

FILED

State of Minnesota

2010 JAN 14 AM 9:37

County of Hennepin

BY Tom Velisich
HENN. CO. DISTRICT
COURT ADMINISTRATOR

District Court

Judicial District: 4th District

Court File Number:

Case Type: Harassment

Lisa Ann Emery
Petitioner

**Order on Petition for
Harassment Restraining Order**
(Minn. Stat. §609.748)

27 CV 10-763

vs.

John Willard Hoff
Respondent

Based upon Petitioner's Affidavit and Petition for a Harassment Restraining Order and other information provided to the Court, **THE COURT FINDS:**

The petition has no merit and the matter should be dismissed.

There is is not an immediate and present danger of harassment to justify temporary relief.

There are reasonable grounds to believe that Respondent has harassed Petitioner (or minor children included in the petition) as follows:

- Physically or sexually assaulted the Petitioner;
- Followed, pursued or stalked the Petitioner;
- Made uninvited visits to the Petitioner;
- Made harassing phone calls to the Petitioner;
- Made threats to the Petitioner;
- Frightened Petitioner with threatening behavior;
- Broke into and entered the Petitioner's residence;
- Damaged the Petitioner's property;
- Stole property from the Petitioner;
- Took pictures of the Petitioner without permission of the Petitioner;
- Did acts repeatedly that meet the legal definition of "targeted residential picketing";
- Pattern of attending public events after being notified that Respondent's presence at the events is harassing to Petitioner;
- Other: _____

The harassment has or is intended to have a substantial adverse effect on Petitioner's safety, security, or privacy.

Petitioner requested a court hearing.

IT IS ORDERED:

1. The case is dismissed because the Petition lacks merit.

2. The request for temporary relief is denied because the petition fails to allege an immediate and present danger of harassment.

3. The request for temporary relief is granted and:

Respondent shall not harass Petitioner Petitioner's minor child/ren or ward(s).

The minor child/ren or wards included in this Petition are:

Respondent shall have no contact with Petitioner Petitioner's minor child/ren or ward(s). *Contact in writing from Respondent to Petitioner shall not violate this prohibition, if contact is in writing and left in the place designated*

Respondent shall stay away from Petitioner's home at: for Petitioner's mail.
 Respondent shall stay away from Petitioner's job site at: Wells Fargo, 1000 Blue Gentian Rd, Eagan, MN 55121.

Other: ~~I would like for him to stay out of my room and leave the heat setting alone.~~
Respondent shall not enter Petitioner's room under any circumstances except to do landlord maintenance and then

The following conduct is a violation of this order if an Order For Relief is granted: Any contact with the protected person(s), direct or indirect, any visits to or phone calls to the protected person(s), threats or assaultive behavior to the protected person(s), damaging or stealing property belonging to the protected person(s), breaking into and entering the Petitioner's or minor child's residence, taking pictures of a protected person without permission of the Petitioner, and only with 48 hrs written notice. (pll)

4. This Restraining Order is in effect until January 12, 2012 unless changed by a later court order.

Respondent can ask the court to change or vacate the Restraining Order by filing a *Request for Hearing* within 45 days of the date of this Order.

5. A hearing will be held on (date) _____ at _____ m at (address) _____.

The hearing is scheduled because: Petitioner requested a hearing Petitioner requested a restraining order for longer than 2 years and the court wants more information about the need for a longer restraining order.

Other _____

Respondent shall appear personally in Court for the hearing and explain why the requests made in the Petition should not be granted. Petitioner shall appear personally in Court for the

hearing and provide proof that the statements in the Petition are true and that Respondent's actions are harassment.

6. The Court Administrator shall send a copy of this Order to the following law enforcement agencies: Hennepin County Sheriff's Department and Minneapolis Police Department which have authority over the residence of the Petitioner(s). **Every police department and sheriff's office in Minnesota is responsible for enforcing this order.**

7. If respondent is an organization, this order shall shall not apply to all members of the organization.

8. Other: _____

9. The sheriff of any county in this state shall perform the duties relating to service of this Order without charge to the petitioner.

10. It is not a violation of this order if the parties pursue or participate in voluntary mediation through court approved mediation programs. The party wanting to mediate must contact the mediation program directly to arrange it. He/she may not contact the other party directly or through friends or relatives. The mediation programs will determine if mediation is acceptable under Minnesota mediation guidelines (MN Stat 494.03 and MN Rule of Court, General Rules of Practice, Rule 114.)

Notices

If a hearing is scheduled and respondent does not attend the hearing, a Harassment Restraining Order may be granted. Failure of respondent to appear WILL NOT be a defense to criminal charges against respondent for violation of any part of this Order. If petitioner does not attend the hearing this case may be dismissed.

A police officer shall arrest respondent without warrant and take her/him to jail if a police officer believes that respondent has violated this Restraining Order, and shall hold respondent in jail for at least 36 hours, excluding the day of arrest, Sundays, and legal holidays, unless the respondent is released earlier by a judge or judicial officer.

Violation of this Restraining Order may be treated as a misdemeanor, gross misdemeanor, or felony. A misdemeanor violation may result in a sentence of up to 90 days in jail and/or a \$1000.00 fine. Some repeat violations are gross misdemeanors and may result in a sentence of up to one year in jail and/or a \$3,000.00 fine. Other violations are felonies and may result in a sentence of imprisonment for up to five years and/or a \$10,000 fine. A person who engages in a pattern of harassing conduct is guilty of a felony and may be sentenced to imprisonment for up to ten years and/or a fine of \$20,000.00.

Dated: _____

Patricia L. Belois

Judge of District Court

PATRICIA L. BELOIS
Judge of District Court

Distribution

_____ Certified copy or original -Return to Court Administrator with Affidavit of Service attached

_____ Copy for Petitioner(s)

_____ Copy for Respondent(s)

_____ Copy for file until original returned

_____ Copy for local police department

_____ Copy for Sheriff

_____ Other: _____

State of Minnesota

FILED

District Court

County of Hennepin

2010 JAN 14 AM 9:37

Judicial District: 4th District

Court File Number: 27 CV 10-763

BY: *Tom Delis*
HENN. CO. DISTRICT
COURT ADMINISTRATOR

Case Type: Harassment

**Petitioner's Affidavit and Petition for
Harassment Restraining Order
(Minn. Stat. §609.748)**

Petitioner

Name: Lisa Ann Emery
Address: 2226 Bryant Ave N
Minneapolis, MN 55411 - 2633
Date of Birth: 09/24/63
On behalf of: (names of minor children who are victims of harassment and their dates of birth)
Name: _____, DOB: _____

vs.

Respondent

(Person harassing you or your minor child):
Name: John Willard Hoff
Address: 2226 Bryant Ave N 2633
Minneapolis, MN 55411
Date of Birth: 42 years old (if known, or approximate age)

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss
(COUNTY WHERE AFFIDAVIT IS SIGNED)

I understand that I am under oath/affirmation and I must tell the truth. I state that:

1. I am the Petitioner in this case. The victim of the harassment is me a minor child for whom I am the parent, legal guardian or stepparent. (If you are the guardian, attach a copy of the order appointing you.)

The name of each victim, other than me, is: How does each victim know the Respondent and what is their relationship?

Lisa Ann Emery and Respondent are: Other: Landlord If you are filing on behalf of another person, what is your relationship to each victim?

2. How many restraining orders have been in effect, ordering Respondent to stay away from the victims you included at #1 above? none one two or more. For each restraining order provide:

Court File Number, if known	County and State where the court is located
NA	NA

3. The following court cases involve me and the Respondent in issues of child custody or parenting time:

Court File Number	County and State where the court is located
NA	NA

4. Respondent has harassed the victim(s) as follows:

- Check all boxes that apply and give the date and details of each incident.
- To get a Restraining order, you must describe actions that meet the legal definition of harassment in Minnesota. See the Instructions for the definition of harassment.
- One incident of physical or sexual assault can meet the definition of harassment. For any other act, there must be more than one incident.
- If you need more space, attach a full sheet of paper and continue your description there. Do not write on the back.

Respondent physically or sexually assaulted the victim as follows:

Respondent has followed, pursued or stalked the victim as follows:

Respondent made uninvited visits to the victim as follows:

Respondent made harassing phone calls to the victim as follows:

Respondent made threats to the victim as follows:

On 1.11.10 - creates new lease agreement demanding more money

On 1.10.10 - demands \$86.28. when I say 'no' and the harassment needs to stop, he explodes into my room threatening that he will enter every hour. I am afraid for my safety.

On 1.4.10 - demands \$40 above rent.

Various dates for past several months - every demand for money and noncompliance with always changing house rules are accompanied with the threat of eviction.

Respondent frightened the victim with threatening behavior as follows:

On 1.4.10 - I never know when he will evict me.

On 1.10.10 - I never know when he will evict me, or if the locks will be changed when I get off work, or if he will steal my belongings.

On 1.10.11 - When John explodes into my room threatening my personal safety and that he will continue to do so every hour.

Respondent broke into and entered the victim's residence as follows:

On continuous - He enters my room when I am not there and takes small ticket items on his whim. This has been going on for several months.

On 1.10.11 - John explodes into my room threatening me that he will do this every hour.

Respondent damaged the victim's property as follows:

Respondent stole property from the victim as follows:

On continuous - John goes into my room taking small ticket items on whim on a regular basis for several months.

Respondent took pictures of the victim without permission as follows:

More than once, Respondent has done acts that meet the legal definition of "targeted residential picketing" by:

On various - he will go through my closet and empty pill bottles, take personal hygiene items, food, office supplies, etc

I told Respondent not to come to certain public events that I or the children attend because:

_____ After that, Respondent attended public events I/we attended: (List dates, places and name of events)

_____ These acts by Respondent show a pattern of attending public events while knowing that attending is harassing to me/children.

Other: he screams at me when he and his girlfriend are fighting. Whenever he has stress, he explodes at me for some very minor detail. currently his anger has been escalated and he lacks self-control. He has left bruises on his son.

5. Describe the effect the harassment has upon the victim's safety, security or privacy:

My stress is greatly escalated. I do not feel physically safe, cannot sleep, I am considerably more tired. My stomach is always queasy. This issue is distracting me from my other personal issues. I am not secure about with my living arrangements and John violates my privacy on his whim.

6. Do you believe the harassment will continue? Yes Why?

because it is escalating in severity. He is very, very desperate for money.

7. I ask the Court to issue a Restraining Order as follows: *Check all boxes (a through e) that apply.*

a. Respondent shall not harass me minor child(ren) for whom I am the parent, legal guardian, or stepparent. List the full names of the minor children included in this Petition: .

b. Respondent shall have no contact with me the minor child(ren) listed above.

c. Respondent shall stay away from where I/we live (address) Confidential. d. Respondent shall stay away from my/the victim's job site located at Wells Fargo, 1000 Blue Gentian Rd, Eagan, MN 55121.

e. Other: I would like for him to stay out of my room and leave the heat setting alone until my mortgage papers are clear and I can move out.

8. Court Hearing

Petitioner: Read these Notices about a Hearing

- You have a right to request a court hearing.
- If the Judge dismisses your case because it has no merit, no hearing will be held.
- The Judge can issue a Restraining Order without a court hearing if the Judge finds there is immediate and present danger of harassment.
- If the Judge issues a Restraining Order without a hearing, the Respondent can request a hearing within 45 days of receiving the Restraining Order. If Respondent requests a hearing, the court will notify you by mail at least five days before the hearing date.
- If there is a hearing, you must attend the hearing and prove that the statements in your Petition & Affidavit are true, and that Respondent's actions are harassment, as defined by Minnesota law.

Choose a. or b.

a. I am not requesting a court hearing at this time.

But if the court denies my request for a restraining order because the court finds there is no immediate and present danger of harassment, then (check one) I want I don't want a court hearing.

OR

b. I am requesting a court hearing.

9. I request a Restraining Order for a length of:

2 years

Until the following date: _____, which is less than 2 years from today.

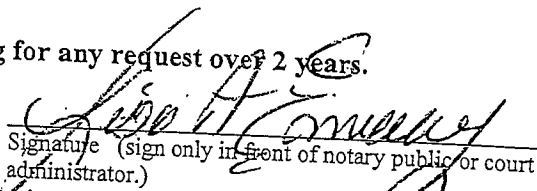
Up to 50 years because:

I have two or more prior restraining orders against Respondent (listed at #2 above.)

Respondent has violated a prior or existing restraining order between us on two or more occasions.

I understand the court will likely schedule a court hearing for any request over 2 years.

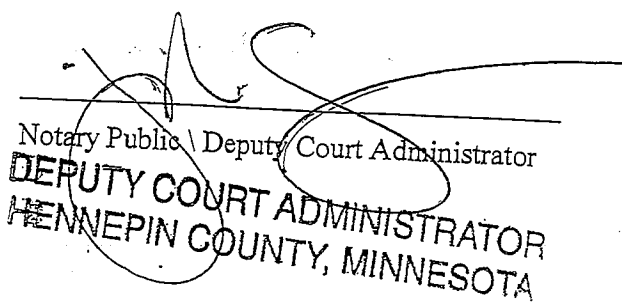
§ Dated: 1.12.0910


Signature (sign only in front of notary public or court administrator.)

Subscribed and sworn to before me

Date: 12th JANUARY, 2010

Name: Lisa Ann Emery
Address: 2226 Bryant ave n
City/State/Zip: Minneapolis, MN 55411
Telephone: (612) 209-7319


Notary Public \ Deputy Court Administrator
DEPUTY COURT ADMINISTRATOR
HENNEPIN COUNTY, MINNESOTA

Notice: If your address or telephone changes, you must give Court Administration your new information right away, in writing.