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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1896**

In the Matter of:

Jamie Leigh Nendza, petitioner,
Respondent,

vs.

Jason Nendza,
Appellant.

**Filed August 10, 2026
Affirmed
Bratvold, Judge**

Wright County District Court
File No. 86-FA-23-1976

Jacob Erickson, Smith, Paulson, O'Donnell & Erickson, P.L.C., Monticello, Minnesota
(for respondent)

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

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellant challenges the district court's extension of an order for protection (OFP) prohibiting appellant from having any contact with respondent—who is appellant's former spouse—or going to respondent's home or workplace for two years. Appellant argues that

the district court abused its discretion by extending the OFP without finding that appellant committed the conduct that respondent testified caused her to be fearful of appellant. Because the record supports the district court's determination that respondent was reasonably in fear of physical harm from appellant, and because we discern no legal error in the district court's decision, we affirm.

FACTS

Appellant Jason Nendza and respondent Jamie Leigh Nendza were married and have three joint minor children.¹ In April 2023, Jamie petitioned for an OFP on behalf of herself and the children against Jason.² The district court granted an ex parte OFP, determining that the verified petition alleged “an immediate danger of domestic abuse” of Jamie and the children.

In June 2023, Jamie petitioned for dissolution of the parties' marriage.

After a July 2023 hearing on the OFP, the parties stipulated to the district court (1) filing an OFP for the benefit of Jamie without factual findings and (2) dismissing the OFP as to the children. The stipulated OFP as to Jamie included the following provision:

[Jason] denies the allegations in the Petition for Order for Protection. [Jason] does not object to an Order for Protection as to [Jamie] and understands that *the order will be enforced as if there was an admission or finding of domestic abuse.*

(Emphasis added.) The stipulated OFP prohibited Jason from having any contact with Jamie, including going to or entering the marital home in Montrose, and ordered Jason to

¹ Because the parties share a last name, we refer to them by their first names.

² The children were ages 1, 3, and 5 years at the time of the OFP.

“stay a reasonable distance away from any future residence of [Jamie].” The district court entered the stipulated OFP on July 27, 2023, with an expiration date of July 27, 2025.

In November 2023, Jamie moved from Montrose to Waverly. In August 2024, Jason purchased a home in Waverly.

On July 17, 2025, Jamie applied to extend the OFP, attesting that Jason harassed or stalked her and that she is reasonably in fear of physical harm from Jason. In her attached affidavit, Jamie averred, among other things, that Jason was “monitoring” her with drones. Jamie submitted police reports, correspondence with the Federal Aviation Administration, and photographs to support her application.

On September 11, 2025, the district court conducted a hearing at Jason’s request. The district court heard testimony by Jamie, two neighbors, Jamie’s parents and sister, a law-enforcement detective, and Jason.

Jamie testified that, when she petitioned to dissolve their marriage, she was afraid for her safety. Jason had “threatened to take [her] life” multiple times, had told her that she “would end up like the missing Winona woman,” and had “kicked down” the door while she was locked inside their bedroom.

In response to questions, Jamie agreed that she “started seeing drones” at her Montrose home in May 2023. The drones flew around her home during the day and night. Jamie moved to Waverly because she was afraid for her own and the children’s safety and “needed a new place to be.” Around April 2024, Jamie saw a drone hover over her new home. Jamie believed that Jason was using drones to monitor her.

Jamie also testified that she believed (1) Jason was in her backyard at night and left cigarette butts in her yard; (2) Jason ducked “behind a car” near her home while she and the children were out trick-or-treating on Halloween; (3) Jason sat outside of her home while “leaning back” in a car; and (4) Jason tampered with her car brakes. Jamie also believed that Jason converted to Catholicism and started attending her childhood church—the same church in which they were married. She installed a security system in her home, kept her curtains or windows closed, and locked her garage door “[e]very night.” Jamie testified that she is “fearful” for her life and safety. When asked of whom she is afraid, Jamie replied, “Jason.”

Jamie’s neighbor from Montrose testified that, after Jason moved out of the marital home, “there were drones everywhere.” The drone activity stopped after Jamie moved out of the neighborhood. Jamie’s neighbor from Waverly testified that she saw drones flying above Jamie’s new home.

Jamie’s parents testified that they moved in with Jamie in Montrose shortly after the ex parte OFP was granted because Jamie was “terrified” of Jason. Jamie’s parents agreed that they saw drones flying around both of Jamie’s homes. Jamie’s mother testified that she saw Jason in the backyard one night and that Jamie’s father built a “safe room” so Jamie “could get in there with the kids and lock it up” if someone broke into the home. Jamie’s sister testified that, during a video call with Jamie, Jamie pointed the camera to face a window. Jamie’s sister saw “a person in a mask” outside the window of Jamie’s home.

A law-enforcement detective testified that he investigated Jamie's allegations about the drones and found no evidence linking the drones to Jason. The detective added that Jason was not charged with violating the stipulated OFP.

Jason testified that he moved to Waverly "to be involved as much as possible" with the children, "their activities," and "the community where their friends are at." In response to questions, Jason denied the allegations made "both in [Jamie's] testimony and in the application" for an extension of the OFP. Jason denied flying drones around Jamie's homes, looking into her home window, or tampering with her car brakes. Jason testified that he joined the Catholic church in which they were married because the church provided him "a lot of support and guidance." He also liked how the church presented the Catholic faith. Jason testified that he did not believe Jamie was reasonably afraid of him because he did not do "any of this."

At the end of the hearing, the district court granted Jamie's application to extend the OFP and ordered Jason to stay one-half mile away from Jamie's current home and two miles away from any future home. On September 12, 2025, the district court amended the order, extending the OFP for two years. The district court determined that Jamie was "reasonably in fear of physical harm from" Jason.

The district court's amended order included findings that Jamie's parents "credibly testified" about the drone activity. The district court also found Jamie's testimony "to be credible," stating that her "demeanor was consistent with her testimony while on the witness stand and while seated next to her attorney." The district court found that Jamie's "eyes and face exuded fear while describing [Jason's] behavior" and that Jamie "avoided

looking at [Jason] while he was on the witness stand and she appeared guarded.” The district court determined that Jamie’s “demeanor demonstrated that she is in fear for her physical safety, and that her fear is reasonable.”

Jason appeals.

DECISION

Jason argues that the district court abused its discretion when it granted the extension. Specifically, Jason contends that the district court erred in applying the Minnesota Domestic Abuse Act, Minn. Stat. § 518B.01 (2024). He maintains that, to extend an OFP under the domestic-abuse act, the district court must find “some nexus between an act of a respondent and the petitioner’s fear.”

Appellate courts review a district court’s order extending an OFP for abuse of discretion. *McIntosh v. McIntosh*, 740 N.W.2d 1, 9 (Minn. App. 2007). A district court abuses its discretion if its factual findings are unsupported by the record or if it misapplies the law. *Pechovnik v. Pechovnik*, 765 N.W.2d 94, 98 (Minn. App. 2009). Appellate courts review a district court’s findings for clear error, and in doing so, they do not reweigh evidence or witness credibility. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 223 (Minn. 2021); *see also Butler v. Jakes*, 977 N.W.2d 867, 871-72 (Minn. App. 2022) (applying *Kenney* in an OFP appeal).

Jason contends that we must interpret relevant parts of the domestic-abuse act to resolve this appeal. The interpretation of a statute is a question of law that we review de novo. *Thompson v. Schrimsher*, 906 N.W.2d 495, 498 (Minn. 2018). “The goal of statutory interpretation is to ascertain and effectuate the intent of the Legislature.” *In re*

Civ. Commitment of Benson, 12 N.W.3d 711, 715 (Minn. 2024) (quotation omitted); *see also* Minn. Stat. § 645.16 (2024). When interpreting a statute, appellate courts “first determine whether the language is ambiguous.” *Scheurer v. Shrewsbury*, 24 N.W.3d 670, 674 (Minn. 2025). If there is only one reasonable interpretation of the text, then the statute is unambiguous and appellate courts apply its plain meaning. *Id.*

The domestic-abuse act states that a district court may extend an existing OFP under any one of four circumstances:

- (1) the respondent has violated a prior or existing order for protection;
- (2) the petitioner is reasonably in fear of physical harm from the respondent;
- (3) the respondent has engaged in the act of harassment . . . ; or
- (4) the respondent is incarcerated and about to be released, or has recently been released from incarceration.

Minn. Stat. § 518B.01, subd. 6a(b). A petitioner need show only one of the four circumstances to obtain an extension; they need not show an “intent to do present harm” or that “physical harm is imminent.” *Braend v. Braend*, 721 N.W.2d 924, 927 (Minn. App. 2006) (quoting section 518B.01, subdivision 6a(b)). And the domestic-abuse act “does not require a district court to make a finding of ‘domestic abuse’ before it extends an OFP.” *Rew v. Bergstrom*, 845 N.W.2d 764, 775-76 (Minn. 2014).³

³ The purpose of the domestic-abuse act is “to provide speedy, effective relief to victims of domestic abuse” through OFP proceedings. *Burkstrand v. Burkstrand*, 632 N.W.2d 206, 213 (Minn. 2001); *see also* *State v. Errington*, 310 N.W.2d 681, 682 (Minn. 1981) (explaining that the domestic-abuse act “was enacted in 1979 to provide an efficient remedy for victims of abuse as an alternative to other available legal remedies”). As a remedial statute, the domestic-abuse act “receives liberal construction in favor of the injured party.” *Pechovnik*, 765 N.W.2d at 98-99 (quotation omitted).

The district court extended the OFP to protect Jamie based on the second circumstance set out in subdivision 6a(b)—that Jamie was reasonably in fear of physical harm from Jason. The district court credited Jamie’s testimony that she believed (1) she had been harassed by drones that Jason controlled; (2) Jason was in Jamie’s yard, sat outside her home in a car, and was near her home on Halloween; and (3) Jason damaged Jamie’s car brakes. Finally, the district court credited Jamie’s testimony that she fears for her life and her safety based on Jason’s conduct.

During the hearing, the district court explicitly declined to determine whether Jason had committed the acts about which Jamie testified, explaining that the domestic-abuse act did not require such a finding.

The statute, sir, which I rely upon, does not mandate that I make a finding that you violated the previous [OFP]. It does not require that I find that you’re doing these acts.

Instead, the statute says I must make a decision about whether [Jamie] is reasonably in fear of physical harm from you.

And based upon the testimony, and especially [Jamie’s] Exhibit 1, which shows pictures of drones, and consistent testimony from the witnesses that saw the drones, all of this put together, plus my observations, bring me to the position of finding that [Jamie] has proven by a preponderance of the evidence that she is reasonably in fear.

And again, that’s different from whether you’ve done these things. These are her observations. They’re reasonable observations, especially in light of the history that brought her to court for the first time for the initial [OFP].

Jason does not argue that subdivision 6a(b) is ambiguous. He contends that this court must decide “whether a finding of *reasonable* fear of physical harm *from the respondent* can be made without any findings regarding any contact or behavior by the

respondent to support petitioner’s fear.” Based on the definition of “reasonable,” Jason argues that the domestic-abuse act’s unambiguous language requires “a reason” for Jamie to “be in fear of” Jason and that the district court “must find as much.” *See Black’s Law Dictionary* 1520 (12th ed. 2024) (defining “reasonable” as, among other things, “[a]ccording to reason” or “plausible”). Jason urges that “reasonable fear means more than sincere or genuine fear . . . it must be based upon some nexus to the [OFP] respondent’s actions, whether prior domestic abuse, violations of an OFP, or some other action that occurred during the OFP.”⁴ Jason argues that Jamie presented no evidence “as to prior acts of domestic abuse [by Jason], and any statements made [by Jamie] were not relied upon by the [district] court in making its determination that [Jamie] remained in fear.” He emphasizes that the stipulated OFP “included no findings of domestic abuse.”

Jason’s argument is unavailing for three reasons. First, Jason attempts to distinguish between an OFP and the stipulated OFP in his case, contending it does not include findings of domestic abuse. But the stipulated OFP specifically provides that Jason understood it would “be enforced as if there was an admission or finding of domestic abuse.” Caselaw also contradicts Jason’s assertion that a person who is protected by a stipulated OFP must provide additional evidence of domestic abuse or some other act by respondent to obtain

⁴ Jason relies on nonprecedential opinions that have affirmed the district court’s denial of an OFP extension based on findings that the petitioner was not reasonably in fear of the respondent. Nonprecedential cases may be cited as persuasive authority. Minn. R. Civ. App. P. 136.01, subd. 1(c). But the caselaw cited by Jason has limited persuasive value because it does not involve a district court exercising its discretion to *grant* the extension of an OFP, as is the case here.

an extension. *See Rew*, 845 N.W.2d at 775-76 (stating that subdivision 6a does not require a finding of domestic abuse to extend a stipulated OFP).

Second, the relevant language for the second circumstance in subdivision 6a(b) is unambiguous and allows the district court to extend an OFP upon the determination that the applicant “is reasonably in fear of physical harm from the respondent.” Minn. Stat. § 518B.01, subd. 6a(b)(2). This is different from the other three circumstances set out in subdivision 6a(b) of the domestic-abuse act, which require a district court to find specific acts by the respondent before extending an OFP. *Id.*, subd. 6a(b)(1), (3)-(4) (authorizing the extension of an existing OFP upon a finding that respondent “violated a prior or existing [OFP],” “engaged in the act of harassment,” or “is incarcerated and about to be released, or has recently been released from incarceration”). In short, Jason asks us to add words to the second circumstance in subdivision 6a(b), which we cannot do. *See Great River Energy v. Swedzinski*, 860 N.W.2d 362, 364 (Minn. 2015) (stating that courts “cannot add words to a statute that the Legislature intentionally or inadvertently left out” (quotation omitted)).

Third, the record supports the district court’s determination that Jamie is in reasonable fear of physical harm from Jason. Jamie testified that, before she was granted the ex parte OFP, Jason threatened to kill her multiple times and had “kicked down” their bedroom door. The month after the district court entered the ex parte OFP and Jason moved out of the marital home, Jamie saw drones flying around the home in Montrose. When Jamie left Montrose for Waverly, the drone activity stopped. But a few months before Jason purchased a home in Waverly, Jamie saw drones at her new home. Jamie believed that Jason was “following” her by controlling the drones because he “threatened [her] life

before [she] left” him and he was now angry that she “got away.” Jamie’s testimony was corroborated in significant respects by testimony from her family and neighbors.

Jamie also saw “someone” in her backyard, and this person had the same hair and build as Jason. Jamie found cigarette butts in the backyard that “matched the brand of cigarette that Jason smoked.” When Jamie took the children trick-or-treating on Halloween, Jamie saw Jason near her home. On three occasions, Jamie also saw a man “leaning back” inside a car that followed her as she left her home. And Jamie believed that Jason “tried to kill [her] by tampering with” her car brakes. Also, even though Jason “was not Catholic,” he started attending Jamie’s Catholic church after they separated.⁵ Thus, the record evidence supports the district court’s determination that Jamie is reasonably in fear of physical harm from Jason.⁶

⁵ In his brief, Jason appears to challenge only one factual finding as clearly erroneous. Jason argues that the district court’s “finding that this is [Jamie’s] church is not supported by the record.” Jason acknowledges that Jamie “testified that she attended this church all through adulthood,” including “shortly after college.” He appears to argue that, because Jamie testified that she did not attend service during the marriage, it was no longer her church. Thus, according to Jason, his attendance at the church “does not support a finding that [Jamie] is in reasonable fear.” We conclude that the record supports the district court’s finding. Jamie testified that Jason “became Catholic in [her] childhood church” after she moved to Waverly. She agreed that she believed Jason joined the church “as a way to harass” her. This evidence supports the district court’s finding that Jason “started to attend [Jamie’s] church, which is new behavior.”

⁶ This court’s nonprecedential opinion in *Lewis v. Lewis* affirmed the extension of an OFP on similar facts. No. A22-0975, 2023 WL 2847324, at *1, *3 (Minn. App. Apr. 10, 2023). In *Lewis*, sister petitioned for an OFP against brother, received an OFP, then applied for an extension, which was granted. *Id.* at *1. Brother appealed. *Id.* We concluded that “the record supports the district court’s finding that sister reasonably feared brother would harm her.” *Id.* at *2. We noted that the “original OFP was based in part on the fear and physical harm brother caused sister,” which brother did not contest. *Id.* And to support her application for an extension, “sister submitted an affidavit and testified that she still feared

Jason also argues that a district court cannot rely on averments in the original OFP petition or affidavits supporting the extension “without testimony,” citing *Andrasko v. Andrasko*, 443 N.W.2d 228, 231 (Minn. App. 1989). Because the evidence presented at the hearing on Jamie’s extension application supports the district court’s decision here, we need not consider this argument. But we also observe that *Andrasko* does not support Jason’s assertion. In *Andrasko*, this court reversed the district court’s grant of an OFP based on a now-overruled definition of “domestic abuse” and the lack of any finding of domestic abuse by the district court. 443 N.W.2d at 230 (requiring a showing of present harm or intent to do present harm to grant an OFP). But unlike *Andrasko*, this case involves the grant of an extension of an OFP, which does not require a finding of domestic abuse. *See Rew*, 845 N.W.2d at 775-76.

In sum, to extend the OFP, the domestic-abuse act does not require the district court to find that Jason committed prior domestic abuse, violated an OFP, or committed other acts after the filing of the original OFP. Instead, it requires the district court’s determination that Jamie is reasonably in fear of physical harm from Jason. Because the record supports the district court’s determination on this point and we discern no legal error, we conclude

brother.” *Id.* We emphasized that we could “neither reweigh the evidence nor second-guess the district court’s implicit credibility determinations” regarding the reasonableness of sister’s fear of brother. *Id.* We specifically rejected brother’s argument that, for sister’s fear to be reasonable, “additional threats or acts” must have occurred since the original OFP was filed. *Id.* at *3. We determined that, “[w]hile evidence of such acts could support an extension, the [domestic-abuse act] provides that evidence of current reasonable fear of harm is, *in and of itself*, sufficient to extend an OFP.” *Id.* (emphasis added).

that the district court did not abuse its discretion by granting Jamie's application for an extension of the OFP.

Affirmed.