

STATE OF MINNESOTA

Ramsey COUNTY

DISTRICT COURT  
SECOND JUDICIAL  
DISTRICT  
HARASSMENT

Court Case Number: 62-HR-CV-24-963

MADELINE SALLY MACHIA LEE,

PETITIONER,

**MOTION HEARING ORDER**

v.

KELLYE STRICKLAND,

RESPONDENT.

This matter came before the Honorable Nicole J. Starr on August 19, 2025, for a Motion Hearing.

Appearances:

Petitioner, Madeline Lee, was present and represented by Kyle Manderfeld, Esq.

Respondent, Kellye Strickland, was present and self-represented.

The Court makes the following:

**FINDINGS OF FACT**

This matter comes before the Court on Respondent's eleven motions filed since the Court's ruling on May 23, 2025.

July 11, 2025 Second Motion to Vacate Void Order issued December 12, 2024;

July 11, 2025 Amended Second Petition to Vacate Void Order Issued December 12, 2024;

July 14, 2025 Motion for Judicial Notice of Federal Opinion in Nelson v. Clysdale as persuasive authority;

July 14, 2025 Motion in Limine to exclude prejudicially filed materials- exclude May 8, 2025 filing;

July 18, 2025 Motion for Court Date;

July 21, 2025 Objection to assignment of Referee based on conflict of interest;

July 28, 2025 Motion for Clarification and Formal Objection to Referee Assignment;

August 4, 2025 Respondent's Motion for Sanctions pursuant to Rule 11.03;

August 5, 2025 Motion to Compel Explanation of Return Address Usage;

August 5, 2025 Motion for Clarification regarding May 23, 2025 Appeal; and

August 6, 2025 Objection to Referee.

## CONCLUSIONS OF LAW

### **I. A Referee's order cosigned by a District Court Judge is a valid order of the court.**

Addressing the July 21, 2025, Objection to assignment of Referee based on conflict of interest, July 28, 2025, Motion for Clarification and Formal Objection to Referee Assignment motions, and August 6, 2025, Objection to Referee.

Under Minnesota Statute, the chief judge of the Second Judicial District may appoint referees. Minn. Stat. 484.70. Referees hear cases and controversies and make recommendations to District Court Judges. Minn. Stat. 484.70, subd. 7. Under this section of the law, "all orders and findings recommend by a referee become an effective order when countersigned by a judge...." *Id.* On December 12, 2024, Referee Clysdale issued the initial recommendation for a Harassment Restraining Order, that recommendation was countersigned by District Court Judge Gilligan. On May 23, 2025, Referee Larmouth issued a recommendation to dismiss the April 17, 2025, motion and all motions filed between April 17 and May 23, 2025. This recommendation was countersigned by District Court Judge Kraus.

### **II. Respondent's motions for explanation and clarification are not issue properly before the court.**

Addressing the August 5, 2025, Motion to Compel Explanation of Return Address Usage and August 5, 2025, Motion for Clarification regarding May 23, 2025 Appeal.

A harassment restraining order is issued under Minn. Stat. § 609.748, a petition for relief requires:

- "(1) the name of the alleged harassment victim;
- (2) the name of the respondent; and
- (3) that the respondent has engaged in harassment."

Minn. Stat. Ann. § 609.748 (West)

Respondent's Motion to Compel Explanation of Return Address Usage filed August 5, 2025, requests relief from an entity that is not a party to this matter. Specifically, Respondent requests that, "the Court direct Ramsey County, its agents, or court administration to provide written responses to the following...." Respondent's Motion for Clarification regarding May 23, 2025 Appeal requests information regarding Respondent's appeal. The District Court is a court of first instance and does not handle appeals. All questions about the appellate process are best answered by the Minnesota Court of Appeals.

### **III. The Court ruled that there was proper service for the December 12, 2024, Harassment Restraining Order. Respondent may not raise the same issue.**

Addressing the July 11, 2025 Second Motion to Vacate Void Order issued December 12, 2024 and July 11, 2025 Amended Second Petition to Vacate Void Order Issued December 12, 2024.

This court heard argument and ruled that there was valid service in this matter. Petitioner argues that Respondent is collaterally estopped from raising this issue and the court agrees.

“Collateral estoppel, also known as issue preclusion, prohibits a party from relitigating issues that have been previously adjudicated.” Parklane Hosiery Co. v. Shore, 439 U.S. 322, 326 n. 5, 99 S.Ct. 645, 649 n. 5, 58 L.Ed.2d 552 (1979); Hauser v. Mealey, 263 N.W.2d 803, 806 (Minn.1978). “Collateral estoppel precludes the relitigation of issues which are both identical to those issues already litigated by the parties in the prior action and necessary and essential to the resulting judgment.” Ellis v. Minneapolis Comm'n on Civil Rights, 319 N.W.2d 702, 704 (Minn.1982); Barth v. Stenwick, 761 N.W.2d 502, 507 (Minn. Ct. App. 2009).

The party invoking collateral estoppel has the burden of proof as this doctrine is one of equity. Wolfson v. N. States Mgmt. Co., 221 Minn. 474, 480, 22 N.W.2d 545, 548 (1946). Collateral estoppel applies when: (1) The issue was identical to one in a prior adjudication; (2) there was a final judgment of the issue on the merits; (3) the estopped party was a party in the prior adjudication; (4) the estopped party was given a full and fair opportunity to be heard on the adjudicated issue. Barth 761 N.W.2d at 508.

- (1) Respondent raises the identical issue that she was not served with notice for the Harassment Restraining Order. Respondent’s pleadings and oral argument restated the lack of personal service and therefore lack of personal jurisdiction issue, which was litigated before Referee Larmouth.
- (2) Referee Larmouth found that service was proper. Referee Larmouth affirmed the Harassment Restraining Order. This is a final order on the merits of the argument regarding personal service.
- (3) Respondent as a party to the hearing regarding personal service. Respondent was present for the hearing regarding service.
- (4) Respondent had full opportunity to be heard on the issue of personal service. Respondent provided extensive prehearing briefing prior to the hearing. Referee Larmouth gave each party an opportunity to supplement the pleadings with oral argument. Respondent shared her position regarding service.

Respondent has fully litigated the issue of personal service in district court and is precluded from arguing the same issue in district court.

#### **IV. Respondent’s motion for sanctions is without merit.**

Minnesota Rules of Civil Procedure allow for the court to impose sanctions.

If, after notice and a reasonable opportunity to respond, the court determines that Rule 11.02 of these rules has been violated, the court may, subject to the conditions stated below, impose an appropriate

sanction upon the attorneys, law firms, or parties that have violated Rule 11.02 or are responsible for the violation. This rule does not limit the imposition of sanctions authorized by other rules, statutes, or the inherent power of the court.

Minn. R. Civ. P. 11.03.

Respondent has not identified any conduct on behalf of Petitioner's attorney that would merit sanctions.

### ORDER

1. Petitioner's motion regarding collateral estoppel is granted.
2. Respondent's Second Motion to Vacate Void Order issued December 12, 2024, Amended Second Petition to Vacate Void Order Issued December 12, 2024, and Motion in Limine to exclude prejudicially filed materials - exclude May 8, 2025 filing are denied.
3. Respondent's Objection to assignment of Referee based on conflict of interest, Motion for Clarification and Formal Objection to Referee Assignment, and Objection to Referee are moot.
4. Respondent's Motion to Compel Explanation of Return Address Usage and Motion for Clarification regarding May 23, 2025 Appeal are denied.
5. Respondent's Motion for Sanctions pursuant to Rule 11.03 is denied.
6. Respondent's Motion for Judicial Notice of Federal Opinion in Nelson v. Clysdale as persuasive authority is denied.

IT IS SO ORDERED

**Starr, Nicole**  
**(Judge)**

Digitally signed by  
Starr, Nicole (Judge)  
Date: 2025.08.19  
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Nicole J. Starr  
Judge of District Court