

STATE OF MICHIGAN
COURT OF APPEALS

WS,

Petitioner-Appellee,

v

SS,

Respondent-Appellant.

UNPUBLISHED

October 14, 2026

1:52 PM

No. 376640

Wayne Circuit Court

LC No. 24-113604-PH

Before: GADOLA, C.J., and O'BRIEN and MARIANI, JJ.

PER CURIAM.

Respondent, SS, appeals as of right the trial court's order denying his motion to terminate the personal protection order (PPO) entered upon the petition of petitioner, WS. We affirm.

I. FACTS

Petitioner and her husband live in a condominium community in Inkster, Michigan. Respondent owns rental units in the condominium community and became the president of the community's homeowners association (HOA) in November 2023. Petitioner testified that her husband also was a member of the HOA at that time and sometimes opposed respondent on board matters. She testified that after respondent was elected as HOA president, he began to insist that she comply with his demands regarding the management of the community. She testified that respondent told her to convince her husband to agree with him on board matters, and in exchange he would waive the couple's HOA fees, but stated that if her husband did not cooperate, he would "make life very hard" for them. According to petitioner, beginning in January 2024 respondent sent her harassing emails, repeatedly appeared in front of her home and attempted to talk with her and on three or four occasions entered her garage and stepped into her kitchen doorway without her permission.

In October 2024, petitioner petitioned the trial court for a PPO that would prohibit respondent from appearing at her residence or within her sight, entering onto her property, contacting her by phone, mail, or email, and from including her name in emails to other members of the community. Petitioner asserted that although respondent did not live in the condominium community, he frequently parked in front of her home or slowly drove by her home. Petitioner

also asserted that respondent emailed her on September 13, 2024, and stated that his lawyer was gathering “public information” about her which he could disclose. Petitioner included the email as an attachment to the petition. She also alleged that on July 12, 2024, respondent drove slowly past her home while she was outside and she saw that respondent had a small, shiny object that she believed was a gun. The petition also asserted that respondent placed a false lien on petitioner’s home in January 2024.

On November 18, 2024, the trial court issued an ex parte PPO prohibiting respondent from stalking petitioner as defined by MCL 750.411h and MCL 750.411i, including prohibiting respondent from appearing at petitioner’s residence or within her sight, entering onto her property, or contacting her by phone or mail. The order also prohibited respondent from posting a message through the use of a medium of communication, including any electronic medium, as prohibited under MCL 750.411s. The order provided that it was to remain in effect until November 18, 2025.

Respondent moved to terminate the personal protection order on December 3, 2024, disputing the facts alleged by petitioner. A hearing on the motion was held July 3, 2025. At the hearing, petitioner testified that after the PPO was entered, respondent drove by her home multiple times and attempted to look into her home with a flashlight. She further testified that on March 7, 2025, the condominium community went into receivership, which petitioner alleged rendered the HOA without power to act. Petitioner testified that in April 2025, despite the PPO being in effect and despite the HOA no longer having authority to act due to the receivership, respondent appeared in front of her home and then called the police to complain that she had not moved her car for the roofing contractor. She also testified that respondent threatened that he would publicly announce that she had been involved in criminal activity, that he was having her investigated by the federal trustee, that he could have her evicted and list her residence for sale, and that he was a lawyer and would “drown her” in legal fees. She testified that although she was current in her payment of HOA fees, respondent claimed she owed fees as a pretense to contact her.

Respondent testified that he became president of the HOA in November 2023. Respondent confirmed that in March 2025, the condominiums were placed in receivership. Respondent testified that he never entered petitioner’s home without her invitation and never threatened her. He testified that the day that the roofing company was present, he was working alongside the roofing company to ask residents to move their vehicles. He further testified that petitioner’s husband, as a member of the HOA board, was aware of the roofing project and had voted for the project. Respondent testified that his conflict with petitioner arose because she was delinquent in paying her HOA dues. He testified that he stopped contacting petitioner in approximately June 2024 when the HOA board voted to turn petitioner’s delinquent account over to the HOA’s lawyers, resulting in a lien being placed on her residence.

Petitioner, however, introduced an email from respondent’s development company dated September 13, 2024, sent to petitioner and her husband, in which respondent stated in part:

I’m sorry you misinterpreted my email. What I was trying to convey is all the public information my lawyer has gathered on your character. It is not pretty. What I am trying to say [is] I do not want to hurt you by disclosing this PUBLIC record including your bankruptcy where you failed to disclose all of your hidden assets. The United States Federal Trustee was contemplating bringing charges against you.

At the conclusion of the hearing, the trial court denied respondent's motion and ordered that the PPO would expire on the date indicated in the PPO. Respondent now appeals.¹

II. DISCUSSION

A. MOOTNESS

We note initially that respondent's challenge in this case is not moot. Because generally we do not decide moot cases, *TM v MZ*, 501 Mich 312, 317; 916 NW2d 473 (2018), mootness is a threshold inquiry that we address before reaching the substantive issues of a case. *Gleason v Kincaid*, 323 Mich App 308, 314-315; 917 NW2d 685 (2018). An issue is moot if it does not rest upon existing facts or rights and instead presents only abstract questions of law. *TM*, 501 Mich at 317. An issue also is moot if an event has occurred that makes it impossible for the reviewing court to grant relief. *Gleason*, 323 Mich App at 314.

In this case, respondent seeks review of the trial court's order denying his motion to terminate the PPO, although the PPO expired on November 18, 2025. The expiration of a PPO alone does not render an appeal moot, however. *TM*, 501 Mich at 314, 319-320. Rather, an appeal challenging a PPO "with an eye toward determining whether a PPO should be updated in LEIN as rescinded," is not moot. *Id.* at 319-320. Because "identifying an improperly issued PPO as rescinded is a live controversy," *id.* at 319, we conclude that the appeal in this case is not rendered moot by the expiration of the PPO.

B. MOTION TO TERMINATE THE PPO

Respondent contends that the trial court abused its discretion by denying his motion to terminate the PPO. We disagree.

The granting of a PPO and the continuation of a PPO are matters within the sound discretion of the trial court that we will not reverse absent an abuse of the trial court's discretion. *SP v BEK*, 339 Mich 171, 176; 981 NW2d 500 (2021). In this case, petitioner sought the PPO under MCL 600.2950a, seeking to restrain respondent's conduct under MCL 750.411h (stalking), MCL 750.411i (aggravated stalking), and/or MCL 750.411s (electronic stalking). MCL 600.2950a(1) provides for the issuance of a "stalking-type PPO," premised upon stalking as defined in MCL 750.411h or MCL 750.411i, or conduct prohibited under MCL 750.411s. *TM*, 501 Mich at 316.

Under MCL 600.2950a, the trial 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

¹ After claiming an appeal in this Court, respondent filed a motion for relief from judgment in the trial court on November 7, 2025, seeking an order vacating the PPO. In the motion, respondent asserted that petitioner falsely testified that she did not owe HOA fees at the time she filed her petition seeking the PPO.

prohibited under section 411s, of the Michigan penal code.” MCL 600.2950a(1). MCL 750.411h provides in relevant part:

(a) “Course of conduct” means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.

* * *

(c) “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(d) “Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

(e) “Stalking” means 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.

(f) “Unconsented contact” means any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

(i) Following or appearing within the sight of that individual.

(ii) Approaching or confronting that individual in a public place or on private property.

(iii) Appearing at that individual’s workplace or residence.

(iv) Entering onto or remaining on property owned, leased, or occupied by that individual.

(v) Contacting that individual by telephone.

(vi) Sending mail or electronic communications to that individual.

(vii) Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

MCL 750.411i prohibits aggravated stalking, which involves stalking combined with any of the circumstances stated in MCL 750.411i(2), which includes stalking that occurs in violation

of a restraining order. MCL 750.411i(2)(a). MCL 750.411s prohibits stalking by using an electronic medium, providing as follows in pertinent part:

(1) A person shall not post a message through the use of any medium of communication, including the internet or a computer, computer program, computer system, or computer network, or other electronic medium of communication, without the victim's consent, if all of the following apply:

(a) The person knows or has reason to know that posting the message could cause 2 or more separate noncontinuous acts of unconsented contact with the victim.

(b) Posting the message is intended to cause conduct that would make the victim feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(c) Conduct arising from posting the message would cause a reasonable person to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(d) Conduct arising from posting the message causes the victim to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

A petitioner seeking a PPO has the burden to establish that reasonable cause exists to issue the PPO. *JLS v HRS*, ___ Mich App ___, ___; ___ NW3d ___ (2024) (Docket No. 368375); slip op at 3. If the respondent moves for termination of a PPO, the petitioner also bears the burden of demonstrating that the PPO should remain in effect. *Hayford v Hayford*, 279 Mich App 324, 326; 760 NW2d 503 (2008). A motion to modify or rescind a PPO thus triggers an obligation on the part of the petitioner to establish "a justification for the continuance of [the] PPO" at the hearing on the motion to terminate the PPO. *Id.*

In this case, the petition for the ex parte PPO alleged various acts supporting a finding of stalking under MCL 750.441h and MCL 750.411i. The petition alleged that although respondent did not live in the condominium community, he frequently parked in front of petitioner's home or slowly drove by her home. Petitioner alleged that on July 12, 2024, respondent drove slowly past her home while she was outside and she saw that respondent had a small, shiny object that she believed was a gun. Petitioner also asserted that respondent emailed her on September 13, 2024, and stated that his lawyer was gathering "public information" about her that he could disclose. The petition also asserted that respondent placed a false lien on petitioner's home in January 2024 and attempted to enter her home without her permission. Based upon these allegations, the trial court issued the ex parte PPO under MCL 600.2950a.

At the hearing on respondent's motion to terminate the PPO, petitioner testified that after the PPO was entered, respondent drove by her home multiple times, shining lights into her home. She further testified that in April 2025, despite the PPO being in effect and despite the HOA no longer having authority to act due to the receivership, respondent appeared in front of her home

and then called the police to complain that she had not moved her car for the roofing contractor. She also testified that respondent threatened that he would publicly announce that she had been involved in criminal activity, that he was having her investigated by the federal trustee, that he could have her evicted and list her residence for sale, and that he was a lawyer and would “drown her” in legal fees. She testified that although she was current in her payment of HOA fees, respondent claimed she owed fees as a pretense to contact her.

Respondent denied much of the conduct alleged. Respondent testified that he never entered petitioner’s home without her invitation and never threatened her, and that the day that the roofing company was present, he was working alongside the roofing company to ask residents to move their vehicles. He further testified that his conflict with petitioner arose because she was delinquent in paying her HOA dues. He testified that he stopped contacting petitioner in approximately June 2024 when the HOA board voted to turn petitioner’s delinquent account over to the HOA’s lawyers, resulting in a lien being placed on her residence. He conceded, however, that he sent petitioner an email on July 10, 2024, that stated in part:

I HAVE A SLEW OF CRIMINAL ACTIVITY BY [petitioner and her husband],
STARTING WITH HER CONDUCT IN SOUTHWEST DEARBORN AND HER
FRAUDULENT BANKRU[P]TCY.

Shame on you. I think I am going to release all this information about you and your wife. Rest assured I will not indulge in misleading fraudulent statements.

At the conclusion of the hearing, the trial court denied the motion to terminate the PPO. The trial court reasoned:

I have heard from both parties with representation. One of the things that any judge in any case has to assess is the credibility of testimony that comes before the court. And one of the factors in assessing credibility is whether the witness is argumentative. Mr. [S] has been argumentative throughout these proceedings even in response to questions that his own attorney has asked him.

The questions that I have asked him, he’s been unresponsive and argumentative and I believe that that stems from the belief that he needs to defend himself, which is understandable. However, when you can’t focus on the question and when you narrate beyond the question that causes the Court some concern over your transparency, your willingness and ability to tell the truth or obscure the truth with other extraneous information. And so I’m not finding the testimony of Mr. [S] to be very credible.

When it comes to the issues at hand . . . it is the Court’s clear impression that Mr. [S] attempted to overextend his authority as board president in pursuing two things, dues that were in dispute. Clearly, there was no final determination of whether there was an arrearage. I believe the petitioner oversimplified that issue by simply stating that she didn’t owe without revealing that there was a dispute over whether there was an arrearage or not.

However, Mr. [S], his conduct was in pursuit, he says, of dues for the association's best interests when clearly there was some dispute over whether there was an arrearage and to what extent. The most telling thing, however, is that he's pursuing dues when there is attorney representation and when there was a shift in his responsibility for collecting them when the association went into receivership.

A similar situation surfaced with respect to roofing. It's not clear to the Court that he or the board had any authority to contract with [the roofers] or if there was a prior contract [to] allow work to proceed when there was another authority in place, the receiver, at the time that the roofing company showed up. Why he would take it upon himself to hurry the petitioner along under those circumstances on the roofer's call to him, I have no idea. I believe he felt important as board president and wanted to continue feeling important even when his responsibilities were relieved of himself.

And so all of this . . . transpiring with personal threats about the . . . petitioner's personal information and his coercion of the petitioner to get her husband to be on his side on board matters under the promise of relieving them of dues responsibility or on the other hand if he should not, if her husband should not favor his position then insisting on the payment of the dues. That cast doubt as to whether there was really an arrearage if he could so easily waive it at his whim depending on whether this family decided to agree with him or not.

As far as reasonable apprehension of future harm, the testimony is that the respondent continues to drive by her home when in recent months he has had no responsibility and should have no interest in being there. Certainly, previously he would have an interest in taking a look at the properties [] under the condo association's domain, [but] he currently does not have that. Why he's bothering to go there is unclear.

I do not believe that he entered her home without permission. She may believe entering her open garage door without permission is an entry without permission. I do not. It's as if someone is approaching your home or your door. If someone is present in the garage, they can be stopped verbally. It's not clear to me what the circumstances were, why she felt that that was an intrusion. If her child invited him in or opened a door, I don't think that that was egregious. However, I do believe that continued presence in front of her after making personal threats, after coercion concerning dues and after being relieved of his duties is enough on a low standard of reasonable cause to continue the PPO. I don't find any cause to terminate it. So the respondent's motion is denied.

We cannot conclude that the trial court abused its discretion by declining to terminate the PPO. Petitioner presented evidence that respondent continued to pursue contact with her despite the PPO and despite the HOA being relieved of its responsibilities by the appointment of a receiver. Although respondent offered an explanation for some of his attempted contacts with petitioner, he made other contacts, such as the emails introduced, that defied a reasonable explanation. The record also supports the trial court's observation that respondent was argumentative and evasive

in his testimony, suggesting a lack of credibility. We give regard to the trial court's opportunity to judge the credibility of the witnesses that appeared before it. *SP*, 339 Mich App at 176. We conclude that the trial court did not abuse its discretion by finding that petitioner established a justification for the continuance of the PPO, thereby meeting her burden to demonstrate that the PPO should remain in effect after respondent moved to terminate the PPO. See *JLS*, ___ Mich App at ___; slip op at 3; see also *Hayford*, 279 Mich App at 326.

C. HEARING IMPAIRMENT

Respondent also contends that the trial court denied him due process by failing to provide him with hearing-assisting devices during the hearing on his motion to terminate the PPO. We review de novo a constitutional question, such as whether due process rights were violated. *People v Smith*, 498 Mich 466, 475; 870 NW2d 299 (2015).

A defendant has a right to be present during all stages of trial “where the defendant’s substantial rights might be adversely affected.” *People v Parker*, 230 Mich App 677, 689; 584 NW2d 753 (1988). In this case, the hearing on respondent’s motion to terminate the PPO was not a stage of trial. Nonetheless, we consider whether respondent was precluded from participating in the hearing. Respondent attended the hearing on his motion to terminate the PPO via Zoom. He was represented by counsel. During the hearing, the trial court advised respondent that he had to remain visible in his screen during the hearing. Respondent explained that he had turned his screen in an attempt better to hear the audio, and that he was wearing hearing aids that were confusing him. The following colloquy occurred:

[Respondent]: I’m 78 years old and my hearing aids bother me. They confuse me.
So by doing it this way, you know, I can hear. I’m sorry.

The Court: Okay. Do you hear any better on your phone?

[Respondent]: No. I’m sorry. I’m sorry. But I’m okay if I can do this every once in a while.

The Court: All right. Please raise your hand so that I can see you if you can’t hear.

[Respondent]: I – Okay. I understand. Okay.

The Court: All right. Now I need everyone else to raise your voices so that we can complete the hearing today rather than come into the court house with hearing assistance. All right.

[Respondent]: Thank you, your Honor.

There is no indication in the record that respondent or his attorney before the hearing informed the trial court that respondent had a hearing impairment or otherwise sought assistance from the trial court regarding respondent’s hearing impairment. Moreover, during the hearing respondent informed the trial court that “I’m okay if I can do this every once in a while” (apparently adjust his position in relation to his screen). The trial court then directed respondent to raise his

hand if he could not hear. Respondent indicated “Okay. I understand.” The trial court then informed the parties that if respondent were unable to hear, the alternative would be to reconvene the hearing with everyone in the courtroom. There is no indication that respondent thereafter raised his hand or otherwise advised the trial court that he could not hear. We observe that respondent was in the best position to alert the trial court or his own counsel if he needed additional hearing assistance, but chose not to do so, despite being offered an opportunity by the trial court. We therefore conclude that respondent was able to, and in fact did, participate in the hearing. See *People v McKinney*, ___ Mich App ___, ___; ___ NW3d ___ (2026) (Docket No. 371378); slip op at 4 (The defendant’s due process rights were not violated when, upon learning of the defendant’s hearing impairment, the trial court took steps to accommodate the defendant’s impairment, the defendant advised the trial court that the accommodations enabled him to hear, and the defendant did not further notify the trial court that he was unable to hear the proceedings.)

Affirmed.

/s/ Michael F. Gadola
/s/ Colleen A. O’Brien
/s/ Philip P. Mariani