prevent her from calling the police, pouring water on her head, and slapping her. She told officers she was not allowed to return to work because of her cancer treatment and that after learning this, Jayakar told their children "your mother's license has been taken away."

Mehta showed one of the officers a video where Jayakar is seen standing in front of a doorway with a shoe in his hand and then "com[ing] fast" at Mehta, smacking the phone out of her hands. Mehta told officers he did this to prevent her from calling the police. Throughout her interaction with officers Mehta appeared very shaken and teary, stating "he scares me so much" and that she did not want the children involved because "they are going

to hate me forever.” She told officers that Jayakar makes the children referees for all of their arguments.

Based on the allegations from Mehta and her visible fear, officers found probable cause to arrest Jayakar for domestic assault causing fear-of-bodily-harm in violation of Minn. Stat. § 609.2242, subd. 1(1) (2024). When officers took Jayakar outside to arrest him, Mehta became visibly distressed and fearful for when Jayakar would eventually return home. Officers told Mehta that she could request an OFP to prohibit Jayakar from contacting her upon his release.

Jayakar initially protested his arrest and repeatedly yelled for one of the children to come out and help him while he was being arrested. Jayakar told officers he had evidence on his phone that exonerated him of any charges but was unable to show the video to officers. Pursuant to the conditions of his arrest, Jayakar was ordered to not have any contact with Mehta.

On January 13, 2025, Mehta filed a petition for an OFP against Jayakar for herself and their two children. In the petition, Mehta alleged that she and her children needed the OFP because of domestic abuse by Jayakar. Mehta outlined numerous occasions in the petition where Jayakar physically assaulted and/or threatened her, including the January 2 incident that was the catalyst of the petition. The petition went on to explain how Jayakar has continuously violated the conditions of his arrest that included no contact with Mehta or coming to her residence. She claimed that Jayakar would repeatedly come up to the front door of the house; open the garage door or sit in the driveway in his car; showed up for one of the children’s medical appointments; and repeatedly show up at the house,

calling for the children and honking the horn. Mehta also outlined in the petition that the abuse from Jayakar began around 2013 and has continued ever since. On January 16, 2025, the district court filed an Emergency (Ex Parte) OFP for Mehta that ordered Jayakar to not have contact with her or go to or enter her residence; the OFP did not include the children.

On January 27, 2025, the parties appeared for an OFP hearing to modify the ex parte order. Jayakar requested a modification to allow him to pick up the children from school on Fridays and bring them to their sports practices so that he had more time with them. The district court agreed to amend the order to allow Jayakar to have the children on Friday after school until taking them to practice, but with the caveat that Jayakar had to then leave the facility before practice was over so that Mehta could come pick them up without any contact between the two of them. The district court also put a contested OFP hearing on the calendar.

On March 3, 2025, the parties appeared for a contested OFP hearing. During the hearing, both Mehta and Jayakar testified regarding the allegations of abuse. Mehta testified to the instances of abuse she outlined in the OFP petition and others. This included the following allegations: the night of January 2 when officers were called; Jayakar hitting her in the face a week before that and causing her lip to bleed; when she was speaking to another child's father at her son's soccer game and Jayakar called her from across the field, saying, "I'm giving you two minutes. I'm giving you two minutes to move away from there. Otherwise you're going to see what I do to you here in public"; when he slapped her across the face and she hit her head on the door—she was on blood thinners so she called the police; when he kicked her and left a bruise on her leg during her cancer treatment;

when he ran after her with a shoe; when he demanded sex from her while she was sick;¹ when he dug his nails into one of the children's neck during a vacation; and when he pushed one of the children to the ground when the child was fidgeting with the television, which she reported to Child Protective Services (CPS).

Mehta told the district court that she was asking for the OFP for herself and the children because they have been physically assaulted by Jayakar and she believes they are afraid of him. During Jayakar's testimony, he denied all of Mehta's allegations and claimed that she was the one that was responsible for all the verbal abuse that started after they moved to Minnesota for her leukemia treatment. He said he called the police in the past because she was "making up lies."

During the hearing, the district court made it clear that it would only consider the OFP for Mehta, not the children, as they were not parties to the original ex parte order. The district court also noted, "I'm not going to be deciding this case today obviously because I have to review those body cameras, et cetera, but I will be making some clarifications as to the ex parte so hopefully things can move a little bit smoother going forward." After testimony was heard from both parties, the district court noted it would take the matter "under advisement."

¹ Mehta also reported this to a doctor to whom she was referred during her cancer treatment for sexual health/functioning concerns. In the report entered into evidence, the doctor noted that Mehta presented as "tearful and anxious," described abuse at the hands of her spouse, and that the abuse often occurred in front of their two children. Because of this, the doctor made a mandated report to CPS, though Mehta asked her not to. The record of the therapist's report was entered during the evidentiary hearing as exhibit 004.

After the hearing, the district court submitted an amended OFP, noting that the ex parte order “will continue until a decision is made.” Eleven days later, the district court dismissed Mehta’s OFP petition and the ex parte order. The order for dismissal was one page and stated, for the district court’s findings, that “[b]ased upon the testimony and evidence presented and all the files and records herein, the Court finds that Petitioner failed to prove the allegations contained in the petition.” No other findings were listed on the order. Mehta appeals.

DECISION

Mehta argues that the district court erred because it dismissed her OFP petition and ex parte order without making any findings to support its decision and because there was a preponderance of evidence that she experienced domestic abuse. We remand because the district court did not make sufficient findings of fact to support a dismissal.

Under the Minnesota Domestic Abuse Act (the Act), an individual may petition the district court for an OFP based on domestic abuse. Minn. Stat. § 518B.01, subd. 4 (2024). The Act defines domestic abuse to include “(1) physical harm, bodily injury, or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats . . . criminal sexual conduct . . . sexual extortion . . . or interference with an emergency call” committed against a family or household member by a family or household member. *Id.*, subd. 2(a). The petitioner has the burden of proving that domestic abuse occurred by a preponderance of the evidence. *Butler v. Jakes*, 977 N.W.2d 867, 871 (Minn. App. 2022).

The decision to grant or deny an OFP under the Act is within the district court's discretion. Minn. Stat. § 518B.01, subd. 6(a); *McIntosh v. McIntosh*, 740 N.W.2d 1, 9 (Minn. App. 2007). "A district court abuses its discretion if its findings are unsupported by the record or if it misapplies the law." *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 98 (Minn. App. 2009) (quotation omitted). On appeal, the appellate court defers to the district court's credibility determinations and does not reconcile conflicting evidence. *Aljubailah v. James*, 903 N.W.2d 638, 643 (Minn. App. 2017) (quoting *Gada v. Dedefo*, 684 N.W.2d 512, 514 (Minn. App. 2004)). Evidence is viewed in the light most favorable to the district court's findings, and reversal occurs only if the appellate court is left with a definite and firm conviction that a mistake has been made. *Pechovnik*, 765 N.W.2d at 99.

I. The district court erred by vacating the ex parte OFP without making sufficient findings of fact to allow for meaningful or effective appellate review.

Mehta asserts that the district court erred by vacating the OFP without making sufficient findings of fact to support its decision. Mehta claims that, since the district court did not make enough findings, "there is no way to know what standard the court applied or what evidence the court relied on when vacating the OFP," and therefore, she is unable to challenge the court's findings on appeal. We agree.

Although the Act does not require the district court to make express findings when denying ex parte relief, we cannot effectively review the district court's exercise of discretion without a sufficient explanation of its decision. See *Sperle v. Orth*, 763 N.W.2d 670, 675 (Minn. App. 2009) (noting that this court "cannot review the district court's determination that relief was not available under the Domestic Abuse Act" because "the

record does not reflect the district court’s consideration of the statutorily mandated factors”); *see also Wallin v. Wallin*, 187 N.W.2d 627, 631 (Minn. 1971) (stating that in domestic relations cases a high regard is given to the trial court’s discretion, but “in view of that broad discretion, it is especially important that the basis for the court’s decision be set forth with a high degree of particularity if appellate review is to be meaningful”); *cf. Hassebroek v. Hassebroek*, No. C6-99-1862, 2000 WL 665694, at *2 (Minn. App. May 23, 2000) (stating that, though the trial court did not label its findings of fact in the order granting respondent an OFP, the court’s statement on the record “satisfies us that the basis for dismissal of the petition was set forth with the clarity and completeness necessary to permit meaningful review”); *Niaz v. Niaz*, No. A23-0236, 2023 WL 4854806, at *5 (Minn. App. July 31, 2023) (affirming the district court’s dismissal of a petition for an OFP, stating that the district court’s findings were sufficient to enable meaningful review because “[a]lthough the district court did not make findings related to whether respondent committed domestic abuse,” the district court explained that the lack of witness credibility left it “unsure” of how the events transpired on the day in question, and hence the findings were sufficient for “meaningful appellate review”), *rev. denied* (Minn. Oct. 25, 2023).²

In *Shaw v. Sikora*, No. A10-117, 2010 WL 4286236 (Minn. App. Nov. 2, 2010), this court reversed a district court’s extension of an OFP because the district court did not make factual findings or explain the basis of its decision, stating:

² Nonprecedential cases are not binding authority on this court but are cited here for persuasive value. Minn. R. Civ. App. P. 136.01, subd. 1(c).

The district court did not make factual findings or otherwise explain the basis for its conclusion that the maximum 50-year extension is warranted. . . . Although this court can speculate about the potential bases for the 50-year extension, including the nature and number of Sikora's OFP violations and the duration of his conduct, on this record we are unable to determine which, if any, of these factors the district court considered in determining duration.

Id. at *4; *see also Hagen v. Schirmers*, 783 N.W.2d 212, 217 (Minn. App. 2010) (recognizing district court's broad discretion in family matters and stating that effective appellate review is not possible unless the district court explains both its decision and the reasons for that decision). We likewise cannot decipher the basis or reasoning from the district court in ordering the dismissal because no reasoning was given in the order or at the hearing.

Though it was within the district court's discretion to deny Mehta's OFP, the court's order for dismissal did not contain sufficient findings of fact regarding what the district court relied on in determining that a denial was warranted. During the hearing for the OFP, both parties testified to their respective experiences with one another. Mehta discussed the times that she alleged Jayakar physically abused and threatened her, whereas Jayakar testified that all the allegations were false. If the district court found that, after hearing the testimony and arguments from each party, an OFP was not warranted, that determination is well within the district court's discretion. *McIntosh*, 740 N.W.2d at 9. We will only reverse a district court's finding if it is clearly erroneous, and where "[t]he district court's findings implicitly indicate that the district court found [a party's] testimony credible," this court will defer to that credibility determination. *Pechovnik*, 765 N.W.2d at 99; *see also*

Rasmussen v. Two Harbors Fish Co., 832 N.W.2d 790, 797 (Minn. 2013) (stating that this court reviews a district court’s factual findings for clear error).

Here, however, it is impossible to review the district court’s decision for an abuse of discretion or the district court’s findings for clear error because the record does not contain any indication of the district court’s reasoning for denying the OFP, or any credibility determination for either party, merely that Mehta failed to prove the allegations in the petition. During the evidentiary hearing, the district court did not make any findings on the record that would indicate a basis for denying the OFP. Instead, the district court stated on the record, “I’m not going to be deciding this case today obviously because I have to review those body cameras, et cetera, but I will be making some clarifications as to the ex parte so hopefully things can move a little bit smoother going forward.” After the contested OFP hearing, the district court amended the original emergency ex parte OFP, and eleven days later it dismissed the ex parte order and Mehta’s petition with one sentence of explanation: “Based upon the testimony and evidence presented and all the files and records herein, the Court finds that Petitioner failed to prove the allegations contained in the petition.” The district court failed to make adequate findings on the record, whether in the order or during the hearing, to demonstrate to the reviewing court the basis of its order for dismissal.³

³ We refer to *Iverson v. Vanhouse*, No. A25-0313, 2025 WL 3140737 (Minn. App. Nov. 10, 2025), to illustrate the necessity of adequate findings to allow for meaningful appellate review. In *Iverson*, we ruled that the district court’s findings, supporting the denial of an OFP, were clearly erroneous and perpetuated incorrect data and outdated myths regarding sexual assault and domestic violence. *Id.* at *3-7 (Harris, J., concurring). Our decision in *Iverson* demonstrates that appellate review is of great importance when dealing with

In light of the record and in the absence of sufficient findings or explanation, we cannot discern support for the district court's dismissal. Therefore, because the district court failed to make adequate findings, we remand to the district court for a sufficient basis for the denial.

II. A review for abuse of discretion is not feasible because the district court did not make sufficient findings of fact when dismissing the OFP.

An effective appellate review of the district court's order is not possible because the district court did not make adequate findings of fact or conclusions of law in denying the OFP petition. Therefore, we remand to the district court to amend with sufficient findings.

Remanded.

complex domestic issues, such as an OFP, which cannot be effectively performed without adequate findings from the district court.