

STATE OF MICHIGAN
COURT OF APPEALS

SUNDAS SOHAIL,

Petitioner-Appellee,

v

ROBERT BRICE CALCO,

Respondent-Appellant.

UNPUBLISHED
December 12, 2017

No. 338750
Kalamazoo Circuit Court
LC No. 2017-008093-PP

Before: MARKEY, P.J., and HOEKSTRA and RONAYNE KRAUSE, JJ.

PER CURIAM.

Respondent, Robert Brice Calco, appeals by right the trial court's order denying his motion to terminate petitioner, Sundas Sohail's, ex parte personal protection order (PPO). Respondent also appeals the trial court's initial grant of petitioner's ex parte PPO. We affirm.

Petitioner and respondent had been dating, but their relationship ended and quickly soured. As a result, in January 2017, petitioner filed for an ex parte PPO with the Kalamazoo Circuit Court. The trial court denied that ex parte request and stated that it required a hearing. But petitioner never requested a hearing.

In February 2017, respondent then filed for a PPO against petitioner. After a hearing the trial court granted it. That same day, and immediately after respondent's hearing, petitioner filed another PPO against respondent and again requested an ex parte order. This time, the trial court granted petitioner's ex parte PPO request.

In early March 2017, respondent moved to terminate petitioner's ex parte PPO against him. The trial court held a hearing on respondent's motion to terminate the ex parte PPO, and it denied the motion. In issuing its decision on respondent's motion to terminate petitioner's ex parte PPO, the trial court stated:

I have considered each document presented and there is quite a bit of information presented. Based on all the documents filed, including the abundant text messages, I find it appropriate not to terminate the individual PPO's. Instead, I find it suitable that the respective PPO's should be slightly modified.

Each will now have a termination date of June 30, 2017.^[4] All of the other terms mentioned in the cross PPO's will remain in effect until that termination date.

Respondent first argues on appeal that the trial court abused its discretion in granting petitioner's ex parte PPO. We find that this issue is not properly before this Court on appeal. Respondent never sought appellate review of the trial court's granting petitioner's ex parte PPO. Instead, respondent sought to terminate that PPO by filing a motion to terminate. When the trial court denied his motion to terminate, respondent appealed. Therefore, we conclude that only the issue of the trial court's order denying respondent's motion to terminate is properly before this Court on appeal. Because the issue of the trial court's granting petitioner's ex parte PPO is not properly before this Court on appeal, we decline to address it. See *Visser v Visser*, 495 Mich 862, 862-863; 836 NW2d 693 (2013) (vacating the portion of this Court's opinion analyzing the issuance of a PPO because "the issues relating to the initial granting of the PPO were not properly before the Court of Appeals where the respondent failed to seek appellate review of the original PPO.").

Respondent next argues that the trial court abused its discretion in denying his motion to terminate the PPO. We conclude that this issue is moot, and we decline to address it.

"As a general rule, an appellate court will not decide moot issues." *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998). "An issue is deemed moot when an event occurs that renders it impossible for a reviewing court to grant relief." *Id.* Nevertheless, we may decide cases or issues that are technically moot if the issues involved are of public significance and are likely to recur in the future and yet evade judicial review. *Whitman v Mercy-Mem Hosp*, 128 Mich App 155, 158; 339 NW2d 730, 731 (1983). An issue may also not be moot if it will continue to have collateral legal consequences for a party. *Visser*, 495 Mich at 862-863; *Lenart v Ragsdale*, 148 Mich App 571, 575; 385 NW2d 282, 283 (1986).

In this case, the trial court denied respondent's motion to terminate the ex parte PPO. Instead, it chose to modify the PPO to have an end date of June 30, 2017. That means that when this opinion is released, the ex parte PPO that respondent sought to have terminated will have already expired. Consequently, this Court cannot grant any relief on the issue. Additionally, we conclude that the issue does not involve an issue of public significance, nor is it likely to recur in the future and yet evade judicial review. *Whitman*, 128 Mich App at 158. We also conclude that respondent has not demonstrated that the trial court's denial of his motion to terminate the PPO will continue to have collateral legal consequences. See *Visser*, 495 Mich at 862-863. Respondent did claim that he was banned from his college campus for one year as a result of violating petitioner's PPO. But we conclude that respondent's banishment was related to his violating the "no contact directive"—which the college issued to petitioner and respondent with a warning that a violation of the directive would result in proceedings under the student code of conduct—and not because of his violating the PPO.

^[4] Both PPOs were originally set to expire on September 1, 2017.

Accordingly, because the PPO has already expired during this appeal, because there is no indication that the denial of respondent's motion to terminate involved an issue of public significance and is unlikely to recur in the future and yet evade judicial review, and because respondent has not provided any evidence that the denial caused him any continuing collateral legal consequences, we decline to address this moot issue. *B P 7*, 231 Mich App at 359.

We affirm.

/s/ Jane E. Markey

/s/ Joel P. Hoekstra

/s/ Amy Ronayne Krause