

APPENDIX A

1a

STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1462

FILED

July 13, 2022

OFFICE OF
APPELLATE COURTS

In the Matter of: Anita Marie Waters and
On Behalf of Minor Child, petitioner,

Respondent,

vs.

Charles Matthew Waters,

Appellant.

ORDER OPINION

Nicollet County District Court
File No. 52-FA-21-579

Considered and decided by Slieter, Presiding Judge; Ross, Judge; and Kirk, Judge.*

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Charles Waters consented to Anita Waters's request for an order for protection (OFP) preventing him from contacting Anita, while he contested her request only as it regarded his and Anita's teenage daughter. The district court held an evidentiary hearing and declined Anita's request as to the parties' daughter but granted it as to Anita, barring Charles from contacting her. Charles challenges the OFP on appeal on the ground that he withdrew his consent before the district court issued the OFP.

2. Charles did not attempt to withdraw his consent until after the hearing, and in doing so he did not request a rehearing where Anita might have introduced any evidence

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

that his prior consent made unnecessary. The district court acted within its discretion by relying on Charles's consent when issuing its order.

3. Charles asserts that Anita fraudulently launched the OFP proceedings, a circumstance he says he discovered nine days before the hearing. But we do not consider issues, like this one, that were not raised before and decided by the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988).

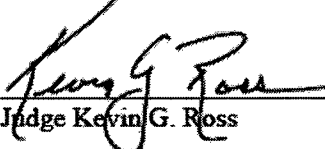
4. We reject Charles's argument that the district court lacked authority to dispossess him of Anita's son's cat. The district court may "direct the care, possession, or control of a pet or companion animal owned, possessed, or kept by the petitioner or respondent or a child of the petitioner or respondent." Minn. Stat. § 518B.01, subd. 6(a)(14) (2020). This is so regardless of whether Anita's son is the cat's owner.

IT IS HEREBY ORDERED:

1. The district court's order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: July 13, 2022

BY THE COURT



Judge Kevin G. Ross

APPENDIX C

8a

FILED

October 18, 2022

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A21-1462

In the Matter of: Anita Marie Waters and
On Behalf of Minor Child, petitioner,

Respondent,

vs.

Charles Matthew Waters,

Petitioner.

O R D E R

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the motion of Charles Matthew Waters for leave to
proceed in forma pauperis be, and the same is, granted.

IT IS FURTHER ORDERED that the petition of Charles Matthew Waters for
further review be, and the same is, denied.

Dated: October 18, 2022

BY THE COURT:



Lorie S. Gildea
Chief Justice

STATE OF MINNESOTA**COURT OF APPEALS****JUDGMENT**

In the Matter of: Anita Marie Waters and On Behalf of
Minor Child, petitioner, Respondent, vs. Charles
Matthew Waters, Appellant.

Appellate Court # A21-1462

Trial Court # 52-FA-21-579

Pursuant to a decision of the Minnesota Court of Appeals duly made and entered, it is determined and adjudged that the decision of the Nicollet County District Court herein appealed from be and the same hereby is affirmed and judgment is entered accordingly.

Dated and signed: October 24, 2022

FOR THE COURT

Attest: Christa Rutherford-Block
Clerk of the Appellate Courts

By: Christa Rutherford-Block
Clerk of the Appellate Courts

**Additional material
from this filing is
available in the
Clerk's Office.**