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STATE OF MICHIGAN

COURT OF APPEALS

SKF, Petitioner-Appellee,	UNPUBLISHED January 12, 2026 8:39 AM
v	No. 375842 Kent Circuit Court
ED JR, Respondent-Appellant.	LC No. 25-003590-PH

Before: CAMERON, P.J., and KOROBKIN and BAZZI, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order denying his motion to terminate an ex parte nondomestic relationship personal protection order (PPO). We affirm.

I. BASIC FACTS AND PROCEDURAL HISTORY

On April 18, 2025, petitioner filed a petition for an ex parte nondomestic PPO alleging that: (1) respondent resided in petitioner's neighborhood and was married to petitioner's former colleague; (2) after petitioner declined respondent's "excessive and forceful" offers to assist with home repairs or drop off meals, respondent repeatedly contacted petitioner when she was at work and visited petitioner's home uninvited; (3) respondent further stalked petitioner's social media, criticizing petitioner's content and the message she was "presenting to men"; (4) because of the escalating nature of respondent's communications, and his refusal to halt contact despite petitioner's requests, petitioner emailed respondent detailing her concerns and intent to "block" respondent. Petitioner further contended that respondent replied to the cited email in a "cruel and scary" way, disregarding petitioner's apprehensions, resulting in petitioner forwarding the response to respondent's wife and installing security cameras on her property; respondent continued to attempt to contact petitioner. Petitioner additionally asserted that on April 10, 2025, petitioner delayed leaving her home after she saw respondent walk by her residence five times; when she eventually left to walk her dog, respondent proceeded to follow petitioner, causing petitioner to run and call a neighbor for assistance.

On April 18, 2025, the trial court entered an ex parte nondomestic PPO against respondent barring respondent from (1) engaging from any conduct equivalent to stalking, as defined under

MCL 750.411h and MCL 750.411i, (2) threatening to kill or physically injure petitioner, and (3) posting a message through the use of any medium of communication to petitioner. The PPO took immediate effect, to remain effective until October 18, 2025. On April 24, 2025, respondent moved to terminate the PPO, stating that the PPO was "a retaliatory emotional response to the Respondent's filing a police report [] on April 11, 2025 and being visited by a community officer on April 17, 2025." Respondent further advanced that: (1) as recently as April 6, 2025, petitioner and respondent interacted cordially, but on April 10, 2025, petitioner sent a "vulgar, bullying, and threatening text message to Respondent's spouse simply because he walked his dog on the sidewalk or trail"; (2) respondent and petitioner previously maintained a friendly relationship, and petitioner sought and willingly accepted respondent's assistance for years; (3) in May 2024, "this friendship began to crumble as a result of the Petitioner's sexual innuendos and advances on the Respondent," and when respondent shared that he intended on distancing himself from petitioner, she became "aggressive, confrontational, and rude to him." Respondent additionally asserted that his contested communications were an attempt to reconcile, but because of petitioner's improper conduct, respondent was compelled to file a police report against petitioner.

On May 23, 2025, the trial court held a hearing regarding respondent's motion to terminate the ex parte nondomestic relationship PPO; petitioner was represented by counsel and respondent proceeded *in propria persona*. Respondent testified that "most of this stuff that [petitioner] alleged is false," and while petitioner asserted that she was "fearful and concerned about her safety for her son and herself since like around June 24, 2024," she failed to pursue legal action. Respondent acknowledged that he received an email from petitioner on June 24, 2024, requesting cessation of all contact, but he attempted to reconcile with petitioner on January 19, 2025, the two interacted positively on April 6, 2025, and respondent placed a "thank you" card in petitioner's mailbox to acknowledge that progress.

During the motion hearing, petitioner testified that while she previously maintained a "neighborly relationship" with respondent, respondent proceeded to send text messages and email that were "inappropriate, sexual in nature." Petitioner asserted that when she disclosed that these communications made her uncomfortable, respondent continued to walk by her residence four to five times per day, and he would "say things into [her] security camera, like classical narcissist." Petitioner further expressed that after she requested that respondent no longer contact her, respondent sent her the January 19, 2025 email from a new address as she had blocked his phone number and email, and respondent "had his wife write a typed written note asking again to reconcile and taped it to my door." Regarding the April 6, 2025 interaction, petitioner expressed that she spoke to respondent because he started walking up her driveway, and she advised respondent, "I just had my dog at the emergency vet, she may be contagious, if you can, I wouldn't have your dog nearby." Petitioner confirmed that respondent left a "thank you" card in her mailbox after this interaction. Neither respondent nor petitioner were subject to cross-examination.

Following the parties' testimonies, the trial court announced that it would issue a ruling regarding respondent's motion to terminate the subject PPO; respondent attempted to interject, but the court responded, "Excuse me, I'm making my ruling sir." The trial court ultimately denied respondent's motion, opining:

> In this case, it's clear from the testimony that on June 24th of 2024 the petitioner had sent an email to the respondent indicating that she does not wish for

> him to have contact with her any further. On January 19th, contact was made by the respondent to the petitioner and again in April with a thank you note.
>
> It looks like what in part at least precipitated of the June 24th email was an image that the respondent sent the petitioner that may have had some sexual undertones to it. And that the petitioner otherwise was made to feel uncomfortable and harassed.
>
> So for these reasons and based on the law that I just read, the Court is going to deny the motion to terminate the personal protection order. The Court will sign an order to that effect.

On May 23, 2025, the court entered an order consistent with its statements on the record. This appeal ensued.

II. STANDARDS OF REVIEW

> A PPO constitutes injunctive relief. This Court reviews a trial court's decision to grant or deny a PPO, including a respondent's motion to terminate a PPO, for an abuse of discretion. An abuse of discretion occurs when the court's decision falls outside the range of principled outcomes. A court necessarily abuses its discretion when it makes an error of law. A trial court's findings of fact underlying a PPO ruling are reviewed for clear error. The clear-error standard requires us to give deference to the lower court and find clear error only if we are nevertheless left with the definite and firm conviction that a mistake has been made. The interpretation and application of court rules present questions of law to be reviewed de novo using the principles of statutory interpretation. Whether due process has been afforded is a constitutional issue that is reviewed de novo. Unpreserved issues are reviewed for plain error affecting substantial rights. Generally, an error affects substantial rights if it caused prejudice, i.e., it affected the outcome of the proceedings. [*CAJ v KDT*, 339 Mich App 459, 463-464; 984 NW2d 504 (2021) (quotation marks and citations omitted).]

In general, an issue is preserved for appeal if it was raised in or decided by the trial court. *Glasker-Davis v Auvenshine*, 333 Mich App 222, 227; 964 NW2d 809 (2020). "The issue preservation requirements only impose a general prohibition against raising an issue for the first time on appeal." *Id*. While respondent challenged the initial issuance of the subject PPO, the matter of respondent's due-process rights was not raised or addressed during the lower court proceedings. Therefore, the due-process issue is unpreserved for appeal. See *Tolas Oil & Gas Exploration Co v Bach Servs & Mfg*, 347 Mich App 280, 290; 14 NW3d 472 (2023).

"This Court recently held that our Supreme Court precedent requires that, in general civil cases, we apply the raise-or-waive rule and, thus, the plain-error standard does not apply in those cases." *HMM v JS*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 367586); slip op at 4, citing *Tolas Oil*, 347 Mich App at 290. "By failing to raise [an] issue in the trial court, [a] plaintiff[] deprive[s] the trial court of the opportunity to correct it in a timely and equitable manner and waive[s] the error." *Tolas Oil*, 347 Mich App at 290. However, "because of the potential

criminal consequences for a respondent's violation of a PPO and the liberty interests at stake, we conclude that plain-error review also applies to unpreserved issues in PPO proceedings." *HMM*, ___ Mich App at ___; slip op at 4. Therefore, while the latter issue would be deemed waived under *Tolas Oil*, we will still address the alleged violation of respondent's due-process rights under the plain-error standard, under which "[u]npreserved issues are reviewed for plain error affecting substantial rights. Generally, an error affects substantial rights if it caused prejudice, i.e., it affected the outcome of the proceedings." *CAJ*, 339 Mich App at 464 (citation omitted).

III. ANALYSIS

On appeal, respondent contests the trial court's initial issuance of the ex parte nondomestic PPO. Respondent further contends that the trial court violated his due-process rights by depriving him of any meaningful opportunity to be heard on his motion to terminate the PPO. We disagree as to both arguments.[1]

A. ISSUANCE OF EX PARTE PERSONAL PROTECTION ORDER

As a preliminary matter, respondent argues that the trial court should not have issued the PPO in the first instance on April 18, 2025. PPOs operate, in part, to protect persons "who are maliciously followed, harassed, or intimidated by stalkers." *Nastal v Henderson & Assoc Investigations, Inc*, 471 Mich 712, 721; 691 NW2d 1 (2005). "Except as otherwise provided in MCL 600.2950 and MCL 600.2950a, an action for a PPO is governed by the Michigan Court Rules, with MCR 3.701 *et seq*., applying to PPOs against adults." *TT v KL*, 334 Mich App 413, 439; 965 NW2d 101 (2020), citing MCR 3.701(A). MCL 600.2950a, the nondomestic PPO statute, "addresses stalking behavior or conduct that is not limited to certain existing relationships." *Id*. MCL 600.2950a(1) states, in pertinent part:

> [A]n individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin an individual from engaging in conduct that is prohibited under section 411h, 411i, or 411s of the Michigan penal code. A court shall not grant relief under this subsection unless the petition alleges facts that constitute stalking as defined in section 411h or 411i, or conduct that is prohibited under section 411s, of the Michigan penal code. Relief may be sought and granted under this subsection whether or not the individual to be restrained or enjoined has been charged or convicted under section 411h, 411i, or 411s of the Michigan penal code for the alleged violation.

As relevant in the present case, MCL 750.411h pertains to stalking, MCL 750.411i concerns aggravated stalking, and MCL 750.411s relates to online stalking. A petitioner maintains the burden of establishing reasonable cause that the PPO should be granted, and that the PPO should

[1] While the record does not indicate whether the PPO was extended after its expiration date of October 18, 2025, this appeal is not moot because the subject PPO was entered into LEIN. See MCL 600.2950a(16) and (17). Entry of an improperly issued PPO into LEIN involves a live controversy. See *TM v MZ*, 501 Mich. 312, 319-320; 916 NW2d 473 (2018).

remain in effect if the respondent moves for its termination. *JLS v HRS*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 368375); slip op at 3.

A court may not grant a nondomestic PPO "unless the petition alleges facts that constitute stalking as defined in section 411h or 411i, or conduct that is prohibited under section 411s, of the Michigan penal code." MCL 600.2950a(1). Stalking is defined as "a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested." MCL 750.411h(e). In the context of stalking, " '[c]ourse of conduct' means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose." MCL 750.411h(1)(a). Moreover, harassment is defined as "continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress." MCL 750.411h(1)(d). Unconsented contact includes any contact with a person that is started or continued without his or her consent or against his or her express wishes, including sending mail or electronic communications to that person, placing an object on, or delivering an object to property owned, leased, or occupied by that person, and following or appearing within that person's sight or approaching and confronting that person in a public place or on private property. *Hayford v Hayford*, 279 Mich App 324, 329-330; 760 NW2d 503 (2008); MCL 750.411h(1)(f).

In her petition for an ex parte PPO, petitioner detailed that after she declined respondent's repeated and unsolicited offers to perform home repairs or deliver meals, respondent continued to contact petitioner at her place of employment, appeared at her residence without invitation, monitored her social media activity, and criticized her online content and personal presentation. Petitioner asserted that, due to the escalating nature of respondent's communications and his refusal to discontinue contact despite her requests, petitioner emailed respondent in June 2024 outlining her concerns and informing him of her intent to block further communications. Petitioner further contended that respondent replied to her email in a manner she found cruel and frightening, disregarding her express concerns. As a result, petitioner forwarded the response to respondent's wife and installed security cameras on her property. Petitioner additionally alleged that on January 19, 2025, respondent contacted her from a newly created email address requesting that they meet to talk, and that on February 7, 2025, respondent directed his wife to tape a letter to petitioner's front door seeking reconciliation. Petitioner also claimed that on April 10, 2025, petitioner delayed leaving her residence after observing respondent walk past her residence approximately five times; when she eventually left to walk her dog, respondent followed her, prompting petitioner to flee and seek assistance from a neighbor. Petitioner asserted that respondent's conduct caused her to fear for her own safety and the safety and well-being of her son.

The petition for the ex parte PPO filed on April 18, 2025, sets forth allegations of numerous impermissible acts that constitute stalking with the meaning of MCL 750.411h and MCL 750.411i. Thus, while petitioner's allegations, if viewed from respondent's perspective, may be explained, we cannot conclude that the trial court abused its discretion by issuing the ex parte PPO at petitioner's behest. Accordingly, the trial court's decision to issue the ex parte PPO in the first place remains undisturbed.

B. DUE PROCESS

Respondent argues that the trial court erred when it denied his motion to terminate the PPO on due-process grounds because he was not afforded the opportunity to cross-examine petitioner. We disagree that appellate relief is warranted on this ground.

"The federal and Michigan constitutions guarantee that the state cannot deny people 'life, liberty, or property without due process of law.' " *Kampf v Kampf*, 237 Mich App 377, 381; 603 NW2d 295 (1999), citing US Const, Am XIV and Const 1963, art 1, § 17. "Due process, which is similarly defined under both constitutions, specifically enforces the rights enumerated in the Bill of Rights, and it also provides for substantive and procedural due process." *Id*. (citation omitted). "Procedural due process limits actions by the government and requires it to institute safeguards in proceedings that affect those rights protected by due process, such as life, liberty, or property." *Id*.

"Due-process protections apply to proceedings on a motion to terminate a PPO." *HMM*, ___ Mich App at ___; slip op at 4. Minimally, "due process of law requires that deprivation of life, liberty, or property by adjudication must be preceded by notice and an opportunity to be heard." *Bonner v City of Brighton*, 495 Mich 209, 235; 848 NW2d 380 (2014). An "opportunity to be heard 'must be granted at a meaningful time and in a meaningful manner.' " *Id*. (quotation marks and citation omitted). "Although the opportunity to be heard does not always require a full trial-like proceeding, a party must be given 'the chance to know and respond to the evidence.' " *HMM*, ___ Mich App at ___; slip op at 5. Stated alternatively, "the promise of a hearing on a motion to terminate a PPO is empty if the respondent does not receive 'a meaningful opportunity to challenge the merits of the . . .PPO.' " *JLS*, ___ Mich App at ___; slip op at 5 (alteration in original; quotation marks and citation omitted). This Court has further held that the opportunity to present evidence includes the right to meaningful cross-examination and has recently clarified when the denial of that right constitutes a violation of due process. *HMM*, ___ Mich App at ___; slip op at 4-6.

In *HMM*, the trial court entered an ex parte PPO against the respondent after the 17-year-old petitioner filed a petition "asserting that she had a reasonable apprehension of sexual assault because respondent had sexually assaulted her in '2012 and other times after this.' " *Id*. at ___; slip op at 1. The respondent moved to terminate the PPO, "denying that he had ever inappropriately touched petitioner." *Id*. at ___; slip op at 2. The trial court held a hearing on respondent's motion, during which the respondent's counsel cross-examined the petitioner regarding the alleged sexual assault, albeit with interjections from the trial court. *Id*. at ___; slip op at 2-3. In the midst of the respondent's counsel questioning the petitioner, the trial court stated, " 'Counsel, that's going to be all the questions we're going to ask with regard to that. You know what the burden of proof is in this.' " *Id*. at ___; slip op at 3. When the respondent's counsel objected to " 'the lack of questioning,' " asserting that respondent had " 'not even heard an allegation in terms of what it is that he supposedly did,' " the trial court overruled the objection. *Id*. The respondent's counsel expressed that she did not have further evidence to present, and the trial court denied the respondent's motion to terminate the PPO. *Id*.

This Court vacated the pertinent order in part because the trial court "curtailed respondent's opportunity to cross-examine petitioner," and it "denied respondent the opportunity to know and respond to the evidence when, even after petitioner's testimony was brief and vague, the court did

not allow respondent to cross-examine her about her allegations." *Id*. at ___; slip op at 6. The *HMM* Court noted the trial court's intervention when the respondent's counsel attempted to elicit further information in response to the petitioner's ambiguous testimony. *Id*. This Court opined, "By depriving respondent of the opportunity to cross-examine petitioner about the alleged sexual assault, the circuit court increased the risk of erroneously depriving respondent of significant liberty interests. Allowing respondent to cross-examine petitioner properly would have diminished that risk." *Id*.

In the instant case, the sole witnesses were the parties themselves, neither of whom was subject to cross-examination, and neither respondent nor petitioner's counsel expressly requested the right to cross-examination. Recognizing "due process requires an opportunity to confront and cross-examine adverse witnesses," *id*., quoting *Goldberg* v *Kelly*, 397 US 254, 269; 90 S Ct 1011; 25 L Ed 2d 287 (1970), the trial court should have afforded the parties the ability to conduct cross-examination if they wished to do so. However, even though the trial court erred by omitting cross-examination of the parties, respondent fails to demonstrate that the error affected the outcome of the proceedings. In *HMM*, this Court concluded that vacating the trial court's denial of the respondent's motion to terminate the PPO was warranted in light of the trial court's numerous abuses of discretion, including permitting the petitioner to testify off-camera, shifting burden of proof from the petitioner to the respondent, and barring full cross-examination of the petitioner. *HMM*, ___ Mich App at ___; slip op at 7. The *HMM* Court further resolved that these errors, considered collectively, affected the respondent's substantial rights—specifically his liberty interests—were inconsistent with substantial justice, and seriously undermined the fairness, integrity, and public reputation of the PPO proceedings. *Id*.

No such accumulation of errors is present in this case, and respondent does not sufficiently demonstrate on appeal how cross-examination of petitioner would have altered the outcome of the proceedings, as the unwanted communications forming the basis of the PPO were essentially undisputed, regardless of respondent's reasons for contacting petitioner. During his testimony, respondent acknowledged that he received an email from petitioner on June 24, 2024, requesting cessation of all contact, but that he subsequently emailed petitioner on January 19, 2025, in an attempt to reconcile, and that he placed a "thank you" card in her mailbox after their interaction on April 6, 2025. Further, petitioner's testimony was fundamentally identical to the allegations in her petition, which respondent extensively addressed in his motion to terminate the PPO, and the trial court explicitly stated that it considered.

On appeal, respondent provides a "PPO Hearing Presentation," presumably indicating what he intended to contest during the hearing. However, even considering this document—which largely accuses petitioner of dishonesty and asserts that she, rather than respondent, engaged in inappropriate and sexualized behavior—respondent advanced similar assertions during his testimony and in his motion. Respondent therefore fails to establish how he was deprived of his liberty interests when the trial court fundamentally considered the substance of these claims. Moreover, unlike the respondent in *HMM*, the present respondent was not subject to allegations of sexual abuse, when the matter turned primarily on a credibility contest concerning the validity of the petitioner's claims and when cross-examination may have been more critical. In this case, the incidents of unwanted contact underlying the petition primarily involved in-person and electronic communications, which respondent acknowledged, even if he disputed his motive for initiating the contact. In light of the foregoing, we cannot conclude that absence of the cross-examination

significantly curtailed respondent's liberty interests, was inconsistent with substantial justice, or seriously undermined the fairness, integrity, and public reputation of the PPO proceeding.

Affirmed.

/s/ Thomas C. Cameron
/s/ Daniel S. Korobkin
/s/ Mariam S. Bazzi