

STATE OF MICHIGAN
COURT OF APPEALS

LEO MARTIN URBAN,

Petitioner-Appellant,

v

LILLIAN URBAN,

Respondent-Appellee.

UNPUBLISHED
November 17, 2016

No. 328992
Ingham Circuit Court
LC No. 15-002480-PP

Before: BOONSTRA, P.J., and SHAPIRO and GADOLA, JJ.

PER CURIAM.

Petitioner appeals as of right from the circuit court's order terminating a personal protection order (PPO) that had been issued against respondent, petitioner's wife.¹ We dismiss this appeal as moot.

Petitioner does not challenge any of the circuit court's factual recitations, but instead he argues that the circuit court's decision to terminate the PPO was based solely on a finding that petitioner did not present compelling evidence of having suffered physical injury at respondent's hands contrary to MCL 600.2950(6)(d), which states that "[a] Court shall not refuse to issue a personal protection order solely due to the absence of . . . [p]hysical signs of abuse or violence." However, in this case, the circuit court terminated the PPO for multiple reasons, not solely because of the absence of evidence that petitioner was physically injured. The court noted that even after several alleged assaults, the parties continued to see each other socially, or "hang out," which can reasonably be seen as an indication that petitioner was not truly in apprehension of risk of harm. Further, petitioner stated that he sought the PPO to protect himself from respondent's false accusations, a peril for which a PPO is not the proper remedy.

Furthermore, [w]hen an event occurs that renders it impossible for a reviewing court to grant relief" this Court will decline to consider the issue as moot. *B P 7 v Bureau of State*

¹ In petitioner's petition for his PPO, he alleged that respondent had assaulted him twice in Florida and made false accusations that he had assaulted her. Petitioner submitted pictures of himself taken after one of the alleged assaults in Florida. At the motion to terminate the PPO the trial court noted that it did not see any injuries.

Lottery, 231 Mich App 356, 359; 586 NW2d 117 (1998). “A case is moot when it presents only abstract questions of law that do not rest upon existing facts or rights.” *Id.* The ex parte PPO that the circuit court issued on July 29, 2015 was set to expire on February 1, 2016, rendering this issue moot. Accordingly, to reverse the decision to terminate the PPO now would be to attempt to bring back to life a PPO that has already expired on its own terms.²

Dismissed as moot.

/s/ Mark T. Boonstra
/s/ Douglas B. Shapiro
/s/ Michael F. Gadola

² This case does not present an issue of sufficient public significance to warrant consideration despite being technically moot. See *Contesti v Attorney General*, 164 Mich App 271, 278; 416 NW2d 410 (1987).