

State of Minnesota
Hennepin County

FILED

District Court

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Judicial District: Fourth

Court File Number: 27-CV-██████████

Case Type: Harassment

BY

HENNEPIN COUNTY DISTRICT COURT ADMINISTRATOR

T ██████████ F ██████████
Petitioner

**Findings on Petition for
Harassment Restraining Order**

vs.

C ██████████ L ██████████
Respondent

This matter came on for hearing before the Hon. Richard Trachy, District Court Referee, on ██████████, 2015, upon Petitioner's request for a Restraining Order pursuant to M.S. §609.748.

The Petitioner was present.

The Respondent was present. Respondent is represented by Ryan Garry.

Based upon the testimony, evidence, and arguments presented, and all of the files, records, and proceedings, the Court makes the following:

Findings of Fact

1. Petitioner has filed a Petition for a Restraining Order.
2. Respondent was served with a copy of the Petition and of the Temporary Restraining Order and Respondent received proper notice of this hearing.
3. Petitioner applied for a job at ██████████ ("██████") in October, 2013. Respondent interviewed her. She was hired. Respondent became her supervisor. Petitioner testified that there were no contacts, calls, or other interactions between the parties outside of this employment.
4. Respondent left this job sometime in the spring of 2014. She was quite unclear about the circumstances and the date, though she insisted she was not fired.

5. Petitioner's personnel file was offered by Respondent and admitted without objection from Petitioner, see Exhibit 3. This indicates that Petitioner made a series of claims about other employees that were investigated by [REDACTED] and found to be without merit. One claim involved Respondent, alleging that he retaliated and treated her differently when she raised her concerns. How this fact relates to Petitioner's loss of the employment is not clear.

6. Petitioner reported several instances where different men approached her after she had been terminated. Each man told her the same thing - that she was being watched, that she doesn't have long to live in Minnesota, and they also mentioned Respondent's name. These were said to have occurred on a bus and later that day at a T-Mobile store, both on December 12, 2014; in the summer of 2014 outside Sam's Club; and on March 5, 2015 in her apartment building. Petitioner had no evidence which linked these separate men to Respondent, though she insisted that they all said his name.

7. Petitioner testified to two telephone calls she received on January 6 and 7, 2015. The same man was on the phone. He said, "This is C [REDACTED]" C [REDACTED] is Respondent's first name. Respondent could not be sure it was Respondent's voice. The man told her that "you won't live long if you stay in Minnesota" and "you won't be in Minnesota long" in each call.

8. Petitioner said that her cell phone calls have been "rerouted" and her computer "sabotaged." She changed her telephone three times. She left her apartment and is now homeless because of the fear she experienced. Petitioner claimed, during cross-examination, that Respondent is "watching my every move" and he uses those other men to help him. She believes that 90% of Minnesota is "against me." Referring to Respondent, she said, "everywhere I go his name comes up." She is afraid to see her own doctor.

9. Petitioner called the Edina police on December 12, 2014 to report that she is being threatened and stalked. But she refused to talk to an officer when that was offered; Petitioner said that she was afraid even of police and couldn't trust anybody.

10. Petitioner has called or complained to the White House, Senator Klobuchar, the FBI, and Homeland Security without acknowledgement or help.

11. At the close of the evidence Respondent moved to dismiss the case. That motion was granted.

Conclusions of Law

1. Harassment as defined by Minn. Stat. §609.748 includes "a single incident of physical or sexual assault or 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 of another, regardless of the relationship between the actor and the intended target."

2. A motion to dismiss at the conclusion of Petitioner's case requires that the Court accept as true all facts reasonably presented in the testimony; credibility determinations are not made. Assuming Petitioner's testimony as true, is there sufficient evidence upon which a finding in favor of the Petitioner can be made?

3. Here, Petitioner made claims that Respondent is the motivating force behind a series of events all aimed at threatening and intimidating her. But Petitioner has failed to produce evidence which connects any of the events she described to Respondent. None of the unknown men were shown to have any connection with Respondent. Even if they mentioned his name, that fact alone does not establish Respondent's association or direction of any.

4. The two telephone calls involved Petitioner hearing a voice saying, "this is C [REDACTED]" but she could not, and did not, identify the voice as Respondent's with any degree of certainty.

5. Assuming all of Petitioner's testimony to be true, she has not presented evidence sufficient to connect this Respondent with any of the acts recited. There is no factual basis upon which a finding for Petitioner can be made. Hence the motion to dismiss was granted.

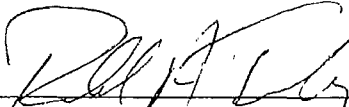

6. Alternatively, though this decision was not based upon this reason, the nature of the conduct is that Respondent is alleged to be directing a massive conspiracy against this Petitioner, whom he knew solely in a brief employment capacity well over a year ago. This claim is so patently implausible and the corroboration so utterly lacking that no rational factfinder could accept it as true.

7. Petitioner has failed to provide sufficient facts upon which a finding that Respondent has engaged in harassment within the meaning of Minn. Stat. §609.748 can be made.

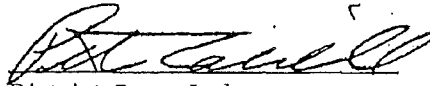
ORDERS

1. **DISMISSAL:** The case is dismissed and the Court Administrator shall enter Judgment accordingly. The Temporary Restraining Order issued previously in this case is vacated.
2. **SERVICE OF ORDER:** The Clerk of Court shall either give to the parties or mail to the parties by first class mail a copy of this Order.

The foregoing facts were found by me after due hearing and the foregoing order thereon is made.


Richard A. Trachy
District Court Referee

Date Issued

Approved:


District Court Judge