

*This opinion is nonprecedential except as provided by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
A25-1951**

Jenna Flick Susko,
Respondent,

vs.

Jacob Lee Wilson,
Appellant.

**Filed August 10, 2026
Affirmed
Frisch, Chief Judge**

Dakota County District Court
File No. 19AV-CV-25-2429

Jenna Flick Susko, Northfield, Minnesota (attorney pro se)

Jacob Lee Wilson, Lakeville, Minnesota (pro se appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Frisch, Chief Judge;
and Schmidt, Judge.

NONPRECEDENTIAL OPINION

FRISCH, Chief Judge

Appellant challenges the district court's issuance of a harassment restraining order (HRO), arguing that the record does not show that he engaged in harassment. Because the district court's determination that appellant engaged in harassment is supported by

evidence in the record and appellant otherwise fails to establish that the district court abused its discretion, we affirm.

FACTS

Respondent Jenna Flick Susko is an attorney who represents appellant Jacob Lee Wilson's ex-wife in a contentious custody dispute that commenced in September 2024. In August 2025, Susko petitioned the district court for an HRO against Wilson. According to the petition, after the custody case began, Wilson (1) made uninvited and unannounced visits to Susko's workplace, which frightened Susko and resulted in Wilson's picture being posted at the office; (2) sent "voluminous emails" to Susko containing "manipulative, harassing, repet[i]tive, and intimidating language and threats," despite Susko's requests that Wilson not contact her "unless it was vital to the case"; and (3) threatened to file and filed motions for sanctions and professional ethics complaints against Susko "in an effort to intimidate [her]."

The district court issued an ex parte HRO, finding "reasonable grounds to believe that [Wilson] has engaged in harassment which has or is intended to have a substantial adverse effect on safety, security, or privacy of [Susko]." The district court prohibited Wilson from having contact with Susko, with exceptions related to compliance with court rules and court orders. The district court ordered that the HRO remain in effect until August 8, 2027, unless changed by a later court order.

Wilson denied harassing Susko and requested an evidentiary hearing. At the hearing, both parties appeared and were self-represented. In addition to receiving

testimony from both parties, the district court received testimony from Wilson's ex-wife (Susko's client) and Susko's former boss.

Susko testified and provided details about the incidents set forth in her petition. She testified that she has been "bombarded with long, duplicative, repetitive, aggressive, hostile, and threatening communications" from Wilson, usually via email. Susko submitted an exhibit containing 17 pages of emails between the parties, which she described as "not all of the communications [the parties] had," but rather was what she had "deemed as the harassing, hostile, and threatening communications." She testified that these emails "display a pattern" of Wilson continuing to email Susko, court staff, and Susko's former boss "long after he's been told to stop." Susko also testified that Wilson "insisted on continuing to hand-deliver [Susko] documents instead of mailing or e-mailing them after [Susko's former boss] told him to stop coming to the office," resulting in a picture of Wilson being posted in the office as a security measure. Susko testified that "[n]ot only was [she] in fear for [her] personal safety," but that "the entire office feared Mr. Wilson's intimidating practices." Finally, Susko testified that Wilson "consistently" threatens to file sanctions and ethics complaints against her, and that he had filed two ethics complaints against Susko "stating bad-faith litigation and tactics, both of which were summarily denied without investigation."

Susko's former boss also testified, stating that it was "alarming" that Wilson contacted and visited the office as often as he did, particularly given his "disregard" of requests to limit his communications and not show up at the office unannounced. She confirmed that Wilson's photo was posted in the office as a "safety protocol" given

concerns about Wilson's behavior "to alert other people if he comes through that door, exercise some caution when you're interacting with this person."

Wilson testified that he did not harass Susko. He acknowledged that he had been "persistent and at times frustrated," but testified that he had "never threatened, never sworn at, [and] never personally attacked" Susko. He testified that "[e]very communication was about [his] children and [his] rights as their father," and asserted that "[k]ey sections of e-mails were cut out to reframe this harassment." He also asserted that he "didn't break the law by stopping at [Susko's] office and dropping off court documents."

At the end of the hearing, the district court ruled that Susko had proved by a preponderance of the evidence that Wilson's behavior amounted to harassment and that it would issue the requested HRO. In reaching this conclusion, the district court stated that it believed Wilson's testimony that his "intention is to be an advocate for [his] children," but noted that Wilson's intention to harass "is not what the definition of harassment includes only," and Susko "has proven both through witness testimony and her own testimony that she has experienced a substantial adverse impact on her sense of safety, security, and privacy." The district court stated that Susko "communicated to [Wilson] how she would want to be treated so that this is not going to be experienced as harassing," and Wilson has "refused to do that." And the district court expressly found that Susko's testimony regarding the substantial adverse effect of Wilson's conduct on her sense of safety, security, and privacy was credible. On the same day, the district court filed a written order granting the HRO, to remain in effect until September 19, 2027.

Wilson appeals.

DECISION

Wilson argues that the district court abused its discretion by granting an HRO because the evidence in the record does not establish that he engaged in harassment.¹ We disagree.

We review a district court's issuance of 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 not set aside a district court's findings in support of an HRO unless they are clearly erroneous, giving due regard to the district court's credibility determinations. *Kush v. Mathison*, 683 N.W.2d 841, 843-44 (Minn. App. 2004), *rev. denied* (Minn. Sept. 29, 2004). We view the evidence in the light most favorable to the findings and do not find our 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 grant an HRO if, in part, "the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment." Minn. Stat. § 609.748, subd. 5(b)(3) (2024). "Harassment" is defined to include "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

¹ Susko did not file a brief on appeal, so we ordered that the appeal proceed pursuant to Minn. R. Civ. App. P. 142.03 (providing that if respondent fails to file a brief, the case shall be determined on the merits).

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 party seeking an HRO must show (1) “objectively unreasonable conduct or intent on the part of the harasser” and (2) an objectively reasonable belief by the object of the harassing conduct that he or she was being “subject[ed] to harassing conduct.” *Dunham v. Roer*, 708 N.W.2d 552, 567 (Minn. App. 2006), *rev. denied* (Minn. Mar. 28, 2006).

The district court determined that Susko’s petition, exhibits, and testimony, as well as the testimony of her client and former boss, provided “reasonable grounds to believe that [Wilson] has engaged in harassment which has or is intended to have a substantial adverse effect on safety, security, or privacy of [Susko].” The district court found Susko’s testimony credible and considered the context of the parties’ relationship when determining whether there were reasonable grounds to believe that Wilson engaged in harassment. The district court relied on the following incidents as evidence of harassment: (1) Wilson’s repeated unannounced visits to Susko’s office; (2) the volume, tone, and substance of Wilson’s emails to Susko; and (3) Wilson’s threats to file motions for sanctions and ethics complaints against Susko.

The record supports the district court’s determination that there were reasonable grounds to believe that Wilson engaged in harassment because the volume, tone, and substance of Wilson’s communications—combined with Wilson’s repeated, unannounced visits to Susko’s office—were objectively unreasonable and had a substantial adverse

effect on Susko’s safety, security, and privacy.² Both Susko and her former boss testified about Wilson’s “alarming” behavior of unannounced visits to Susko’s workplace and that Wilson continued to send Susko voluminous emails in a hostile tone. Wilson was not deterred by requests for him to stop this behavior or engage in alternative communication channels. The district court received evidence of the complete email threads that Susko had identified as hostile and threatening communications. And both Susko and her former boss testified about the adverse effects Wilson’s conduct had on Susko’s sense of safety and security, which the district court expressly determined to be credible. Viewing this evidence in the light most favorable to the district court’s findings, and giving due regard to the district court’s credibility determinations, we conclude the district court’s determination that Wilson engaged in harassment is supported by the record and thus discern no abuse of discretion in the district court’s issuance of an HRO.

To persuade us otherwise, Wilson seems to argue that his conduct does not constitute harassment under Minn. Stat. § 609.748 (2024) because (1) communications related to active litigation cannot constitute harassment as a matter of law; (2) the district court’s “own findings on intent and context are incompatible with a conclusion that [Wilson’s] conduct was objectively unreasonable harassment”; and (3) there is insufficient

² Because we conclude that the evidence of Wilson’s unwelcome emails and visits to Susko’s office adequately support the district court’s determination that there were reasonable grounds to believe Wilson engaged in harassment, we do not consider whether evidence of Wilson’s threats to file motions for sanctions and ethics complaints against Susko also support the district court’s issuance of an HRO.

evidence in the record to support the district court’s conclusion that Wilson’s behavior had a substantial adverse effect on Susko’s safety, security, or privacy. We are not persuaded.

First, Wilson does not identify any applicable authority supporting his contention that communications cannot constitute harassment under section 609.748 if they are related to active litigation. The plain language of the statute establishes no such limitation. *See State v. Beganovic*, 991 N.W.2d 638, 643 (Minn. 2023) (“We will not read into the statute any modifying or limiting language.”). That the communications occurred in the context of active litigation does not immunize Wilson from his conduct constituting harassment under section 609.748, particularly given that the volume and abusive tone of the communications continued after Wilson was told to stop and to use available alternative channels for communication.³

Second, Wilson’s argument that it is inconsistent to find that he acted without intent to harass and to conclude that his actions were objectively unreasonable is legally flawed. Under Minnesota law, a party seeking an HRO must show *either* “objectively unreasonable

³ Wilson asserts that Susko “was not a private citizen free to opt out of all contact; she was the designated professional point of contact in ongoing litigation.” Wilson’s argument mischaracterizes Susko’s request. The record shows that Susko attempted to place boundaries on Wilson’s communications with her, not preclude him from contacting her when vital to the case. The district court recognized Wilson’s disregard for such boundaries, stating: “[Susko] has communicated to you how she would want to be treated so that this is not going to be experienced as harassing and you have refused to do that.” Even so, the district court concluded that Wilson followed Susko and frightened her by making repeated uninvited, unannounced visits to her office. This unchallenged finding by the district court is an independent basis for us to affirm the district court’s issuance of the HRO. *Cf. Hunter v. Anchor Bank, N.A.*, 842 N.W.2d 10, 17 (Minn. App. 2013) (affirming entry of summary judgment when appellant’s brief on appeal did not challenge independent and sufficient ground for judgment), *rev. denied* (Minn. Mar. 18, 2014).

conduct” or “intent on the part of the harasser.” *Peterson v. Johnson*, 755 N.W.2d 758, 764 (Minn. App. 2008) (quotations omitted); *see also* Minn. Stat. § 609.748, subd. 1(a)(1) (defining “harassment” to include words and acts “that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another” (emphasis added)). That the district court may have determined that Wilson did not intend to harass Susko does not mean that the district court must necessarily conclude that his conduct was not of a nature to justify issuance of the HRO.⁴

Third, Wilson argues that there is insufficient evidence to conclude that his behavior had a substantial adverse effect on Susko’s safety, security, or privacy because Susko did not present evidence that she “altered her routines, installed security measures, moved, changed phone numbers, sought law enforcement based on any specific threat, had private information accessed outside the litigation, or experienced any material impairment of her ability to practice law or conduct daily life.” But Wilson does not identify any authority providing that such evidence is necessary to establish harassment under section 609.748. *See State v. German*, 929 N.W.2d 466, 476-77 (Minn. App. 2019) (“Although some accommodations may be made for [self-represented] litigants, we generally hold them to

⁴ Wilson also argues that the district court abused its discretion by “relying heavily” on exhibits that contained excerpted portions of email threads and “effectively discounting” exhibits that contained the complete versions of those threads. He asserts that “[t]he complete threads show that the emails were tethered to litigation issues, not independent harassment.” But the district court received the complete email threads, so Wilson appears to be asking us to reweigh the evidence, which we will not do. *Kenney*, 963 N.W.2d at 221-22. Wilson has not identified any abuse of discretion in the district court’s evidentiary decisions or analysis, and we decline to further consider this argument. *See Horodenski v. Lyndale Green Townhome Ass’n*, 804 N.W.2d 366, 372 (Minn. App. 2011) (“[E]rror is not presumed on appeal, and the burden of showing error rests on the party asserting it.”).

the same standards as attorneys. . . . Arguments are forfeited if they are presented in a summary and conclusory form, do not cite to applicable law, and fail to analyze the law when claiming that errors of law occurred.” (quotation omitted)). We give due regard to the district court’s determination that Susko provided credible testimony regarding the impacts on her sense of safety, security, and privacy from Wilson’s behavior. *Kush*, 683 N.W.2d at 843-44.

Finally, Wilson appears to advance an as-applied constitutional challenge to section 609.748, arguing that the HRO statute unconstitutionally burdens his First Amendment rights to complain about Susko’s professional conduct. Wilson did not present this constitutional challenge to the district court. Because constitutional questions cannot be raised for the first time on appeal, we decline to consider Wilson’s argument. *See In re Welfare of C.L.L.*, 310 N.W.2d 555, 557 (Minn. 1981) (stating that an “appellant cannot now for the first time raise constitutional issues that were not raised in the [district] court”). We observe, in any event, that the record adequately supports the district court’s determination independent of complaints related to Wilson’s professional conduct.

Affirmed.