

*This opinion is nonprecedential except as provided by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
A25-1558**

Calder Perth Rasmusson and
On Behalf of Minor Child(ren),
Respondent,

vs.

Renae Marie Gielen,
Appellant.

**Filed May 18, 2026
Affirmed
Smith, John, Judge***

Itasca County District Court
File No. 31-CV-25-1368

Calder P. Rasmusson, Grand Rapids, Minnesota (attorney pro se for respondent)

Kay Nord Hunt, Michelle K. Kuhl, Lommen Abdo, P.A., Minneapolis, Minnesota; and

Hannah Forti, Prebich Law Office, P.C., Hibbing, Minnesota (for appellant)

Considered and decided by Bentley, Presiding Judge; Beane, Judge; and Smith,
John, Judge.

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

NONPRECEDENTIAL OPINION

SMITH, JOHN, Judge

We affirm the district court’s grant of a harassment restraining order (HRO) in favor of respondent because the district court did not abuse its discretion by finding (1) “repeated contact,” (2) that appellant’s conduct was objectively unreasonable, and (3) that appellant’s messages had a ‘substantial adverse effect on the safety, security, or privacy’” of respondent.

FACTS

On June 10, 2025, respondent Calder Perth Rasmusson filed a petition for an HRO to protect himself and his minor child from his mother, appellant Renae Marie Gielen.¹ Rasmusson alleged that Gielen had repeatedly visited his address and emailed his personal and work email despite numerous requests that Gielen cease contact.

In the fall of 2022, Rasmusson and his wife, Rachel Rasmusson,² informed Gielen via a group text that they no longer wanted any contact with her. Rasmusson and Rachel testified as to the text message’s existence and its content, and the district court found this testimony credible.

On March 26, 2023, Gielen sent a message to Rachel wishing her a Happy Birthday. Rasmusson testified that he and Rachel replied, requesting Gielen cease contact with the

¹ The district court dismissed the HRO petition against Rasmusson’s minor child at the hearing and Rasmusson does not appeal this determination.

² Because respondent, Calder Perth Rasmusson, and his wife share the same last name, we refer to appellant as “Rasmusson” and his wife as “Rachel.”

family and that if she did not that he would request an HRO. The district court again relied on testimony without documentary evidence of the text messages.

On November 19, 2024, Gielen emailed Rasmusson's work email and then on December 22, 2024, she again emailed Rasmusson's work email. Rasmusson responded to the December 2024 email, stating "Do not contact me unless it is through your attorney."

On June 5, 2025, Gielen again emailed Rasmusson.

On June 10, 2025, Rasmusson filed a petition for an HRO to protect himself.

On July 28, 2025, the district court held an evidentiary hearing and heard testimony from Gielen, Rasmusson, and Rachel.

In addition to testifying about the aforementioned contact, Rasmusson testified to the burden the contact placed on him. He is "trying to start a private practice, but [is] worried that if [he] list[s] [his] address, [Gielen's] going to give it to somebody," and that she will email him. He also explained that he has been "repeatedly . . . contacted at [his work email] address, by people who were seeking to get some bill paid," and Rasmusson "believe[s] that . . . Gielen is directly disseminating [his] contact information to people and telling them to contact [Rasmusson] and threaten[ing] litigation."

Notably, in the fall of 2023, Rasmusson became the attorney of record for his father in his father's dissolution action involving Gielen. But the court:

believe[d] [Gielen] is sophisticated enough to know a professional boundary versus a personal one While she argued [Rasmusson's] involvement in the dissolution proceeding caused her confusion on whether [Rasmusson] wanted contact, as already found, the Court finds [Rasmusson's] intent was clear from late 2022 on—no contact with him or his family.

The court considered the testimony from the hearing and the documentary evidence of three instances of Gielen contacting Rasmusson and determined that there were “reasonable grounds to believe that [Gielen] ha[d] engaged in harassment.” It also considered the relationship history of the parties in deciding whether Gielen’s conduct was objectively unreasonable, stating that Rasmusson and Gielen “have had a strained relationship for some time,” and that “[Rasmusson] was visibly shaking and distraught when giving the testimony of things he dealt with as far back as a 15 to 16-year-old with his mother.” The court then determined that “[Rasmusson] testified that he is continually concerned that [Gielen] will find new ways of contacting him given the parties past history. . . . He testified he has gone to great lengths to keep his address and contact information private, yet [Gielen] continues to have contact. This testimony was credible.”

On July 30, 2025, the district court granted Rasmusson’s HRO effective until July 29, 2027.

DECISION

Gielen argues that the district court abused its discretion by (1) finding “repeated contact,” (2) finding that Gielen’s conduct was objectively unreasonable, and (3) “failing to explain how [Gielen’s] messages had a ‘substantial adverse effect on the safety, security, or privacy’” of Rasmusson. Rasmusson contends that the district court acted within its discretion. We affirm.

We review a district court’s decision to issue an HRO for an abuse of discretion. *Borth v. Borth*, 970 N.W.2d 699, 701 (Minn. App. 2022). “A district court abuses its discretion if it makes findings of fact that are not supported by the record, misapplies the

law, or resolves the matter in a manner that is contrary to logic and the facts on record.” *Id.* (quotation omitted). We will only set aside a district court’s findings of fact if they are clearly erroneous. *Kush v. Mathison*, 683 N.W.2d 841, 843 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004); *see also* Minn. R. Civ. P. 52.01 (“Findings of fact . . . shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the [district] court to judge the credibility of the witnesses.”). When reviewing the factual findings for clear error, appellate courts view the evidence in the light most favorable to the findings and do not find their own facts, reweigh the evidence, or reconcile conflicting evidence. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021).

A district court may issue an HRO if it finds “reasonable grounds to believe that [a person] has engaged in harassment.” Minn. Stat. § 609.748, subd. 5(b)(3) (2024). “Harassment” is defined as “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.” *Id.*, subd. 1(a)(1) (2024). Harassment is conduct that “goes beyond an acceptable expression of outrage and civilized conduct.” *Kush*, 683 N.W.2d at 846.

A. The district court acted within its discretion when it determined that Gielen repeatedly contacted Rasmusson.

Gielen argues that the district court erred in finding repeated contact because no one could produce the message sent in the fall of 2022 that requested Gielen cease contact with Rasmusson and Rachel and because she asserts that “there was only one email after Rasmusson asked for no contact in December 2024.”

Rasmusson’s and Rachel’s testimony to the existence of the group text message is evidence. *See Black’s Law Dictionary* 696 (12th ed. 2024) (defining “evidence” to include testimony). And district courts may make factual findings based on testimony alone. *See Quinn v. LMC NE Minneapolis Holdings, LLC*, 972 N.W.2d 881, 889 (Minn. App. 2022) (stating that “[b]are testimony” is sufficient to support a factual finding, particularly when appellant “points to no contradictory evidence in the record”), *rev. granted* (Minn. June 29, 2022) and *appeal dismissed* (Minn. Feb. 17, 2023).

The district court found that “[b]oth [Rasmusson] and [Rachel] testified credibly that in the fall of 2022 they informed [Gielen] via group text, they no longer wanted any contact with her.” While Gielen did not recall the group text message, the district court considered the conflicting testimony and found Rasmusson and Rachel more credible than Gielen. This court defers to the district court’s credibility determinations and does not “reconcile conflicting evidence.” *See Pechovnik v. Pechovnik*, 765 N.W.2d 94, 99 (Minn. App. 2009) (quotation omitted); *Kush*, 683 N.W.2d at 843-44.

The record sufficiently supports the district court’s finding of repeated unwanted contact. The district court considered three incidents: (1) a message to Rachel wishing her

a happy birthday; (2) two emails in 2024 to Rasmusson’s work email entitled “The very first time . . .” and “I am so sorry”; and (3) again an email to Rasmusson in 2025. Rasmusson repeatedly requested that the communication stop, but Gielen continued to contact Rasmusson. Accordingly, the district court did not clearly err when it found that Gielen’s communication constituted repeated incidents and is supported by the record. The district court acted within its discretion when it determined that Gielen had repeatedly contacted Rasmusson after Rasmusson told Gielen he no longer wanted contact.

B. The district court acted within its discretion in determining that Gielen’s conduct was objectively unreasonable.

Gielen argues that her conduct was not objectively unreasonable and thus does not constitute harassment under the statute.

To award an HRO, the district court must find both “objectively unreasonable conduct or intent on the part of the harasser” and “objectively reasonable belief on the part of the person subject to harassing conduct.” *Peterson v. Johnson*, 755 N.W.2d 758, 764 (Minn. App. 2008) (quotations omitted).

The district court relied on the following three instances as evidence of harassment: (1) a message to Rachel wishing her a happy birthday; (2) two emails in 2024 to Rasmusson’s work email entitled “The very first time . . .” and “I am so sorry”; and (3) again an email to Rasmusson in 2025. The district court considered the objective unreasonableness of Gielen’s conduct and stated that:

It is clear [Rasmusson] and [Gielen] have had a strained relationship for some time. [Rasmusson] touched on parts of the reasons for this in his testimony. [Rasmusson] was visibly shaking and distraught when giving the testimony of things he

dealt with as far back as a 15 to 16-year-old with his mother. [Rasmusson] testified that he is continually concerned that [Gielen] will find new ways of contacting him given the parties past history such as telling her not to come to his apartment or hug him at family events, her showing up on hunting land after [Rasmusson] and his father had been there, and appearing uninvited at his sister's graduation in 2025, which [Rasmusson] was also attending. He testified he has gone to great lengths to keep his address and contact information private, yet [Gielen] continues to have contact. This testimony was credible.

The district court made findings on the relationship history of Rasmusson and Gielen and considered the ways Gielen had continued to contact Rasmusson, and the lengths to which Rasmusson had gone in order to preserve the privacy of his address and contact information. The district court's order is clear that Rasmusson's testimony was credible and while the court did not explicitly state that the conduct was unreasonable, the context of the order obviously considered this conduct objectively unreasonable. We conclude that the district court acted within its discretion in determining that Gielen's conduct was objectively unreasonable.

C. The district court did not err when it found a substantial adverse effect on Rasmusson's safety, security, or privacy.

Gielen argues that the district court "erred by failing to explain how Gielen's messages had a 'substantial adverse effect on the safety, security, or privacy' of Rasmusson." And she contends that "the trial court . . . never explained why the emails, which all indicated Gielen loved Rasmusson, would have a substantial adverse impact on his safety, security, or privacy."

For the district court to grant an HRO, Rasmusson must establish that Gielen's conduct caused, or was intended to cause, "a substantial adverse effect on his safety, security or privacy." Minn. Stat. § 609.748, subd. 1(a)(1). There must be "an objectively reasonable belief on the part of the person subject to harassing conduct." *Dunham v. Roer*, 708 N.W.2d 552, 567 (Minn. App. 2006), *rev. denied* (Minn. Mar. 28, 2006).

Here, there is sufficient evidence to support the district court's findings that Rasmusson met this requirement. Rasmusson testified to, and the district court found credible, the "great lengths" he had gone to keep his address and contact information private. The district court recognized that the emails may be seemingly "innocuous," but that the contact "violated [Rasmusson's] repeated requests for no contact and privacy," especially given their strained relationship. The court also found it noteworthy that the emails "all delve into some level of trying to repair the relationship or apologizing by [Gielen]." Rasmusson also testified to the strain Gielen's emails were causing him as he attempts to start a private practice. He was "worried that if [he] list[s] [his] address, [Gielen's] going to give it to somebody," and that she will email him. He also explained that he has been "repeatedly . . . contacted at [his work email] address, by people who were seeking to get some bill paid," and Rasmusson "believe[s] that . . . Gielen is directly disseminating [his] contact information to people and telling them to contact [Rasmusson] and threaten litigation."

The district court found Rasmusson's testimony credible that "he ha[d] gone to great lengths to keep his address and contact information private, yet [Gielen] continues to have contact." And the court then concluded "that [Gielen] has engaged in harassment which

has or is intended to have a substantial adverse effect on safety, security, or privacy of [Rasmusson].”

We conclude that the record supports the district court’s finding that Gielen’s conduct objectively had a substantial effect on Rasmuson’s safety, security, or privacy.

Affirmed.