

STATE OF MICHIGAN
COURT OF APPEALS

NORMA LOU,

Petitioner-Appellee,

v

ARTHUR WILLIAM KRAMER,

Respondent-Appellant.

UNPUBLISHED

January 19, 2006

No. 257808

Berrien Circuit Court

LC No. 04-001317-PH

Before: Zahra, P.J., and Murphy and Neff, JJ.

MEMORANDUM.

Pursuant to MCR 3.709(B)(1), respondent appeals as of right a circuit court order denying his motion to rescind a personal protection order (PPO), which was obtained by petitioner, and which prohibited respondent from approaching, following, contacting, confronting, and threatening petitioner, along with precluding respondent from engaging in various other “stalking” behaviors. The trial court conducted an evidentiary hearing on respondent’s motion to rescind the PPO, and the motion was denied, although the PPO was amended to the extent that respondent was no longer prohibited from “appearing” within petitioner’s sight; the parties are next door neighbors. The PPO expired under its own terms on June 29, 2005, and has not been extended. We dismiss the appeal as moot.

“An issue is moot if an event has occurred that renders it impossible for the court, if it should decide in favor of the party, to grant relief.” *City of Warren v Detroit*, 261 Mich App 165, 166 n 1; 680 NW2d 57 (2004), quoting *Michigan Nat’l Bank v St Paul Fire & Marine Ins Co*, 223 Mich App 19, 21; 566 NW2d 7 (1997). A moot issue may be reviewed if the issue is publicly significant and is likely to recur, yet also is likely to evade judicial review. *City of Warren, supra* at 166 n 1. Because the PPO at issue expired on June 29, 2005, it is impossible for this Court to rectify the alleged undue restraint on respondent’s actions as a result of the PPO during the time it was in force. Furthermore, we decline respondent’s invitation to find that the issues raised are of public significance.¹ Moreover, even though petitioner may attempt to

¹ We note that nothing in the language of MCL 600.2950a prevents a person from obtaining a PPO against a neighbor if the neighbor engages in stalking as defined in and prohibited by the Michigan Penal Code.

obtain another PPO, new factual circumstances and allegations of harassment, of which we are not privy, will play a role in that request. Accordingly, this appeal is dismissed as moot.

Appeal dismissed.

/s/ Brian K. Zahra
/s/ William B. Murphy
/s/ Janet T. Neff